

MAINE STATE LEGISLATURE

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(New Draft of S.P. 836 L.D. 1974)
(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document **No. 2136**

S. P. 969 In Senate, March 31, 1982
Reported by Senator Devoe of Penobscot from the Committee on
Judiciary and printed under Joint Rules No. 2.
MAY M. ROSS, Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-TWO

**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 this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; and

1 Whereas, in the judgment of the Legislature, these
2 facts create an emergency within the meaning of the Consti-
3 tution of Maine and require the following legislation as
4 immediately necessary for the preservation of the public
5 peace, health and safety; now, therefore,

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

7 **Sec. 1.** 1 MRSA §72, sub-§13, as repealed and replaced
8 by PL 1977, c. 390, §1, is repealed and the following
9 enacted in its place:

10 13. Municipality. "Municipality" includes cities,
11 towns and plantations, except that "municipality" does not
12 include plantations in Title 10, chapter 110, subchapter IV;
13 Title 30, chapters 201 to 213; 235; 239, subchapters I-A,
14 I-B, II, III, III-A and IV; and chapters 240, 241 and 243 to
15 245.

16 **Sec. 2.** 1 MRSA §1017, first ¶, as last amended by PL
17 1977, c. 252, §3, is further amended by adding after the
18 first sentence a new sentence to read:

19 The Secretary of State shall prior to the end of the first
20 week in January in each year deliver a form to each of the
21 members of the Senate and House of Representatives.

22 **Sec. 3.** 3 MRSA §507, sub-§4, as last repealed and
23 replaced by PL 1979, c. 654, §3 and as amended by PL 1979,
24 c. 732, §§4 and 31 and PL 1981, c. 470, Pt. A, §3, is
25 repealed and the following enacted in its place:

26 4. Group B-1 and B-2 independent agencies.

27 A. Unless continued or modified by law, the following
28 Group B-1 independent agencies shall terminate, not
29 including the grace period, no later than June 30,
30 1982:

31 (1) Plumbers' Examining Board;

32 (2) State Board of Funeral Services;

33 (3) Board of Hearing Aid Dealers and Fitters; and

34 (4) Maine Human Services Council.

1 B. Unless continued or modified by law, the following
2 Group B-2 independent agencies shall terminate, not
3 including the grace period, no later than June 30,
4 1983. The Maine Health Facilities Authority and the
5 Maine State Housing Authority shall not terminate, but
6 shall be reviewed by the Legislature no later than June
7 30, 1987:

8 (1) Board of Chiropractic Examination and Regis-
9 tration;

10 (2) Board of Dental Examiners;

11 (3) State Board of Licensure of Administrators of
12 Medical Care Facilities other than Hospitals;

13 (4) Board of Registration in Medicine;

14 (5) State Board of Nursing;

15 (6) State Board of Optometry;

16 (7) Board of Osteopathic Examination and Regis-
17 tration;

18 (8) Board of Commissioners of the Profession of
19 Pharmacy;

20 (9) Examiners of Podiatrists;

21 (10) Maine Health Facilities Cost Review Board;

22 (11) Maine Medical Laboratory Commission;

23 (12) State Planning and Advisory Council on
24 Developmental Disabilities;

25 (13) Maine Committee on Problems of the Mentally
26 Retarded;

27 (14) Governor's Committee on Employment of the
28 Handicapped;

29 (15) Division of Community Services;

30 (16) Maine State Housing Authority; and

31 (17) Maine Health Facilities Authority.

32 **Sec. 4. 4 MRSA §197, 2nd ¶, as enacted by PL 1981, c.**
33 **501, §1, is amended to read:**

1 The treasurer shall, annually, before the last Wednes-
2 day in ~~January~~ July, deposit in the office of the State
3 Court Library Committee a statement of the funds received
4 and expended by the treasurer during the ~~year~~ preceding
5 fiscal year.

6 Sec. 5. 4 MRSA §1151, sub-§2, first ¶, as amended by
7 PL 1979, c. 265, §1, is further amended to read:

8 Except as provided in Title 5, section 10004, Title 29,
9 chapter 17 and Title 35, ~~sections~~ section 13-A and 1566, the
10 Administrative Court shall have exclusive jurisdiction upon
11 complaint of an agency or, if the licensing agency fails or
12 refuses to act within a reasonable time, upon complaint of
13 the Attorney General, to revoke or suspend licenses issued
14 by the agency, and shall have original jurisdiction upon
15 complaint of a licensing agency to determine whether renewal
16 or reissuance of a license of that agency may be refused.

17 Sec. 6. 5 MRSA §711, sub-§2, ¶A, sub-¶(2), div. (b),
18 as amended by PL 1981, c. 359, §2 and c. 501, §2, is
19 repealed and the following enacted in its place:

20 (b) Superintendent, Bureau of Consumer
21 Credit Protection; and

22 Sec. 7. 5 MRSA §1122, sub-§5-A, last ¶, last sentence,
23 as enacted by PL 1975, c. 622, §54-B, is amended to read:

24 Such determinations may be appealed in the manner provided
25 by Title 39, section ~~103~~ 103-B.

26 Sec. 8. 5 MRSA §5005, sub-§1, ¶10, as amended by PL
27 1981, c. 61, §1 and as repealed and replaced by PL 1981, c.
28 470, Pt. A, §8, is repealed and the following enacted in
29 its place:

30 O. In cooperation with the Plumbers' Examining Board
31 and the Department of Business Regulation, establish a
32 voluntary training and certification program for
33 installers of solar energy equipment; and

34 Sec. 9. 5 MRSA §7002, sub-§2, ¶11, as enacted by PL
35 1981, c. 512, §1, is reallocated to 5 MRSA §7002, sub-§2,
36 ¶1J.

37 Sec. 10. 5 MRSA §8053, sub-§1, last ¶, as enacted by
38 PL 1981, c. 524, §7, is repealed.

1 **Sec. 11. 5 MRSA §8053, sub-§1, last ¶**, as enacted by
2 PL 1979, c. 425, §5 and as repealed and replaced by PL 1981,
3 c, 470, Pt. A, §9, is amended by adding at the end 2 new
4 sentences to read:

5 Subscribers under paragraph B may request to receive a copy
6 of each proposed rule with the written notice. The agency
7 shall provide the copy at the same time the notice is sent.

8 **Sec. 12. 5 MRSA §8053, sub-§5, ¶A**, as repealed and
9 replaced by PL 1981, c. 456, Pt. A, §21 and as amended by PL
10 1981, c. 524, §10, is repealed and the following enacted in
11 its place:

12 A. Arrange for the weekly publication of a consoli-
13 dated notice of rulemaking of all state agencies, which
14 shall also include a brief explanation to assist the
15 public in participating in the rule-making process.
16 Notice of each rule-making proceeding shall be pub-
17 lished once 17 to 24 days prior to the public hearing
18 on the proposed rule or at least 30 days prior to the
19 last date on which views and arguments may be submitted
20 to the agency for consideration if no public hearing is
21 scheduled;

22 **Sec. 13. 5 MRSA §10051, sub-§1**, as last amended by PL
23 1979, c. 265, §2, is further amended to read:

24 1. Jurisdiction. Except as provided in section 10004,
25 Title 29, chapter 17 and Title 35 sections section 13-A and
26 1566, the Administrative Court shall have exclusive juris-
27 diction upon complaint of any agency or, if the licensing
28 agency fails or refuses to act within a reasonable time,
29 upon complaint of the Attorney General to revoke or suspend
30 licenses issued by such agency and shall have original
31 jurisdiction upon complaint of an agency to determine
32 whether renewal or reissuance of a license of that agency
33 may be refused.

34 **Sec. 14. 7 MRSA §1032, sub-§2-A**, as enacted by PL
35 1981, c.540, §3, is amended to read:

36 2-A. Identification marks of bag manufacturers and bag
37 distributors. Identification marks of bag manufacturers
38 and bag distributors are exempt from this Act Article.

39 **Sec. 15. 7 MRSA §1032, sub-§3**, as repealed and
40 replaced by PL 1981, c. 540, § 4, is amended to read:

1 3. Maine bag. "Maine bag" means any consumer pack for
2 potatoes on which appears the word Maine in letters larger
3 than 1/4 inch or a ~~pictoral~~ pictorial representation of the
4 outline of the shape of the State.

5 Sec. 16. 7 MRSA §3451, 12th ¶, as enacted by PL 1979,
6 c. 314, is amended to read:

7 The commissioner shall not issue a license to maintain
8 a kennel, boarding kennel or pet shop to any person, part-
9 nership or corporation which has, within the 5 years pre-
10 vious to the application for the license, been convicted of
11 a criminal violation or civil violation under this Part ~~or~~ ,
12 Title 17, chapter 43 or Title 17-A, section 510, which
13 violation involves cruelty to animals.

14 Sec. 17. 7 MRSA §3704, as repealed and replaced by PL
15 1981, c. 470, Pt. A, §11, is amended to read:

16 §3704. Official refusal or neglect of duty

17 Any mayor, selectman, clerk, constable, police officer,
18 sheriff or animal control officer who refuses or intention-
19 ally fails to perform the duties imposed by sections 3402,
20 3451, 3452, 3652-A and 3701 to 3703 and ~~3804~~ commits a civil
21 violation for which a forfeiture of not less than \$10 nor
22 more than \$50, and costs, shall be adjudged.

23 Sec. 18. 9-A MRSA §1-301, sub-§41, as repealed and
24 replaced by PL 1975, c. 770, §49, is amended to read:

25 41. "Provisions on disclosure" includes Article 7 ~~8,~~
26 regulations issued pursuant to ~~said~~ that Article, and the
27 Federal Truth in Lending Act, as applicable.

28 Sec. 19. 9-A MRSA §3-506, as amended by PL 1977, c.
29 564, §45, is further amended to read:

30 §3-506. Limitation

31 This Part shall not apply to any transaction covered by
32 ~~Title 9-A,~~ section ~~7-117~~ 8-204, nor shall it apply to any
33 sale, by any dealer or agent or salesman of a registered
34 dealer, registered pursuant to Title 32, chapter 13, of
35 stocks, bonds, debentures or securities representing stocks,
36 bonds or debentures registered pursuant to Title 32, chapter
37 13 or expressly exempt from registration thereof.

38 Sec. 20. 9-A MRSA §8-204, sub-§7, as enacted by PL
39 1981, c. 243, §25, is amended to read:

1 7. In any action in which it is determined that a
2 creditor has violated this section, in addition to ~~recision~~
3 rescission, the court may award relief under section 8-208
4 for violations of this Article not relating to the right to
5 rescind.

6 Sec. 21. 9-A MRSA §8-208, sub-§1, ¶¶B and C, as
7 enacted by PL 1981, c. 243, §25, are amended to read:

8 B. Twice the amount of any finance charge in connec-
9 tion with the transaction or, in the case of a consumer
10 lease, 25% of the total amount of monthly payments
11 under the lease, except that the liability under this
12 paragraph shall not be less than \$100 nor greater than
13 \$1,000; and

14 C. In the case of any successful action to enforce the
15 foregoing liability or in any action in which a person
16 is determined to have a right of rescision under
17 section 8-204, the costs of the action, together with a
18 reasonable attorney's fee as determined by the court;
19 and

20 Sec. 22. 9-A MRSA §8-208, sub-§1, ¶D is enacted to
21 read:

22 D. In the case of a class action, such amount as the
23 court may allow, except that as to each member of the
24 class no minimum recovery is applicable, and the total
25 recovery for any class action or series of class ac-
26 tions arising out of the same failure to comply by the
27 same creditor shall not be more than the lesser of
28 \$500,000 or 1% of the net worth of the creditor. In
29 determining the amount of award in any class action,
30 the court shall consider, among other relevant factors,
31 the amount of any actual damages awarded, the frequency
32 and persistence of failures of compliance by the credi-
33 tor, the resources of the creditor, the number of per-
34 sons adversely affected and the extent to which the
35 creditor's failure of compliance was intentional.

36 Sec. 23. 9-A MRSA §8-208, sub-§8, ¶D, as enacted by PL
37 1981, c. 243, §25, is repealed.

38 Sec. 24. 9-B MRSA §465, sub-§3, ¶A, as enacted by PL
39 1975, c. 500, §1, is amended to read:

40 A. Every director, corporator, officer, agent and
41 employee of a financial institution who authorizes or
42 assists in procuring, granting or causing the granting

1 of a loan in violation of this section or sections 613
2 422-A and 633, or pays or willfully permits the payment
3 of any funds of the institution on such loan, and every
4 director of an institution who votes on a loan in
5 violation of any of the provisions of this section and
6 every director, corporator, officer, agent or employee
7 who willfully and knowingly permits or causes the same
8 to be done shall be personally responsible for the pay-
9 ment thereof and shall be guilty of a misdemeanor;

10 Sec. 25. 9-B MRSA §562, sub-§1, last sentence, as
11 enacted by PL 1975, c. 500, §1, is amended to read:

12 Reserves required under the Federal Reserve Act shall be
13 substituted for the cash reserve required by section 514
14 422-A.

15 Sec. 26. 9-B MRSA §563, sub-§1, last sentence, as
16 enacted by PL 1975, c. 500, §1, is amended to read:

17 Reserves required under said this Act shall be substituted
18 for the cash reserve required pursuant to section 514 422-A;
19 provided that if such bank is also a member of the Federal
20 Reserve System pursuant to section 562, such cash reserve
21 shall be maintained in such manner as shall comply with the
22 requirements of both the Federal Reserve Bank and the Fed-
23 eral Home Loan Bank of which the savings bank is a member.

24 Sec. 27. 9-B MRSA §614, sub-§1, last sentence, as
25 enacted by PL 1975, c. 500 §1, is amended to read:

26 Reserves required under the Federal Reserve Act shall be
27 substituted for the cash reserve required under section 613
28 422-A.

29 Sec. 28. 9-B MRSA §763, sub-§1, last sentence, as
30 enacted by PL 1975, c. 500, §1, is amended to read:

31 Reserves required under said this Act shall be substituted
32 for the cash reserve required pursuant to section 714 422-A.

33 Sec. 29. 10 MRSA §672, sub-§1-A, as enacted by PL
34 1981, c. 525, §1, is repealed.

35 Sec. 30. 10 MRSA §672, sub-§2, as repealed by PL 1981,
36 c. 476, §1 and as amended by PL 1981, c. 525, §2, is
37 repealed.

38 Sec. 31. 10 MRSA §672, sub-§2-A, as enacted by PL
39 1981, c. 525, §3, is repealed.

1 **Sec. 32.** 10 MRSA §672, sub-§§6 and 7, as enacted by PL
2 1981, c. 525, §4, are repealed.

3 **Sec. 33.** 10 MRSA §673, sub-§2, as repealed by PL 1981,
4 c. 476, §1 and as repealed and replaced by PL 1981, c. 525,
5 §5, is repealed.

6 **Sec. 34.** 10 MRSA §674, last ¶, as enacted by PL 1981,
7 c. 525, §6, is repealed.

8 **Sec. 35.** 10 MRSA §676, as repealed by PL 1981, c. 476,
9 §1 and as amended by PL 1981, c. 525, §§7 and 8, is
10 repealed.

11 **Sec. 36.** 10 MRSA §677, as repealed by PL 1981, c. 476,
12 §1 and as amended by PL 1981, c. 525, §9, is repealed.

13 **Sec. 37.** 10 MRSA §678, last sentence, as enacted by PL
14 1981, c. 525, §10, is repealed.

15 **Sec. 38.** 10 MRSA §679, as repealed by PL 1981, c. 476,
16 §1 and as amended by PL 1981, c. 525, §11, is repealed.

17 **Sec. 39.** 10 MRSA §751, sub-§1, ¶G, as repealed by PL
18 1981, c. 476, §1 and as amended by PL 1981, c. 512, §2, is
19 repealed.

20 **Sec. 40.** 10 MRSA §751, sub-§1, ¶H, as enacted by PL
21 1981, c. 512, §3, is repealed.

22 **Sec. 41.** 10 MRSA §752, sub-§11, ¶¶D and E, as repealed
23 by PL 1981, c. 476, §1 and as amended by PL 1981, c. 512,
24 §4, are repealed.

25 **Sec. 42.** 10 MRSA §752, sub-§11, ¶F, as enacted by PL
26 1981, c. 512, §5, is repealed.

27 **Sec. 43.** 10 MRSA §754, as last amended by PL 1981, c.
28 192, §2 and as repealed by PL 1981, c. 476, §1, is repealed.

29 **Sec. 44.** 10 MRSA §802, as last amended by PL 1981, c.
30 192, §3 and as repealed by PL 1981, c. 476, §1, is repealed.

31 **Sec. 45.** 10 MRSA §803, as amended by PL 1981, c. 470,
32 Pt. A, §§20 to 22 and as repealed by PL 1981, c. 476, §1, is
33 repealed.

34 **Sec. 46.** 10 MRSA §863, as amended by PL 1981, c. 320,
35 §1 and c. 425, §§1 and 2 and as repealed by PL 1981, c. 476,
36 §1, is repealed.

1 **Sec. 47.** 10 MRSA §864, as amended by PL 1981, c. 425,
2 §3 and c. 512, §§6 and 7 and as repealed by PL 1981, c. 476,
3 §1, is repealed.

4 **Sec. 48.** 10 MRSA §866, as amended by PL 1981, c. 425,
5 §4 and as repealed by PL 1981, c. 476, §1, is repealed.

6 **Sec. 49.** 10 MRSA §1003, sub-§6-C is enacted to read:

7 6-C. Energy conservation project. "Energy conserva-
8 tion project" means the purchase and installation of energy
9 conservation equipment or facilities, including building
10 modifications, with a calculated payback period of more than
11 one year, but less than 7 years. The term does not include
12 simple weatherization measures.

13 **Sec. 50.** 10 MRSA §1003, sub-§26-C is enacted to read:

14 26-C Small business. "Small business" means any busi-
15 ness meeting the criteria in the the United States Code,
16 Title 15, Section 632.

17 **Sec. 51.** 10 MRSA §1004, sub-§8, ~~¶¶E~~ and F, as enacted
18 by PL 1981, c. 476, §2, are amended to read:

19 E. Make recommendations and reports, in cooperation
20 with the State Development Office, to the authority on
21 the merits of any proposed eligible project, on the
22 status of local development corporations and on meri-
23 torious industrial locations; and

24 F. Perform other duties directed by the authority in
25 carrying out the purposes of this chapter-; and

26 **Sec. 52.** 10 MRSA §1004, sub-§8, ¶G is enacted to read:

27 G. Provide information to the Maine Aid to Families
28 with Dependent Children Coordinating Committee estab-
29 lished pursuant to Title 22, section 3773, regarding
30 employment opportunities available to recipients of Aid
31 to Families with Dependent Children under this chapter
32 and assist the committee in the referral and placement
33 of these persons.

34 **Sec. 53.** 10 MRSA §1005, sub-§5-A, as enacted by PL
35 1981, c. 476, §2, is amended to read:

36 5-A. Agreements for eligible projects. Enter into
37 agreements with ~~prospective~~ prospective mortgagees and mort-
38 gagors, for the purpose of planning, designing, construct-
39 ing, acquiring, altering and financing eligible projects.

1 **Sec. 54.** 10 MRSA §1023, sub-§2, ¶A, as enacted by PL
2 1981, c. 476, §2, is amended to read:

3 A. All expense of the authority, including interest
4 and principal payments required by loan defaults, all
5 operating expenses and, except as provided in section
6 1023-A, all income of the authority, including mortgage
7 insurance premiums and sale, disposal, lease or rental
8 proceeds;

9 **Sec. 55.** 10 MRSA §1023, sub-§3, as enacted by PL 1981,
10 c. 476, §2, is amended to read:

11 3. Deposited with Treasurer of State or invested.
12 Moneys in the fund not needed currently to meet the obli-
13 gations of the authority in the exercise of its responsibil-
14 ities as insurer under this subchapter shall be deposited
15 with the Treasurer of State to the credit of the fund or the
16 Guarantee Reserve Fund, or may be invested in such manner as
17 provided by statute.

18 **Sec. 56.** 10 MRSA §1023-A is enacted to read:

19 §1023-A. Proceeds received by authority

20 Proceeds received by the authority from the disposal,
21 by sale or in some other means, of property it may have ac-
22 quired in accordance with section 1025, subsection 1, shall
23 be credited either to the Mortgage Insurance Fund, the Guar-
24 antee Reserve Fund or the Debt Service Fund as directed by
25 the State Controller.

26 **Sec. 57.** 10 MRSA §1024, sub-§1, 2nd sentence, as
27 enacted by PL 1981, c. 476, §2, is amended to read:

28 The Governor shall transfer to the fund sufficient moneys
29 from the State Contingent Account, Guarantee Reserve Fund or
30 from the proceeds of bonds to be issued as provided in sub-
31 section 2.

32 **Sec. 58.** 10 MRSA §1024, sub-§2, first sentence, as
33 enacted by PL 1981, c. 476, §2, is amended to read:

34 In the event a request for funds is made under subsection 1
35 and there are insufficient funds in the State Contingent Ac-
36 count or the Guarantee Reserve Fund, bonds shall be issued
37 in the following manner:

38 **Sec. 59.** 10 MRSA §1026, sub-§4-A is enacted to read:

1 4-A. Percentage of permanent jobs targeted to recip-
2 ients of Aid to Families with Dependent Children. An
3 employment plan describing potential opportunity for Aid to
4 Families with Dependent Children recipients including types
5 of jobs, skills required, training necessary for placement
6 and the percentage of permanent jobs which will be targeted
7 to these recipients;

8 Sec. 60. 10 MRSA §1043, sub-§2, 2nd ¶, as enacted by
9 PL 1981, c.476, §2, is repealed.

10 Sec. 61. 10 MRSA §1043, sub-§2, ¶B, as enacted by PL
11 1981, c. 476. §2, is amended by adding at the end a new
12 paragraph to read:

13 The applicant shall have the burden of demonstrating
14 that the project will not result in a substantial detri-
15 ment to existing industry in accordance with the re-
16 quirements of the subsection, including rules adopted
17 in accordance therewith, except in cases where no
18 interested parties object to the project, in which
19 event the requirements of subparagraph (2) shall be
20 deemed satisfied. Interested parties shall be given an
21 opportunity, with or without a hearing at the discre-
22 tion of the authority, to present their objections to
23 the project on grounds that the project will result in
24 a substantial detriment to existing industry. If any
25 such party presents such objections with reasonable
26 specificity and persuasiveness, the authority may
27 divulge whatever information concerning the project
28 which it deems necessary for a fair presentation by the
29 objecting party and evaluation of such objections. The
30 applicant shall then have the burden of demonstrating
31 by a preponderance of the evidence that the project
32 will not result in substantial detriment to existing
33 industry. If the authority finds that the applicant
34 has failed to meet its burden as specified in this sub-
35 section, the application shall be denied;

36 Sec. 62. 10 MRSA §1043, sub-§2, ¶F, sub-¶(3), as
37 enacted by PL 1981, c. 476, §2, is amended to read:

38 (3) It is unlikely that public facilities meeting
39 the needs of the users and securing comparable
40 public benefit will become available in the
41 reasonably foreseeable future; and

42 Sec. 63. 10 MRSA §1043, sub-§2, ¶G, sub-¶(2), last
43 sentence, as enacted by PL 1981, c. 476, §2, is amended to
44 read:

1 The authority shall take the comments into consid-
2 eration in its consideration of the project-;

3 Sec. 64. 10 MRSA §1043, sub-§2, ¶¶H and I are enacted
4 to read:

5 H. In the case of energy conservation projects, any
6 small business is eligible to apply for a loan of up to
7 \$10,000. The authority shall select these projects ac-
8 ording to the following criteria:

9 (1) The gross amount of energy saved by the
10 project expressed in British Thermal Units, BTU's;

11 (2) The ability of the project to serve as an
12 educational demonstration for other similar busi-
13 nesses or industries;

14 (3) The pattern of energy used within the facil-
15 ity and the overall dependence on energy for the
16 conduct of business;

17 (4) The simple payback of the project calcu-
18 lated as the annual energy cost savings divided
19 into the project; and

20 (5) The ability of the business or industry to
21 generate capital from sources other than provided
22 by this paragraph.

23 The Office of Energy Resources shall provide assistance
24 to the authority in determining technical eligibility
25 and merit of loan applications.

26 Each recipient of a loan under this paragraph shall
27 provide the authority, within one year, with detailed
28 information on energy consumption before and after the
29 completion of the energy conservation project. The
30 authority shall issue an annual report to the Legis-
31 lature on loans made under this paragraph, the success
32 of various energy saving techniques employed and the
33 overall energy benefits achieved by the program. The
34 Office of Energy Resources shall assist the authority
35 in preparing this report; and

36 I. The project will, to the extent possible, make a
37 commitment to provide employment to recipients of Aid
38 to Families with Dependent Children.

39 Sec. 65. 10 MRSA §1044, sub-§8, first sentence, as
40 enacted by PL 1981, c. 476, §2, is amended to read:

1 The proceeds of each issue shall be used solely for the
2 authorized purposes and shall be disbursed as provided in
3 the authorizing resolution or in the securing trust agree-
4 ment, except that the proceeds of each issue may be used to
5 make loans for small business energy conservation projects
6 as described in section 1043, subsection 2, paragraph H.

7 **Sec. 66.** 10 MRSA §1044, sub-§8, as enacted by PL 1981,
8 c. 476, §2, is amended by adding after the first sentence a
9 new sentence to read:

10 Administration costs incurred by the authority under this
11 program may be drawn from those proceeds.

12 **Sec. 67.** 10 MRSA §1063, sub-§1, 3rd sentence, as
13 enacted by PL 1981, c. 476, §2, is amended to read:

14 The notice shall be published at least 14 7 days prior to
15 the date scheduled for the meeting, shall set forth the name
16 of the municipality and the proposed tenant of the project,
17 describe generally the project and set forth the time and
18 place of the meeting at which the application will be con-
19 sidered.

20 **Sec. 68.** 10 MRSA §1083, first sentence, as enacted by
21 PL 1981, c. 476, §2, is amended to read:

22 The authority may assist a local development corpora-
23 tion to construct a community industrial building by loaning
24 it money, for construction or carrying costs of both, for
25 the project, subject to subsection 1.

26 **Sec. 69.** 12 MRSA §505, as repealed by PL 1979, c.
27 545, §11 and as repealed and replaced by PL 1979, c. 556,
28 §2, is repealed.

29 **Sec. 70.** 12 MRSA §682, first ¶, as enacted by PL 1969,
30 c. 494, is repealed as follows:

31 ~~As used in this chapter:~~

32 **Sec. 71.** 12 MRSA §7034, sub-§8, as repealed by PL
33 1981, c. 414, §4 and as amended by PL 1981, c. 505, §4, is
34 repealed.

35 **Sec. 72.** 12 MRSA §7034, sub-§9 is enacted to read:

36 9. Outdoor map. The commissioner shall provide suffi-
37 cient information concerning fisheries and wildlife
38 resources to the Department of Transportation for the crea-

1 tion of the consolidated state outdoor recreational map
2 under Title 23, section 4206, subsection 1, paragraph L.

3 **Sec. 73.** 12 MRSA §7231, sub-§2, as amended by PL 1981,
4 c. 12, §3 and c. 414, §24, is repealed and the following
5 enacted in its place:

6 2. Application. Applications for wildlife exhibit
7 permits shall be made on forms prepared and furnished by the
8 commissioner and shall show:

9 A. The name and address of the applicant;

10 B. The location or proposed location of the wildlife
11 exhibit;

12 C. The approximate number and kinds of wildlife being
13 or to be kept; and

14 D. Such further information as the commissioner may
15 prescribe.

16 **Sec. 74.** 12 MRSA §7801, sub-§9, last sentence, as
17 enacted by PL 1979, c. 420, §1, is amended to read:

18 Standards, tests and procedures applicable in determining
19 whether a person is under the influence within the meaning
20 of this section shall be those applicable pursuant to Title
21 29, section sections 1312, 1312-B and 1312-C.

22 **Sec. 75.** 12 MRSA §7824, sub-§3, ¶A, sub-¶(2), as
23 enacted by PL 1979, c. 420, §1, is amended to read:

24 (2) 50¢ of each fee shall be credited to the
25 Snowmobile Trail Fund of the Bureau of Parks and
26 Recreation; and

27 **Sec. 76.** 12 MRSA 7824, sub-§3, ¶B, sub-¶(2), as
28 enacted by PL 1979, c. 420, §1, is amended to read:

29 (2) 50¢ of each fee shall be credited to the
30 Parks and Recreation Snowmobile Trail Fund of the
31 Bureau of Parks and Recreation.

32 **Sec. 77.** 12 MRSA §7824, sub-§4, ¶B, first ¶, as
33 enacted by PL 1979, c. 420, §1, is repealed and the follow-
34 ing enacted in its place:

35 The Bureau of Parks and Recreation is authorized to use
36 the moneys credited to the Snowmobile Trail Fund of the

1 Bureau of Parks and Recreation to make grants-in-aid to
2 political subdivisions, educational institutions,
3 regional planning agencies, snowmobile groups and
4 others for the construction and maintenance of snow-
5 mobile trails and for research, development and plan-
6 ning of snowmobile trails on such terms as the bureau
7 determines necessary.

8 **Sec. 78. 12 MRSA §7824, sub-§4, ¶B, sub-¶(2), as**
9 **enacted by PL 1979, c. 420, §1, is amended to read:**

10 (2) The bureau may charge a reasonable fee for
11 these services and materials when the moneys cred-
12 ited to it under this paragraph are insufficient
13 to satisfy the demand for the services and mate-
14 rials. All fees so collected shall be deposited
15 in the State Park and Recreation Snowmobile Trail
16 Fund of the Bureau of Parks and Recreation.

17 **Sec. 79. 12 MRSA §7824, sub-§4, ¶C, as enacted by PL**
18 **1979, c. 420, §1, is repealed and the following enacted in**
19 **its place:**

20 C. The Bureau of Parks and Recreation is authorized to
21 use moneys credited to the Snowmobile Trail Fund of the
22 Bureau of Parks and Recreation for snowmobile trail ac-
23 quisition, including, but not limited to, the purchase
24 or lease of real estate and the acquisition of ease-
25 ments, construction, development, planning and mainte-
26 nance and for providing educational and informational
27 materials for the use of operators of snowmobiles and
28 for research.

29 **Sec. 80. 12 MRSA §7827, sub-§9, last sentence, as**
30 **enacted by PL 1979, c. 420, §1, is amended to read:**

31 Standards, tests and procedures applicable in determining
32 whether a person is under the influence within the meaning
33 of this section shall be those applicable pursuant to Title
34 29, section sections 1312, 1312-B and 1312-C.

35 **Sec. 81. 13 MRSA §932, first ¶, 2nd sentence, as**
36 **amended by PL 1973, c. 571, §7, is further amended to read:**

37 Any corporation organized under this chapter and Title 27,
38 ~~chapter 7,~~ for the purpose of establishing and maintaining a
39 hospital, a free public library or a school or academy ac-
40 credited by the State Board of Education and conducted on a
41 nonprofit basis, or a laboratory exclusively engaged in
42 research for the benefit of mankind, or an educational tele-

1 vision or radio station operated on a nonprofit basis, or a
2 private vocational school conducted on a nonprofit basis may
3 receive and hold real and personal estate to any amount,
4 which may from time to time be given, granted, bequeathed or
5 devised to it and accepted by the corporation for the uses
6 and purposes of said the hospital, free public library,
7 school or academy, laboratory, or educational television or
8 radio station provided always both the principal and income
9 thereof shall be appropriated according to the terms of the
10 donation, devise or bequest.

11 **Sec. 82. 13 MRSA §4001, sub-§5,** as amended by PL 1977,
12 c. 78, §110, is further amended to read:

13 5. Institution. "Institution" means an incorporated
14 or unincorporated organization organized and operated exclu-
15 sively for educational purposes and subject to Title 20,
16 sections ~~2202~~ 2202-A to 2204-A.

17 **Sec. 83. 13-A MRSA §1301, sub-§6,** as last amended by
18 PL 1973, c. 483, §21, is further amended to read:

19 6. The requirement of subsection 1 shall not apply to
20 religious, charitable, educational or benevolent corpora-
21 tions, nor to corporations organized under Title 13, chap-
22 ters 81, 83, 91 and 93, ~~nor to corporations organized under~~
23 ~~Title 27, chapter 7.~~

24 **Sec. 84. 13-B MRSA §201, sub-§3, ¶A,** as enacted by PL
25 1977, c. 525, §13, is repealed as follows:

26 ~~A. County law libraries, as that term is used in Title~~
27 ~~27, section 221 et seq;~~

28 **Sec. 85. 14 MRSA §167, sub-§1,** as enacted by PL 1981,
29 c. 380, §1, is amended to read:

30 1. Exemption. Subject to subsection 2, the furnishing
31 of, or failure to furnish, insurance inspection services
32 related to, in connection with or incidental to the issuance
33 or ~~removal~~ renewal of a policy of property or casualty
34 insurance shall not subject the insurer, its agents, employ-
35 ees or service contractors to liability for damages from
36 injury, death or loss occurring as a result of any act or
37 omission by any person in the course of such services.

38 **Sec. 86. 14 MRSA §6325, first sentence,** as amended by
39 PL 1977, c. 564, §70, is further amended to read:

1 The method of foreclosure set forth in sections 6321 to
2 6324 may be used for the foreclosure of all real property
3 mortgages executed subsequent to October 1, 1975, except for
4 railroad mortgages, so called, or for indentures or deeds of
5 trust securing bond issues of corporations wherein the
6 method of foreclosure or sale is provided in the indenture
7 or deed of trust or any similar instrument; provided that
8 any such railroad mortgage, corporate indenture, deed of
9 trust or similar instrument executed subsequent to January
10 1, 1976, shall be subject to this subchapter unless the
11 applicability of this chapter is expressly negated in such
12 instrument.

13 **Sec. 87.** 15 MRSA §392, as amended by PL 1979, c. 127,
14 §115, is repealed and the following enacted in its place:

15 §392. Application

16 The penal provisions of section 393 shall not apply to
17 any person employed as a law enforcement officer or employed
18 by a watch, guard or patrol agency license under Title 32,
19 chapter 89 or chapter 93.

20 **Sec. 88.** 17 MRSA §341, as amended by PL 1981, c. 412,
21 §3, is repealed.

22 **Sec. 89.** 17 MRSA §341, sub-§1, as enacted by PL 1981,
23 c. 130, is amended to read:

24 1. Limits. A licensed game of chance shall be limited
25 as to the amount to be gambled for any one chance to 25¢
26 50¢, except that an organization may operate and conduct a
27 game of cards and charge no more than \$1 daily entry fee for
28 participation in a game of cards, provided that no money or
29 valuable thing other than \$1 daily entry fee is gambled in
30 connection with a game of cards.

31 **Sec. 90.** 17-A MRSA §4-A, sub-§4, as repealed and
32 replaced by PL 1981, c. 324, §7, is amended to read:

33 4. A statute or ordinance outside this code may be
34 expressly designated as a civil violation.

35 A statute or ordinance outside this code which prohibits de-
36 fined conduct, but does not provide an imprisonment penalty,
37 is a civil violation, enforceable in accordance with section
38 4, subsection 3 2.

39 A statute or ordinance outside this code which is stated to
40 be a criminal violation or which otherwise uses language

1 indicating that it is a crime, but does not provide an
2 imprisonment penalty is a civil violation, enforceable in
3 accordance with section 4, subsection 3 2, unless the stat-
4 ute or ordinance is an exception to the operation of this
5 subsection.

6 **Sec. 91.** 22 MRSA §14, sub-§1, first sentence, as
7 amended by PL 1979, c. 610, §1, is further amended to read:

8 When benefits are provided or will be provided to a benefi-
9 ciary under the Medicaid program administered by the depart-
10 ment pursuant to the Federal United States Social Security
11 Act, Title XIX, for the medical costs of injury, disease,
12 disability or similar occurrence for which a third party is
13 civilly liable, the commissioner shall have the right to
14 recover from that party the reasonable value of the benefits
15 so provided.

16 **Sec. 92.** 22 MRSA §3461, sub-§2, as amended by PL 1981,
17 c. 470, Pt. A, §97 and as repealed by PL 1981, c. 527, §1,
18 is repealed.

19 **Sec. 93.** 22 MRSA §3461, sub-§5, as amended by PL 1981,
20 c. 470, Pt. A, §98 and as repealed by PL 1981, c. 527, §1,
21 is repealed.

22 **Sec. 94.** 22 MRSA §3463, as amended by PL 1981, c. 470,
23 Pt. A, §99 and as repealed by PL 1981, c. 527, §1, is
24 repealed.

25 **Sec. 95.** 22 MRSA §4003, sub-§4, last sentence, as
26 enacted by PL 1981, c. 369, §9, is amended to read:

27 It is the intent of the Legislature that the department
28 reduce the number of children receiving assistance under the
29 United States Social Security Act, Title IV-E, who have been
30 in foster care more than 24 months, by 10% each year begin-
31 ning with the federal fiscal year that starts on October 1,
32 1983.

33 **Sec. 96.** 22 MRSA c. 1666, first 2 lines, as enacted by
34 PL 1981, c. 445, are repealed and the following enacted in
35 their place:

36 CHAPTER 1666

37 RESIDENTS' RIGHTS

38 **Sec. 97.** 23 MRSA §337, sub-§1, as amended by PL 1981,
39 c. 456, Pt. A, §76 and as repealed by PL 1981, c. 492, Pt.
40 D, §2, is repealed.

1 **Sec. 98. 23 MRSA §751, first sentence**, as amended by
2 PL 1971, c. 593, §22, is further amended to read:

3 The department shall provide a system of maintenance
4 for all state highways to which section 1001 may apply and
5 for all state aid highways to which ~~sections~~ section 802 and
6 852 may apply so that all sections of such highways may be
7 effectually and economically preserved and maintained, in
8 accordance with the best maintenance practice ~~in so far~~
9 insofar as funds will permit.

10 **Sec. 99. 23 MRSA §1251, last sentence** is amended to
11 read:

12 In the compact parts of cities and towns where the condi-
13 tions mentioned in Title 35, section ~~1178,~~ 2920 exist and
14 are observed and at all other places where in the judgment
15 of the 2 ~~said~~ commissions such signs are unnecessary, no
16 such warning signs need be erected.

17 **Sec. 100. 23 MRSA §1915, sub-§6**, as repealed and
18 replaced by PL 1981, c. 318, §4 and as amended by PL 1981,
19 c. 470, Pt. A, §137, is repealed and the following enacted
20 in its place:

21 6. Maintenance of lawfully erected signs. Any sign
22 lawfully erected as of January 1, 1978, in accordance with
23 section 1924, subsections 1 and 2 may be maintained until
24 removed by the commissioner under subsection 7 or by section
25 1916.

26 **Sec. 101. 23 MRSA §4205**, as amended by PL 1981, c. 98,
27 §§1 and 2 and c. 456, Pt. A, §87, is repealed and the fol-
28 lowing enacted in its place:

29 §4205. Department; commissioner

30 There is created and established the Department of
31 Transportation to consist of a Commissioner of Transporta-
32 tion appointed by the Governor, subject to review by the
33 joint standing committee of the Legislature having jurisdic-
34 tion over transportation and to confirmation by the Legis-
35 lature, who shall serve at the pleasure of the Governor.

36 **Sec. 102. 24 MRSA §2328**, as enacted by PL 1981, c.
37 254, §1, is reallocated to 24 MRSA §2331.

38 **Sec. 103. 24-A MRSA §2510, sub-§1, first sentence**, as
39 amended by PL 1981, c. 188, §1, is further amended to read:

1 There shall be a provision that after 3 full years' premiums
2 have been paid and after the policy has a cash surrender
3 value and while no premium is in default beyond the grace
4 period for payment, the insurer will advance, on proper
5 assignment or pledge of the policy and on the sole security
6 thereof, at a rate of interest as specified in ~~section 2252~~
7 ~~to 2254~~ sections 2552 to 2554, an amount equal to or, at the
8 option of the party entitled thereto, less than the loan
9 value of the policy.

10 **Sec. 104.** 24-A MRSA §2807, as last amended by PL 1981,
11 c. 147, §6, is further amended to read:

12 §2807. Debtor groups

13 A group of individuals may be insured under a policy
14 issued to a creditor, or its parent holding company or to a
15 trustee or trustees or agent designated by 2 or more credi-
16 tors, which creditor, holding company, affiliate, trustee,
17 trustees or agent shall be deemed the policyholder, to
18 insure debtors of the creditor or creditors, as the case may
19 be, all as defined and set forth under section ~~2604~~ 2604-A,
20 provided that the amount of indemnity payable with respect
21 to any person insured thereunder shall not at any time
22 exceed the aggregate of the periodic scheduled unpaid
23 installments, including, with respect to mortgage indebted-
24 ness, such real estate taxes and insurance costs incident to
25 the mortgaged property as may become due during the sched-
26 uled period and provided that nothing in this paragraph
27 shall may be construed or deemed to apply to or affect dis-
28 ability benefit provisions in group credit life insurance
29 policies as authorized under section ~~2604~~ 2604-A.

30 **Sec. 105.** 24-A MRSA §2816, last sentence, as enacted
31 by PL 1981, c. 205, §3, is amended to read:

32 Insurers offering policies under this chapter shall offer to
33 certificate holders the right of review and arbitration set
34 forth in section 2747, subsection 1, with respect to denials
35 of medical expense reimbursement benefits based upon the
36 grounds set forth in section 2747, subsection 2, except that
37 the requirement of section 2747, subsection 1 shall not
38 apply to certificate holders in groups subject to the United
39 States Employee Retirement Income Security Act of 1974,
40 Public Law 93-406, as amended, or to any policy or certifi-
41 cate holder to whom the insurer voluntarily extends a review
42 similar to that which it provides to persons insured under
43 group policies subject to that Act.

1 Sec. 106. 24-A MRSA c. 41, as enacted by PL 1969, c.
2 132, §1, is amended by inserting before §3001, the follow-
3 ing:

4 SUBCHAPTER I

5 STANDARD FIRE POLICY

6 Sec. 107. 24-A MRSA c. 41, sub-c. 1, first 2 lines, as
7 enacted by PL 1969, c. 132, §1, are repealed.

8 Sec. 108. 25 MRSA §2702-A, sub-§1, first ¶, 2nd sen-
9 tence, as enacted by PL 1981, c. 334, §6, is amended to
10 read:

11 The standards shall be adopted in order to fully implement
12 the specifications in the American National Standards Insti-
13 tute publication "Specifications for Making Buildings and
14 Facilities Accessible to and Usable by Physically Handi-
15 capped People," (~~ANSI A 116.1-1980~~) (ANSI A 117.1-1980),
16 except as otherwise exempted or provided by the National
17 Fire Protection Association's Life Safety Code 101.

18 Sec. 109. 26 MRSA §143, as amended by PL 1973, c. 452,
19 §3, is further amended to read:

20 §143. Penalties

21 Whoever violates any provision of ~~sections~~ section 178-
22 211, 246 and 217 shall be punished by a fine of not more
23 than \$50 or by imprisonment for not more than 90 days, or by
24 both.

25 Sec. 110. 26 MRSA §704, as enacted by PL 1981, c. 470,
26 Pt. A, §141, is amended to read:

27 §704. Penalty for employers

28 Any person who violates sections 701 and 702 commits a
29 civil violation for which the following forfeiture shall be
30 adjudged:

31 1. First offense. For the first offense a forfeiture
32 of not less than ~~\$25~~ \$50 nor more than ~~\$50~~ \$100;

33 2. Second offense. For the 2nd offense a forfeiture
34 of not less than ~~\$50~~ \$100 nor more than \$200; and

35 3. Subsequent offenses. For a 3rd offense and subse-
36 quent offenses a forfeiture of not less than \$250 nor more
37 than \$500.

1 Sec. 111. 26 MRSA §738, as amended by PL 1981, c. 407
2 and as repealed by PL 1981, c. 470, Pt. A, § 142, is
3 repealed.

4 Sec. 112. 26 MRSA §962, sub-§6, ¶B, as amended by PL
5 1981, c. 529, §5, is further amended to read:

6 B. Appointed to office pursuant to statute, ordinance
7 or resolution for a specified term of office by the
8 executive head or body of the public employer, except
9 that appointees to county offices shall not be excluded
10 under this ~~section~~ paragraph unless defined as a county
11 officer under Title 30, section 1502; or

12 Sec. 113. 26 MRSA §1195, sub-§1, ¶G, first sentence,
13 as last amended by PL 1979, c. 127, §163, is further amended
14 to read:

15 "Rate of insured unemployment" for purposes of para-
16 graphs H and I means the percentage derived by dividing
17 the average weekly number of individuals filing claims
18 for regular benefits in this State for weeks of unem-
19 ployment with respect to the most recent
20 13-consecutive-week period, as determined by the com-
21 missioner on the basis of his reports to the United
22 States Secretary of Labor, by the average monthly
23 employment covered under this chapter for the first 4
24 of the most recent 6 completed calendar quarters ending
25 before the end of such 13-week period.

26 Sec. 114. 26 MRSA §1602, as amended by PL 1981, c.
27 168, §21 and c. 515, §1, is repealed and the following
28 enacted in its place:

29 §1602. Displaced Homemaker Program

30 The Department of Labor shall establish a program to
31 provide job counseling, job training, job placement and
32 referral services to displaced homemakers in cooperation
33 with existing Displaced Homemaker Programs.

34 Sec. 115. 26 MRSA §1603, sub-§1, as amended by PL
35 1981, c. 168, §22 and as repealed and replaced by PL 1981,
36 c. 515, §2, is repealed and the following enacted in its
37 place:

38 1. Powers. The Commissioner of Labor, in this chapter
39 referred to as the commissioner, shall be responsible for
40 the program administration of Displaced Homemaker Programs.

1 The commissioner shall implement these programs by contract-
2 ing with the existing Displaced Homemaker Program to develop
3 programs in at least 2 unserved areas.

4 **Sec. 116.** 28 MRSA §2, sub-§11-A, ¶B, as enacted by PL
5 1979, c. 432, §1, is amended to read:

6 B. Has been in existence one year prior to first
7 applying for a license under section 252 252-A; and

8 **Sec. 117.** 28 MRSA §52, first sentence, as repealed and
9 replaced by PL 1975, c. 770, §129, is amended to read:

10 The State Liquor Commission, as heretofore established,
11 shall consist of 3 members to be appointed by the Governor,
12 subject to review by the Joint Standing Committee on ~~Liquor~~
13 Control Legal Affairs and to confirmation by the Legis-
14 lature, to serve for 3 years and may be removed by the Gov-
15 ernor on the address of both branches of the Legislature or
16 by impeachment.

17 **Sec. 118.** 28 MRSA §103, first sentence, as last
18 amended by PL 1975, c. 741, §7, is further amended to read:

19 Upon petition signed by 15% or more of the voting age
20 residents in an unincorporated place requesting a vote on
21 local option questions, the Secretary of State shall forth-
22 with appoint a time and place, give public notice in the
23 same manner as provided for notice in section 252 252-A and
24 cause a vote on such questions to be taken in such unincor-
25 porated place under his supervision and subject to such
26 rules and regulations as he shall promulgate.

27 **Sec. 119.** 28 MRSA §304, first sentence, as amended by
28 PL 1977, c. 74, §1, is further amended to read:

29 Except as provided by section 601, no person shall be
30 issued a license or a renewal of a license if he shall be
31 indebted in any manner, directly or indirectly, to any other
32 person for liquor or to the State of Maine for any tax,
33 other than property tax, assessed and deemed final under
34 Title 36 which the State Tax Assessor certifies, in accor-
35 dance with Title 36, section 6 172, as remaining unpaid in
36 an amount exceeding \$1,000 for a period greater than 60 days
37 after the applicant or licensee has received notice of the
38 finality of such tax.

39 **Sec. 120.** 28 MRSA §604, 4th ¶, as enacted by PL 1981,
40 c. 581, §2, is amended to read:

1 Notwithstanding the importation restrictions of sec-
2 tions 1051 and 1052, the commission may issue certificates
3 of approval authorizing the direct importation of malt liq-
4 uors, table wines or distilled spirits from suppliers locat-
5 ed in foreign countries or states into special warehouse
6 storage facilities located within this State that are under
7 the direct supervision and control of the certificate
8 holder. The fee therefor shall be \$600 a year for malt liq-
9 uor only, \$600 a year for table wine only and \$600 a year
10 for distilled spirits only.

11 **Sec. 121. 28 MRSA §604, 7th ¶, as enacted by PL 1981,**
12 **c. 581, §2, is amended to read:**

13 ~~Distilled spirits~~ Spirits may be withdrawn from special
14 warehouse storage facilities by the State Liquor Commission.

15 **Sec. 122. 28 MRSA §604, 8th ¶, first sentence, as**
16 **enacted by PL 1981, c. 581, §2, is amended to read:**

17 Malt liquor, table wines or ~~distilled~~ spirits may be
18 withdrawn from special warehouse storage facilities by
19 authorized out-of-state purchasers and that certificate
20 authorizes the direct transportation of these products to
21 the state border for delivery to such out-of-state pur-
22 chasers.

23 **Sec. 123. 28 MRSA §801, first sentence, as repealed**
24 **and replaced by PL 1979, c. 663, §165, is amended to read:**

25 Licenses for the sale of spirituous and vinous liquor
26 and malt liquor to be consumed on the premises where sold
27 may be issued to clubs and to bona fide qualified catering
28 services, hotels, restaurants, vessels, railroad dining
29 cars, airlines, to incorporated civic organizations pursuant
30 to section 801-B, civic auditoriums and performing arts cen-
31 ters on payment of the fees provided; subject to the provi-
32 sions of section ~~252~~ 252-A and to the condition that the
33 initial application therefor be approved by the municipal
34 officers of the town or city in which that intended licen-
35 see, if operating a qualified catering service, club, res-
36 taurant, hotel or civic auditorium is operating the same,
37 and if that qualified catering service, hotel, restaurant or
38 club is located in an unorganized place, that application
39 shall be approved by the county commissioners of the county,
40 within which that unorganized place is located, and subject
41 to the further condition that licenses issued to restau-
42 rants, except Class A restaurants, shall be limited to malt
43 liquor or wine, or both.

1 Sec. 124. 29 MRSA §242, sub-§1, ¶C, sub-¶(1) is
2 repealed and the following enacted in its place:

3 (1) Operating under chapter 25, or under Title
4 35, chapter 91 or 97; or

5 Sec. 125. 29 MRSA §582, sub-§4, as enacted by PL 1981,
6 c. 492, Pt. E, §18, is reallocated to 29 MRSA §582, sub-§5.

7 Sec. 126. 29 MRSA §1317, as repealed and replaced by
8 PL 1977, c. 243, is amended to read:

9 §1317. Motor vehicles in racing events

10 Sections 1252, ~~1311~~ and 1314 shall not apply to the
11 operation of vehicles participating in racing events and
12 exhibitions at which the public does not have access to the
13 operating area and shall not apply to the use of motor vehi-
14 cles on private land to which the public does not have ac-
15 cess when used by the landowner or used with authorization
16 of the landowner.

17 Sec. 127. 29 MRSA §1553, last sentence is amended to
18 read:

19 A rule, regulation or code, or any part thereof, which shall
20 be inconsistent with rules and regulations adopted by either
21 the Public Utilities Commission Bureau of State Police under
22 chapter 25, Title 35, chapters 1 to 17 and chapters the
23 Department of Transportation under chapter 91 to or 97 or by
24 the Interstate Commerce Commission under Part II of the
25 Interstate Commerce Act of 1935 as amended Ex Parte No.
26 MC--40, shall not apply to motor vehicles subject to regula-
27 tion by the Public Utilities Commission Bureau of State
28 Police, Department of Transportation or by the Interstate
29 Commerce Commission, respectively.

30 Sec. 128. 29 MRSA §2241, sub-§1, ¶I, as enacted by PL
31 1977, c. 694, §522, is amended to read:

32 I. Has failed to appear in court on the day specified,
33 either in person or by counsel, after being ordered to
34 do so to answer any violation of chapter 25 or Title
35 35, ~~chapters~~ chapter 91 to or 97.

36 Sec. 129. 29 MRSA §2352, sub-§1, ¶¶B and C, as amended
37 by PL 1981, c. 110, §§1 to 3 and as repealed and replaced by
38 PL 1981, c. 492, Pt. E., §19, are repealed and the following
39 enacted in their place:

1 B. §6:

2 (1) For filing an application for a first certif-
3 icate of title including security interest;

4 (2) For filing notice of a security interest
5 after the first certificate of title has been
6 issued;

7 (3) For a certificate of title after a transfer;
8 and

9 (4) For a certificate of salvage pursuant to
10 section 2377;

11 C. §5:

12 (1) For a corrected certificate of title or cer-
13 tificate of salvage; and

14 (2) For duplicate certificate of title or certif-
15 icate of salvage pursuant to section 2377; and

16 **Sec. 130. 29 MRSA §2501, first sentence, as enacted by**
17 **PL 1979, c.464, §5, is amended to read:**

18 Any law enforcement officer in uniform whose duty it is
19 to enforce the motor vehicle laws may stop and examine any
20 motor vehicle for the purpose of ascertaining whether its
21 equipment complies with the requirements of section ~~2502~~
22 2503, and the officer may demand and inspect the operator's
23 license, certificate of registration and permits.

24 **Sec. 131. 29 MRSA §2504, sub-§1, as enacted by PL**
25 **1979, c. 464, §5, is amended to read:**

26 1. Nonfunctioning equipment. Any equipment as de-
27 scribed in section ~~2503~~ ~~2502~~ that does not function, does
28 not function sufficiently for the safety of the general
29 public or is loose and not securely attached to the vehicle;
30 and

31 **Sec. 132. 29 MRSA §2507-A, sub-§§1 and 2, as enacted**
32 **by PL 1979, c. 673, §14, are amended to read:**

33 1. Motor vehicles required to meet standard. Except
34 as provided in section 2507 regarding vehicles requiring
35 body repair, no dealer or holder of a transporter registra-
36 tion certificate in new or used motor vehicles may permit
37 any vehicle under his ownership or control to be sold or

1 transferred to another person or legal entity for operation
2 upon the highways unless the vehicle meets the inspection
3 standards required by section ~~2502~~ 2503 and the rules and
4 regulations promulgated thereunder.

5 2. Dealer liable. It is no defense to this section
6 that the dealer or holder of a transporter registration cer-
7 tificate complied with section 2507 or did not know that the
8 vehicle failed to meet the requirement of section ~~2502~~ 2503
9 and the rules and regulations promulgated thereunder.

10 **Sec. 133.** 30 MRSA §66, as enacted by PL 1981, c. 403,
11 §1, is amended to read:

12 §66. County commissioners' authority

13 The county commissioners shall have final authority
14 over the operation of all county offices by elected or
15 appointed county officers, except in circumstances for which
16 a County Personnel Board has been established under subchap-
17 ter VII with the powers and duties set forth in that sub-
18 chapter and in section 64-A.

19 **Sec. 134.** 30 MRSA §403-A, 2nd sentence, as enacted by
20 PL 1981, c.406, §2, is repealed and the following enacted in
21 its place:

22 Unorganized territory and countywide funds may only be com-
23 mingled for investment purposes.

24 **Sec. 135.** 30 MRSA §403-A, last sentence, as enacted by
25 PL 1981, c. 406, §2, is repealed and the following enacted
26 in its place:

27 No countywide funds, nor return on investments of countywide
28 funds, may be used to fund, expenditures for services that a
29 county is providing to unorganized territories in lieu of
30 municipal government.

31 **Sec. 136.** 30 MRSA §1901, first ¶, as amended by PL
32 1979, c. 127, §174, is repealed and the following enacted in
33 its place:

34 The listed terms as used in chapters 201 to 213, 235
35 and 239, subchapters I-A to VI, chapters 241, 243 to 245 and
36 Title 10, chapter 110, subchapter IV are defined as follows,
37 unless a different meaning is plainly required by the con-
38 text.

1 **Sec. 137. 30 MRSA §1901, sub-§2, last sentence, as**
2 **amended by PL 1969, c. 519, §1, is repealed and the follow-**
3 **ing enacted in its place:**

4 Any obligation or expenses incurred by the municipality in
5 connection with any of the foregoing items of cost, includ-
6 ing the payment in whole or in part of indebtedness incurred
7 to pay such obligations or expenses and interest thereon,
8 may be regarded as a part of such cost and reimbursed to the
9 municipality out of the proceeds of revenue bonds issued
10 under chapters 201 to 213, 223, 235, 239 to 241, 243 to 245
11 and Title 10, chapter 110, subchapter IV.

12 **Sec. 138. 30 MRSA §2365, last sentence, as enacted by**
13 **PL 1981, c. 269, is amended to read:**

14 This shall include investigation of the applicants appli-
15 cant's abilities, reputation for truthfulness and respect
16 for the law.

17 **Sec. 139. 30 MRSA §5062, first ¶, as reenacted by PL**
18 **1975, c. 770, §178, is amended to read:**

19 The limitations on municipal debt in section 5061 shall
20 not be construed as applying to any funds received in trust
21 by any municipality, any loan which has been funded or
22 refunded, notes issued in anticipation of federal or state
23 aid or revenue sharing money, tax anticipation loans, notes
24 maturing in the current municipal year, indebtedness of
25 entities other than municipalities, indebtedness of any
26 municipality to the Maine School Building Authority, debt
27 issued under chapter 235 and ~~chapter 242~~ Title 10, chapter
28 110, subchapter IV, obligations payable from revenues of the
29 current municipal year or from other revenues previously
30 appropriated by or committed to the municipality, and the
31 state reimbursable portion of school debt.

32 **Sec. 140. 30 MRSA §5163, sub-§8, as amended by PL**
33 **1973, c. 97, §1, is further amended to read:**

34 8. Municipal security. "Municipal security" means a
35 bond or note or evidence of debt issued by a governmental
36 unit and payable from taxes or from rates, charges or
37 assessments, but shall not include any bond or note or evi-
38 dence of debt issued under chapter 235 or ~~chapter 242~~ Title
39 10, chapter 110, subchapter IV.

40 **Sec. 141. 30 MRSA §5325, sub-§1, as amended by PL**
41 **1981, c. 340, §§1 and 2 and as repealed by PL 1981, c. 476,**
42 **§3, is repealed.**

1 Sec. 142. 30 MRSA §5326, sub-§2, as amended by PL
2 1981, c. 320, §2 and c. 338, §1 and as repealed by PL 1981,
3 c. 476, §3, is repealed.

4 Sec. 143. 30 MRSA §5326, sub-§2-D, as enacted by PL
5 1981, c. 340, § 3, is repealed.

6 Sec. 144. 30 MRSA §5326, sub-§5, as amended by PL
7 1981, c. 340, §4 and as repealed by PL 1981, c. 476, §3, is
8 repealed.

9 Sec. 145. 30 MRSA §5326, sub-§11, as enacted by PL
10 1981, c. 338, §2, is repealed.

11 Sec. 146. 30 MRSA §5328, sub-§4-E, as enacted by PL
12 1981, c. 340, §5, is repealed.

13 Sec. 147. 30 MRSA §5341, as amended by PL 1981, c.
14 470, Pt. A, §150 and as repealed by PL 1981, c. 476, §3, is
15 repealed.

16 Sec. 148. 31 MRSA §6, as enacted by PL 1967, c. 157,
17 is amended by adding at the end a new sentence to read:

18 A limited partnership may use the term "limited partnership"
19 as part of its name.

20 Sec. 149. 32 MRSA §352, sub-§3, as amended by PL 1977,
21 c. 604, §10 and as repealed and replaced by PL 1977, c.
22 694, §552, is repealed and the following enacted in its
23 place:

24 3. Hearings. The board shall conduct the hearings and
25 keep such records and minutes as are necessary to the ordi-
26 nary dispatch of its functions. All hearings shall be con-
27 ducted in accordance with the Maine Administrative Procedure
28 Act, Title 5, chapter 375.

29 The commissioner shall act as a liaison between the board
30 and the Governor.

31 The commissioner shall not have the authority to exercise or
32 interfere with the exercise of discretionary, regulatory or
33 licensing authority granted by statute to the board.

34 The board shall submit to the Commissioner of Business Regu-
35 lation its budgetary requirements in the same manner as is
36 provided in Title 5, section 1665, and the commissioner
37 shall in turn transmit these requirements to the Bureau of
38 the Budget without any revision, alteration or change.

1 Sec. 150. 32 MRSA §582, last sentence, as amended by
2 PL 1979, c. 127, §176, is repealed.

3 Sec. 151. 32 MRSA §802, last sentence, as repealed and
4 replaced by PL 1975, c. 767, §25, is repealed.

5 Sec. 152. 32 MRSA §1104, 3rd ¶, first sentence, as
6 amended by PL 1981, c. 432, §5 and c. 470, Pt. A, §151, is
7 repealed and the following enacted in its place:

8 The decision of the Superior Court on an appeal as pro-
9 vided is final.

10 Sec. 153. 32 MRSA §1309, last sentence, as repealed
11 and replaced by PL 1981, c. 2 and as amended by PL 1981, c.
12 456, Pt. A, §109, is repealed and the following enacted in
13 its place:

14 Copies of the roster and of the supplementary roster shall
15 be mailed to each person listed therein and furnished to the
16 public upon request.

17 Sec. 154. 32 MRSA §1679, as amended by PL 1981, c. 5,
18 §6 and c. 456, Pt. A, §112, is repealed and the following
19 enacted in its place:

20 §1679. Rosters of land surveyors

21 Rosters, showing the names and places of business of
22 all registered land surveyors, shall be prepared by the
23 secretary of the board during the month of January of each
24 even-numbered year. Copies of these rosters shall be mailed
25 to each person so registered and furnished to the public
26 upon request.

27 Sec. 155. 32 MRSA §4123, sub-§2, last sentence, as
28 enacted by PL 1981, c. 75, is amended to read:

29 Failure to remedy within the additional 60-day period auto-
30 matically rescinds the conditional operating consent set
31 forth in this Part subchapter and the applicant home service
32 company shall cease doing business in this State until duly
33 licensed.

34 Sec. 156. 32 MRSA §4125, sub-§4, first sentence, as
35 enacted by PL 1981, c. 75, is amended to read:

36 The State is responsible for the safekeeping of all securi-
37 ties deposited with the Treasurer of State under this Part
38 subchapter at the expense of the depositor.

1 **Sec. 157. 32 MRSA §4127, first sentence,** as enacted by
2 PL 1981, c. 75, is amended to read:

3 Each license as a home service company issued under
4 this ~~Part~~ subchapter expires 2 years from the date of issu-
5 ance or expires upon termination of the surety bond required
6 under section 4125 if not otherwise in compliance with that
7 section.

8 **Sec. 158. 32 MRSA §6057,** as repealed by PL 1981, c.
9 126, §1 and as amended by PL 1981, c. 470, Pt. A, §155, is
10 repealed.

11 **Sec. 159. 32 MRSA §8113, first sentence,** as enacted by
12 PL 1981, c. 126, §2, is amended to read:

13 The commissioner may, after a hearing in conformance
14 with the Maine Administrative Procedure Act, Title 5, chap-
15 ter 375, subchapter IV, refuse to issue or renew a license.

16 **Sec. 160. 33 MRSA §353-A,** as enacted by PL 1981, c.
17 181, §3, is amended by adding after the 2nd paragraph a new
18 paragraph to read:

19 All foreclosures commenced on or after October 1, 1975,
20 of real estate mortgages executed on, or prior to, October
21 1, 1975, using the method of foreclosure set forth in Title
22 14, sections 6321 to 6324 for which the period of redemption
23 allowed was not less than one year and that would be valid
24 but for the date of execution of the mortgage are valid and
25 effective according to their terms.

26 **Sec. 161. 33 MRSA §601, last sentence,** as repealed and
27 replaced by PL 1975, c. 445, §1, is repealed.

28 **Sec. 162. 33 MRSA §605, first sentence,** as amended by
29 PL 1981, c. 279, §20 and c. 394, §8, is repealed and the
30 following enacted in its place:

31 Each register shall appoint a deputy register of deeds
32 subject to the requirements of Title 30, section 64-A; the
33 deputy register shall be sworn.

34 **Sec. 163. 33 MRSA §607** is repealed.

35 **Sec. 164. 33 MRSA §608** is amended to read:

36 §608. Removal of register for misconduct or incapacity

1 When on presentment of the grand jury or information of
2 the Attorney General to the Superior Court, any register of
3 deeds, by default, confession, demurrer or verdict, after
4 due notice, is found guilty of misconduct in his office or
5 incapable of discharging its duties, the court shall enter
6 judgment for his removal from office and issue a writ to the
7 sheriff to take possession of all the books and papers
8 belonging thereto and deliver them to the clerk of said
9 court, that he may perform the duties of register as pre-
10 scribed in sections 606 and 607 register of deeds.

11 **Sec. 165.** 34 MRSA §871, first ¶, 4th sentence, as
12 enacted by PL 1981, c. 382, is amended to read:

13 All persons transferred to the Charleston Correctional
14 Facility shall be detained and confined in accordance with
15 the sentences of the court and the policies and procedures
16 of the Department of Mental Health and Corrections.

17 **Sec. 166.** 35 MRSA §827, as repealed by PL 1981, c.
18 456, Pt. A, §119 and as amended by PL 1981, c. 469, §32, is
19 repealed.

20 **Sec. 167.** 35 MRSA §1560, sub-§1, last 2 sentences, as
21 enacted by PL 1981, c. 263, repealed by PL 1981, c. 469, §54
22 and as amended by PL 1981, c. 470, Pt. B, §12, are repealed.

23 **Sec. 168.** 35 MRSA §2323, sub-§3, as repealed and
24 replaced by PL 1981, c. 450, §3, is amended by adding before
25 the first sentence a new sentence to read:

26 "Small power producer" means a municipality, person or cor-
27 poration owning or operating a power production facility
28 with a power production capacity which, together with any
29 other facilities located at the same site, does not exceed
30 80 megawatts of electricity and which depends upon renewable
31 resources for its primary source of energy.

32 **Sec. 169.** 36 MRSA §111, first sentence, as enacted by
33 PL 1979, c. 378, §2, is amended to read:

34 As used in this title Title, unless the context other-
35 wise indicates, the following terms shall have the following
36 meanings.

37 **Sec. 170.** 36 MRSA §111, sub-§2, 3rd ¶, as enacted by
38 PL 1979, c. 378, §2, is amended to read:

39 In the case of a joint income tax return, notice may be a
40 single joint notice except except that, if the State Tax

1 Assessor is notified by either spouse that separate resi-
2 dences have been established, he shall mail a joint notice
3 to each spouse.

4 Sec. 171. 36 MRSA §191, sub-§2, ¶H, as amended by PL
5 1981, c. 364, §18 and c. 504, §1, is repealed and the fol-
6 lowing enacted in its place:

7 H. The disclosure by the State Tax Assessor of the
8 fact that a person is or is not registered under this
9 Title or disclosure of both the fact that a registra-
10 tion under this Title has been revoked and the reasons
11 for revocation;

12 Sec. 172. 36 MRSA c. 102, first 4 lines, as enacted by
13 PL 1973, c. 620, §10, are repealed and the following enacted
14 in their place:

15 CHAPTER 102

16 PROPERTY TAX ADMINISTRATION

17 SUBCHAPTER I

18 BUREAU OF TAXATION

19 Sec. 173. 36 MRSA §381, first and 4th sentences, as
20 repealed and replaced by PL 1975, c. 272, §35, are repealed
21 and the following enacted in their place:

22 The term "state valuation" as used in reference to the
23 unorganized territory in this Title, except in this chapter,
24 means an annual valuation of all property subject to a Maine
25 property tax but not taxable by a municipality.

26 In this chapter and outside of this Title, the term "state
27 valuation" means the valuation filed with the Secretary of
28 State pursuant to section 305, subsection 1.

29 Sec. 174. 36 MRSA §653, sub-§1, ¶F, sub-¶¶(1) and (2),
30 as amended by PL 1981, c. 133, §3 and as repealed PL 1981,
31 c. 523, §1, are repealed.

32 Sec. 175. 36 MRSA §843, sub-§1, first sentence, as
33 amended by PL 1981, c. 30, §3 and c. 364, §21, is repealed
34 and the following enacted in its place:

35 Where the municipality has adopted a board of assessment
36 review, if the assessors or the municipal officers refuse to
37 make the abatement asked for, the applicant may apply in

1 writing to the board of assessment review within 60 days
2 after notice of the decision from which the appeal is being
3 taken or after the application is deemed to have been
4 denied, and, if the board thinks he is over-assessed, he
5 shall be granted such reasonable abatement as the board
6 thinks proper.

7 Sec. 176. 36 MRSA §1109, sub-§1, last sentence, as
8 amended by PL 1977, c.509, §24, is repealed as follows:

9 The assessor shall file with the register of deeds in the
10 appropriate county, on or before June 1st in each year, a
11 list of all parcels of land classified under this subchap-
12 ter.

13 Sec. 177. 36 MRSA §1282, 5th ¶, as amended by PL 1969,
14 c. 2, §2, is further amended to read:

15 In the event that such tax, interest and costs,
16 together with \$1 \$5 for recording the discharge, shall be
17 paid within the period of redemption, the State Tax Assessor
18 shall discharge ~~said that~~ mortgage in the same manner as is
19 now provided for the discharge of real estate mortgages and
20 shall record such that discharge in the appropriate registry
21 of deeds.

22 Sec. 178. 36 MRSA §2961, first ¶ is amended to read:

23 The term "motor carrier" as used in this chapter means
24 every person, firm or corporation which is engaged in intra-
25 state or interstate commerce, or both, and which operates or
26 causes to be operated on any way in this State any motor
27 vehicle for the transportation of property or passengers for
28 hire as a contract or common carrier for which a certificate
29 or permit is required under Title 29, chapter 25 and Title
30 35, chapters 91 ~~to~~ or 97 for the operation of such motor
31 vehicle.

32 Sec. 179. 36 MRSA §3035, 3rd ¶, as last amended by PL
33 1971, c. 529, §8, is further amended to read:

34 At the time of the filing of ~~said the~~ report each use
35 fuel dealer shall pay to the State Tax Assessor a tax of 9¢
36 upon each gallon so reported as sold or used, ~~and the State~~
37 ~~Tax Assessor shall pay over all receipts from such tax to~~
38 ~~the Treasurer of State daily.~~

39 Sec. 180. 36 MRSA §4509, as last amended by PL 1981,
40 c. 364, §51 and as repealed and replaced by PL 1981, c. 470,
41 Pt. A, §161, is repealed and the following enacted in its
42 place:

1 §4509. Reports; payment of tax

2 Every dealer shall, on or before the 20th day of each
3 month, report to the State Tax Assessor the quantity of milk
4 received by him during the preceding calendar month. Upon
5 application to the State Tax Assessor, dealers who sell less
6 than 100 quarts of milk each day may be permitted by the
7 State Tax Assessor to file reports quarterly upon the 20th
8 day of the month following the quarter. Reports shall be on
9 forms to be furnished by the State Tax Assessor and shall
10 contain such further information as the State Tax Assessor
11 may prescribe. On the filing of a report, each dealer shall
12 pay to the State Tax Assessor a tax at the rate imposed by
13 section 4505 upon all milk so reported.

14 Sec. 181. 36 MRSA §5205, as amended by PL 1977, c.
15 686, §13, is repealed.

16 Sec. 182. 36 MRSA §5210, as amended by PL 1979, c.
17 541, Pt. A, §236, is repealed and the following enacted in
18 its place:

19 §5210. Definitions

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

22 1. Business income. "Business income" means income
23 arising from transactions and activity in the regular course
24 of the taxpayer's trade or business and includes income from
25 tangible and intangible property if the acquisition, manage-
26 ment and disposition of the property constitutes integral
27 parts of the taxpayer's regular trade or business opera-
28 tions.

29 2. Commercial domicile. "Commercial domicile" means
30 the principal place from which the trade or business of the
31 taxpayer is directed or managed.

32 3. Compensation. "Compensation" means wages, sal-
33 aries, commissions and any other form of remuneration paid
34 to employees for personal services.

35 4. Nonbusiness income. "Nonbusiness income" means all
36 income other than business income.

37 5. Sales. "Sales" means all gross receipts of the
38 taxpayer not allocated under section 5211, subsections 3 to
39 7.

1 6. State. "State" means any state of the United
2 States, District of Columbia, the Commonwealth of Puerto
3 Rico, any territory or possession of the United States, and
4 any foreign country or political subdivision thereof.

5 Sec. 183. 36 MRSA §5256, sub-§3, as enacted by P&SL
6 1969, c. 154, §F, is amended to read:

7 3. Termination of taxable year for jeopardy. Notwith-
8 standing the provisions of subsections 1 and 2, if the
9 assessor terminates the taxpayer's taxable year under
10 section ~~5324~~ 141, relating to tax in jeopardy, the tax shall
11 be computed for the period determined by such action.

12 Sec. 184. 36 MRSA §6108, as repealed and replaced by
13 PL 1981, c. 538, §1, is amended to read:

14 §6108. Income limitation

15 No claim otherwise allowable may be granted to claim-
16 ants of single member households with household income in
17 excess of \$5,600 in calendar year 1980 and \$6,200 in each
18 succeeding succeeding year for which relief is requested; and
19 no claim otherwise allowable may be granted to claimants of
20 households of 2 or more members with income in excess of
21 \$6,700 in calendar year 1980 and \$7,400 in each succeeding
22 year for which relief is requested.

23 Sec. 185. 38 MRSA §482, sub-§5, ¶D, sub-¶(2), as
24 enacted by PL 1981, c. 227, §2, is amended to read:

25 (2) Personal, nonprofit transactions, such as the
26 transfer of lots by gift or devise devise.

27 Sec. 186. 38 MRSA §1304, sub-§9, as enacted by PL
28 1981, c.430, §11, is reallocated to 38 MRSA §1304, sub-§10.

29 Sec. 187. 39 MRSA §91, 4th ¶, first sentence, as
30 amended by PL 1979, c. 548, §4, is further amended to read:

31 The chairman shall appoint, supervise and direct an
32 ~~executive secretary~~ a director of administrative services,
33 full-time or part-time reporters and such clerical assis-
34 tance as may be necessary, subject to the Personnel Law.

35 Sec. 188. 39 MRSA §99, 2nd ¶, 3rd sentence, as enacted
36 by PL 1977, c. 632, §2, is amended to read:

37 The running of the time for appeal, including certification
38 and presentation to the court Appellate Division under

1 section ~~103~~ 103-B, is terminated by a timely motion made
2 pursuant to this section, and the full time for this appeal
3 commences to run and is to be computed from the filing of
4 those findings, conclusions and revised decision.

5 Sec. 189. 39 MRSA §99, 2nd ¶, last sentence, as
6 enacted by PL 1977, c. 632, §2, is amended to read:

7 The running of the time for appeal, including certification
8 and presentation to the ~~court~~ division under section ~~103~~
9 103-B, is terminated by a timely motion made pursuant to
10 this section, and the full time for this appeal commences to
11 run and is to be computed from the filing of those findings,
12 conclusions and revised decision.

13 Sec. 190. 39 MRSA §99, 3rd ¶, last sentence, as
14 enacted by PL 1981, c. 199, §5, is amended to read:

15 During the pendency of an appeal, these mistakes may be so
16 corrected before the appeal is docketed in the ~~Superior~~
17 Court division or Supreme Judicial Court and thereafter
18 while the appeal is pending may be so corrected with leave
19 of the ~~Superior Court~~ division or Supreme Judicial Court.

20 Sec. 191. 39 MRSA §100, sub-§3, as enacted by PL 1981,
21 c. 514, §4, is amended to read:

22 3. Petition procedure. Sections 96 96-A to 99 apply to
23 petitions brought under this section.

24 Sec. 192. 39 MRSA §103-D, as enacted by PL 1981, c.
25 514, §6, is amended to read:

26 §103-D. Report to the Law Court

27 Decisions of the ~~division~~ commission may be reported
28 directly to the Law Court pursuant to the Maine Rules of
29 Civil Procedure, Rule 72.

30 Sec. 193. 39 MRSA §103-E, as enacted by PL 1981, c.
31 514, §6, is amended by adding at the end 4 new sentences to
32 read:

33 Any party in interest may present copies, certified by the
34 clerk of the commission or of the division, of any order or
35 decision of the commission or of the division, or of any
36 memorandum of agreement approved by the commission to the
37 clerk of courts for the county in which the injury occurred;
38 or if the injury occurred without the State, to the clerk
39 of courts for the County of Kennebec. Whereupon any Justice

1 of the Superior Court shall render a pro forma decision in
2 accordance therewith and cause all interested parties to be
3 notified. The decision shall have the same effect and all
4 proceedings in relation thereto shall thereafter be the same
5 as though rendered in an action in which equitable relief is
6 sought, duly heard and determined by the court. The deci-
7 sion shall be for enforcement of a commission decision,
8 order or agreement; appeals from a commission decision,
9 order or agreement shall be in accordance with section
10 103-B.

11 **Sec. 194.** 39 MRSA §104, as last amended by PL 1977, c.
12 709, §7, is repealed.

13 **Sec. 195.** 39 MRSA §104-A, sub-§1, first, 2nd and 3rd
14 sentences, as repealed and replaced by PL 1977, c. 333, are
15 amended to read:

16 Within 10 days after the receipt of notice of an approved
17 agreement for payment of compensation or within 10 days
18 after any order or decision of the commission awarding com-
19 pensation. Payment shall not be suspended thereafter in the
20 event of appeal to the Appellate Division as provided in
21 section 103-B or, if the division finds that the employee is
22 entitled to compensation, in the event of appeal to the Law
23 Court from such order or a decision of the division as pro-
24 vided in section 103 section 103-C, except that the commis-
25 sion shall retain jurisdiction, pending the decision on
26 appeal, to enter orders or decisions as provided in section
27 100. If the commission, after a review of incapacity under
28 section 100, issues an order or decision denying compensa-
29 tion to an employee, compensation shall be suspended from
30 the date of the commission's order or decision, notwith-
31 standing any appeal of that order or decision to the law
32 court as provided in section 103 division as provided in
33 section 103-B, or any report or appeal to the Law Court as
34 provided in sections 103-C and 103-D.

35 **Sec. 196.** 39 MRSA §104-A, sub-§1, 4th sentence, as
36 enacted by PL 1981, c. 485, is amended to read:

37 The employer or insurer may recover from an employee pay-
38 ments made pending appeal to the Appellate Division or pend-
39 ing report or appeal to the Law Court if and to the extent
40 that the Appellate Division or the Law Court has decided
41 that the employee was not entitled to the compensation paid.

42 **Sec. 197.** PL 1981, c. 508, §§ 2 and 3 are amended to
43 read:

- 1 5. This section removes a reference to a statutory
2 provision that was repealed by PL 1981, c. 469,
3 §54.
- 4 6. This section resolves a conflict between PL 1981,
5 c. 359, §2 and PL 1981, c. 501, §2.
- 6 7. This section removes a reference to a statutory
7 provision that has been repealed.
- 8 8. This section resolves a conflict between the
9 Errors Bill of last session and PL 1981, c. 61.
- 10 9. This section reallocates a paragraph which was
11 assigned the same paragraph letter as a bill
12 enacted earlier in the last session.
- 13 10-11. These sections resolve a conflict between the
14 Errors Bill of last session and PL 1981, c. 524,
15 §7.
- 16 12. This section resolves a conflict between the
17 Errors Bill of last session and PL 1981, c. 524,
18 §10.
- 19 13. This section removes a reference to a statutory
20 provision that has been repealed.
- 21 14. This section corrects an incorrect word.
- 22 15. This section corrects a spelling error.
- 23 16. This section corrects a reference to the statutory
24 provisions relating to animal abuse.
- 25 17. This section corrects a reference to a statutory
26 provision which has been reallocated.
- 27 18. This section corrects a reference to a statutory
28 Article.
- 29 19. This section corrects a reference to a statutory
30 section which has been reallocated.
- 31 20. This section corrects a spelling error.
- 32 21-23. These sections reallocate a paragraph that was
33 erroneously enacted under the wrong section.
- 34 24. This section corrects a reference to statutory
35 provisions that have reallocated.

- 1 25. This section corrects a reference to statutory
2 provisions that have been reallocated.
- 3 26. This section corrects a reference to statutory
4 provisions that have been reallocated.
- 5 27. This section corrects a reference to statutory
6 provisions that have been reallocated.
- 7 28. This section corrects a reference to statutory
8 provisions that have reallocated.
- 9 29-48. These sections resolve a conflict between PL 1981,
10 c. 476 and several other bills enacted at the last
11 session.
- 12 49-50. These sections resolve a conflict between PL 1981,
13 c. 425 and PL 1981, c. 476.
- 14 51-52. These sections reallocate a paragraph that was
15 omitted when a statutory section was reallocated.
- 16 53. This section corrects a spelling error.
- 17 54. This section resolves conflicts with the Maine
18 Guarantee Authority recodification, PL 1981, c.
19 476, and other substantive bills enacted last
20 year.
- 21 55. This section reallocates statutory language that
22 was omitted when PL 1981, c. 476 reallocated
23 several statutory sections.
- 24 56. This section resolves a conflict with the Maine
25 Guarantee Authority recodification, PL 1981, c.
26 476, and other substantive bills enacted last
27 year.
- 28 57-58. These sections reallocate statutory language that
29 was omitted when PL 1981, c. 476 reallocated
30 several statutory sections.
- 31 59. This section resolves conflicts with the Maine
32 Guarantee Authority recodification, PL 1981, c.
33 476, and other substantive bills enacted last
34 year.
- 35 60-61. These sections correct the indentation of a sub-
36 section.

- 1 62-66. These sections reallocate statutory language that
2 was omitted when PL 1981, c. 476 reallocated
3 several statutory sections.
- 4 67. This section corrects an error in the Maine Guar-
5 antee Authority recodification bill of the First
6 Regular Session of the 110th Legislature.
- 7 68. This section corrects an error in PL 1981, c. 476
8 by conforming this section to the definition of a
9 community industrial building project.
- 10 69. This section repeals statutory language that was
11 reallocated in PL 1979, c. 545.
- 12 70. This section repeals a redundant paragraph in a
13 statutory section.
- 14 71-72. These sections resolve a conflict between PL 1981,
15 c. 414 and PL 1981, c. 505.
- 16 73. This section resolves a conflict between PL 1981,
17 c. 12 and PL 1981, c. 414.
- 18 74. This section corrects an incomplete statutory ref-
19 erence caused by the enactment of the new drunk
20 driving law.
- 21 75-79. These sections clarify ambiguities in the credit-
22 ing and expenditure of funds and from the Snow-
23 mobile Trail Fund which resulted during the
24 recodification of that statute.
- 25 80. This section corrects an incomplete statutory ref-
26 erence resulting from the enactment of the new
27 drunk driving law.
- 28 81. This section removes a reference to a statutory
29 provision which has been repealed.
- 30 82. This section corrects a reference to a statutory
31 provision which has been reallocated.
- 32 83. This section removes a reference to a statutory
33 provision which has been repealed.
- 34 84. This section removes a reference to a statutory
35 provision which has been repealed.
- 36 85. This section corrects a spelling error.

- 1 86. This section deletes inconsistent language.
- 2 87. This section corrects references to statutory
3 provisions which have been reallocated.
- 4 88-89. These sections resolve a conflict between PL 1981,
5 c. 130 and PL 1981, c. 412.
- 6 90. This section corrects a reference to a statutory
7 provision which has been reallocated.
- 8 91. This section clarifies that the right of the Com-
9 missioner of Human Services to recover benefits
10 paid under the Medicaid Program lies against enti-
11 ties which are statutorily liable for benefits in
12 addition to those which are civilly liable. It
13 also corrects a reference to a United States stat-
14 ute.
- 15 92-93. These sections resolve a conflict between the
16 Errors Bill of last session and PL 1981, c. 527.
- 17 94. This section resolves a conflict between the
18 Errors Bill of last session and PL 1981, c. 527, §
19 1.
- 20 95. This section corrects a reference to a United
21 States law.
- 22 96. This section corrects a chapter heading.
- 23 97. This section resolves a conflict between PL 1981,
24 c. 456 and PL 1981, c. 492.
- 25 98. This section removes a reference to a statutory
26 provision which has been repealed.
- 27 99. This section corrects a reference to a statutory
28 provision which has been reallocated.
- 29 100. This section resolves a conflict between PL 1981,
30 c. 318 and the Errors Bill of last session.
- 31 101. This section resolves a conflict between PL 1981,
32 c. 98 and PL 1981, c. 456.
- 33 102. This section reallocates a statutory provision
34 which was assigned to the same section number as
35 another statutory provision.

- 1 103. This section corrects references to several statu-
2 tory provisions.
- 3 104. This section corrects a reference to a statutory
4 provision which has been reallocated.
- 5 105. This section clarifies an internal reference.
- 6 106-107. These sections insert a chapter heading which was
7 omitted when the subchapter was enacted.
- 8 108. This section corrects a typographical error.
- 9 109. This section removes references to statutory
10 provisions which have been repealed.
- 11 110-111. These sections resolve a conflict between PL 1981,
12 c. 470, Pt. A, §141 and PL 1981, c. 407.
- 13 112. This section clarifies that the exception to
14 exclusion from collective bargaining is limited to
15 deputies, jailers and their subordinates.
- 16 113. This section amends the employment security law to
17 ensure that the "rate of insured employment" is
18 determined with regard to claimants for regular
19 benefits and not claimants for extended benefits
20 to comply with federal regulations.
- 21 114. This section resolves a conflict between PL 1981,
22 c. 168 and PL 1981, c. 515.
- 23 115. This section resolves a conflict between PL 1981,
24 c. 168 and PL 1981, c. 515.
- 25 116. This section corrects a reference to statutory
26 provisions which have been reallocated.
- 27 117. This section corrects a reference to a legislative
28 committee which was abolished.
- 29 118. This section corrects a reference to statutory
30 provisions which have been reallocated.
- 31 119. This section corrects a reference to statutory
32 provisions which have been reallocated.
- 33 120-122. These sections substitute "spirits" for "distilled
34 spirits" in a law this year. The correct term,
35 already defined in the statutes is "spirits" not
36 "distilled spirits."

- 1 123. This section corrects a reference to statutory
2 provisions which have been reallocated.
- 3 124. This section corrects references to statutory
4 provisions which have been repealed or reallo-
5 cated.
- 6 125. This section reallocates a subsection which was
7 assigned to the same subsection number as another
8 statutory provision.
- 9 126. This section removes a reference to a statutory
10 provision which has been repealed.
- 11 127. This section corrects references to statutory
12 provisions which have been reallocated and makes
13 required changes in references to governmental
14 agencies.
- 15 128. This section corrects references to statutory
16 provisions which have been reallocated.
- 17 129. This section resolves a conflict between PL 1981,
18 c. 110, §§2 and 3 and PL 1981, c. 492, Pt. E, §19.
- 19 130-131. These sections correct a reference to a statutory
20 section which was incorrectly cited in the orig-
21 inal law.
- 22 132. This section corrects a statutory reference.
- 23 133. This section corrects possible confusion over the
24 authority of county commissioners and a county
25 personnel board.
- 26 134. As previously enacted this sentence stated that
27 the required separate accounting for unorganized
28 territory funds and countywide funds did not pro-
29 hibit the commingling of these funds. The rest of
30 the subsection refers to prorating the return on
31 investments of unorganized territory and county-
32 wide funds. This section clarifies the language
33 and ensures that commingling of these funds is
34 only for investment purposes.
- 35 135. This section clarifies legislation passed last
36 session to prevent counties from using general
37 county funds for municipal services provided
38 unorganized territories by counties through the
39 Unorganized Territory Education and Services Fund.

- 1 136. This section corrects a reference to statutory
2 provisions which have been reallocated.
- 3 137. This section corrects a reference to statutory
4 provisions which have been reallocated.
- 5 138. This section corrects an error in grammar.
- 6 139-140. These sections correct references to statutory
7 provisions which have been reallocated.
- 8 141. This section resolves a conflict between PL 1981,
9 c. 340 and PL 1981, c. 476.
- 10 142-147. These sections resolve a conflict between PL 1981,
11 c. 320, PL 1981, c. 338, PL 1981, c. 340, PL 1981,
12 c. 470 and PL 1981, c. 476.
- 13 148. Title 31, section 6 was enacted before the adop-
14 tion of the Uniform Limited Partnership Act. Fre-
15 quently foreign limited partnerships apply for
16 authority to transact business in Maine only to be
17 told that their name which may include the term
18 "limited partnership" must be changed. They then
19 must amend their certificate in their home state
20 to reflect this change, usually for Maine only.
21 This eliminates this unwarranted confusion.
- 22 149. This section resolves a conflict between PL 1977,
23 c. 604 and PL 1981, c. 694.
- 24 150. This section removes a reference to a statutory
25 provision which has been repealed.
- 26 151. This section repeals a statutory sentence which
27 was not removed when the section was amended.
- 28 152. This section resolves a conflict between PL 1981,
29 c. 432 and the Errors Bill of last session.
- 30 153. This section resolves a conflict between PL 1981,
31 c. 2 and PL 1981, c. 456, Pt. A, §109.
- 32 154. This section resolves a conflict between PL 1981,
33 c. 5, §6 and PL 1981, c. 456, Pt. A, §112.
- 34 155-157. These sections correct faulty internal references.
- 35 158. This section resolves a conflict between PL 1981,
36 c. 126 and the Errors Bill of last session.

- 1 159. This section inserts a chapter reference which was
2 omitted from a statutory provision.
- 3 160. Judicial foreclosure can be used for mortgages
4 executed on or before October 1, 1975, provided
5 the period of redemption was one year. This
6 section validates those foreclosures to avoid any
7 confusion resulting from inconsistent language in
8 the statutes.
- 9 161. This section removes a reference to a statutory
10 provision which has been repealed.
- 11 162. This section resolves a conflict between PL 1981,
12 c. 279 and PL 1981, c. 394.
- 13 163-164. These sections removes a reference to a statutory
14 provision which has been repealed.
- 15 165. This section corrects a reference to the Depart-
16 ment of Corrections.
- 17 166. This section resolves a conflict between PL 1981,
18 c. 456 and PL 1981, c. 469, §32.
- 19 167. This section resolves a conflict between PL 1981,
20 c. 263, PL 1981, c. 470, Pt. B, §12 and PL 1981,
21 c. 469.
- 22 168. This section replaces provisions that were omitted
23 when the definition of small power producers was
24 revised.
- 25 169. This section corrects an error in capitalization.
- 26 170. This section corrects a spelling error.
- 27 171. This section resolves a conflict between PL 1981,
28 c. 364, §18 and PL 1981, c. 504, §1.
- 29 172. This section changes a chapter heading to conform
30 with internal changes within the chapter.
- 31 173. This section corrects references to statutory
32 provisions which have been repealed.
- 33 174. This section resolves a conflict between PL 1981,
34 c. 133, §3 and PL 1981, c. 523, §1.
- 35 175. This section resolves a conflict between PL 1981,
36 c. 30, §3 and PL 1981, c. 364, §21.

- 1 176. This section corrects an oversight resulting from
2 the passage of PL 1981, c. 364, §23.
- 3 177. This section corrects an inconsistency created by
4 the passage of PL 1981, c. 279, §32.
- 5 178. This section corrects references to statutory
6 provisions which have been repealed or reallo-
7 cated.
- 8 179. This section amends a statutory provision to make
9 it consistent with Title 5, §131.
- 10 180. This section resolves a conflict between PL 1981,
11 c. 364, §51 and PL 1981, c. 470, Pt. A, §161.
- 12 181. This section repeals obsolete language.
- 13 182. This section corrects the scope of a definition
14 section.
- 15 183. This section corrects a reference to a statutory
16 provision which has been reallocated.
- 17 184. This section corrects a spelling error.
- 18 185. This section corrects a spelling error.
- 19 186. This section reallocates a subsection which was
20 assigned to the same subsection number as another
21 subsection.
- 22 187. This section changes the title of a workers' com-
23 pensation commissioner to more adequately describe
24 his duties and to parallel job titles for similar
25 positions elsewhere in State Government.
- 26 188. This section corrects a reference to a statutory
27 provision which has been reallocated.
- 28 189-190. These sections correct references which are incon-
29 sistent with PL 1981, c. 514, §6.
- 30 191. This section removes a reference to a statutory
31 provision which has been repealed.
- 32 192. This section corrects an oversight which occurred
33 when the Appellate Division was created during the
34 last session. The intent of the Legislature was
35 to enable parties to report decisions of the com-

1 mission to the Law Court. Inadvertantly, the word
2 "division" was substituted for the word "commis-
3 sion."

4 193. PL 1981, c. 514 created a new appellate procedure
5 for workers' compensation cases. This section
6 adds language to the "enforcement of commission or
7 division decisions" section which expands and
8 clarifies the enforcement procedure.

9 194. This section repeals a statutory section concern-
10 ing appeals to Superior Court from workers' com-
11 pensation determinations which should have been
12 repealed when the new Appellate Division was cre-
13 ated.

14 195-196. These sections correct an omission in PL 1981, c.
15 514 by establishing procedures for suspension or
16 continuation of payments pending appeal and for
17 repayment for periods pending appeal when payments
18 were denied.

19 197. This section corrects a law enacted last year
20 which erroneously provided for 3 new positions.
21 The study committee report which proposed the
22 legislation and remarks on the floor of the House
23 debating the bill all refer to 4 positions during
24 the 2nd fiscal year. This section corrects that
25 error. The amount of money appropriated is not
26 changed.

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