

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINTH LEGISLATURE

FIRST REGULAR SESSION

January 3, 1979 to June 15, 1979

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

Kennebec Journal
Augusta, Maine
1979

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violation. The fine shall be payable to the Treasurer of State and credited without lapsing to the commissioner for the enforcement of this section. The commissioner shall adopt rules consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, to implement this section. Prior to their adoption, these rules shall be reported to the Joint Standing Committee on Agriculture by January 15, 1980 for its review.

In the event there is not available to be planted in Maine in any year a sufficient volume of Maine potato seed meeting Maine certified seed potato disease standards, in any or all varieties, the commissioner may, upon application of one or more growers, permit seed of a higher disease content to be planted for that growing season.

Each grower shall keep records of seed planted by variety and by fields during the growing season and report planting records as may be requested by the commissioner.

Sec. 2. 7 MRSA § 957, first ¶, as enacted by PL 1977, c. 696, § 82, is amended to read:

Any person, firm or corporation who shall violate any of the provisions of sections ~~951~~ 952 to 957 or neglect or refuse to comply with any of the provisions required therein or in any way violate any of those provisions shall be subject to the following civil penalties payable to the State to be recovered in a civil action:

Sec. 3. **Effective date.** This Act shall become effective on January 1, 1981.

Effective January 1, 1981

CHAPTER 533

H. P. 1449 — L. D. 1647

AN ACT Relating to Membership of Treasurer of State on Boards.

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

Sec. 1. 5 MRSA § 1031, sub-§ 1, first sentence, as amended by PL 1975, c. 622, § 7, is further amended to read:

The responsibility for the proper operation of the retirement system and for making this chapter effective are vested in a board of 7 8 trustees.

Sec. 2. 5 MRSA § 1031, sub-§ 1, 4th sentence, as amended by PL 1975, c. 771, § 8, is further amended to read:

The board, as heretofore established, shall consist of **the Treasurer of State or his designee, ex officio, as a nonvoting member**; a member duly elected by the Maine Teachers' Association; a member duly elected by the Maine State Employees' Association; 3 persons appointed by the Governor, and subject to review by the Joint Standing Committee on Aging, Veterans and Retirement and to confirmation by the Legislature at least 2 of whom shall be qualified through training or experience in the field of investments, accounting, banking, insurance or law, and one of whom shall be selected from a list of 3 nominees submitted by the Maine Retired Teachers' Association; a person who is a member of the Maine State Retirement System through a participating local district and who shall be appointed by the governing body of the Maine Municipal Association; a person who is the recipient of a retirement allowance through the Maine State Retirement System and who shall be selected by the foregoing members of the board of trustees from a list or lists of nominees submitted by retired state employees and retired participating local district employees, or by a committee comprised ~~of~~ of representatives of said groups.

Sec. 3. 5 MRSA § 1031, sub-§ 1, as last amended by PL 1977, c. 696, § 38, is further amended by adding after the 4th sentence, the following new sentence:

The designee of the Treasurer of State shall be the Deputy Treasurer of State.

Sec. 4. 5 MRSA § 1031, sub-§ 1, 5th sentence, as repealed and replaced by PL 1977, c. 696, § 38, is amended to read:

Each member of the board, **except the Treasurer of State**, shall serve a term of 3 years, provided that the term of the member who is appointed to replace the public representative whose term expires on July 9, 1978, shall expire on December 31, 1979, and the term of the member who is appointed to replace the representative of the Maine Teachers' Association whose term expires April 22, 1978, shall expire on December 31, 1978.

Sec. 4-A. 5 MRSA § 1031, sub-§ 4, first sentence, is amended to read:

Each **voting** trustee shall be entitled to one vote in the board of trustees.

Sec. 5. 5 MRSA § 15004, 2nd sentence, as reallocated by PL 1977, c. 696, § 48, is amended to read:

The loan authority board shall consist of ~~9~~ 10 members, including the Director of the State Development Office; **the Treasurer of State or his designee, ex officio, as a nonvoting member**; and 8 members at large appointed by the Governor for a period of 4 years, provided that of the members first appointed 2 shall be appointed for a term of one year, 2 for a term of 2 years, 2 for a term of 3 years and 2 for a term of 4 years.

Sec. 6. 5 MRSA § 15004, first ¶, as reallocated by PL 1977, c. 696, § 48, is amended by adding after the 2nd sentence the following new sentence:

The designee of the Treasurer of State shall be the Deputy Treasurer of State.

Sec. 7. 10 MRSA § 751, 2nd sentence, as amended by PL 1977, c. 489, § 5, is further amended to read:

The authority shall consist of 10 members, including the Treasurer of State or his **designee, ex officio**, as a nonvoting member and the Director of the State Development Office and 8 members at large appointed by the Governor, subject to review by the Joint Standing Committee on State Government and to confirmation by the Legislature, for a period of 4 years, provided that of the members first appointed, 2 shall be appointed for a term of one year, 2 for a term of 2 years, 2 for a term of 3 years and 2 for a term of 4 years.

Sec. 8. 10 MRSA § 751, first ¶, as last amended by PL 1977, c. 489, § 5, is further amended by adding after the 2nd sentence, the following new sentence:

The designee of the Treasurer of State shall be the Deputy Treasurer of State.

Sec. 9. 20 MRSA § 3504, 2nd sentence, as amended by PL 1973, c. 346, § 1, is further amended to read:

The Maine School Building Authority shall consist of 9 members of the State Board of Education; **the Treasurer of State or his designee, ex officio, as a nonvoting member; and** the Commissioner of Educational and Cultural Services.

Sec. 10. 20 MRSA § 3504, as last amended by PL 1973, c. 346, §§ 1, 2 and 3, is further amended by adding after the 2nd sentence the following new sentence:

The designee of the Treasurer of State shall be the Deputy Treasurer of State.

Sec. 11. 22 MRSA § 2054, sub-§ 1, 3rd sentence, as amended by PL 1975, c. 771, § 217, is further amended to read:

Said authority shall consist of ~~10~~ **11** members, one of whom shall be the Bank Superintendent, ex officio, one of whom shall be the Commissioner of Human Services, ex officio, **one of whom shall be the Treasurer of State or his designee, ex officio, as a nonvoting member;** and 8 of whom shall be residents of the State appointed by the Governor, not more than 4 of such appointed members to be members of the same political party.

Sec. 12. 22 MRSA § 2054, sub-§ 1, as last amended by PL 1975, c. 771, § 217, is further amended by adding after the 3rd sentence the following new sentence:

The designee of the Treasurer of State shall be the Deputy Treasurer of State.

Sec. 13. 22 MRSA § 2054, sub-§ 1, last sentence, as amended by PL 1973, c. 585, § 11, is further amended to read:

The Bank Superintendent, the **Treasurer of State** and the Commissioner of Human Services may designate their deputies or, **in the case of the Bank Superintendent and the Commissioner of Human Services**, any member of their staffs to represent them as members at meetings of the authority with full power to act and, **in the case of the Bank Superintendent and the Commissioner of Human Services**, to vote in their behalf.

Sec. 14. 30 MRSA § 4602, sub-§ 2, ¶ B, first sentence, as amended by PL 1975, c. 771, § 326, is further amended to read:

The state authority shall have ~~6~~ 7 commissioners, 5 of whom shall be appointed by the Governor **and one of whom shall be the Treasurer of State or his designee, ex officio, as a nonvoting member.**

Sec. 15. 30 MRSA § 4602, sub-§ 2, ¶ B, as last amended by PL 1975, c. 771, § 326, is further amended by adding after the first sentence the following new sentence:

The designee of the Treasurer of State shall be the Deputy Treasurer of State.

Sec. 16. 30 MRSA § 4602, sub-§ 2, ¶ B, 2nd sentence, as amended by PL 1975, c. 771, § 326, is further amended to read:

The ~~6th~~ 7th commissioner shall be the director of the state authority serving ex officio, who shall be chairman of the commissioners.

Sec. 17. 30 MRSA § 4602, sub-§ 2, ¶ D, 2nd sentence, as repealed and replaced by PL 1975, c. 770, § 175, is amended to read:

Each commissioner, except for the director **and the Treasurer of State**, and each advisory board member shall serve a 4-year term commencing with the expiration of the term of his predecessor, provided that a vacancy occurring in such a position prior to the normal expiration of the appointment shall be filled as soon as practicable by a new gubernatorial appointee who shall serve for the balance of the unexpired term.

Sec. 18. 30 MRSA § 5164, 2nd ¶, as amended by PL 1975, c. 771, § 329, is further amended to read:

The bank shall consist of a board of commissioner of the following 5 commissioners: The Treasurer of State, **or his designee**, who shall be a commissioner ex officio, the Bank Superintendent who shall also be a commissioner ex officio, and 3 commissioners appointed by the Governor for terms of 3 years, provided that the 3 commissioners appointed by the Governor shall be residents of the State, and that initial appointments shall be one for one year, one for 2 years and one for 3 years. **The designee of the Treasurer of State shall be the Deputy Treasurer of State.** Each commissioner shall hold office for the term of his appointment and until his successor shall have been appointed and

qualified. A commissioner shall be eligible for reappointment. Any vacancy in the office of commissioner occurring other than by expiration of term shall be filled by appointment but for the unexpired term only.

Sec. 19. 37-A MRSA § 41, 2nd sentence, as amended by PL 1975, c. 771, § 405, is further amended to read:

The loan authority board shall consist of 10 members, including the Director of Veterans Services; the Treasurer of State or his designee, ex officio, as a nonvoting member; and 8 members at large appointed by the Governor for a period of 4 years, provided that of the members first appointed, 2 shall be appointed for a term of one year, 2 for a term of 2 years, 2 for a term of 3 years and 2 for a term of 4 years.

Sec. 20. 37-A MRSA § 41, as last amended by PL 1975, c. 771, § 405, is further amended by adding after the 2nd sentence the following new sentence to read:

The designee of the Treasurer of State shall be the Deputy Treasurer of State.

Effective September 14, 1979

CHAPTER 534

H. P. 183 — L. D. 235

AN ACT to Make the Attorney General's Explanations of Proposed Constitutional Amendments and Statewide Referenda more Available to the Voters.

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

Sec. 1. 1 MRSA § 353, as amended by PL 1973, c. 625, § 3, is further amended to read:

§ 353. Explanation of proposed amendments

The Attorney General shall prepare a brief explanatory statement which shall fairly describe the intent and content of each constitutional resolution or statewide referendum that may be presented to the people and which shall include any information prepared under Title 5, section 152. In addition to the explanatory statement, he shall prepare an explanation of what a yes vote favors and a no vote opposes. He shall cause to have published this explanatory statement in each daily newspaper of the State, such statement to be published not more than 45 days and not less than 30 days prior to the voting and publish such statement in each daily newspaper of the State a 2nd time, not more than 10 and not less than 7 days prior to the voting. Such explanatory statement may be published in the English language in a foreign language newspaper.