

# MAINE STATE LEGISLATURE

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R.R.  
R. of S.

L.D. 1954

(Filing No. S- 383)

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STATE OF MAINE  
SENATE  
115TH LEGISLATURE  
FIRST REGULAR SESSION

SENATE AMENDMENT " A " to COMMITTEE AMENDMENT "A" to S.P. 760, L.D. 1954, Bill, "An Act Correcting Errors and Inconsistencies in the Laws of Maine"

Amend the amendment by inserting at the end before the statement of fact the following:

PART D

Sec. D-1. 24-A MRSA §§1618 and 1679, as enacted by PL 1969, c. 132, §1, are repealed.

Sec. D-2. 26 MRSA §1043, sub-§17, ¶B, as amended by PL 1979, c. 515, §5, is further amended to read:

B. An individual, including corporate officers, shall ~~be deemed~~ is considered "partially unemployed" in any week of less than full-time work if his the individual's wages payable from any source for such week are not \$5 or more in excess of the weekly benefit amount ~~he~~ the individual would be entitled to receive if totally unemployed and eligible, except that remuneration payable or received as holiday pay shall ~~is not be deemed~~ considered wages for the purpose of this subsection and except that any amounts received from the Federal Government by members of the National Guard and organized reserve, including base pay and allowances, or any amounts received as a volunteer ~~fireman~~ firefighter, a volunteer emergency medical services person or as an elected member of the Legislature, shall ~~are~~ are not ~~be--deemed~~ considered wages for the purpose of this subsection.

Sec. D-3. 30-A MRSA §501, sub-§1, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

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1. **Employment.** All county officers or department heads shall submit to the county commissioners or the County Personnel Board, if one has been established under article 2, the name of any person the county officer or department head proposes to employ or the names of more than one person from which the county commissioners or personnel board are to select a person for employment. The county commissioners or the County Personnel Board may approve the employment of that the person or select ~~another~~ a person for employment. If approval is withheld or a selection is not made, the county commissioners or the County Personnel Board, within 14 days after the name or names have been submitted, shall notify the county officer or department head of the reasons for their disapproval or failure to make a selection.

Sec. D-4. 30-A MRSA §937, first ¶, as enacted by PL 1991, c. 269, is amended to read:

The treasurer of the county shall prepare a signed statement to accompany any question submitted to the electors for ratification of a revenue-producing ~~ex~~, revenue-refunding or general obligation of the county bond issue. The statement must set forth:

Sec. D-5. 30-A MRSA §4406, sub-§1, ¶E, as amended by PL 1989, c. 769, §1, and c. 772, §4, is repealed and the following enacted in its place:

E. Any person who, after receiving approval from the municipal reviewing authority or approval under Title 38, chapter 3, subchapter I, article 6 and recording the plan at the registry of deeds, constructs or develops the subdivision or transfers any lot in a manner other than depicted on the approved plans or amendments or in violation of any condition imposed by the municipal reviewing authority or the Department of Environmental Protection, when applicable, must be penalized in accordance with section 4452.

Sec. D-6. 30-A MRSA §4452, sub-§5, ¶J, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

J. Local ordinances regarding automobile junkyards and automobile graveyards pursuant to chapter 183, subchapter I;

Sec. D-7. 30-A MRSA §5772, sub-§2-A is enacted to read:

2-A. Financial statement required. The treasurer of the municipality shall prepare a signed statement to accompany any question submitted to the electors for ratification of a general

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obligation of the municipality bond issue. The statement must set forth:

A. The total amount of bonds of the municipality outstanding and unpaid, the total amount of bonds of the municipality authorized and unissued and the total amount of bonds of the municipality contemplated to be issued if the enactment submitted to the electors is ratified;

B. An estimate and explanation of costs involved, including varying interest rates, the estimated cost of interest on the bond amount to be issued, the total cost of principal and interest to be paid at maturity and any other substantive information relating to the debt of the municipality as the treasurer may deem appropriate; and

C. A declaration that the validity of the bonds and of the voters' ratification of the bonds may not be affected by any errors in the estimate made pursuant to paragraph B. If the actual amount of the total debt service for the bond issue varies from the estimate, the ratification by the electors is nevertheless conclusive and the validity of the bond issue is not affected by reason of the variance.

**Sec. D-8. 32 MRSA §10604, sub-§1, as amended by PL 1989, c. 542, §50, is further amended to read:**

1. Knowing violation. Any Notwithstanding Title 17-A, a person who may be fined not more than \$5,000 or imprisoned for not more than 5 years, or both, upon conviction, if that person knowingly violates:

- A. Any provision of this Act, except section 10204;
- B. Any rule or order of the administrator under this Act; or
- C. Section 10204, knowing the statement made to be is false or misleading in any material respect, ~~shall, upon conviction, notwithstanding Title 17-A, be fined not more than \$5,000 or imprisoned more than 5 years, or both, for each violation.~~

**Sec. D-9. 38 MRSA §11, first ¶, as enacted by PL 1987, c. 412, §§7 and 8, is amended to read:**

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

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2           **Sec. D-10. Effective date.** That section of this Act amending  
the Maine Revised Statutes, Title 30-A, section 937, first  
4 paragraph and that section of this Act enacting Title 30-A,  
section 5772, subsection 2-A are effective 90 days after  
6 adjournment of the First Regular Session of the 115th  
Legislature.'

8

**STATEMENT OF FACT**

10

This amendment contains substantive additions to the Errors  
12 Bill supported by the Joint Standing Committee on Judiciary.

14

Section D-1 repeals a provision of the Maine Insurance Code  
that requires a nonresident agent or broker to place insurance  
16 through a resident licensed agent. Similar requirements were  
repealed in 1989 in other parts of the Maine Insurance Code. The  
18 Maine Revised Statutes, Title 24-A, section 1618 appears to have  
been overlooked.

20

Section D-1 also repeals a provision of the Maine Insurance  
22 Code relating to countersignature of health insurance policies  
sold by nonresident agents and brokers. Laws relating to  
24 countersignature, which are cross-referenced in Title 24-A,  
section 1679, were repealed in 1989.

26

Section D-2 makes a change in the definition of wages for  
28 purposes of "partial unemployment." This same change was made  
earlier in the year for purposes of "total unemployment" and  
30 should also apply to "partial unemployment" to maintain  
consistency in the definition of wages.

32

Section D-3 restores language from former Title 30. Current  
34 language inadvertently changed the meaning of a subsection as  
part of a recodification.

36

Sections D-4 and D-7 apply the requirement that counties and  
38 municipalities provide information to the voters regarding bond  
referendum questions to general obligation bonds.

40

Section D-5 consolidates changes in Title 30-A, section  
42 4406, subsection 1, paragraph E that were made in 2 different  
public laws.

44

Section D-6 amends Title 30-A, section 4452, subsection 5,  
46 paragraph J to include the defined terms found in the subchapter  
referenced in that paragraph. Title 30-A, section 4452 provides  
48 for the enforcement of land use laws and ordinances. Title 30-A,  
section 4452, subsection 5 lists some of the laws to which the  
50 section applies. Title 30-A, section 4452, subsection 5

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paragraph J refers to ordinances adopted under Title 30-A, chapter 183, subchapter I. That subchapter is titled "Automobile Junkyards," but the terms defined are "junkyard" and "automobile graveyard."

Section D-8 reorganizes Title 32, section 10604, subsection 1 into a clearer format. It also makes revisions to the potential penalties consistent with other violations.

Section D-9 corrects a reference relating to the application of Title 38, section 11, where a subchapter was incorrectly referred to as a section.

Section D-10 provides an effective date for the sections of the bill relating to Title 30-A, section 937 and section 5772, subsection 2-A.

(Senator GAUVREAU)  
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COUNTY: Androscoggin

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