

MAINE STATE LEGISLATURE

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L.D. 2602

(Filing No. H- 656)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
SECOND REGULAR SESSION

7 COMMITTEE AMENDMENT "^A" to H.P. 1905, L.D. 2602,
8 Bill, "AN ACT Relating to Periodic Justification of
9 Departments, Agencies and Programs of State Government
10 under the Maine Sunset Laws."

11 Amend the bill in section 1 in paragraph B in
12 subparagraph (1) in the last line (page 2, line 26 in
13 L.D.) by inserting after the following: "Maine" the
14 following: 'System'

15 Further amend the bill in section 2 in paragraph A
16 in subparagraph (6) (page 3, line 25 in L.D.) by
17 striking out the following: "and" and in subparagraph
18 (7) (page 3, line 26 in L.D.) by striking out the
19 following: "Licensure." and inserting in its place the
20 following: 'Licensure; and'

21 Further amend the bill in section 2 in paragraph A
22 by inserting at the end the following:

23 '(8) Electricians' Examining Board.'

24 Further amend the bill in section 3 in subsection
25 11 in paragraph A (page 4, line 6 in L.D.) by
26 inserting after the following: "Maine" the following:
27 'System'

28 Further amend the bill in section 3 in subsection
29 11 by striking out all of paragraph D (page 4, line 10
30 in L.D.)

31 Further amend the bill in section 3 in subsection
32 11 by relettering the paragraphs to read consecutively.

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1 Further amend the bill by striking out all of
2 section 4.

3 Further amend the bill in section 15 in that part
4 designated "§10951." in subsection 3 in the 2nd line
5 (page 10, line 37 in L.D.) by striking out the
6 following: "notes, bonds" and inserting in its place
7 the following: "notes, long-term or short-term,"

8 Further amend the bill in section 15 in that part
9 designated "§10951." by striking out all of subsection
10 5.

11 Further amend the bill in section 15 in that part
12 designated "§10951." in subsection 6 in the 2nd and
13 3rd lines (page 11, lines 14 and 15 in L.D.) by
14 striking out the following: ", including borrowing
15 through a financing lease,"

16 Further amend the bill in section 15 in that part
17 designated "§10951." by renumbering the subsections to
18 read consecutively.

19 Further amend the bill in section 15 in that part
20 designated "§10952." in subsection 9 in paragraph D in
21 the last line (page 14, line 15 in L.D.) by inserting
22 after the following: "Government" the following: 'or
23 any other 3rd party'

24 Further amend the bill in section 15 in that part
25 designated "§10955." by striking out all of subsection
26 1 and inserting in its place the following:

27 '1. Form; terms; manner of sale. All evidences
28 of indebtedness issued in connection with the
29 financing transactions pursuant to this chapter may be
30 in serial form; may bear such date or dates; may
31 mature at such time or times, and in such amount or
32 amounts; may bear interest at such rate or rates,
33 including variable or adjustable; may be payable in
34 such form and at such time or times and at such place
35 or places; and may include such redemption and
36 conversion privileges as those votes may provide. All
37 evidences of indebtedness shall be issued and sold
38 under such terms and conditions as the trustees
39 determine. The votes shall provide that the

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1 treasurer shall manually sign evidences of
2 indebtedness and other related financing documents and
3 the votes may provide for counter-signature of those
4 evidences of indebtedness and related documents by
5 another officer, either manually or in facsimile
6 form. All such evidences of indebtedness shall be
7 deemed to be negotiable instruments under the Uniform
8 Commerical Code, Title 11, Article 8.

9 Further amend the bill in section 39 in that part
10 designated "\$7222." in the 2nd line from the end (page
11 29, line 10 in L.D.) by striking out the underlined
12 figure "21" and inserting in its place the underlined
13 figure '22'

14 Further amend the bill by inserting after section
15 47 the following:

16 'Sec. 48. 32 MRSA §1102, sub-§6, as amended by
17 PL 1979, c. 127, §177, is further amended to read:

18 6. Elevator mechanics. Any person licensed under
19 Title 26, sections 484 to 487 subject to the
20 restrictions of the license as issued-; or

21 Sec. 49. 32 MRSA §1102, sub-§7 is enacted to
22 read:

23 7. Low-energy installers. Individuals or
24 employees installing telephone, telegraph, cable and
25 closed-circuit television, data communication and
26 sound equipment.

27 Further amend the bill by inserting after section
28 51 the following:

29 'Sec. 52. 32 MRSA §1201, as repeale'd and
30 replaced by PL 1973, c. 363, is repealed and the
31 following enacted in its place:

32 §1201. License required

33 No electrical installations may be made unless by
34 an electrician or other person licensed by the board
35 except as provided in this chapter.'

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1 Further amend the bill in section 54 in the 8th
2 line (page 57, line 27 in L.D.) by inserting after
3 the underlined words "licensure and" the following:
4 'biennial'

5 Further amend the bill in section 54 in subsection
6 3 by striking out all of paragraphs A to C and
7 inserting in their place the following:

- 8 'A. Journeyman/Journeyman-in-training\$80
- 9 B. Master\$150
- 10 C. Limited\$100'

11 Further amend the bill by inserting after section
12 54 the following:

13 'Sec. 55. 32 MRSA §1204, 2nd ¶, as amended by
14 PL 1985, c. 551, is further amended to read:

15 A license may be renewed up to 90 days after the
16 date of its expiration upon payment of a late fee of
17 \$10 in addition to the renewal fee. Any person who
18 submits an application for renewal more than 90 days
19 after the license expiration date shall be subject to
20 all requirements governing new applicants under this
21 chapter, except that the board may in its discretion,
22 giving due consideration to the protection of the
23 public, waive examination or other requirements if
24 the renewal application is made within 2 years from
25 the date of the expiration. The board may levy
26 penalties for nonrenewal. Notwithstanding any other
27 provision of this chapter, the board shall waive
28 examination if a renewal application is made within 90
29 days after separation from the United States Armed
30 Forces, under conditions other than dishonorable, by a
31 person who has failed to renew his license because he
32 was on active duty in the Armed Forces; provided that
33 the waiver of examination shall not be granted if the
34 person served more than 4 years in the Armed Forces,
35 except if he is required by some mandatory provision
36 to serve a longer period and he shall submit
37 satisfactory evidence of this mandatory provision to
38 the board.'

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1 Further amend the bill in section 66 in subsection
2 1 by striking out all of the next to last paragraph
3 (page 63, lines 23 to 27 in L.D.) and inserting in its
4 place the following:

5 'The board may waive up to one year of the post-master
6 of social work, clinical experience requirement
7 pursuant to this subsection for those candidates who
8 demonstrate to the satisfaction of the board
9 equivalent clinical experience prior to receiving the
10 masters degree in social work.'

11 Further amend the bill by inserting after section
12 68 the following:

13 'Sec. 69. 38 M RSA §570, as amended by PL 1987,
14 c. 491, §22, is repealed and the following enacted in
15 its place:

16 §570 Liability

17 Because it is the intent of this subchapter to
18 provide the means for rapid and effective cleanup and
19 to minimize direct damages as well as indirect damages
20 and the proliferation of 3rd-party claims, each
21 responsible party is jointly and severally liable for
22 all disbursements made by the State pursuant to
23 section 569, subsection 5, paragraphs B, D, E and G,
24 or other damage incurred by the State, including
25 interest computed at 15% a year from the date of
26 expenditure. The commissioner shall demand
27 reimbursement of costs and payment of damages to be
28 recovered under this section and payment shall be made
29 promptly by the responsible party or parties upon whom
30 the demand is made. If payment is not received by the
31 State within 30 days of the demand, the Attorney
32 General may file suit in the Superior Court and, in
33 addition to relief provided by other law, may seek
34 punitive damages as provided in section 568.
35 Notwithstanding the time limits stated in this
36 paragraph, neither a demand nor other recovery efforts
37 against one responsible party may relieve any other
38 responsible party of liability.

39 In any suit filed under this section, the State
40 need not prove negligence in any form or matter by a

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1 defendant. The State need only prove the fact of the
2 prohibited discharge and that a defendant is a
3 responsible party, as defined in section 562.

4 A person who would otherwise be a responsible
5 party shall not be subject to liability under this
6 section, if that person can establish by a
7 preponderance of the evidence that the liability
8 pursuant to this section for which that person would
9 otherwise be responsible, was caused solely by:

10 1. Act of God. An act of God;

11 2. Act of war. An act of war;

12 3. Act or omission. An act or omission of a 3rd
13 party who is not that person's employee, agent or
14 lessee. A 3rd party may include a subsequent owner or
15 operator of the facility. A person seeking relief
16 from liability for the acts or omissions of a 3rd
17 party shall also demonstrate by a preponderance of the
18 evidence that that person exercised due care with
19 respect to the oil and underground oil storage
20 facility concerned, taking into consideration the
21 characteristics of that oil and facility, in light of
22 all relevant facts and circumstances and that that
23 person took precautions against foreseeable acts or
24 omissions of any such 3rd party and the consequences
25 that could foreseeably result from such acts or
26 omissions; or

27 4. Combination. Any combination of subsections 1
28 to 3.'

29 Sec. 70. P&SL 1865, c. 532, §4, sub-§3, as
30 enacted by P&SL 1983, c. 33, §1, is repealed and the
31 following enacted in its place:

32 3. Student member. One of the members shall be a
33 full-time student at one of the campuses of the
34 University of Maine System at the time of appointment
35 and shall be a permanent resident of the State. To be
36 eligible as a student member, a student must be
37 enrolled for a minimum of 12 credit hours per
38 semester. The student member shall be a full voting
39 member of the board of trustees and shall serve for a
40 2-year term and until a successor is qualified. Sixty

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1 days prior to the expiration of the student member's
2 term, the Governor shall solicit a list of 6 eligible
3 students from the student senates from 6 of the
4 campuses within the University of Maine System; the
5 7th campus being excluded in accordance with this
6 subsection. The Governor shall then nominate a
7 student member within 30 days of receiving the list of
8 names and the nomination shall be subject to review by
9 the Joint Standing Committee on Education and
10 confirmation by the Legislature. The student
11 representative shall not come from the same campus in
12 any 2 consecutive terms. In the event that the
13 student representative transfers from one campus to
14 another during the student's term of appointment, the
15 original campus of enrollment shall prevail in
16 reference to the provisions of the subsection.'

17 Further amend the bill by striking out all of
18 section 70 and inserting in its place the following:

19 'Sec. 70. P&SL 1935, c. 10 is repealed.'

20 Further amend the bill by renumbering the sections
21 to read consecutively.

22 Further amend the bill by inserting before the
23 statement of fact the following:

24 'FISCAL NOTE

25 Sections 44 to 47 and 54 of the bill should result
26 in a decrease in dedicated revenue flow which will be
27 absorbed by the current dedicated revenue account
28 requiring no additional allocation or fee increase.

29 Sections 48, 53, 58 and 68 of the bill should
30 result in an increase to 3 dedicated revenue accounts
31 that is unquantifiable at this time.'

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1 STATEMENT OF FACT

2 This amendment:

3 1. Updates the name of the Board of Trustees of
4 the University of Maine System;

5 2. Continues the Electricians' Examining Board
6 for one year;

7 3. Retains current law;

8 4. Clarifies the tax-exempt borrowing authority
9 for the Board of Trustees for the University of Maine
10 System;

11 5. Corrects a typographical error;

12 6. Exempts certain limited low-energy
13 electricians from board licensure;

14 7. Clarifies the electricians' biennial licensing
15 fees;

16 8. Authorizes the Electricians' Examining Board
17 to waive licensing requirements and levy penalty fees
18 for late license renewals;

19 9. Clarifies a licensing exemption for social
20 workers;

21 10. Clarifies the liability of a responsible
22 party;

23 11. Reflects the final recommendation of the
24 Joint Standing Committee on Audit and Program Review;

25 12. Changes the nominating process for the
26 student member of the Board of Trustees of the
27 University of Maine System;

28 13. Repeals the legislative charter for the
29 University of Maine Foundation; and

30 14. Adds a fiscal note.

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Reported by the Committee on Audit and Program Review
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