

MAINE STATE LEGISLATURE

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(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1703

S. P. 660

Office of the Secretary of the Senate

The Committee on Judiciary suggested. Approved by a majority of the
Legislative Council pursuant to Joint Rule 26.

MAY M. ROSS, Secretary of the Senate

Presented by Senator Collins of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

AN ACT to Make Corrections of Errors and Inconsistencies in the Laws of Maine.

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and confusion be resolved in order to prevent any injustice or hardship on the citizens of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

Be it enacted by the People of the State of Maine, as follows:

Sec. 1. 1 MRSA § 353, first sentence, as last amended by PL 1979, c. 534, § 1 and PL 1979, c. 541, Pt. A, § 2, is repealed and the following enacted in its place:

The Attorney General shall prepare a brief explanatory statement which shall fairly describe the intent and content of each constitutional resolution or

statewide referendum that may be presented to the people and which shall include any information prepared under Title 5, section 152.

Sec. 2. 1 MRSA § 2501, sub-§ 30, ¶A, as enacted by PL 1979, c. 570, § 1, is amended to read:

A. Title 30, sections 4786, 4787, sub-§ 2-A and 4789 and 4799 shall be repealed on July 1, 1980.

Sec. 3. 2 MRSA § 6, sub-§ 5, as last amended by PL 1979, c. 127, § 3 and c. 501, § 1, is repealed and the following enacted in its place:

5. Range 86. The salaries of the following state officials and employees shall be within salary range 86:

Adjutant General;

Director of Labor;

General Counsel of the Public Utilities Commission;

Deputy Chief of the State Police;

Director of Transportation of the Public Utilities Commission;

Director of State Lotteries;

State Archivist;

Director of Maine Geological Survey;

Executive Director, Land Use Regulation Commission; and

Director of Finance of the Public Utilities Commission.

Sec. 4. 4 MRSA § 4, first sentence, as amended by PL 1979, c. 127, § 7 and PL 1979, c. 544, § 5, is repealed and the following enacted in its place:

Each Justice of the Supreme Judicial Court shall receive an annual salary of \$32,000 until June 30, 1979, and an annual salary of \$34,240 until June 30, 1980, and an annual salary of \$36,637 thereafter; and the Chief Justice of the Supreme Judicial Court shall receive an annual salary of \$33,500 until June 30, 1979, and an annual salary of \$35,845 until June 30, 1980, and an annual salary of \$38,354 thereafter.

Sec. 5. 4 MRSA § 102, first sentence, as amended by PL 1979, c. 127, § 10 and as repealed and replaced by PL 1979, c. 544, § 6, is repealed and the following enacted in its place:

Each Justice of the Superior Court shall receive an annual salary of \$31,500 until June 30, 1979, and an annual salary of \$33,705 until June 30, 1980, and an annual salary of \$36,064 thereafter.

Sec. 6. 4 MRSA § 153, sub-§ 30 is amended to read:

30. Southern York. Southern York consists of the municipalities of Eliot, Kittery, Ogunquit, South Berwick and York. The District Court for Southern York shall be held at Kittery.

Sec. 7. 4 MRSA § 171, as last amended by PL 1979, c. 127, § 14, is repealed and the following enacted in its place:

§ 171. Duty on receipt of complaints

When complaint is made to the proper officer of the District Court charging a person with the commission of a criminal offense, he shall issue a warrant for his arrest or a summons in such form and under such circumstances as the Supreme Judicial Court shall by rule provide.

He may, and on complaint shall, cause to be arrested persons found within his county or in an adjoining county under the conditions specified in the first paragraph of section 161 charged with offenses; and those having committed offenses therein or in an adjoining county who have escaped therefrom or from an adjoining county; and all persons charged with offenses and crimes, and all affrayers, rioters, breakers of the peace and violators of the law, and may require such offenders to find sureties for keeping the peace. When the offense upon examination is found to be one not within the jurisdiction of the District Court, the district judge may admit the offender to bail to appear before the Superior Court, and, in default thereof, shall commit him.

A district judge may try those brought before him for offenses within his jurisdiction, although the penalty or fine accrues wholly or partly to his town.

Warrants issued by the proper officer of the District Court in criminal cases shall be signed by that officer at the time they are issued.

Sec. 8. 4 MRSA § 555, as repealed and replaced by PL 1979, c. 425, § 2 and as amended by PL 1979, c. 541, Pt. A, § 13, is repealed and the following enacted in its place:

§ 555. Fee schedule

The Supreme Judicial Court shall have the authority to prescribe rules establishing the fees of clerks of the judicial courts.

Sec. 9. 5 MRSA § 1062, sub-§ 5, 2nd sentence, as amended by PL 1973, c. 369, § 2, is repealed.

Sec. 10. 5 MRSA § 1062, sub-§ 5, 3rd sentence, as amended by PL 1979, c. 541, Pt. A, § 30, is repealed and the following enacted in its place:

For state employees, on each and every payroll from which retirement contributions are deducted, the State Controller shall cause a charge to be made to each department, agency or governmental unit of an amount or amounts in payment of the employer costs of all charges related to the retirement system and which shall be credited to the appropriate funds as listed in subsection 1. For state

employees, percentage rates to be predetermined by the actuary and approved by the board of trustees shall be applied to the total gross salaries of members appearing on those payrolls and the resultant charges shall be periodically credited to the corresponding retirement fund. For public school teachers, percentage rates to be predetermined by the actuary and approved by the board of trustees shall be applied to the total gross salaries of members covering the most recent school year preceding the preparation of the biennial budget. The resultant amount shall be appropriated and credited to the corresponding retirement fund.

Sec. 11. 5 MRSA § 1062, sub-§ 5, last sentence, as repealed and replaced by PL 1973, c. 369, § 2, is repealed.

Sec. 12. 5 MRSA § 1094, sub-§ 17, as enacted by PL 1977, c. 584, § 31, is amended to read:

17. Members of the Legislature; retirement purposes. In the event that the Legislature convenes on the first Wednesday in December, for the purposes of eligibility to participate in and receive benefits from the Maine State Retirement System, any person who is a member of the Legislature on the 2nd day next preceding the first Wednesday in December, ~~1978~~ 1980, shall be deemed to be a member of the Legislature through the day next preceding the first Wednesday after the first Tuesday in January, ~~1979~~ 1981.

Sec. 13. 5 MRSA § 1123, 4th sentence, as amended by PL 1979, c. 92, is repealed.

Sec. 14. 5 MRSA § 1123, 4th sentence, as repealed and replaced by PL 1979, c. 200, is repealed and the following enacted in its place:

Should any recipient of benefits other than disability benefits be restored to service, and should the total of his monthly retirement allowance for any year and his total earnable compensation for that year exceed his average final compensation at retirement, subject to such percentage adjustments, if any, that may apply to the amount of retirement allowance of the beneficiary under section 1128, the excess shall be deducted from the service retirement allowance payments during the next calendar year, those deductions to be prorated on a monthly basis in an equitable manner prescribed by the board of trustees over the year or part thereof for which benefits are received.

Sec. 15. 5 MRSA § 1124, sub-§ 4, 2nd ¶, as amended by PL 1975, c. 622, § 55, is repealed.

Sec. 16. 5 MRSA § 1128, sub-§ 1, ¶ C, last sentence, as enacted by PL 1977, c. 573, § 3, is amended to read:

Beneficiaries of deceased retirees shall be eligible for the cost-of-living adjustment at the same time the ~~decreased~~ ~~deceased~~ retiree would have become eligible.

Sec. 17. 7 MRSA § 489 is amended to read:

§ 489. Exceptions

No person shall be prosecuted under chapter 401, and sections 481 to 488, 640 to 643, 791 to 795, ~~871~~ 911 to 913 and 1081 to 1085, when he can establish proof of purchase, and a guaranty signed by the person residing in the United States from whom the purchase was made, to the effect that the article in question is not adulterated or misbranded within the meaning of this Title.

Sec. 18. 7 MRSA § 3406, 2nd, 3rd and 4th sentences, as amended by PL 1979, c. 492, §§ 1 and 2, are repealed.

Sec. 19. 7 MRSA § 3406, sub-§ 1, 2nd sentence, as enacted by PL 1979, c. 121, is amended to read:

Any licensed veterinarian, humane society or shelter accepting a sick, stray, injured or abandoned dog shall keep that dog for a period of 10 days and shall be entitled to receive from the State the sum of ~~\$1.50~~ \$2.50 per day for the period or part thereof for which food and shelter are furnished for that dog, provided that the licensed veterinarian, humane society or shelter shall notify the clerk of the respective municipality within 24 hours after accepting the dog.

Sec. 20. 7 MRSA § 3452, first sentence, as amended by PL 1979, c. 492, § 5, is further amended to read:

The clerks of cities and towns shall issue the licenses, receive the money therefor and pay each fee received for dogs capable of producing young and all money received ~~for kennel, pet shop or boarding kennel license fees from kennels~~ to the commissioner.

Sec. 21. 9 MRSA § 3722, sub-§ 2, as last amended by PL 1975, c. 381, § 4, is repealed and the following enacted in its place:

2. Superintendent. "Superintendent" means the Superintendent, Bureau of Consumer Protection and includes those members of the bureau designated by the superintendent to enforce this chapter;

Sec. 22. 9-B MRSA § 131, first ¶, as enacted by PL 1975, c. 500, § 1, is amended to read:

In addition to the definitions set forth elsewhere in this Title, and subject to such definitions as the superintendent may promulgate pursuant to regulations hereafter, for purposes of this Title, **the following terms have the following meanings.**

Sec. 23. 9-B MRSA § 131, sub-§ 20, as enacted by PL 1975, c. 500, § 1, is amended to read:

20. His. "His," as used in this Title, ~~shall mean~~ means "his or her;" while "he" ~~shall mean~~ means "he or she."

Sec. 24. 9-B MRSA § 211, sub-§ 1, first sentence, as amended by PL 1975, c. 771, § 110, is further amended to read:

The activities of the bureau shall be directed by a superintendent who shall be appointed by the Commissioner of ~~the Department of~~ Business Regulation with the advice and consent of the Governor and subject to review by the Joint Standing Committee on Business Legislation and to confirmation by the Legislature.

Sec. 25. 9-B MRSA § 213, sub-§ 2, ¶ A, last sentence, as enacted by PL 1975, c. 500, § 1, is amended to read:

If the superintendent is the borrower, such written disclosure shall be made to the Commissioner of ~~the Department of~~ Business Regulation.

Sec. 26. 9-B MRSA § 231, sub-§ 2, ¶ B, as enacted by PL 1975, c. 500, § 1, is amended to read:

B. Upon petition of any interested party, a hearing ~~conducted pursuant to section 254 in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375~~ shall be provided prior to the effective date of any order issued pursuant to subsection 1, except as provided in subsection 3.

Sec. 27. 9-B MRSA § 243, sub-§ 1, ¶ D, as enacted by PL 1975, c. 500, § 1, is amended to read:

D. That the customer provide some additional or other credit, property or service to a subsidiary of such financial institution, a financial institution holding company of such financial institution, or from any other subsidiary of such financial institution holding company; **or**

Sec. 28. 9-B MRSA § 312, sub-§ 2, ¶ F, as enacted by PL 1975, c. 500, § 1, is amended to read:

F. Subscription agreements for at least 1/3 of the capital stock set forth in paragraph D, such subscriptions to contain the name, address and occupation of the subscriber, and the amount of such subscription. Each subscriber shall sign the subscription agreement if he is not an incorporator; **and**

Sec. 29. 9-B MRSA § 312, sub-§ 4, ¶ A, as enacted by PL 1975, c. 500, § 1, is amended to read:

A. Within 10 days after the first publication of the notice required in subsection 3, the incorporators shall apply to the superintendent for a certificate that public convenience and advantage will be promoted by the establishment of a financial institution of the type set forth in their application; and such request shall be deemed as completing the application for purposes of section 252, subsection-7 2.

Sec. 30. 9-B MRSA § 315, sub-§ 4, ¶ I, sub-¶ (4), as enacted by PL 1975, c. 500, § 1, is amended to read:

(4) After paying the requisition and costs from the proceeds of such sale, the balance, if any, shall be returned to the delinquent stockholder or stockholders; **and**

Sec. 31. 9-B MRSA § 316, sub-§ 2, ¶ B, as enacted by PL 1975, c. 500, § 1, is amended to read:

B. Directors shall hold regular meetings at least once each month; ~~and~~.

Sec. 32. 9-B MRSA § 317, sub-§ 3, ¶ C, first ¶, as enacted by PL 1975, c. 500, § 1, is repealed and the following enacted in its place:

C. The clerk or secretary shall exercise the following powers.

Sec. 33. 9-B MRSA § 327, sub-§ 3, ¶ C, first ¶, as enacted by PL 1975, c. 500, § 1, is repealed and the following enacted in its place:

C. The clerk or secretary shall exercise the following powers.

Sec. 34. 9-B MRSA § 342, sub-§ 1, ¶ E, last sentence, as enacted by PL 1975, c. 500, § 1, is amended to read:

Each director shall sign and acknowledge the articles, as a subscriber thereto; ~~and~~.

Sec. 35. 9-B MRSA § 355, sub-§ 1, ¶ E, as enacted by PL 1975, c. 500, § 1, is amended to read:

E. If a stock institution is the transferring institution and the proposed sale is not to be for cash, a clear and concise statement that stockholders of said institution voting against the proposed sale are entitled to rights set forth in section 352, subsection 5; **and**

Sec. 36. 9-B MRSA § 427, sub-§ 9, ¶ A, sub-¶ (1), as enacted by PL 1975, c. 500, § 1, is amended to read:

(1) If the evidence of deposit or account was issued to a single depositor, then by him, an officer in the event of a corporation, or by a guardian, conservator, trustee, executor or administrator; **or**

Sec. 37. 9-B MRSA § 463, sub-§ 2, ¶ B, 2nd sentence, as enacted by PL 1975, c. 500, § 1, is amended to read:

Upon receipt of a petition the superintendent shall hold a hearing pursuant to section ~~254~~ 252, subsection 5.

Sec. 38. 9-B MRSA § 514, sub-§ 2, ¶ D, as enacted by PL 1975, c. 500, § 1, is amended to read:

D. The book value of investments in obligations of the United States; **and**

Sec. 39. 9-B MRSA § 536, sub-§ 2, ¶ B, as enacted by PL 1975, c. 500, § 1, is amended to read:

B. Purchase of loan participations in which the United States or any instrumentality thereof participates which qualify as legal loans for savings

banks under any provision or combination of provisions of this Title; **and**

Sec. 40. 9-B MRSA § 552, sub-§ 3, as enacted by PL 1975, c. 500, § 1, is amended to read:

3. Maine. The bonds and other obligations issued or guaranteed by this State, or issued by any instrumentality or agency of this State, or any political subdivision thereof which is not in default on any of its outstanding funded obligations; **and**

Sec. 41. 9-B MRSA § 553, sub-§ 2, last sentence, as enacted by PL 1975, c. 500, § 1, is amended to read:

Not more than 20% of the deposits of an institution shall be invested in such securities of Maine corporations; and not more than 2% of such deposits in the securities of any single corporation; **and**

Sec. 42. 9-B MRSA § 554, sub-§ 1, ¶ C, last sentence, as enacted by PL 1975, c. 500, § 1, is amended to read:

Not more than 1% of the deposits of an institution shall be so invested; **and**

Sec. 43. 9-B MRSA § 613, sub-§ 2, ¶ D, as enacted by PL 1975, c. 500, § 1, is amended to read:

D. The book value of investments in obligations of the United States; **and**

Sec. 44. 9-B MRSA § 623, sub-§ 2, ¶ E, as enacted by PL 1975, c. 500, § 1, is amended to read:

E. Any cash, whether principal or income, or both, may be deposited in its commercial department in an account, either time or demand, specifically stating the trust to which the same belongs; **and**

Sec. 45. 9-B MRSA § 714, sub-§ 2, ¶ D, as enacted by PL 1975, c. 500, § 1, is amended to read:

D. The book value of investments in obligations of the United States; **and**

Sec. 46. 9-B MRSA § 736, sub-§ 2, ¶ B, as enacted by PL 1975, c. 500, § 1, is amended to read:

B. Purchase of loan participations in which the United States or any instrumentality thereof participates which qualify as legal loans for savings and loan associations under any provision or combination of provisions of this Title; **and**

Sec. 47. 9-B MRSA § 738, sub-§ 2, as enacted by PL 1975, c. 500, § 1, is amended to read:

2. National Housing Act. Loans to an amount within the discretion of the board of directors; provided that the loan is eligible for insurance under the National Housing Act and seasonable application is made under Title 1 of that Act; **and**

Sec. 48. 9-B MRSA § 913, sub-§§ 3 and 4, as enacted by PL 1975, c. 500, § 1, are amended to read:

3. FHA insured loans. Make such loans as are eligible for insurance pursuant to Title I of the National Housing Act, as amended, and to apply for and obtain insurance on said loans pursuant to said Act; ~~and~~.

4. Certificates of investment. Sell certificates of investment, either of fixed or of uncertain term; **and**

Sec. 49. 9-B MRSA § 918, sub-§ 2, as enacted by PL 1975, c. 500, § 1, is amended to read:

2. Deposit of funds in other financial institutions. Deposit any of its funds with any other financial institution, unless such institution has been designated as such depository by a vote of a majority of the directors or of the executive committee, exclusive of any director who is an officer, director or trustee of the depository so designated; **or**

Sec. 50. 9-B MRSA § 1011, first ¶, as enacted by PL 1975, c. 500, § 1, is repealed and the following enacted in its place:

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

Sec. 51. 10 MRSA § 2202, first ¶, as enacted by PL 1979, c. 541, Pt. A, § 95, is repealed.

Sec. 52. 10 MRSA § 2205, sub-§ 2, last sentence, as repealed by PL 1979, c. 466, § 5 and as amended by PL 1979, c. 541, Pt. A, § 96, is repealed.

Sec. 53. 12 MRSA § 501, as repealed by PL 1979, c. 545, § 11 and as amended by PL 1979, c. 556, § 1, is repealed.

Sec. 54. 12 MRSA § 1027, as amended by PL 1979, c. 556, § 4 and as repealed by PL 1979, c. 545, § 13, is repealed.

Sec. 55. 12 MRSA § 1402-A, as repealed by PL 1979, c. 545, § 14 and as amended by PL 1979, c. 556, § 5, is repealed.

Sec. 56. 12 MRSA § 1653, as repealed by PL 1979, c. 545, § 14 and repealed and replaced by PL 1979, c. 556, § 6, is repealed.

Sec. 57. 12 MRSA § 2355, as amended by PL 1979, c. 237, § 1 and PL 1979, c. 352 and as repealed by PL 1979, c. 420, § 5, is repealed.

Sec. 58. 12 MRSA § 7101, sub-§ 5, ¶ A, as enacted by PL 1979, c. 420, § 1, is amended to read:

- A. Resident junior hunting license** ~~\$150~~ **\$1.50**
(10 years of age or older and under 16)

Sec. 59. 12 MRSA § 7432, sub-§ 14, as enacted by PL 1979, c. 543, § 37, is

reallocated to 12 MRSA, section 7432, subsection 15.

Sec. 60. 12 MRSA Pt. 11, c. 801, first 2 lines, as enacted by PL 1979, c. 545, § 3, are repealed and the following enacted in their place:

PART 11

FORESTRY

CHAPTER 801

BUREAU OF FORESTRY

Sec. 61. 12 MRSA § 8003, sub-§ 3, ¶M, first sentence, as enacted by PL 1979, c. 545, § 3, is repealed and the following enacted in its place:

The director is authorized, with the consent of the commissioner, to sell, grant, lease, transfer or otherwise convey any real or personal property under the jurisdiction of the bureau.

Sec. 62. 12 MRSA § 8701, sub-§ 1, last sentence, as enacted by PL 1979, c. 545, § 3, is amended to read:

The object of these nurseries is to furnish at cost forest tree seedlings, transplants and shrub material for use in ~~planting~~ **planting** the present and potential forest lands within the State.

Sec. 63. 12 MRSA § 9322, sub-§ 3, first sentence, as enacted by PL 1979, c. 545, § 3, is amended to read:

On application to the director a **statewide** yearly permit for out-of-door fires shall be issued to resident guides licensed by the Department of Inland Fisheries and Wildlife.

Sec. 64. 13-B MRSA § 301, sub-§ 3, first sentence, as amended by PL 1979, c. 127, § 95, and PL 1979, c. 572, § 13, is repealed and the following enacted in its place:

Any corporation may grant to any domestic business or nonprofit corporation or any foreign business or nonprofit corporation authorized to carry on activities in this State, or to any person, by executing and filing with the Secretary of State as provided in sections 104 and 106 proof of a resolution of its board of directors making such grant, the exclusive right thereafter to authorize the use of a name similar to that of the granting corporation by any other corporation or corporations, or person for use as a name or as a trade mark or service mark as defined in Title 10, chapter 301-A.

Sec. 65. 14 MRSA § 153, last sentence is amended to read:

He may prove in mitigation of damages that the plaintiff has already recovered or has brought action for damages for, or has received or has agreed to receive compensation for, substantially the same libel ~~as that for which said action was brought.~~

Sec. 66. 14 MRSA § 159-A, sub-§ 1, ¶ B, first sentence, as amended by PL 1979, c. 514, § 1, is further amended to read:

“Recreational or harvesting activities” shall mean recreational activities conducted out of doors, including hunting, fishing, trapping, camping, hiking, sight-seeing, operation of snow-traveling vehicles, skiing, hang-gliding, boating, sailing, canoeing, ~~rafting~~ **rafting** or swimming or activities that involve harvesting or gathering forest products.

Sec. 67. 14 MRSA § 251, sub-§ 3, first sentence is amended to read:

Upon demand, the right to a speedy and public trial by an impartial jury of the county wherein the contempt ~~shall have been~~ **was allegedly** committed.

Sec. 68. 14 MRSA § 551, first sentence is amended to read:

Clerks of judicial courts, judges and registers of the probate courts, ~~Judges~~ **judges** and clerks of the District Court shall not sell or deliver any blank writs or precepts bearing the seal of said courts and the signature of said judges and registers to any person, except one who has been admitted as an attorney ~~and counselor at law and solicitor and counselor in chancery~~ in accordance with the laws of this State.

Sec. 69. 14 MRSA § 653, last sentence is repealed and the following enacted in its place:

Whoever violates this section commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.

Sec. 70. 14 MRSA § 1217, last sentence, as enacted by PL 1971, c. 391, § 1, is amended to read:

~~If he fails~~ **Notwithstanding Title 17-A, section 4-A, any person failing** to show good cause for noncompliance with the summons ~~he is guilty of criminal contempt and shall, upon conviction may for violation of this section,~~ be punished by a fine of not more than \$100 and by imprisonment for not more than 3 days, or by both.

Sec. 71. 14 MRSA § 1218, 2nd ¶, as amended by PL 1979, c. 541, Pt. A, § 139, is further amended to read:

Any employer who violates this section ~~is shall be guilty of criminal contempt and upon conviction may be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both~~ **a Class E crime.**

Sec. 72. 14 MRSA § 5544, last sentence, as enacted by PL 1971, c. 291, is amended to read:

Any person who violates this section ~~shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both~~ **is guilty of a Class E crime.**

Sec. 73. 14 MRSA § 8104, sub-§ 5, as enacted by PL 1979, c. 68, § 1, is amended to read:

5. Wrongful death action. Actions for the death of a person brought by the personal representatives of the deceased person shall be brought in the same manner that is provided for similar actions in ~~Title 18, sections 2551 to 2553~~ **Title 18-A, section 2-804**, and amounts recovered shall be disposed of as required in ~~Title 18, section 2552~~ **Title 18-A, section 2-804**; provided that the limitations of section 8105 shall apply.

Sec. 74. Effective date. Section 73 of this Act shall become effective on January 1, 1981.

Sec. 75. 15 MRSA c. 13, first 2 lines, are repealed as follows:

~~CHAPTER 13~~

~~ACCESSORIES~~

Sec. 76. 15 MRSA § 101, last ¶, as enacted by PL 1975, c. 230, § 1, is amended to read:

Any individual responsible for or permitting the release of a respondent from the examining institution who has been committed pursuant to this section ~~shall be punished by a fine of not more than \$1,000~~ **commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged.**

Sec. 77. 15 MRSA § 104, as last amended by PL 1977, c. 114, § 25, is repealed.

Sec. 78. 15 MRSA § 104-A is enacted to read:

§ 104-A. Release and discharge, hearing, payment of fees

1. Release and discharge. The head of the institution in which a person is placed under section 103 shall, annually, forward to the Commissioner of Mental Health and Corrections a report containing the opinion of a staff psychiatrist as to the mental condition of that person, stating specifically whether he may be released or discharged without likelihood that he will cause injury to himself or to others due to mental disease or mental defect. The report shall also contain a brief statement of the reasons for the opinion. The commissioner shall forthwith file the report in the Superior Court for the county in which the person is hospitalized. The court shall review each report and, if it is made to appear by the report that any person may be ready for release or discharge, the court shall set a date for and hold a hearing on the issue of the person's readiness for release or discharge. At the hearing, the court shall receive the testimony of at least one psychiatrist who has observed or treated that person and any other relevant testimony. If, after hearing, the court finds that the person may be released or discharged without likelihood that he will cause injury to himself or to others due to mental disease or mental defect, the court shall order, as applicable:

A. Release from the institution, subject to conditions deemed appropriate by

the court which conditions:

- (1) May include, but are not limited to, out-patient treatment;
- (2) Continue until terminated by the court;
- (3) Are subject to annual review by the court; and
- (4) May include supervision by the State Division of Probation and Parole for one year, which period may be extended for an additional year by the court upon review after the expiration of the first year; or

B. Discharge from the custody of the Commissioner of Mental Health and Corrections.

2. Modified release treatment. Any individual hospitalized pursuant to section 103 may petition the Superior Court for the county in which that person is hospitalized for a release treatment program allowing the individual to be off institutional grounds for a period of time, not to exceed 14 days at any one time.

The petition shall contain a report from the institutional staff including at least one psychiatrist, and the report shall define the patient's present condition; the planned treatment program involving absence from the institution; the duration of the absence from the institution; the amount of supervision during the absence; the expectation of results from the program change and the estimated duration of the treatment program before further change. This petition shall be forwarded to the court no later than 60 days prior to the beginning of the modified treatment program. If the court considers that the individual being off the grounds as described in the treatment plan is inappropriate, it shall notify the hospital that the plan is not approved and shall schedule a hearing on the matter. The clerk of courts upon receipt of the proposed treatment program shall give notice thereof by mailing a copy to the district attorney and Attorney General, who may file objections and request hearing on the matter. If the court does not respond within 60 days to the proposed treatment plan and no objections and request for hearing are filed by the district attorney or Attorney General, it may then be put into effect by the administrator of the hospital on the assumption that the court approved the treatment plan.

The term "release" as used in this section means termination of institutional in-patient residency and return to permanent residency in the community.

A report shall be forwarded and filed and hearings shall be held in accordance with the first paragraph of subsection 1 without unnecessary delay when, at any time, it is the opinion of a staff psychiatrist that a patient hospitalized under section 103 may be released or discharged without likelihood that he will cause injury to himself or to others due to mental disease or mental defect.

A person hospitalized under section 103, or his spouse or next of kin, may petition the Superior Court for the county in which that person is hospitalized for a hearing under this section. Upon receiving the petition, the court shall request and

be furnished by the Commissioner of Mental Health and Corrections a report on the mental condition of that person, as described in the first paragraph of subsection 1. A hearing shall be held on each petition, and release or discharge, if ordered, shall be in accordance with the first paragraph of subsection 1. If release or discharge is not ordered, a petition shall not be filed again for the release or discharge of that person for 6 months. Any person released under this section or his spouse or next of kin may at any time after 6 months from the release petition the Superior Court for the county in which he was hospitalized for his discharge under this section. If discharge is not ordered, a petition for discharge may not be filed again for 6 months.

Any person released under subsection 1, paragraph A, who fails to comply with the conditions of release ordered by the court or whose rehospitalization, due to the likelihood that he will cause injury to himself or others due to mental disease or mental defect, is considered necessary, upon the verified petition of any interested person, may be brought before any Justice of the Superior Court upon his order. In each case, hearing shall be held for the purpose of reviewing the mental condition of the person and the order for release. The court may order the person detained for observation and treatment, if appropriate, at the hospital from which he was released pending the hearing, which detention shall not exceed 14 days. The psychiatrist responsible for the observation and treatment, if any, shall report to the court prior to the hearing as to the mental condition of the person, indicating specifically whether the person can remain in the community without likelihood that he will cause injury to himself or others due to mental disease or mental defect. The court shall receive the testimony of a psychiatrist who observed or treated the person during the period of detention and any other relevant testimony. Following hearing, the court may reissue, modify or rescind the previous order of release. Any person released under subsection 1, paragraph A may be admitted to a hospital under any provisions of Title 34, chapter 191 while the order for release is in effect.

Notice of any hearing under this section shall be given to the district attorney and Attorney General at least 7 days before the hearing date.

Whenever a hearing is to be held under this section, the court shall determine whether the person whose release or discharge is in issue, is indigent. If the court finds that the person is indigent, it shall appoint counsel to represent the person in connection with the hearing. Fees for court-appointed counsel for services rendered in connection with any hearing held under this section, or appeal from a decision therein, and the fees of any expert witnesses called by the district attorney, Attorney General or on behalf of the person whose release or discharge is in issue, if indigent, shall be paid by the State. Any such fee to be in order for payment shall be first approved by the justice presiding at the hearing held under this section.

Sec. 79. 15 MRSA § 152, first 2 sentences are repealed and the following enacted in their place:

The term “fresh pursuit” as used in this chapter includes fresh pursuit as defined by the common law, and the pursuit of a person who has committed a crime punishable by a maximum term of imprisonment equal to or exceeding one year or who is reasonably suspected of having committed such a crime. It shall include the pursuit of a person suspected of having committed a supposed crime punishable by a maximum term of imprisonment equal to or exceeding one year, though no such crime has actually been committed, if there is reasonable ground for believing that such a crime has been committed.

Sec. 80. 15 MRSA § 154, first sentence is repealed and the following enacted in its place:

Any member of a duly organized state, county or municipal police unit of another state of the United States, who enters this State in fresh pursuit and continues within this State in such fresh pursuit of a person in order to arrest him on the ground that he is believed to have committed, in such other state, a crime punishable by a maximum term of imprisonment equal to or exceeding one year, shall have the same authority to arrest and hold such person in custody as has any member of any duly organized state, county or municipal police unit of this State to arrest and hold in custody a person on the ground that he is believed to have committed such a crime in this State.

Sec. 81. 15 MRSA § 211 is amended to read:

§ 211. Disobedience of officer

Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the Governor’s warrant in disobedience of section 210 ~~shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 6 months, or by both is guilty of a Class E crime.~~

Sec. 82. 15 MRSA § 223, sub-§ 4, first sentence, as enacted by PL 1977, c. 671, § 18, is amended to read:

As used in this section ~~only~~, the term “prosecuting attorney” ~~shall mean~~ means:

Sec. 83. 15 MRSA § 454, as repealed and replaced by PL 1977, c. 114, § 26, is amended to read:

§ 454. Murder or felony murder; filing copies of proceedings; expenses

Whenever any person is convicted of ~~first or 2nd degree homicide murder or felony murder~~, a copy of the Maine Rules of Criminal Procedure, Rule 11, if applicable, trial testimony and charge of the presiding justice, certified by the Official Court Reporter, shall be filed with the clerk of the court where that trial is held, and the expense thereof shall be paid by the State. A copy of the Maine Rules of Criminal Procedure, Rule 11, if applicable, trial testimony and charge of the presiding justice, certified by the Official Court Reporter, shall be furnished by the clerk of court to the Secretary of State at no charge for use in any pardon hearing before the Governor, when the individual is indigent.

Sec. 84. 15 MRSA § 455, 3rd and 4th sentences are repealed and the following enacted in their place:

Any dealer who fails to keep that record or refuses to show it to any officer listed in this section commits a civil violation for which a forfeiture not to exceed \$50 may be adjudged. Whoever gives a false or fictitious name to the dealer commits a civil violation for which a forfeiture not to exceed \$50 may be adjudged.

Sec. 85. 15 MRSA § 456, last 2 sentences, as repealed and replaced by PL 1973, c. 357, are repealed and the following enacted in their place:

Any dealer who fails to keep that record or fails to require reasonable proof of identification of the seller or refuses to show the same to any law enforcement officer or prosecuting attorney commits a civil violation for which a forfeiture not to exceed \$500 may be adjudged. Whoever gives a false or fictitious name to the dealer is guilty of a Class E crime.

Sec. 86. 15 MRSA § 701, sub-§ 1, as amended by PL 1971, c. 544, § 49, is further amended to read:

1. Information. When prosecutions by information are expressly authorized by rule of court; or

Sec. 87. 15 MRSA § 710, sub-§ 1, as enacted by PL 1973, c. 561, is repealed and the following enacted in its place:

1. Interception, oral communications prohibited. Any person, other than an employee of a common carrier as defined in this chapter or a law enforcement officer carrying out practices otherwise permitted by this chapter, who intentionally or knowingly intercepts, attempts to intercept or procures any other person to intercept or attempt to intercept, any wire or oral communication is guilty of a Class C crime.

Sec. 88. 15 MRSA § 710, sub-§ 2, as enacted by PL 1973, c. 561, is amended to read:

2. Editing of tape recordings in judicial proceedings prohibited. Any person who ~~willfully~~ knowingly or intentionally edits, alters or tampers with any tape, transcription or other sound recording, or knows of such editing, altering or tampering, and presents ~~such~~ that recording in any judicial proceeding or proceeding under oath, without fully indicating the nature of the changes made and the original state of the recording, ~~shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 5 years, or by both~~ is guilty of a Class C crime.

Sec. 89. 15 MRSA § 710, sub-§ 3, as enacted by PL 1973, c. 561, is repealed and the following enacted in its place:

3. Disclosure, or use of wire or oral communications prohibited. A person is guilty of a Class C crime if he:

A. Intentionally or knowingly discloses or attempts to disclose to any person the contents of any wire or oral communication, knowing that the information was obtained through interception; or

B. Intentionally or knowingly uses or attempts to use the contents of any wire or oral communication, knowing that the information was obtained through interception.

Sec. 90. 15 MRSA § 710, sub-§ 4, last sentence, as enacted by PL 1973, c. 561, is repealed and the following enacted in its place:

Any person violating this subsection shall be subject to a civil penalty not to exceed \$5,000, payable to the State, to be recovered in a civil action.

Sec. 91. 15 MRSA § 710, sub-§ 5, as enacted by PL 1973, c. 561, is amended to read:

5. Possession of interception devices prohibited. A person, other than an employee of a common carrier as defined in this chapter or a law enforcement officer carrying out practices permitted by this chapter, who has in his possession any device, contrivance, machine or apparatus designed or commonly used for intercepting wire or oral communications defined in this chapter, ~~shall be punished by imprisonment for not more than 2 years or by a fine of not more than \$5,000, or by both is guilty of a Class C crime.~~

Sec. 92. 15 MRSA § 710, sub-§ 6, as enacted by PL 1973, c. 561, is repealed and the following enacted in its place:

6. Sale of interception devices prohibited. A person who sells, exchanges, delivers, barter, gives or furnishes or possesses with an intent to sell any device, contrivance, machine or apparatus designed or commonly used for the interception of wire or oral communications as defined in this chapter is guilty of a Class B crime. This subsection shall not include devices manufactured under written contract for sale to common carriers and law enforcement agencies, provided that the production of any such device shall not have commenced prior to the signing of the contract by both parties.

Sec. 93. 15 MRSA § 711, sub-§ 1, as enacted by PL 1973, c. 561, is amended to read:

1. Damages. Actual damages, but not less than liquidated damages, computed at the rate of \$100 per day for each day of violation; **and**

Sec. 94. 15 MRSA § 891, as amended by PL 1965, c. 356, § 38, is further amended to read:

§ 891. Dismissal on satisfaction of private injury; discharge of bail

When a person has been admitted to bail or is committed by a judge, or is indicted, or held upon a complaint and warrant for an assault ~~and battery~~ or other ~~misdemeanor~~ **Class D or E crime as defined by Title 17-A, section 4-A**, for which

the party injured has a remedy by civil action, except **felonious aggravated assaults, assaults upon or resistance of an a law enforcement officer as defined by Title 17-A of justice** in the execution of his duty, and assaults ~~and batteries~~ of such officers, if the injured party appears before the judge or court, and in writing acknowledges satisfaction for the injury, the court, on payment of all costs, may stay further proceedings and discharge the defendant. The judge may exonerate the bail and release the obligors, supersede the commitment by his written order and exonerate the bail of the witnesses.

Sec. 95. 15 MRSA § 942, sub-§ 1, as enacted by PL 1975, c. 143, § 1, is amended to read:

I. The fact that the offense is alleged to have been committed while the person charged was on probation or parole from a previous sentence as a reason for requiring more stringent bail; **and**

Sec. 96. 15 MRSA § 942, sub-§ 4, as amended by PL 1977, c. 696, § 167, is repealed and the following enacted in its place:

4. Failure to appeal; penalty. Any person charged with an offense who has been ordered released pending trial on his personal recognizance, or on execution of an unsecured or secured appearance bond, who fails without just cause to appear before any court or judicial officer as required is guilty of a Class E crime if the offense charged was punishable by a maximum period of imprisonment of less than one year, or is guilty of a Class C crime if the offense charged was punishable by a maximum period of imprisonment of one year or more.

Sec. 97. 15 MRSA § 1313, as amended by PL 1965, c. 356, § 51, is further amended to read:

§ 1313. Punishment of state witness for nonattendance

Whoever, having been subpoenaed as a witness in behalf of the State before any court or grand jury, without reasonable cause fails to appear at the time and place designated in the subpoena, if he is not punished therefor as for contempt, ~~shall be punished, on indictment, by a fine of not more than \$100 or by imprisonment for less than one year is guilty of a Class E crime.~~

Sec. 98. 15 MRSA § 1318, first ¶, as enacted by PL 1975, c. 775, § 1, is amended to read:

For purposes of this chapter, the term "prosecuting attorney" ~~shall mean means:~~

Sec. 99. 15 MRSA § 1741, as reenacted by PL 1975, c. 740, § 2, is repealed and the following enacted in its place:

§ 1741. General penalty

Offenses for which no punishment is provided by statute are punishable as Class D crimes.

Sec. 100. 15 MRSA § 1943, as amended by PL 1975, c. 383, § 16, and as repealed and replaced by PL 1975, c. 408, § 31, is further amended to read:

§ 1943. Fines, costs and forfeitures in Superior Court

Every clerk of a Superior Court shall render under oath a detailed account of all fines, costs and forfeitures upon convictions and sentences before him, on forms prescribed by the State Department of Audit, and shall pay them into the State Treasury on or before the 15th day of the month following the collection of such fines, costs and forfeitures. Any person who fails to make such payments into the State Treasury shall forfeit, in each instance, double the amount so neglected to be paid over, to be recovered by indictment for the persons entitled to such fines, costs and forfeitures, and in default of payment, ~~according to the sentence of the court, such persons shall be punished by imprisonment for not more than 6 months that person is guilty of a Class E crime.~~

Sec. 101. 15 MRSA c. 409, first 2 lines, are repealed and the following enacted in their place:

CHAPTER 409

MAINE YOUTH CENTER

Sec. 102. 15 MRSA § 2114, first sentence, as repealed and replaced by PL 1975, c. 139, is amended to read:

~~In all misdemeanors~~ any criminal proceedings before the District Court, in which the crime alleged is punishable by a maximum term of imprisonment of less than one year, the defendant may plead not guilty and may seasonably request that the case be transferred without trial to the Superior Court in which event the District Court shall forthwith transfer the case to the Superior Court for disposition as if an appeal under section 2111 ~~of this chapter.~~

Sec. 103. 15 MRSA § 2115-A, sub-§ 8, as enacted by PL 1979, c. 343, § 2, is amended to read:

8. Fees and costs. The ~~Supreme Judicial Court~~ Law Court shall allow reasonable counsel fees and costs for the defense of appeals under this section.

Sec. 104. 15 MRSA § 3002, sub-§ 1, ¶ D, as enacted by PL 1977, c. 520, § 1, is amended to read:

D. To secure for any juvenile removed from the custody of his parents the necessary treatment, care, guidance and discipline to assist him in becoming a responsible and productive member of society; **and**

Sec. 105. 15 MRSA § 3004, as enacted by PL 1977, c. 520, § 1, is repealed as follows:

~~**§ 3004. Severability**~~

~~—If any provision of this Part or the application thereof to any person or~~

~~circumstance is held unconstitutional, the remainder of the Part and the application of such provision to other persons or circumstances shall not be affected thereby, and to this end the provisions of this Part are declared to be severable~~

Sec. 106. 15 MRSA § 3101, sub-§ 4, ¶ D, sub-¶ (1), as enacted by PL 1977, c. 520, § 1, is amended to read:

(1) The record and previous history of the juvenile; ~~and~~

Sec. 107. 15 MRSA § 3103, sub-§ 1, ¶ E, as enacted by PL 1977, c. 664, § 11, is further amended to read:

E. Offenses involving the operation or attempted operation of any motor vehicle, snowmobile or watercraft while under the influence of intoxicating liquor or drugs, as defined in Title 29, section 1312, and in Title 12, ~~section 1978, subsection 2 and~~ section 2073, subsection 2, ~~and section 7827, subsection 9,~~ respectively.

Sec. 108. 15 MRSA § 3310, sub-§ 2, ¶ B, sub-¶ (1), as enacted by PL 1977, c. 520, § 1, is amended to read:

(1) Order that the petition be amended to conform to the evidence; ~~or~~

Sec. 109. 15 MRSA § 3313, sub-§ 1, ¶ A, as enacted by PL 1977, c. 520, § 1, is amended to read:

A. There is undue risk that, during the period of a suspended sentence or probation, the juvenile will commit another crime; ~~or~~

Sec. 110. 15 MRSA § 3313, sub-§ 2, ¶ J, as enacted by PL 1977, c. 520, § 1, is amended to read:

J. The juvenile is particularly likely to respond affirmatively to probation; ~~and~~

Sec. 111. 17 MRSA c. 3, first 2 lines are repealed as follows:

~~CHAPTER 3~~

~~ABORTION; CONCEALMENT OF BIRTH~~

Sec. 112. 17-A MRSA § 106, sub-§ 5, as amended by PL 1979, c. 127, § 127 and c. 512, § 22, is repealed and the following enacted in its place:

5. A person required by law to enforce rules and regulations, or to maintain decorum or safety, in a vessel, aircraft, vehicle, train or other carrier, or in a place where others are assembled, may use nondeadly force when and to the extent that he reasonably believes it necessary for such purposes.

Sec. 113. 17-A MRSA § 1203, sub-§ 1, as amended by PL 1979, c. 379, § 1 and c. 512, § 38, is repealed and the following enacted in its place:

1. Subject to the limitation in subsection 2, the court may sentence a person to

a term of imprisonment, not to exceed the maximum term authorized for the crime, an initial portion of which shall be served and the remainder of which shall be suspended. The imprisonment for the initial unsuspended portion of the term may be at a different institution from that specified for the suspended portion. The period of probation shall commence on the date the person is released from his initial unsuspended portion of the term of imprisonment, unless the court orders that it shall commence on an earlier date. If the period of probation is to commence upon release from the initial unsuspended portion of the term of imprisonment, the court may nonetheless revoke probation for any criminal conduct committed during that initial period of imprisonment.

Sec. 114. 18-A MRSA § 3-603, 3rd sentence, as enacted by PL 1979, c. 540, § 1, is amended to read:

Bond required ~~my~~ by any will or under this section may be dispensed with in formal proceedings upon determination by the court that it is not necessary.

Sec. 115. 19 MRSA § 499, as repealed and replaced by PL 1979, c. 259, § 3 and as amended by PL 1979, c. 309, § 5, is repealed and the following enacted in its place:

§ 499. Right of support enforcement when court order exists

1. **Subrogation of support rights.** If a court order of support exists, the department shall be subrogated to the right of any dependent child or person having custody of the child named in the court order to pursue any support action or any administrative remedy to secure payment of the debt accrued or accruing under section 495, subsection 1 and to enforce the court order. The department shall not be required to seek an amendment to the court order of support in order to subrogate itself to the rights of the payee.

2. **Limits on subrogation.** When payment of public assistance for the benefit of a dependent child has ceased, he, or a person having the custody of the child named in the court order, may pursue any support action or any administrative remedy to secure payment of any support arrearage which accrued before or after the period of receiving public assistance and which is not part of the debt under section 495. The department shall not be subrogated to this right.

Sec. 116. 19 MRSA § 500, sub-§ 1, ¶ D, as amended by PL 1979, c. 259, § 4 and as repealed and replaced by PL 1979, c. 309, § 7, is repealed and the following enacted in its place.

D. A demand for payment of the support debt within 20 days of receipt of the notice of debt;

Sec. 117. 19 MRSA § 500, sub-§ 1, ¶ G, last ¶, as enacted by PL 1979, c. 259, § 5, is amended to read:

A statement that any other issues regarding the accrued debt or the current child support order shall not be considered at the administrative hearing and

must be addressed to a court of proper jurisdiction; and

Sec. 118. 19 MRSA § 532, as last amended by PL 1979, c. 325, § 1, is repealed.

Sec. 119. 20 MRSA § 356, as amended by PL 1979, c. 99 and repealed by PL 1979, c. 482, § 1, is repealed.

Sec. 120. 20 MRSA § 476, as last amended by PL 1979, c. 218, § 1, is further amended to read:

§ 476. Applicability of provisions to certain towns or cities

Sections 471 or 472 shall not apply to cities or towns whose charters specify the methods of selection and term of office of a ~~superintending~~ school committee or board of education; nor to towns, cities and incorporated districts authorized by private and special laws to choose school committees other than those herein provided for.

Sec. 121. 20 MRSA § 911, sub-§ 1, ¶ B is enacted to read:

B. If a child has fulfilled the requirements under paragraph A, subparagraphs (1) and (2) and has been denied permission to leave school by the local school committee or board of directors, the child may file an appeal with the commissioner.

Sec. 122. 20 MRSA § 911, sub-§ 2, as enacted by PL 1979, c. 475, § 1, is repealed.

Sec. 123. 20 MRSA § 4747, sub-§ 7, as enacted by PL 1977, c. 625, § 8, is amended to read:

7. Appropriation for unusual enrollment. Appropriate the necessary funds for the ~~contigent~~ **contingent** account for unusual enrollment adjustments established by section 4749, subsection 4;

Sec. 124. 20 MRSA § 4751, sub-§ 3, as amended by PL 1979, c. 220, § 3 and c. 246, § 2 and as repealed and replaced by PL 1979, c. 568, § 5, is repealed and the following enacted in its place:

3. Local leeway.

A. The legislative body of an administrative unit may, in addition to the unit's state-local allocation under sections 4748 and 4749, authorize an additional expenditure for either elementary or secondary pupils, or both, not to exceed a local appropriation for each municipality of 1.3 mills on the state valuation in effect on July 1st or \$125 per pupil, whichever is less, for the 1979-80 year of distribution. No unit shall participate in local leeway unless it has raised the minimum amount of its local allocation, as computed by the commissioner under subsection 1, paragraph A or as provided under subsection 1, paragraph D.

B. Any unit may appropriate funds under this subsection no later than 90 days following the final adoption of the school budget. Any unit may file a request for a waiver of this requirement with the State Board of Education. If any unit files a request and demonstrates to the satisfaction of the State Board of Education that unusual circumstances require additional appropriations under this subsection in order to avoid serious educational hardship in the unit, the State Board of Education may grant the unit a waiver and authorize these additional appropriations.

C. The local appropriations shall be divided equally over a 12-month period.

D. The funds appropriated under this subsection shall be called "local leeway."

(1) The purpose of these appropriations is to provide that all administrative units may raise and appropriate at least the amount per pupil established at the computed mill rate for that year under this subsection to supplement the adjusted allocations when necessary in the judgment of the local administrative units.

(2) The amount appropriated by the Legislature under section 4747, subsection 6 shall be the maximum state obligation under this subsection.

E. If the authorization for additional funds by an administrative unit under this subsection exceeds the maximum levy for any municipality within the administrative unit, the commissioner shall add to the allocation of the unit for the unit's fiscal year a sum which equals the excess over the maximum levy of any municipality within the unit.

F. If the additional school levy authorized under this subsection fails to produce the amount per pupil established at the computed mill rate for that year under this subsection, the commissioner shall add to the allocation of the unit for the unit's fiscal year a sum which, when combined with the local levy under this section, shall equal the amount per pupil established at the computed mill rate for that year under this subsection. This sum shall be paid annually to the unit no later than December 31st for the previous 12-month period.

G. If the administrative unit raises less than the maximum allowed under this subsection, the levy on any municipality within the administrative unit shall be in the same proportion as the municipality's share is to the total when the maximum amount allowed is raised.

H. If the administrative unit raises less than the maximum allowed under this subsection, the State shall pay its share in the same proportion to the maximum state share that the amount raised locally is to the maximum local share.

I. An article in substantially the following form is to be used when any municipality, School Administrative District or community school district is considering the appropriation of additional local funds under this subsection: Article : To see what sum the municipality or district shall

appropriate from local leeway for school purposes (recommended total \$ _____, local share \$ _____, state share \$ _____), and to see if the municipality or district shall raise the local share of \$ _____.

J. The provisions of paragraph I shall not apply to any unit whose local allocation is equal to or greater than its state-local allocation but the unit shall report to the commissioner the amount of the appropriation for local leeway.

Sec. 125. 21 MRSA § 1045 is amended to read:

§ 1045. Challenge of right to vote

A voter who is challenged in a voting precinct where voting machines are used may not use the voting machine for casting his vote but must use an official absentee voting ballot.

Sec. 126. 21 MRSA § 1048, sub-§ 3, is amended to read:

3. Counter totals preserved. The totals shown on the counters of a voting machine must be retained for ~~3~~ 2 months after the election at which it is used.

A. If the occurrence of another election makes it imperative to remove the counter totals within ~~3~~ 2 months after an election, the clerk shall have them photographed in his presence, and in the presence of the warden and an election clerk of a different party. The warden shall make a statement showing the number and counter totals of each machine as it is photographed. He shall sign the statement, have it attested and deliver it to the clerk who shall record it. As soon as the photographs are printed legibly, the clerk shall remove the totals, and retain the photographs for the balance of the ~~3-month~~ 2-month period. If the machines were equipped with a device or devices which had produced a printed or photographed record of the vote shown on the candidate and question counters, the clerk shall remove the totals and retain the printed or photographed record for the balance of the ~~3-month~~ 2-month period.

Sec. 127. 21 MRSA § 1397, sub-§ 7, as last amended by PL 1979, c. 434, § 5 and c. 479, §§ 2 and 3, is repealed and the following enacted in its place:

7. Forms. Reports required by this chapter shall be on forms prescribed by the commission, prepared by the Secretary of State and sent by the commission to the candidate at least 7 days prior to the filing date for the report. Persons filing such reports may use additional pages if necessary, but the pages shall be of the same size as the pages of the form. Although the commission mails the forms for required reports, failure to receive forms by mail does not excuse committees, candidates and other persons who must file reports from otherwise obtaining the forms.

Sec. 128. 22 MRSA § 14, sub-§ 1, first ¶, last sentence, as enacted by PL 1979, c. 145, is amended to read:

The Attorney General, or counsel for any fiscal intermediary with the permission of the Attorney General, may, to enforce this right, institute and prosecute legal

proceedings against the 3rd person who is liable for the injury in the appropriate court, either in the name of the ~~commissioner~~ **commissioner** or in the name of the injured person, his guardian, personal representative, estate or survivor.

Sec. 129. 22 MRSA § 1596, last ¶, as enacted by PL 1977, c. 696, § 186, is amended to read:

A physician who reports data on an abortion pursuant to this section shall be immune from any criminal liability for that abortion under ~~Title 17, section 51~~ **section 1598**.

Sec. 130. 22 MRSA § 1597, sub-§ 4, last sentence, as enacted by PL 1979, c. 413, is amended to read:

The person who performed the abortion shall ~~notify~~ **give notice of the abortion**, actually or in writing, **to** one of the parents or guardians of the ~~abortion~~ **minor**, within 24 hours of ~~that the~~ **the** abortion or notify the department of his inability to give notice.

Sec. 131. 22 MRSA § 1598, as enacted by PL 1979, c. 360 is reallocated to 22 MRSA, § 1599.

Sec. 132. 22 MRSA § 1823, first sentence, as amended by PL 1979, c. 96, § 1 and c. 127, § 142, is repealed and the following enacted in its place:

Any hospital licensed under this chapter or alcohol or drug treatment facility licensed pursuant to section 7801 which provides facilities to a minor in connection with the treatment of that minor for venereal disease or abuse of drugs or alcohol is under no obligation to obtain the consent of that minor's parent or guardian or to inform that parent or guardian of the provision of such facilities so long as such facilities have been provided at the direction of the person or persons referred to in Title 32, sections 2595, 3292, 3817, 6221 or 7004.

Sec. 133. 22 MRSA § 3097, first ¶, as enacted by PL 1979, c. 550, § 2, is repealed.

Sec. 134. 22 MRSA § 3097, sub-§§ 1 and 2 are enacted to read:

1. Legislative committee. This chapter is subject to repeal under Title 1, section 2501. The legislative committee having jurisdiction over the review provided for in Title 1, section 2502, is the Joint Standing Committee on Health and Institutional Services.

2. Contents of report. In addition to the contents required by Title 1, section 2503, the report prepared under that section shall also include:

Sec. 135. 22 MRSA c. 961, as enacted by PL 1979, c. 546, § 1 is reallocated to 22 MRSA, c. 963.

Sec. 136. 24-A MRSA § 2164-B, as enacted by PL 1979, c. 471, is reallocated to 24-A MRSA, § 2164-C.

Sec. 137. 24-A MRSA § 3049, 2nd ¶, first sentence, as last amended by PL 1979, c. 347, § 9 and repealed and replaced by PL 1979, c. 411, § 2, is repealed and the following enacted in its place:

This section shall not apply to any policy or coverage which has been in effect less than 60 days at the time notice of cancellation is received by the named insured, or 90 days in the case of residential property other than the insured's primary residence which is expected to be continuously unoccupied for 3 months in any 12-month period, unless it is a renewal policy.

Sec. 138. 25 MRSA § 2436-A, first sentence, as enacted by PL 1965, c. 365, § 5, is amended to read:

For the purposes of this section "debris" shall be defined as any manufactured product, household rubbish, hay or other vegetative accumulations or materials not included in Title 12, section ~~1551~~ 9323.

Sec. 139. 25 MRSA § 2439, as amended by PL 1979, c. 541, Pt. A, § 166 and c. 545, § 4, is repealed and the following enacted in its place:

§ 2439. Common law remedy preserved

The common law right to an action for damages done by fires is not taken away or diminished and it may be pursued notwithstanding the penalties set forth in chapters 313 to 321.

Sec. 140. 25 MRSA § 2440, as amended by PL 1979, c. 127, § 157; repealed and replaced by PL 1979, c. 545, § 5 and amended by PL 1979, c. 556, § 7, is repealed and the following enacted in its place:

§ 2440. Penalties; recovery and appropriation

Penalties provided in sections 2432, 2433, 2436-A and 2439 may be recovered by complaint, indictment or civil action, ½ to the municipality where the offense is committed and ½ to the State.

Sec. 141. 25 MRSA § 2501, as amended by PL 1979, c. 541, Pt. A, § 167 and as repealed by PL 1979, c. 545, § 19, is repealed.

Sec. 142. 25 MRSA § 2805, sub-§ 1, first sentence, as repealed and replaced by PL 1973, c. 672, § 1, is amended to read:

As a condition to the continued employment of any person as a full-time law enforcement officer by a municipality or county or state university, said person shall successfully complete, within the first year of his employment, a basic training course at the Maine Criminal Justice Academy.

Sec. 143. 26 MRSA § 625-A, as enacted by PL 1975, c. 512, § 3 and as amended by PL 1975, c. 717, § 4, is repealed.

Sec. 144. 26 MRSA § 625-B is enacted to read:

§ 625-B. Severance pay

1. **Definitions.** As used in this section, unless the context otherwise indicates, the following words shall have the following meanings.

A. "Covered establishment" means any industrial or commercial facility or part thereof which employs or has employed at any time in the preceding 12-month period 100 or more persons.

B. "Director" means the Director of the Bureau of Labor.

C. "Employer" means any person who directly or indirectly owns and operates a covered establishment.

D. "Person" means any individual, group of individuals, partnership, corporation, association or any other entity.

E. "Physical calamity" means any calamity such as fire, flood or other natural disaster, or the final order of any federal, state or local governmental agency including adjudicated bankruptcy.

F. "Relocation" means the removal of all or substantially all of industrial or commercial operations in a covered establishment to a new location, within or without the State of Maine, 100 or more miles distant from its original location.

G. "Termination" means the substantial cessation of industrial or commercial operations in a covered establishment.

H. "Week's pay" means an amount equal to 1/52nd part of the gross wages paid to an employee during the 12 months prior to relocation or termination.

2. **Severance pay.** Any employer who relocates or terminates a covered establishment shall be liable to his employees for severance pay at the rate of one week's pay for each year of employment by the employee in that establishment. The severance pay to eligible employees shall be in addition to any final wage payment to the employee and shall be paid within one regular pay period after the employee's last full day of work, notwithstanding any other provisions of law.

3. **Mitigation of severance pay liability.** There shall be no liability for severance pay to an eligible employee if:

A. Relocation or termination of a covered establishment is necessitated by a physical calamity;

B. The employee is covered by an express contract providing for severance pay;

C. That employee accepts employment at the new location; or

D. That employee has been employed by the employer for less than 3 years.

4. **Suits by employees.** Any employer who violates the provisions of this section shall be liable to the employee or employees affected in the amount of their unpaid severance pay. Action to recover the liability may be maintained against any employer in any state or federal court of competent jurisdiction by

any one or more employees for and on behalf of himself or themselves and any other employees similarly situated. Any labor organization may also maintain an action on behalf of its members. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant and costs of the action.

5. **Suits by the director.** The director is authorized to supervise the payment of the unpaid severance pay owing to any employee under this section. The director may bring an action in any court of competent jurisdiction to recover the amount of any unpaid severance pay. The right provided by subsection 4 to bring an action by or on behalf of any employee, and of any employee to become a party plaintiff to any such action, shall terminate upon the filing of a complaint by the director in an action under this subsection, unless the action is dismissed without prejudice by the director. Any sums recovered by the director on behalf of an employee pursuant to this subsection shall be held in a special deposit account and shall be paid, on order of the director, directly to the employee affected. Any sums thus recovered not paid to an employee because of inability to do so within a period of 3 years shall be paid over to the State of Maine.

6. **Notice of director.** Any person proposing to relocate or terminate a covered establishment shall notify the director in writing not less than 60 days prior to the relocation.

7. **Powers of director.** In any investigation or proceeding under this section, the director shall have, in addition to all other powers granted by law, the authority to examine books and records of any employer affected by this section as set out in section 665, subsection 1.

Sec. 145. 26 MRSA § 632, as enacted by PL 1979, c. 287 is reallocated to 26 MRSA, § 633.

Sec. 146. 26 MRSA § 772, first sentence, as amended by PL 1971, c. 620, § 13, is further amended to read:

No minor under 18 years of age shall be employed in, about or in connection with any manufacturing or mechanical establishment, laundry, dry cleaning establishment or bakery in any capacity that the director determines to be hazardous, dangerous to ~~their lives~~ his life or limbs, injurious to morals or where ~~their~~ his health will be injured.

Sec. 147. 26 MRSA § 968, sub-§ 2, last ¶, first sentence, as enacted by PL 1977, c. 553, § 3, is repealed.

Sec. 148. 26 MRSA § 1082, sub-§ 2, as repealed and replaced by PL 1977, c. 696, § 375 and as amended by PL 1979, c. 127, § 161, is repealed.

Sec. 149. 26 MRSA § 1193, sub-§ 3, first ¶, as amended by PL 1979, c. 98 and c. 428, § 4, is repealed and the following enacted in its place:

For the duration of his unemployment subsequent to his having refused to accept

an offer of suitable work for which he is reasonably fitted, or having refused to accept a referral to a suitable job opportunity when directed to do so by a local employment office of this State or another state or if an employer is unable to contact a former employee at last known or given address, for the purpose of recall to suitable employment; or the individual fails to respond to a request to report to the local office for the purpose of a referral to a suitable job, and the disqualification shall continue until claimant has earned 8 times his weekly benefit amount in employment by an employer. If the commission determines that refusal has occurred for cause of necessitous and compelling nature, the individual shall be ineligible while such inability or unavailability continues, but shall be eligible to receive prorated benefits for that portion of the week during which he was able and available.

Sec. 150. 28 MRSA § 54, sub-§ 2, as enacted by PL 1975, c. 741, § 4, is amended to read:

2. **Pamphlet of regulations.** ~~To~~ **The commission shall publish at least annually on or before August 31st, or 90 days after becoming law, in a convenient pamphlet form all regulations then in force and to furnish copies of such pamphlets to every licensee authorized by law to sell liquor.**

Sec. 151. 28 MRSA § 54, sub-§ 4, as amended by PL 1979, c. 319, § 3, is further amended to read:

4. **Annual report.** ~~To~~ **The commission shall make an annual report to the Governor of their activities and of the amount of liquor license fees collected together with such other information as they deem advisable or as the Governor may require.**

Sec. 152. 28 MRSA § 303, last ¶, as last amended by PL 1977, c. 23, § 6, is further amended to read:

Any person under the age of 20 years who purchases any intoxicating liquor or any person under the age of 20 years who consumes any intoxicating liquor or has on his or her person any intoxicating liquor in any on-sale premises, or who presents or offers to any licensee, his agent or employee any written or oral evidence of age which is false, fraudulent or not actually his own, for the purpose of ordering, purchasing, attempting to purchase or otherwise procuring or attempting to procure, the serving of any intoxicating liquor, or who has any intoxicating liquor in his possession except in the scope of his or her employment on any street or highway, or in any public place or in any automobile, ~~shall be guilty of a misdemeanor and shall be punished by a fine of not more than \$100 for the first offense, not less than \$50 nor more than \$100 for the 2nd offense and \$100 for the 3rd and subsequent offenses~~ **commits a civil violation for which a forfeiture of not more than \$100 for the first violation, not less than \$50 nor more than \$100 for the 2nd violation and \$100 for the 3rd and subsequent violations shall be adjudged.** If a minor is charged with illegal possession under this section, he may not be charged with illegal transportation. No minor shall be charged with

more than one ~~offense violation~~ under this section in any given instance wherein the same set of facts is involved.

Sec. 153. 28 MRSA § 452, last 2 sentences, as amended by PL 1979, c. 149, § 2 and PL 1979, c. 319, § 5, are repealed and the following enacted in their place:

A credit shall be granted for the excise tax imposed by this State on malt beverages or table wines sold to any ship chandlers, provided the malt beverages and table wines are resold to vessels of foreign registry for consumption after that vessel has left port. Any wholesaler selling to such an instrumentality, training site or ship chandlers for resale to vessels of foreign registry shall present proof of that sale to the commission and shall thereupon receive from the Treasurer of State a credit of all state excise taxes paid in connection with that sale.

Sec. 154. 28 MRSA § 801, first sentence, as amended by PL 1979, c. 319, § 11 and c. 432, § 7, is repealed and the following enacted in its place:

Licenses for the sale of spirituous and vinous liquor and malt liquor to be consumed on the premises where sold may be issued to clubs and to bona fide qualified catering services, hotels, restaurants, vessels, railroad dining cars, airlines, to incorporated civic organizations pursuant to section 801-B, civic auditoriums and performing arts centers on payment of the fees provided; subject to the provisions of section 252 and to the condition that the initial application therefor be approved by the municipal officers of the town or city in which that intended licensee, if operating a qualified catering service, club, restaurant, hotel or civic auditorium is operating the same, and if that qualified catering service, hotel, restaurant or club is located in an unorganized place, that application shall be approved by the county commissioners of the county, within which that unorganized place is located, and subject to the further condition that licenses issued to restaurants, except class A restaurants, shall be limited to malt liquor or wine, or both.

Sec. 155. 29 MRSA § 1312, sub-§ 8, 2nd ¶, last sentence, as enacted by PL 1979, c. 422, § 1, is amended to read:

It shall be prima facie evidence that the percentage by weight of alcohol in the blood of the defendant was, at the time the blood or breath was taken, as stated in the certificate, unless ~~within~~ with 10-days written notice to the prosecution, the defendant requests that a qualified witness testify as to the results of the chemical analysis.

Sec. 156. 29 MRSA § 2121, as amended by PL 1979, c. 33 and PL 1979, c. 195, §§ 1 and 2 and as repealed by PL 1979, c. 464, § 3, is repealed.

Sec. 157. 29 MRSA § 2122, 6th ¶, as repealed and replaced by PL 1979, c. 364, § 4 and as repealed by PL 1979, c. 464, § 3, is repealed.

Sec. 158. 29 MRSA § 2123, sub-§ 1, as amended by PL 1979, c. 127, § 168 and as repealed by PL 1979, c. 464, § 3, is repealed.

Sec. 159. 29 MRSA § 2124, 8th ¶, as repealed by PL 1979, c. 464, § 3 and as amended by PL 1979, c. 541, Pt. A, § 192, is repealed.

Sec. 160. 29 MRSA § 2189, last ¶, as enacted by PL 1979, c. 464, § 4, is amended to read:

Unless otherwise ordered by the Superior Court upon appeal, the suspension shall remain in full force and effect until the Secretary of State has received notice from an official inspection station that all parts and equipment ~~contributing~~ **constituting** the operational elements of the air pollution control system of that vehicle have been restored, replaced or repaired and are in good working order.

Sec. 161. 29 MRSA § 2501, 2nd ¶, as enacted by PL 1979, c. 464, § 5, is amended by adding after the first sentence, a new sentence to read:

For the purposes of this section, the term "signal" may include the use of a hand signal, siren or flashing emergency lights.

Sec. 162. 29 MRSA § 2501, as enacted by PL 1979, c. 464, § 5, is amended by adding after the 2nd paragraph, a new paragraph to read:

Whoever, after being requested or signaled to stop, attempts to elude the officer by driving a vehicle at a reckless rate of speed which results in a high-speed chase between the operator's vehicle and any law enforcement vehicle using a blue light or siren is guilty of a Class D crime.

Sec. 163. 30 MRSA § 2, sub-§ 1, ¶E, sub-¶ (3), as amended by PL 1979, c. 82, § 3 and c. 173, § 1, is repealed and the following enacted in its place:

(3) Sheriff	\$13,300
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Sec. 164. 30 MRSA § 254-B, as amended by PL 1979, c. 119 and PL 1979, c. 409, is repealed and the following enacted in its place:

§ 254-B. Temporary extension

Notwithstanding section 254, when a county tax is authorized for the year 1979, the county commissioners shall, in the month of March, April, May or June apportion the tax upon the towns and other places according to the last state valuation and fix the time for the payment of the same, which shall not be earlier than the first day of the following September.

Sec. 165. 30 MRSA § 554-A, sub-§ 5, as repealed and replaced by PL 1979, c. 67, § 2 and by PL 1979, c. 542, Pt. C, § 2, is repealed and the following enacted in its place:

5. Sums allowed to district attorneys for salaries. For the salaries of assistant district attorneys, the district attorneys shall be allowed annually sums up to the limit as specified in the following schedule:

Prosecutorial District 1	\$50,600
Prosecutorial District 2	84,450

Prosecutorial District 3	82,500
Prosecutorial District 4	74,250
Prosecutorial District 5	74,250
Prosecutorial District 6	54,200
Prosecutorial District 7	44,000
Prosecutorial District 8	50,600

Sec. 166. 30 MRSA § 554-A, as last amended by PL 1979, c. 542, Pt. C, §§ 1 & 2, is further amended by adding at the end a new paragraph to read:

In addition to the amounts listed in this section, funds shall be provided for fringe benefits for which other state employees are eligible.

Sec. 167. 30 MRSA § 3703, sub-§ 1, as amended by PL 1979, c. 541, Pt. A, § 194 and repealed by PL 1979, c. 545, § 20, is repealed.

Sec. 168. 30 MRSA § 4522, sub-§ 2, as enacted by PL 1973, c. 534, § 4, is amended to read:

2. Planning review of federal program grant application. All applications for federal program grants affecting regional planning, coordination and development, including programs pursuant to Section 204 of the Federal Demonstration Cities and Metropolitan Development Act of 1966 and the Federal Intergovernmental Cooperation Act of 1968 and the objectives set forth in the Federal Office of Management and Budget Circular A-95, shall be submitted to the commission for review and comment and ~~the provisions of~~ subsection 5 shall apply.

Sec. 169. 30 MRSA § 4787, sub-§ 2-A, as enacted by PL 1979, c. 570, § 3, is amended to read:

2-A. Limitation. Notwithstanding sections 4786~~;~~ ~~and 4789 and 4790~~ the Maine State Housing Authority shall not make any contract or commitment of mortgage insurance without the approval of a majority of the Indian Housing Mortgage Insurance Committee.

Sec. 170. 30 MRSA § 4986, 6th sentence, as enacted by PL 1965, c. 488, is amended to read:

All securities issued by ~~said the~~ district shall be legal obligations of the district which is declared to be a quasi-municipal corporation within the meaning of ~~Title 30,~~ section 5053, and all provisions of ~~said the~~ section shall be applicable thereto.

Sec. 171. 30 MRSA § 5326, sub-§ 3, last sentence, as enacted by PL 1979, c. 530, is repealed.

Sec. 172. 30 MRSA § 5326, sub-§ 3-A, as amended by PL 1979, c. 324, § 6, is further amended by adding at the end a new sentence to read:

“Combined project” also means the combination of an industrial-commercial project with a residential rental housing project when the housing is being provided in existing structures and is incidental to the industrial or commercial project within the existing structure.

Sec. 173. 30 MRSA § 5622, sub-§ 2, first sentence, as enacted by PL 1977, c. 390, § 4, is amended to read:

The provisions of this subsection apply to ~~subsections~~ **subsection 1**.

Sec. 174. 32 MRSA § 251, 6th sentence, as repealed by PL 1979, c. 478, § 1 and as amended by PL 1979, c. 562, § 16, is repealed.

Sec. 175. 32 MRSA § 255, 3rd sentence, as repealed by PL 1979, c. 478, § 1 and as repealed and replaced by PL 1979, c. 562, § 17, is repealed.

Sec. 176. 32 MRSA § 255, last ¶, as repealed by PL 1979, c. 478, § 1 and as amended by PL 1979, c. 562, § 18, is repealed.

Sec. 177. 32 MRSA § 503, sub-§ 3, ¶ L, as enacted by PL 1973, c. 405, § 4, is amended to read:

L. Failure to report to the secretary of the board treatment of a chiropractor licensed under this chapter for addiction to alcohol or drugs or for mental illness in accordance with section ~~3285~~ **3286**.

Sec. 178. 32 MRSA § 4408, as amended by PL 1979, c. 541, Pt. A, § 207 and as repealed by PL 1979, c. 545, § 22, is repealed.

Sec. 179. 32 MRSA § 4908, sub-§ 4, as repealed and replaced by PL 1979, c. 300, § 3, is amended to read:

4. **Liaison.** The board shall establish relations with bodies which regulate the practice of geology and the practice of soil science, or closely related ~~disciplines~~ **disciplines**, or which certify geologists or soil scientists in other states, and may establish relations with such bodies in other countries for the purposes of achieving uniformly high professional standards and mutual recognition of certification.

Sec. 180. 32 MRSA c. 85, as enacted by PL 1979, c. 277, § 2, is reallocated to be 32 MRSA, c. 87.

Sec. 181. 32 MRSA c. 87, as enacted by PL 1979, c. 209, § 2, is reallocated to be 32 MRSA, c. 85.

Sec. 182. 35 MRSA § 17, sub-§ 4, as enacted by PL 1979, c. 427, is amended to read:

4. **Use of funds.** The Public Utilities Commission is authorized to hire 4 employees to be funded from the revenues provided in this section to defray the costs incurred by the commission pursuant to ~~Title 35~~ **this Title** and to include administrative expenses, general regulatory expenses, consulting fees and all

other reasonable costs incurred to administer ~~Title 35, chapters 1 to 17~~ **this chapter and chapters 2 to 17.**

Sec. 183. 35 MRSA § 2601, as enacted by PL 1979, c. 323, is reallocated to be 35 MRSA, § 2701.

Sec. 184. 36 MRSA § 582, sub-§ 5, as enacted by PL 1977, c. 720, § 5, is repealed.

Sec. 185. 36 MRSA § 582-A is enacted to read:

§ 582-A. Payment required notwithstanding appeal

Any person who petitions for reconsideration of an order of the State Tax Assessor under section 576 or 576-B, or appeals to the Superior Court, shall pay on or before the due date taxes assessed on land subject to taxation under this subchapter, notwithstanding the pendency of a petition for reconsideration or appeal to the Superior Court.

Sec. 186. 36 MRSA § 1760, sub-§ 6, ¶ A, as enacted by PL 1979, c. 513, § 2, is amended to read:

A. Served ~~Served~~ by public or private schools, school districts, student organizations and parent-teacher associations to the students or teachers of a school;

Sec. 187. 36 MRSA § 1760, sub-§ 39, as enacted by PL 1977, c. 716, § 1, is reallocated to 36 MRSA, § 1760, sub-§ 40.

Sec. 188. 36 MRSA § 3581, as amended by PL 1979, c. 520, § 6 and PL 1979, c. 540, § 48, is repealed and the following enacted in its place:

§ 3581. Inventory of estate

Every personal representative or trustee, in addition to any inventory otherwise required, shall within 3 months of the date of his appointment or acceptance of the trust file with the State Tax Assessor on blanks to be furnished by the State Tax Assessor, an inventory upon oath containing a complete list of all the property of the estate or trust within his knowledge except that the State Tax Assessor may, for cause, extend the time for filing the inventory. If he neglects or refuses to file the inventory, he shall be liable to a penalty of not more than \$500, and, on complaint of the State Tax Assessor, the judge of probate may remove him from his trust.

Sec. 189. Effective date. Section 188 of this Act shall take effect January 1, 1981.

Sec. 190. 36 MRSA § 4375, as amended by PL 1979, c. 378, § 30 and PL 1979, c. 508, § 5, is repealed and the following enacted in its place:

§ 4375. Records; examinations by State Tax Assessor

The State Tax Assessor and his authorized agents may examine the books,

papers and records of any distributor or licensed dealer in this State for the purpose of determining whether the tax imposed by this chapter has been fully paid, and may investigate and examine the stock of cigarettes in or upon any premises where the cigarettes are possessed, stored or sold for the purpose of determining whether this chapter is being obeyed.

Sec. 191. 36 MRSA § 5302, as repealed and replaced by PL 1979, c. 127, § 202 and as repealed by PL 1979, c. 378, § 45, is repealed.

Sec. 192. 37-A, c. 2, first 2 lines, as enacted by PL 1971, c. 580, § 1, are repealed and the following enacted in their place:

CHAPTER 2

BUREAU OF VETERANS' SERVICES

SUBCHAPTER I

GENERAL PROVISIONS

Sec. 193. 38 MRSA § 349, sub-§ 4, ¶ F, as repealed and replaced by PL 1977, c. 510, § 91, is repealed.

Sec. 194. 38 MRSA § 394, first ¶, last sentence, as enacted by PL 1977, c. 123, § 2, is amended to read:

The board shall promulgate such regulations within 90 days of the effective date of this Act ~~October 24, 1977~~ and may thereafter amend them as it deems necessary.

Sec. 195. 38 MRSA § 396, as enacted by PL 1977, c. 123, § 2, is amended to read:

§ 396. Enforcement

Inland fish and game wardens, coastal wardens and all other law enforcement officers enumerated in Title 12, section ~~2003~~ 7055, shall have authority to enforce this subchapter.

Sec. 196. 38 MRSA § 413, sub-§ 2-A, as repealed by PL 1979, c. 281, § 3, amended by PL 1979, c. 296, § 2 and reenacted by PL 1979, c. 541, Pt. B, § 69, is repealed and the following enacted in its place:

2-A. Exemptions; pesticide permits. The Board of Environmental Protection may by rule exempt holders of a pesticide permit, issued by the Board of Pesticides Control, from the need to obtain a license under this section for the activity covered by the regulation, when it finds that the exempted activity would leave no significant adverse effect on the quality of the waters of the State.

Sec. 197. 38 MRSA § 414-A, sub-§ 2, as amended by PL 1979, c. 127, § 209 and as repealed and replaced by PL 1979, c. 444, § 6 is repealed and the following enacted in its place:

2. Schedules of compliance. The board may establish schedules, within the

terms and conditions of licenses, for compliance with best practicable treatment including such interim and final dates for attainment of specific standards as are necessary to carry out the purposes of this subchapter. The schedules shall be as short as possible and shall be based upon a consideration of the technological and economic impact of the steps necessary to attain these standards; provided that in any event these schedules shall require complete compliance with subsection 1 not later than October 1, 1976, except the application of best conventional pollutant control technology or best available technology economically achievable, which schedules shall be consistent with the times permitted for compliance by the Federal Water Pollution Control Act, as amended.

Sec. 198. 38 MRSA § 451, first, 3rd and 4th paragraphs, as repealed and replaced by PL 1979, c. 127, § 211 and as amended by PL 1979, c. 444, §§ 11 and 12, are repealed and the following enacted in their place:

After adoption of any classification by the Legislature for surface waters or tidal flats or sections thereof, it shall be unlawful for any person, firm, corporation, municipality, association, partnership, quasi-municipal body, state agency or other legal entity to dispose of any pollutants, either alone or in conjunction with another or others, in such manner as will, after reasonable opportunity for dilution, diffusion or mixture with the receiving waters or heat transfer to the atmosphere, lower the quality of those waters below the minimum requirements of such classifications, or where mixing zones have been established by the board, so lower the quality of those waters outside such zones, notwithstanding any exemptions or licenses which may have been granted or issued under sections 413 to 414-B.

The purpose of a mixing zone is to allow a reasonable opportunity for dilution, diffusion or mixture of pollutants with the receiving waters before the receiving waters below or surrounding a discharge will be tested for classification violations. In determining the extent of any mixing zone to be by it established under this section, the board may require from the applicant testimony concerning the nature and rate of the discharge; the nature and rate of existing discharges to the waterway; the size of the waterway and the rate of flow therein; any relevant seasonal, climatic, tidal and natural variations in such size, flow, nature and rate; the uses of the waterways in the vicinity of the discharge, and such other and further evidence as in the board's judgment will enable it to establish a reasonable mixing zone for such discharge. An order establishing a mixing zone may provide that the extent thereof shall vary in order to take into account seasonal, climatic, tidal and natural variations in the size and flow of, and the nature and rate of, discharges to the waterway.

Where no mixing zones have been established by the board, it shall be unlawful for any person, corporation, municipality or other legal entity to dispose of any pollutants, either alone or in conjunction with another or others, into any classified surface waters, tidal flats or sections thereof, in such manner as will, after reasonable opportunity for dilution, diffusion, mixture or heat transfer to the atmosphere, lower the quality of any significant segment of those waters, tidal

flats or sections thereof, affected by such discharge, below the minimum requirements of such classification, and notwithstanding any licenses which may have been granted or issued under sections 413 to 414-B.

Sec. 199. 38 MRSA § 582, sub-§ 7-E-1, as enacted by PL 1979, c. 381, § 4, is reallocated to 38 MRSA, § 582, sub-§ 7-E-2.

Sec. 200. 38 MRSA § 582, sub-§ 9-B, as enacted by PL 1979, c. 381, § 5, is reallocated to 38 MRSA, § 582, sub-§ 9-C.

Sec. 201. 38 MRSA § 582, sub-§ 11-A, as enacted by PL 1979, c. 385, § 1, is reallocated to 38 MRSA, § 582, sub-§ 11-C.

Sec. 202. 38 MRSA § 956, as enacted by PL 1979, c. 459, § 1, is repealed and the following enacted in its place:

§ 956. The comprehensive plan

1. **Guide for boundaries.** The comprehensive plan submitted to the 106th Legislature by the Saco River Environmental Advisory Committee shall be used as a guide by the planning boards of the municipalities within the corridor in making recommendations for district boundaries and by the commission in establishing final boundaries. The comprehensive plan shall not be regarded as a final and complete design for the future of the land and water areas within the corridor, but as the basis of a continuing planning process to be carried out by the commission in conjunction with local officials, regional planning districts, councils of government and the State Planning Office.

2. **Prerequisites to amendment or revision.** The commission shall not amend or revise the comprehensive plan, unless:

A. The proposed amendment or revision has been submitted to the Southern Maine Regional Planning Commission, the Greater Portland Council of Governments and other appropriate agencies, which shall forward their comments and recommendations, if any, to the commission within 30 days;

B. The proposed amendment or revision has been submitted to the State Planning Office, pursuant to Title 5, section 3305, subsection 1, paragraph G, which shall forward its comments and recommendations, if any, to the commission within 30 days; and

C. The commission has considered all the comments.

3. **Basis for amendment or revision.** The commission shall have the authority, after notice and public hearing, to revise, expand or amend the comprehensive plan on the basis of new information, improved professional techniques or changing conditions in the corridor.

Sec. 203. 38 MRSA § 1304, sub-§ 1, 2nd sentence, as repealed and replaced by PL 1979, c. 383, § 3 and as amended by PL 1979, c. 472, § 16, is repealed and the following enacted in its place:

The rules shall be designed to encourage logical utilization of recoverable resources, to minimize pollution of the state's air, land surface and ground water resources, prevent the spread of disease or other health hazards, prevent contamination of drinking water supplies and protect public health and safety.

Sec. 204. 38 MRSA § 1311, as enacted by PL 1979, c. 383, § 11, is reallocated to 38 MRSA, § 1310-A.

Sec. 205. 39 MRSA § 2, sub-§ 1, ¶E, as repealed and replaced by PL 1975, c. 749, § 1, is amended to read:

E. Towns; and

Sec. 206. 39 MRSA § 2, sub-§ 1 ¶¶G and H are enacted to read:

G. Municipal school committees; and

H. Union school committees.

Sec. 207. 39 MRSA § 2, sub-§ 6, as amended by PL 1979, c. 63 and as repealed by PL 1979, c. 541, Pt. A, § 278, is repealed.

Sec. 208. 39 MRSA § 3, sub-§ 2 is amended to read:

2. Fellow employee negligent. That the injury was caused by the negligence of a fellow employee; or

Sec. 209. 39 MRSA § 23, sub-§ 5, ¶A, as enacted by PL 1973, c. 559, § 3, is amended to read:

A. "Self-insurance," as used herein in this Act, shall be deemed to be the system of securing compensation as provided in subsection 4.

Sec. 210. PL 1979, c. 541, Pt. A., § 159-A is amended to read:

Sec. 159-A. Effective date. Section ~~188~~ 159 of this Act shall become effective when reimbursements are made for the 1979-80 winter season.

Sec. 211. P&SL 1865, c. 532, § 8-A, first sentence, as enacted by PL 1971, c. 544, § 142, is amended to read:

The trustees of the University of Maine may appoint persons to act as policemen who shall, within the limits of the property owned by or under the control of the university possess all of the powers of **municipal policemen in criminal cases.**

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

STATEMENT OF FACT

Sec. 1. 2 inconsistent laws. Repeal and replace sentence of section.

Sec. 2. Deletes reference which has been repealed.

- Sec. 3. 2 inconsistent laws. Repeal and replace subsection.
- Sec. 4. 2 inconsistent laws. Repeal and replace sentence of section.
- Sec. 5. 2 inconsistent laws. Repeal and replace sentence of section.
- Sec. 6. Adds town to District Court for Southern York.
- Sec. 7. Section repealed and replaced to include paragraph omitted from master setup and omitted by West Publishing which should have been included.
- Sec. 8. 2 inconsistent laws. Repeal and replace section.
- Sec. 9, 10 & 11. Clarifies method for calculating employer's contributions for teachers.
- Sec. 12. Corrects dates for retirement purposes for members of the Legislature.
- Sec. 13 & 14. 2 inconsistent laws. Repeal and replace sentences of section.
- Sec. 15. Deletes duplicate sentence.
- Sec. 16. Corrects spelling error.
- Sec. 17. Deletes obsolete reference.
- Sec. 18 & 19. 2 inconsistent laws. Repeal and replace sentences of section.
- Sec. 20. Clarifies language.
- Sec. 21. Clarifies administrative responsibilities.
- Sec. 22. Language added to conform to style of Revised Statutes.
- Sec. 23. Language changed to conform to style of Revised Statutes.
- Sec. 24. Deletes unnecessary language to conform to style of Revised Statutes.
- Sec. 25. Deletes unnecessary language to conform to style of Revised Statutes.
- Sec. 26. Corrects obsolete reference.
- Sec. 27. Word added to conform to style of Revised Statutes.
- Sec. 28. Word added to conform to style of Revised Statutes.

- Sec. 29. Corrects obsolete reference.
- Sec. 30. Word added to conform to style of Revised Statutes.
- Sec. 31. Word deleted to conform to style of Revised Statutes.
- Sec. 32. Language changed to conform to style of Revised Statutes.
- Sec. 33. Language added to conform to style of Revised Statutes.
- Sec. 34. Word deleted to conform to style of Revised Statutes.
- Sec. 35. Word added to conform to style of Revised Statutes.
- Sec. 36. Word added to conform to style of Revised Statutes.
- Sec. 37. Corrects obsolete reference.
- Sec. 38. Word added to conform to style of Revised Statutes.
- Sec. 39. Word added to conform to style of Revised Statutes.
- Sec. 40. Word added to conform to style of Revised Statutes.
- Sec. 41. Word added to conform to style of Revised Statutes.
- Sec. 42. Word added to conform to style of Revised Statutes.
- Sec. 43. Word added to conform to style of Revised Statutes.
- Sec. 44. Word added to conform to style of Revised Statutes.
- Sec. 45. Word added to conform to style of Revised Statutes.
- Sec. 46. Word added to conform to style of Revised Statutes.
- Sec. 47. Word added to conform to style of Revised Statutes.
- Sec. 48. Word deleted to conform to style of Revised Statutes.
- Sec. 49. Word added to conform to style of Revised Statutes.
- Sec. 50. Language changed to conform to style of Revised Statutes.
- Sec. 51. 2 inconsistent laws. Repeal first paragraph.
- Sec. 52. 2 inconsistent laws. Repeal one inconsistent sentence.
- Sec. 53. 2 inconsistent laws. Repeal inconsistent section.
- Sec. 54. 2 inconsistent laws. Repeal inconsistent section.
- Sec. 55. 2 inconsistent laws. Repeal inconsistent section.
- Sec. 56. 2 inconsistent laws. Repeal inconsistent section.

- Sec. 57. 3 inconsistent laws. Repeal inconsistent section.
- Sec. 58. Corrects error in fee listing.
- Sec. 59. Reallocates section.
- Sec. 60. Adds chapter heading and Part heading omitted when chapter and Part enacted.
- Sec. 61. Corrects inconsistency in forestry laws by repealing and replacing sentence.
- Sec. 62. Corrects a misspelling.
- Sec. 63. Word added for clarification in forestry laws.
- Sec. 64. 2 inconsistent laws. Repeal and replace sentence.
- Sec. 65. Deletes unnecessary wording.
- Sec. 66. Corrects misspelling.
- Sec. 67. Corrects error in style.
- Sec. 68. Corrects capitalization and deletes unnecessary wording.
- Sec. 69. Changes violation to conform to Criminal Code.
- Sec. 70. Conforms statutory language to Criminal Code.
- Sec. 71. Conforms statutory language to Criminal Code.
- Sec. 72. Conforms statutory language to Criminal Code.
- Sec. 73. Corrects internal reference.
- Sec. 74. Effective date provision for section 73.
- Sec. 75. Chapter and chapter heading repealed.
- Sec. 76. Conforms statutory language to Criminal Code.
- Sec. 77 & 78. Repeals and replaces section to conform to style of Revised Statutes.
- Sec. 79. Conforms statutory language to Criminal Code.
- Sec. 80. Conforms statutory language to Criminal Code.
- Sec. 81. Conforms statutory language to Criminal Code.
- Sec. 82. Language changed to conform to style of Revised Statutes.
- Sec. 83. Conforms statutory language to Criminal Code.
- Sec. 84. Conforms statutory language to Criminal Code.

- Sec. 85. Conforms statutory language to Criminal Code.
- Sec. 86. Word added to conform to style of Revised Statutes.
- Sec. 87. Conforms statutory language to Criminal Code.
- Sec. 88. Conforms statutory language to Criminal Code.
- Sec. 89. Conforms statutory language to Criminal Code.
- Sec. 90. Conforms statutory language to Criminal Code.
- Sec. 91. Conforms statutory language to Criminal Code.
- Sec. 92. Conforms statutory language to Criminal Code.
- Sec. 93. Word added to conform to style of Revised Statutes.
- Sec. 94. Conforms statutory language to Criminal Code.
- Sec. 95. Word added to conform to style of Revised Statutes.
- Sec. 96. Conforms statutory language to Criminal Code.
- Sec. 97. Conforms statutory language to Criminal Code.
- Sec. 98. Wording changed to conform to style of Revised Statutes.
- Sec. 99. Conforms statutory language to Criminal Code.
- Sec. 100. Conforms statutory language to Criminal Code.
- Sec. 101. Chapter heading changed.
- Sec. 102. Conforms statutory language to Criminal Code.
- Sec. 103. Corrects reference to Law Court.
- Sec. 104. Word added to conform to style of Revised Statutes.
- Sec. 105. Repeal unnecessary severability section.
- Sec. 106. Word deleted to conform to style of Revised Statutes.
- Sec. 107. Corrects obsolete reference.
- Sec. 108. Word deleted to conform to style of Revised Statutes.
- Sec. 109. Word deleted to conform to style of Revised Statutes.
- Sec. 110. Word added to conform to style of Revised Statutes.
- Sec. 111. Repeals chapter heading (sections previously repealed)
- Sec. 112. 2 inconsistent laws. Repeal and replace subsection.
- Sec. 113. 2 inconsistent laws. Repeal and replace subsection.

- Sec. 114. Word corrected. (engrossing error)
- Sec. 115. 2 inconsistent laws. Repeal and replace section.
- Sec. 116. 2 inconsistent laws. Repeal and replace paragraph.
- Sec. 117. Word added to conform to style of Revised Statutes.
- Sec. 118. 2 inconsistent laws. Repeal inconsistent section.
- Sec. 119. 2 inconsistent laws. Repeal inconsistent section.
- Sec. 120. Removes unnecessary word.
- Sec. 121 & 122. Corrects error in allocation.
- Sec. 123. Corrects spelling error.
- Sec. 124. 3 inconsistent laws. Repeal and replace subsection.
- Sec. 125. Delete unnecessary word.
- Sec. 126. Time period changed.
- Sec. 127. 2 inconsistent laws. Repeal and replace subsection.
- Sec. 128. Corrects a word.
- Sec. 129. Corrects obsolete internal reference.
- Sec. 130. Sentence reworded for clarification.
- Sec. 131. Section reallocated to eliminate numbering conflict.
- Sec. 132. 2 inconsistent laws. Repeal and replace sentence.
- Sec. 133 & 134. Corrects error in style.
- Sec. 135. Chapter reallocated.
- Sec. 136. Section reallocated.
- Sec. 137. 2 inconsistent laws. Repeal and replace sentence.
- Sec. 138. Corrects obsolete reference.
- Sec. 139. 2 inconsistent laws. Repeal and replace section.
- Sec. 140. 2 inconsistent laws. Repeal and replace section.
Corrects internal references.
- Sec. 141. 2 inconsistent laws. Repeal section.
- Sec. 142. Includes academy trained law enforcement at the state university level.
- Sec. 143 & 144. Repeals and reallocates section to correct style.
- Sec. 145. Reallocates section.

- Sec. 146. Corrects grammer.
- Sec. 147. Repeals unnecessary sentence.
- Sec. 148. 2 inconsistent laws. Repeals an inconsistent subsection.
- Sec. 149. 2 inconsistent laws. Repeal and replace paragraph.
- Sec. 150 & 151. Subsection language rewritten to make subsections into complete sentences.
- Sec. 152. Language of section changed to indicate that violation is a civil infraction.
- Sec. 153. 2 inconsistent laws. Repeal and replace 2 sentences.
- Sec. 154. 2 inconsistent laws. Repeal and replace 2 sentences.
- Sec. 155. Wording corrected for clarification.
- Sec. 156. 2 inconsistent laws. Repeal inconsistent section.
- Sec. 157. 2 inconsistent laws. Repeal inconsistent paragraph.
- Sec. 158. 2 inconsistent laws. Repeal inconsistent subsection.
- Sec. 159. 2 inconsistent laws. Repeal inconsistent paragraph.
- Sec. 160. Language corrected for clarification.
- Sec. 161 & 162. Language added which was omitted when section was reallocated.
- Sec. 163. 2 inconsistent laws. Repeal and replace subparagraph.
- Sec. 164. 2 inconsistent laws. Repeal and replace section.
- Sec. 165 & 166. 2 inconsistent laws. Repeal and replace subsection and add paragraph at end of section.
- Sec. 167. 2 inconsistent laws. Repeal subsection.
- Sec. 168. Deletes unnecessary language.
- Sec. 169. Deletes incorrect reference.
- Sec. 170. Deletes incorrect version of internal reference to conform to style of Revised Statutes.
- Sec. 171 & 172. Sentence added to subsection 3 should have been added to subsection 3-A.
- Sec. 173. Corrects a word.
- Sec. 174, 175 & 176. 2 inconsistent laws. Repeals 2 sentences and paragraph.

- Sec. 177. Corrects internal reference.
- Sec. 178. 2 inconsistent laws. Repeal section.
- Sec. 179. Corrects misspelling.
- Sec. 180 & 181. Chapters reallocated.
- Sec. 182. Corrects internal references.
- Sec. 183. Reallocates section.
- Sec. 184 & 185. Repeal subsection and enact new section. 2 inconsistent laws. Removes obsolete reference.
- Sec. 186. Corrects wording.
- Sec. 187. Reallocates subsection.
- Sec. 188 & 189. 2 inconsistent laws. Repeal and replace section. Section 189, effective date.
- Sec. 190. 2 inconsistent laws. Repeal and replace section.
- Sec. 191. 2 inconsistent laws. Repeal section.
- Sec. 192. Adds heading for subchapter 1.
- Sec. 193. Repeals paragraph. Obsolete reference.
- Sec. 194. Adds effective date to conform to style of Revised Statutes.
- Sec. 195. Corrects obsolete reference.
- Sec. 196. 3 inconsistent laws. Repeal and replace subsection.
- Sec. 197. 2 inconsistent laws. Repeal and replace subsection.
- Sec. 198. 2 inconsistent laws. Repeal and replace paragraph.
- Sec. 199. Subsection reallocated.
- Sec. 200. Subsection reallocated.
- Sec. 201. Subsection reallocated.
- Sec. 202. Repeal and replace section to correct errors in style.
- Sec. 203. 2 inconsistent laws. Repeal and replace section.
- Sec. 204. Section reallocated.
- Sec. 205 & 206. Deletes word and adds two paragraphs.
- Sec. 207. 2 inconsistent laws. Repeal subsection.
- Sec. 208. Word added to conform to style of Revised Statutes.

- Sec. 209. Corrects internal reference.
- Sec. 210. Corrects numbering error.
- Sec. 211. Extends university police powers to those of a municipal policeman.