

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

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PUBLIC LAWS
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tions 3-603 through 3-606, may, and unless he shall find that any inheritance or estate tax due and to become due the State is reasonably secured by the lien upon real estate hereinbefore provided, shall require a bond payable to him or his successor sufficient to secure the payment of all inheritance taxes and interest conditioned in substance to pay all inheritance and estate taxes due to the State from the estate of the deceased with interest thereon. An action for the recovery of inheritance and estate taxes and interest shall lie on either of said bonds ~~without the authority of the judge of probate.~~

Sec. 51. 36 MRSA § 3687 is repealed.

Sec. 52. 37 MRSA §§ 201 - 215, are repealed.

Sec. 52-A. 37 MRSA §§ 217 - 221 are repealed.

Sec. 53. **Effective date.** This Act shall become effective January 1, 1981, except as otherwise provided.

Effective January 1, 1981, unless otherwise indicated

CHAPTER 541

S. P. 581 — L. D. 1639

AN ACT to Make Additional 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 cause difficulty and confusion in determining what is intended under the law; and

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

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

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

PART A

Sec. 1. 1 MRSA § 151, last ¶ is amended to read:

At 2 o'clock ~~ante meridian~~ **antemeridian** of the last Sunday in April of each year, the standard time in this State shall be advanced one hour, and at 2 o'clock ~~ante meridian~~ **antemeridian** of the last Sunday in October of each year the standard time in this State, by the retarding of one hour, shall be made to coincide with the mean astronomical time of the degree of longitude governing the zone wherein the State is situated, the standard official time of which is described as United States Eastern Standard Time, so that between the last Sunday of April at 2 o'clock ~~ante meridian~~ **antemeridian** and the last Sunday in October at 2 o'clock ~~ante meridian~~ **antemeridian** in each year the standard time in this State shall be one hour in advance of the United States Eastern Standard Time and said time shall be known as "Eastern Daylight Time."

Sec. 2. 1 MRSA § 353, first sentence, as amended by PL 1973, c. 625, § 3, is further amended to read:

The Attorney General shall prepare a brief explanatory statement which shall fairly describe the intent and content of each constitutional resolution or ~~state-wide~~ **statewide** referendum that may be presented to the people.

Sec. 3. 1 MRSA § 405, sub-§ 6, ¶ B, first sentence, as repealed and replaced by PL 1975, c. 758, is amended to read:

Discussion or consideration by a school board of suspension or expulsion of a public school student or a student at a private school, the cost of whose education is paid from ~~publie~~ **public** funds, provided that:

Sec. 4. 1 MRSA § 1003, sub-§ 1, as enacted by PL 1975, c. 621, § 1, is amended to read:

1. Procedures, rules and regulations. The commission shall adopt such procedures, rules and regulations as may appear necessary for the orderly, prompt, fair and efficient carrying out of its duties, consistent with this ~~Aet~~ **chapter**.

Sec. 5. 1 MRSA § 1101, first ¶, as enacted by PL 1977, c. 259, § 1, is amended to read:

For the purposes of this ~~section~~ **chapter**, unless the context indicates otherwise, the following words shall have the following meanings.

Sec. 6. 3 MRSA c. 7, first 2 lines, are repealed and the following enacted in their place:

CHAPTER 7

LEGISLATIVE COUNCIL

Sec. 7. 3 MRSA § 162, sub-§ 6, as amended by P&SL 1973, c. 220, § 3, is further amended to read:

6. Appointment of directors and officers. To appoint a Legislative Administrative Director, a Director of Legislative Research, a **Legislative** Finance Officer, a Constituent Service Officer and a State Law Librarian, each of whom shall be chosen without reference to party affiliations and solely on the grounds of fitness to perform the duties of his office; each to be appointed for a term of 7 years from the date of his appointment and until his successor has been appointed and qualified;

Sec. 8. 3 MRSA § 162, sub-§ 12, as repealed and replaced by PL 1973, c. 590, § 4, is amended to read:

12. Physical facilities for Legislature. To insure that adequate physical facilities are provided for the efficient operation of the Legislature and to provide for and determine the utilization of legislatively controlled facilities both within and without the ~~state house~~ **Statehouse**;

Sec. 9. 3 MRSA § 167, next to last ¶, first sentence, is amended to read:

The **Legislative** Finance Officer shall appoint, with the approval of the Legislative Council, an assistant **legislative** finance officer to assist the **Legislative** Finance Officer in carrying out his duties.

Sec. 10. 3 MRSA § 342, 2nd ¶, is amended to read:

If reasonably consistent with other essential uses of ~~State House~~ **statehouse** office space, these facilities shall continue to be assigned for press use while the Legislature is not in session, but in any case, reasonably adequate facilities shall also be made available to the press at all other times.

Sec. 11. 4 MRSA § 164, sub-§ 12, first sentence, as repealed and replaced by PL 1969, c. 299, is amended to read:

~~The Chief Judge shall establish~~ **Establish** in each division a Traffic Violations Bureau.

Sec. 12. 4 MRSA § 164, sub-§ 12, 2nd ¶, as repealed and replaced by PL 1969, c. 299, is amended to read:

The violations clerk shall accept written appearances, waiver of trial, plea of guilty and payment of fine and costs in traffic offense cases, subject to the limitations hereinafter prescribed **in this subsection**.

Sec. 13. 4 MRSA § 555, 10th ¶, as amended by PL 1973, c. 355, § 1, is further amended to read:

Entry of a rule of court upon the parties submitting a cause to referees, ~~50e~~ 50c;

Sec. 14. **4 MRSA § 804, 2nd ¶, last 2 sentences**, as repealed and replaced by PL 1975, c. 66; § 3, are amended to read:

When an applicant shall have satisfied the board that the foregoing requirements have been fulfilled and has paid a fee fixed by the board and approved by the Supreme Judicial Court, he shall be eligible to take such written examination prepared or adopted by the board and such oral examination as the board deems appropriate to determine whether or not such applicant has the qualifications required by ~~chapter 17~~ **this chapter** for admission to the bar. Upon such examination being completed, the board shall issue to each applicant who received the passing grade established by the board, or better, and who has satisfied the requirements and qualifications set forth in ~~chapter 17~~ **this chapter**, a certificate of qualification recommending his admission to the bar.

Sec. 15. **4 MRSA § 1051, first sentence**, as last amended by PL 1975, c. 623, § 3-G, is further amended to read:

No court shall be held on Sunday or any day designated for the annual Thanksgiving; or for the choice of Presidential Electors; New Year's Day, January 1st; Washington's Birthday, the 3rd Monday in February; Patriot's Day, the 3rd Monday in April; Memorial Day, the last Monday in May, but if the United States Government designates May 30th as the date for observance of Memorial Day or in 1985, whichever occurs first in time, the 30th of May; the 4th of July; Labor Day, the first Monday of September; the day of the ~~state-wide~~ **statewide** primary election; the day of the state election; the day of any special ~~state-wide~~ **statewide** election; Columbus Day, the 2nd Monday in October; Veterans Day, November 11th; or on Christmas Day; and when the time fixed for a term of court falls on any of said days, it shall stand adjourned until the next day, which shall be deemed the first day of the term for all purposes.

Sec. 16. **5 MRSA § 8-F**, as last amended by PL 1973, c. 788, § 11, is further amended to read:

§ 8-F. Rules and regulations; review

Each department shall establish and promulgate, subject to the approval of the State Budget Officer, rules and regulations to carry out the purposes of sections 8-B to 8-C. Such rules and regulations shall be transmitted to the Legislative Council for its review biennially.

Sec. 17. **5 MRSA § 8-G**, as enacted by PL 1971, c. 588, is amended to read:

§ 8-G. Exemption

~~Section~~ **Sections 8-A to 8-H** shall not apply to the Baxter State Park Authority.

Sec. 18. 5 MRSA § 11, 2nd ¶, first sentence, as last amended by PL 1979, c. 127, § 17, is further amended to read:

Any payment, made in violation of the compensation plan or the rules pertaining thereto or made to a person appointed or established in his position in a manner contrary to chapters 51 to ~~60~~ 67, may be recovered from the appointing authority, the Commissioner of Personnel or any officer or person making such payment, whoever is culpable, or from the sureties on the official bond of such officer or person.

Sec. 19. 5 MRSA § 82, last ¶, as repealed and replaced by PL 1975, c. 771, § 31-A, is amended to read:

The Secretary of State, upon receiving notice of the qualification of any justice of the peace ~~and upon appointing~~ or any notary public, shall immediately notify the register of probate and the clerk of the judicial courts of the county where the officer resides of the officer's appointment and ~~qualifications~~ qualification.

Sec. 20. 5 MRSA § 130, first ¶, last sentence is amended to read:

The Treasurer of State shall daily transmit to the State Controller a statement of all receipts into the State Treasury, giving such details thereof as the State Controller may require.

Sec. 21. 5 MRSA § 243, sub-§ 2 is amended to read:

2. **Accounting systems for counties.** To install uniform accounting systems and perform annual ~~post-audits~~ **postaudits** of all accounts and other financial records of the several counties or any departments or agencies thereof, the expenses of such audits to be paid by the counties and reports of such audits shall accompany the county estimates submitted to the Legislature as provided by Title 30, section 253, and shall be published in the county reports next following the completion of such audits;

Sec. 22. 5 MRSA § 244, first sentence is amended to read:

The State Auditor shall keep no accounts in the Department of Audit, but he shall conduct a continous ~~post-audit~~ **postaudit** of the accounts, books, records and other evidences of financial transactions kept in the Department of Finance and Administration or in the other departments and agencies of the State Government.

Sec. 23. 5 MRSA c. 13, first 4 lines are repealed and the following enacted in their place:

CHAPTER 13

DEPARTMENT OF FINANCE AND ADMINISTRATION

SUBCHAPTER I

GENERAL PROVISIONS

Sec. 24. 5 MRSA § 551, as amended by PL 1979, c. 127, § 25, is further amended to read:

§ 551. Title

Chapters 51 to ~~60~~ 67 and all acts amendatory thereof shall be known and may be cited as the "Personnel Law."

Sec. 25. 5 MRSA § 553, as last amended by PL 1979, c. 127, § 29, is further amended to read:

§ 553. Discrimination

In carrying out chapters 51 to ~~60~~ 67, no discrimination shall be made on account of political or religious opinions or affiliations or because of race or national origin, sex or marital status or age or physical disability, unless based upon a bona fide occupational qualification.

Sec. 26. 5 MRSA § 557, 2nd ¶, as enacted by PL 1973, c. 568, is amended to read:

When names are certified for a position in state service, Maine residents shall be ~~certified~~ **selected** ahead of all nonresidents. Nonresident eligibles, placed upon registers under relevant statutory provisions of this section, may be ~~certified~~ **appointed** when their is an insufficient number of qualified Maine residents.

Sec. 27. 5 MRSA § 674, sub-§ 1, ¶ D, first sentence, as repealed and replaced by PL 1971, c. 561, is amended to read:

"War, campaign or expedition" ~~mean~~ **means** any of the following periods:

Sec. 28. 5 MRSA c. 61 is repealed.

Sec. 29. 5 MRSA § 753, last ¶, as enacted by PL 1973, c. 493, § 2, is amended to read:

The department head may designate a representative, with authority to take appropriate action, who shall be at the deputy or assistant department head or labor specialist level to represent him in subsections 2 and 3 of this section.

Sec. 30. 5 MRSA § 1062, sub-§ 5, 3rd sentence, as repealed and replaced by PL 1973, c. 369, § 3, is amended to read:

On July 1, 1973 and thereafter on each and every payroll from which retirement contributions are deducted the State Controller shall cause a charge to be made to

each department, agency or governmental unit of an amount or amounts in payment of the employer costs of all charges related to the ~~Retirement System~~ **retirement system** and which shall be credited to the appropriate funds as listed in ~~section 1062~~ subsection 1.

Sec. 31. 5 MRSA § 1124, sub-§ 1, ¶ B, sub-¶ (I), first ¶, as repealed and replaced by PL 1975, c. 622, § 55, is repealed and the following enacted in its place:

(1) **Benefits.** Benefits shall be as follows:

Sec. 32. 5 MRSA § 1222, first ¶, is amended to read:

~~For the purposes of~~ As used in this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

Sec. 33. 5 MRSA § 1222, sub-§ 4, is amended to read:

4. Federal Insurance Contributions Act. The term "Federal Insurance Contributions Act" means ~~subchapter A of chapter 9 of the Federal Internal Revenue Code, chapter 9, subchapter A, as such code Code has been and may from time to time be amended.~~

Sec. 34. 5 MRSA § 1223, sub-§ 1, is amended to read:

1. Benefits. Benefits shall be provided for employees whose services are covered by the agreement, and their dependents and survivors, on the same basis as though such services constituted employment within the meaning of ~~Title II of the Social Security Act, Title II;~~

Sec. 35. 5 MRSA § 1223, sub-§ 2 is amended to read:

2. Contributions. The State shall pay to the Secretary of the Treasury, at such time or times as may be prescribed under the Social Security Act, contributions with respect to wages, as defined in section 1222, equal to the sum of the taxes which would be imposed by ~~sections 1400 and 1410 of the Federal Insurance Contributions Act, sections 1400 and 1410,~~ if the services covered by the agreement constituted employment within the meaning of that ~~aet Act;~~

Sec. 36. 5 MRSA § 1224, sub-§ 1, first sentence, is amended to read:

Each political subdivision of the State following the approval of the town meeting of a town or the governing body of a city, district or other instrumentality is authorized to submit for approval by the state agency a plan for extending the benefits of ~~Title II of the Social Security Act, Title II,~~ in conformity with applicable provisions of such ~~aet Act,~~ to employees of such political subdivision.

Sec. 37. 5 MRSA § 1681, sub-§ 2, as enacted by PL 1977, c. 583, § 4, is amended to read:

2. **State agency.** "State agency" shall mean each department and agency of State Government required to comply with ~~Title 5~~ chapter 149, except that the term "state agency" shall not include the University of Maine or the Maine Maritime Academy.

Sec. 38. 5 MRSA § 1741, last ¶ is amended to read:

The word "person" as used in ~~this section 1741~~ and sections 1745 to ~~1750~~ 1749 shall mean and include any individual, copartnership, association, corporation or joint stock company, their lessees, trustees or receivers appointed by any court whatsoever.

Sec. 39. 5 MRSA § 4598, as amended by PL 1975, c. 355, § 17, is further amended to read:

§ 4598. Enforcement

The Superintendent of ~~Banks and the Bureau of Banking~~ shall cooperate with the Human Rights Commission in their enforcement of this subchapter.

Sec. 40. 5 MRSA § 4613, sub-§ 1, 2nd sentence, as enacted by PL 1971, c. 501, § 1, is amended to read:

Except as otherwise provided ~~herein in this chapter~~, the court shall hear the case and grant relief as in other civil actions for injunctions.

Sec. 41. 5 MRSA § 4621, as enacted by PL 1971, c. 501, § 1, is amended to read:

§ 4621. Civil action

Within the time limited ~~above~~, a person who has been subject to unlawful discrimination may file a civil action in the Superior Court against the person or persons who committed the unlawful discrimination.

Sec. 42. 6 MRSA § 3, first ¶, as amended by PL 1977, c. 678, § 3, is further amended to read:

As used in **this chapter and** chapters ~~1~~ 2 to 17, unless the context otherwise indicates, the following ~~words~~ terms shall have the following meanings.

Sec. 43. 6 MRSA § 3, sub-§ 3, as repealed and replaced by PL 1977, c. 678, § 4, is amended to read:

3. **Air carrier.** "Air carrier" means a person who undertakes, whether directly or indirectly or by lease or other arrangement, to engage in air

commerce and is certificated by the Civil Aeronautics Board under ~~section 401 of~~ the Federal Aviation Act of 1958, **section 401**.

Sec. 44. 7 MRSA § 74, 3rd ¶, first sentence, as repealed and replaced by PL 1971, c. 585, § 1, is amended to read:

The ~~Commissioner of Agriculture~~ **commissioner** may, in addition to or instead of any criminal prosecution under this section, bar any owner, trainer or other person responsible for any animal showing a positive test from participating in any pulling contest for a period of 2 years.

Sec. 45. 7 MRSA § 75, first 2 paragraphs, as enacted by PL 1971, c. 585, § 2, are amended to read:

No person, firm, corporation or unincorporated society or association shall conduct any public or private pulling event between animals or pairs of animals within the State without a permit from the ~~Commissioner of Agriculture~~ **commissioner**.

Application for such a permit shall be made in writing to the ~~Commissioner of Agriculture~~ **commissioner** at least 10 days prior to the date on which such event is contemplated, and shall give the name of the person, firm, corporation or unincorporated society or association holding such event and the date and place the event is to be held, provided that one application and one permit may include one or more separate events when so specified. Permits granted under this section shall not be transferable.

Sec. 46. 7 MRSA § 502, first ¶, as enacted by PL 1965, c. 65, is repealed and the following enacted in its place:

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

Sec. 47. 7 MRSA § 508, sub-§§ 4, 5 and 6, as enacted by PL 1965, c. 65, are amended to read:

4. False guaranty. ~~The giving of~~ **For any person to give a guaranty which is false;**

5. Manufacture. ~~The manufacture of~~ **For any person to manufacture a misbranded package of a hazardous substance within this State.**

6. Delivery. ~~The introduction or delivery~~ **For any person to introduce or deliver for introduction into commerce of any misbranded package of a hazardous substance; or**

Sec. 48. 7 MRSA § 540-B, 2nd ¶, last sentence, as enacted by PL 1971, c. 13, § 3, is amended to read:

Such entered room shall thereafter be resealed by an authorized representative of the ~~Department of Agriculture~~ **department**.

Sec. 49. 7 MRSA § 634, **first sentence**, as amended by PL 1973, c. 48, § 4, is further amended to read:

The net weight and size requirements for Maine consumer grades for shell eggs shall be established by the ~~Commissioner of Agriculture~~ **commissioner**.

Sec. 50. 7 MRSA § 640, **first ¶**, is amended to read:

As used in this Title, **unless the context otherwise indicates, the following terms shall have the following meanings.**

Sec. 51. 7 MRSA § 712, **first ¶**, as enacted by PL 1971, c. 77, § 1, is amended to read:

As used in this subchapter, **unless the context otherwise indicates**, the following ~~words and phrases~~ **terms** shall have the following meanings.

Sec. 52. 7 MRSA § 717, **sub-§ 1, ¶ D**, as enacted by PL 1971, c. 77, § 1, is amended to read:

D. If it is a raw agricultural commodity and it bears or contains a pesticide chemical which is unsafe within the meaning of ~~section 408 (a)~~ of the Federal Food, Drug and Cosmetic Act, **section 408 (a)**; provided that where a pesticide chemical has been used in or on a raw agricultural commodity in conformity with an exemption granted or a tolerance prescribed under ~~section 408~~ of the Federal Food, Drug and Cosmetic Act, **section 408**, and such raw agricultural commodity has been subjected to processing such as canning, cooking, freezing, dehydrating or milling, the residue of such pesticide chemical remaining in or on such processed feed shall not be deemed unsafe if such residue in or on the raw agricultural commodity has been removed to the extent possible in good manufacturing practice and the ~~concentration~~ **concentration** of such residue in the processed feed is not greater than the tolerance prescribed for the raw agricultural commodity unless the feeding of such processed feed will result or is likely to result in a pesticide residue in the edible product of the animal, which is unsafe within the meaning of ~~section 408 (a)~~, of the Federal Food, Drug and Cosmetic Act, **section 408 (a)**.

Sec. 53. 7 MRSA § 722, **4th ¶, last sentence**, as enacted by PL 1971, c. 77, § 1, is amended to read:

Said ~~This~~ injunction ~~to~~ **shall** be issued without bond.

Sec. 54. 7 MRSA § 742, **first ¶** is amended to read:

~~When~~ As used in this subchapter, **unless the context otherwise indicates, the**

following terms shall have the following meanings.

Sec. 55. 7 MRSA § 749 is amended to read:

§ 749. **Enforcement**

This subchapter shall be administered by the ~~Commissioner of Agriculture~~ commissioner.

Sec. 56. 7 MRSA § 832, first ¶ is amended to read:

As used in this subchapter, **unless the context indicates otherwise**, the following words and phrases ~~terms~~ shall have the following meanings.

Sec. 57. 7 MRSA § 893, first ¶, first sentence, as enacted by PL 1967, c. 104, is amended to read:

All containers of maple syrup sold or offered for sale for human consumption by any person, partnership, association, firm or corporation shall be labeled with the grade, the volume, name and address of the producer or packer, together with the producer's or packer's seal in such form as approved by the ~~Commissioner of Agriculture~~ commissioner on the cap of the container which must be so affixed that the container cannot be opened until such seal is broken.

Sec. 58. 7 MRSA § 896, as enacted by PL 1967, c. 104, is amended to read:

§ 896. **Exemptions**

Any producer selling to another producer or packer is exempt, except if containers are labeled with a grade, the contents of ~~said that~~ container ~~must~~ shall meet the grade marked on ~~said that~~ container.

Sec. 59. 7 MRSA § 952, last sentence, as repealed and replaced by PL 1965, c. 219, § 3, is amended to read:

When a violation of ~~the above provisions~~ **this section** occurs, it is deemed to have taken place at the loading point or where such violation first became evident to the commissioner or his duly authorized representative.

Sec. 60. 7 MRSA § 953, as enacted by PL 1971, c. 271, is amended to read:

§ 953. **False or misleading potato branding or labeling**

It shall be unlawful for any person, firm, association, organization or corporation to expose for sale or sell at full sale or retail, to ship, deliver or consign, or have in possession potatoes prepared for market in containers which bear any statements, design or device regarding such potatoes which shall be false or misleading, in any particular, or potatoes packed in such manner that the face or shown surface is not an average of the contents of the package, or potatoes

that fail to meet the grade requirements established and promulgated by the ~~Commissioner of Agriculture~~ **commissioner** or potatoes that are accompanied by a bill of lading false or misleading in any particular. When a violation of ~~the above provisions~~ **this section** occurs, it is deemed to have taken place at the point where such violation first became evident to the commissioner or his duly authorized representative.

Sec. 61. 7 MRSA § 993, first ¶ is amended to read:

As used in sections 991 to 1006, **unless the context otherwise indicates**, the following terms shall have the following meanings.

Sec. 62. 7 MRSA § 993, sub-§ 6, ¶ C, as repealed and replaced by PL 1965, c. 513, § 9, is amended to read:

C. State of Maine Standards for Potatoes issued by the ~~State of Maine Commissioner of Agriculture~~ **commissioner** in accordance with section 951.

Sec. 63. 7 MRSA § 1012, sub-§ 13, as amended by PL 1975, c. 555, § 1, is further amended to read:

13. Wholesale or jobbing quantities. "Wholesale or jobbing quantities" means aggregate quantities of potatoes totalling 25 tons ~~(50,000)~~, **that is, 50,000 pounds**, or more in weight purchased or contracted to be purchased in any calendar month.

Sec. 64. 7 MRSA § 1022, sub-§ 2, 3rd sentence, as repealed and replaced by PL 1971, c. 600, § 7, and the 4th sentence, as enacted by PL 1971, c. 600, § 7, are amended to read:

Any agreement the effect of which is to deny the producer of his right to satisfy his guarantee obligations as ~~aforsaid~~ and any agreement conflicting with ~~the provisions of this subsection~~ are null and void ~~Provided, however; provided that~~ a producer shall be deemed to waive his rights under this subsection or he may sell his potatoes under an agreement conflicting with ~~the provisions of this subsection~~ when the record of transaction required by this Article contains the following additional information:

Sec. 65. 7 MRSA § 1042, first ¶ is amended to read:

As used in this subchapter, **unless the context otherwise indicates**, the following ~~words and phrases~~ **terms** shall have the following meanings.

Sec. 66. 7 MRSA § 1081, first ¶ is amended to read:

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

Sec. 67. 7 MRSA § 1302, first ¶, is amended to read:

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

Sec. 68. 7 MRSA § 1308, last ¶, as repealed and replaced by PL 1977, c. 696, § 88, is amended to read:

Any person, copartnership, association or corporation who shall violate any rule or regulation promulgated under sections 1302 to 1307, or neglect of or refuse to comply with any of the provisions thereof, commits a civil violation for which a forfeiture not to exceed \$50 may be adjudged.

Sec. 69. 7 MRSA § 1813, first ¶, is amended to read:

As used in sections 1813 to 1815, **unless the context otherwise indicates, the following words terms shall have the following meanings.**

Sec. 70. 7 MRSA § 1814, 2nd ¶, is amended to read:

Garbage, regardless of previous processing, shall, before being fed to swine, be thoroughly heated to at least ~~212° F~~ **212° Fahrenheit** for at least 30 minutes, unless treated in some other manner which shall be approved in writing by the commissioner or his duly authorized agent.

Sec. 71. 7 MRSA § 2154, first ¶, last sentence, as enacted by PL 1971, c. 553, is amended to read:

Proceeds from such sale shall be credited to the operating account of the ~~Seed Potato Board board~~.

Sec. 72. 7 MRSA § 2901, first ¶, is amended to read:

As used in sections ~~2901~~ **this section, sections 2901-A to 2904 and 3101 to 3103, unless the context otherwise indicates, the following words and phrases terms shall have the following meanings.**

Sec. 73. 7 MRSA § 2901, sub-§ 24 is amended to read:

24. Pasteurization or pasteurized. Pasteurization or pasteurized means the process of heating every particle of milk, cream or milk products to at least ~~145° F~~ **145° Fahrenheit**, and holding it at such temperature continuously for at least 30 minutes, or to at least ~~161° F~~ **161° Fahrenheit**, and holding it at such temperature continuously for at least 15 seconds, in approved and properly operated equipment or to such higher temperatures for such time intervals as the commissioner may from time to time determine, specifically for milk, or skim milk, or cream or a milk product.

Sec. 74. 7 MRSA § 3101-A, sub-§ 1, first sentence, is enacted to read:

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

Sec. 75. 7 MRSA § 3451, 12th ¶, 2nd sentence, as enacted by PL 1975, c. 236, § 3 is amended to read:

The ~~Commissioner of Agriculture~~ **commissioner** or his authorized agent may inspect pet shops, boarding kennels and kennels in accordance with the sanitation and health regulations established by the Department of Agriculture.

Sec. 76. 7 MRSA § 3455, first ¶, 2nd sentence, as repealed and replaced by PL 1977, c. 503, § 1, is repealed.

Sec. 77. 7 MRSA § 3705, last sentence, as amended by PL 1977, c. 696, § 111, is further amended to read:

All fines and forfeitures imposed shall be paid into the treasury of the county where the offense is committed and shall be transmitted by the county treasurer to the treasurer of the municipality where the offense or violation is ~~committed~~ **committed** unless otherwise provided.

Sec. 78. 8 MRSA § 104, last sentence, as enacted by PL 1973, c. 585, § 1, is amended to read:

The Commissioner of ~~the Department of~~ Business Regulation shall employ, subject to the Personnel Law, the personnel that he deems necessary to discharge the duties of the department and shall outline their duties and fix their compensation, subject to the Personnel Law.

Sec. 79. 8 MRSA § 276-A, as enacted by PL 1969, c. 526, § 3, is amended to read:

§ 276-A. Unclaimed ticket money

Upon the expiration of one year after the close of any harness horse race or race meet which has sold pari-mutuel tickets, any unclaimed pari-mutuel tickets outstanding shall no longer be valid and no claim for redemption shall be entertained by the ~~Harness Racing Commission~~ **commission** or the racing association which conducted the race or race meet.

Sec. 80. 8 MRSA § 342 is amended to read:

§ 342. Enforcement

It shall be the duty of the Attorney General with the aid of the ~~county~~ **district** attorneys of the several counties to enforce this chapter upon notification from the commission of any violations thereof.

Sec. 81. 8 MRSA § 660, as enacted by PL 1969, c. 575, § 1, is amended by inserting before subsection 1, a new paragraph to read:

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

Sec. 82. 8 MRSA § 660, sub-§ 2, ¶ B, as enacted by PL 1969, c. 575, § 1, is amended to read:

B. The age of the minor, provided however that an honest mistake shall constitute an excuse from liability hereunder **under this chapter** if the defendant made a reasonable bona fide attempt to ascertain the true age of the minor.

Sec. 83. 9 MRSA § 3722, first ¶, as enacted by PL 1965, c. 501, § 1, is amended to read:

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

Sec. 84. 9 MRSA § 3740, first ¶, as amended by PL 1975, c. 381, § 4, is further amended to read:

Within 60 days after the filing of the application and the payment of the fees herein set forth the Superintendent, Bureau of Consumer Protection shall:

Sec. 85. 9-A MRSA § 1-202, sub-§ 7, as amended by PL 1979, c. 127, § 53, is further amended to read:

7. A loan made by a supervised financial organization or an institution of higher education when the loan is a low interest educational loan made for the purpose of financing expenses related to the borrower's attendance at an institution of post-secondary education, and on which the finance charge does not exceed 7 1/2% per year on the unpaid balances of the amount financed or such finance charge in excess thereof as the United States Secretary of Health, Education and Welfare shall from time to time establish, and which is insured, guaranteed or subsidized by the Federal Government or a state or by a nonprofit private loan guaranty or organization or by the institution of higher education itself or through an endowment or trust fund affiliated with such an institution; or

Sec. 86. 9-A MRSA § 1-202, sub-§ 8, last sentence, as last amended by PL 1979, c. 127, § 54, is further amended to read:

For the purposes of this subsection, "mobile home" shall mean a structure, transportable in one or more sections, which is 8 body feet or more in width and is 32 body feet or more in length, and which is built on a permanent chassis and designed to be used as a dwelling with or without permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems contained therein; or

Sec. 87 9-A MRSA § 1-202, sub-§ 9, as enacted by PL 1979, c. 127, § 56, is repealed.

Sec. 88. 9-A MRSA § 1-202, as last amended by PL 1979, c. 127, §§ 51 to 56, is further amended by adding at the end a new paragraph to read:

The exclusions set forth in subsections 2, 4, 5, 7 and 8 shall not apply to the Maine Consumer Credit Code, Truth-in-lending, Article VII.

Sec. 89. 9-B MRSA § 226, sub-§ 3, ¶ A, as enacted by PL 1975, c. 500, § 1, is amended to read:

A. The Treasurer of State and the Commissioner of the ~~Department of Business Regulation~~;

Sec. 90. 10 MRSA § 805, 2nd sentence, is amended to read:

Such insurance premiums shall not be less than ~~one-half~~ 1/2 of 1% per year nor more than 2% per year of said outstanding principal obligation.

Sec. 91. 10 MRSA § 1105, first ¶, is amended to read:

Any dealer, trader, manufacturer or warehouseman who with intent to enhance the price or restrict the supply of the necessities of life willfully destroys or permits preventable waste in the production, manufacture, storage or distribution of the same, or, with such intent, prevents, limits, lessens or restricts the manufacture, production, supply or distribution of said necessities, or hoards said necessities, or enters into any contract, combination or conspiracy in restraint of trade or commerce, or exacts or demands any unjust or unreasonable profit in the sale, exchange or handling of the said necessities, or unreasonably discriminates against any person in the sale of said necessities, or in any way aids or abets the doing of any act ~~hereinbefore~~ mentioned, shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 3 years, or by both.

Sec. 92. 10 MRSA § 1202, is amended by inserting before subsection 1, a new paragraph to read:

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

Sec. 93. 10 MRSA § 1251, first ¶, is amended to read:

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

Sec. 94. 10 MRSA § 1652, last sentence, is amended to read:

Nothing ~~herein~~ contained in this section shall prohibit the sale or keeping for sale of gasoline or naphtha as such for fuel or illuminating purposes.

Sec. 95. 10 MRSA § 2202, as last amended by PL 1973, c. 537, § 8, is further amended by inserting before subsection 1, a new paragraph to read:

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

Sec. 96. 10 MRSA § 2205, sub-§ 2, last sentence, as amended by PL 1971, c. 618, § 13, is further amended to read:

Except ~~however~~ no mining plan with respect to a surface quarry in bedrock shall be required to provide for reclamation of said quarry, but the board may require appropriate safety measures to be carried out and may require revegetation to screen such quarries from the public view.

Sec. 97. 10 MRSA § 2801, first ¶, is amended to read:

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

Sec. 98. 10 MRSA § 2955, last ¶, is amended to read:

No person shall use any sulfuric acid of less than 1.82 of specific gravity tested at ~~60° F.~~ 60° Fahrenheit, in the Babcock test for the purpose of measuring the milkfat contents in milk or cream as a basis for apportioning the value of such milk or cream.

Sec. 99. 11 MRSA § 1-201, sub-§ (1), is amended to read:

(1) **Action.** "Action" in the sense of a judicial proceeding includes recoupment, counterclaim, ~~set-off~~ setoff, suit in equity and any other proceedings in which rights are determined.

Sec. 100. 11 MRSA § 1-201, sub-§ (9), last sentence, is amended to read:

"Buying" may be for cash or by exchange of other property or on secured or unsecured credit and includes receiving goods or documents of title under a ~~pre existing~~ preexisting contract for sale but does not include a transfer in bulk or as security for or in total or partial satisfaction of a money debt.

Sec. 101. 11 MRSA § 1-201, sub-§ (10), 2nd sentence, is amended to read:

A printed heading in capitals (as: ~~NON-NEGOTIABLE~~ NONNEGOTIABLE BILL OF LADING) is conspicuous.

Sec. 102. 11 MRSA § 1-201, sub-§ (13) is amended to read:

(13) **Defendant.** "Defendant" includes a person in the position of defendant in a ~~cross-action~~ cross action or counterclaim.

Sec. 103. 11 MRSA § 1-201, sub-§ (44), ¶¶ (b) and (c), are amended to read:

(b) As security for or in total or partial satisfaction of a ~~pre-existing~~ **preexisting** claim; or

(c) By accepting delivery pursuant to a ~~pre-existing~~ **preexisting** contract for purchase; or

Sec. 104. 11 MRSA § 2-322, sub-§ (1) is amended to read:

(1) Unless otherwise agreed a term for delivery of goods "~~ex-ship~~" "**ex ship**" (which means from the carrying vessel) or in equivalent language is not restricted to a particular ship and requires delivery from a ship which has reached a place at the named port of destination where goods of the kind are usually discharged.

Sec. 105. 11 MRSA § 3-509, sub-§ (1), **first sentence**, is amended to read:

A protest is a certificate of dishonor made under the hand and seal of a United States ~~consul or vice-consul~~ **Consul or Vice-Consul** or a notary public or other person authorized to certify dishonor by the law of the place where dishonor occurs.

Sec. 106. 11 MRSA § 4-107, sub-§ (1) is amended to read:

(1) For the purpose of allowing time to process items, prove balances and make the necessary entries on its books to determine its position for the day, a bank may fix an afternoon hour of 2 p. m. or later as a ~~cut-off~~ **cutoff** hour for the handling of money and items and the making of entries on its books.

Sec. 107. 11 MRSA § 4-201, sub-§ (1), **first 2 sentences**, are amended to read:

Unless a contrary intent clearly appears and prior to the time that a settlement given by a collecting bank for an item is or becomes final (section 4-211, subsection (3) and sections 4-212 and 4-213), the bank is an agent or ~~sub-agent~~ **subagent** of the owner of the item and any settlement given for the item is provisional. This provision applies regardless of the form of indorsement or lack of indorsement and even though credit given for the item is subject to immediate withdrawal as of right or is in fact withdrawn; but the continuance of ownership of an item by its owner and any rights of the owner to proceeds of the item are subject to rights of a collecting bank, such as those resulting from outstanding advances on the item and valid rights of ~~set-off~~ **setoff**.

Sec. 108. 11 MRSA § 4-210, sub-§ (2) is amended to read:

(2) Where presentment is made by notice and neither honor nor request for compliance with a requirement under section 3-505 is received by the close of business on the day after maturity or in the case of demand items by the close of

business on the ~~third~~ **3rd** banking day after notice was sent, the presenting bank may treat the item as dishonored and charge any secondary party by sending him notice of the facts.

Sec. 109. 11 MRSA § 4-213, sub-§ (1), ¶¶ (b) and (d) are amended to read:

(b) Settled for the item without reserving a right to revoke the settlement and without having such right under statute, ~~clearing house~~ **clearinghouse** rule or agreement; or

(d) Made a provisional settlement for the item and failed to revoke the settlement in the time and manner permitted by statute, ~~clearing house~~ **clearinghouse** rule or agreement.

Sec. 110. 11 MRSA § 4-213, sub-§ (2) is amended to read:

(2) If provisional settlement for an item between the presenting and payor banks is made through a ~~clearing house~~ **clearinghouse** or by debits and credits in an account between them, then to the extent that provisional debits or credits for the time are entered in accounts between the presenting and payor banks or between the presenting and successive prior collecting banks seriatim, they become final upon final payment of the item by the payor bank.

Sec. 111. 11 MRSA § 4-303, sub-§ (1), first sentence, is amended to read:

(1) Any knowledge, notice or ~~stop order~~ **stop order** received by, legal process served upon or ~~set-off~~ **setoff** exercised by a payor bank, whether or not effective under other rules of law to terminate, suspend or modify the bank's right or duty to pay an item or to charge its customer's account for the item, comes too late to so terminate, suspend or modify such right or duty if the knowledge, notice, ~~stop order~~ **stop order** or legal process is received or served and a reasonable time for the bank to act thereon expires or the ~~set-off~~ **setoff** is exercised after the bank has done any of the following:

Sec. 112. 11 MRSA § 8-311, sub-§ (1) is amended to read:

(1) He may assert its ineffectiveness against the issuer or any purchaser other than a purchaser for value and without notice of adverse claims who has in good faith received a new, reissued or ~~re-registered~~ **reregistered** security on registration of transfer; and

Sec. 113. 11 MRSA § 9-109, sub-§ (3), first sentence, is amended to read:

"Farm products," if they are crops or livestock or supplies used or produced in farming operations or if they are products of crops or of livestock in their unmanufactured states (such as ginned cotton, ~~wool clip~~ **wool clip**, maple syrup, milk and eggs), and if they are in the possession of a debtor engaged in raising, fattening, grazing or other farming operations.

Sec. 114. 12 MRSA § 3, first ¶ is amended to read:

Wherever used or referred to in this chapter, unless a different meaning clearly appears from the context, **the following words shall have the following meanings.**

Sec. 115. 12 MRSA § 54, sub-§ 11 is amended to read:

11. Sponsor. To serve as a sponsoring or ~~co-sponsoring~~ **cosponsoring** local organization, within the meaning of the term as used in Public Law 566, as amended, Watershed Protection and Flood Prevention Act, and to serve as a sponsoring or ~~co-sponsoring~~ **cosponsoring** local organization where a watershed is situated wholly or in part within the geographical boundaries of any unorganized territory or territories.

Sec. 116. 12 MRSA § 212, as enacted by PL 1969, c. 509, § 1, is amended to read:

§ 212. General provisions

1. Data. The Soil and Water Conservation ~~Committee~~ **Commission** shall gather and compile soils data and information of the State. It shall present this information in printed maps and reports for the general public.

2. Professional soil scientists. The ~~committee~~ **commission** may employ professional soil scientists, subject to the Personnel Law, to perform soils mapping in Maine. The ~~committee~~ **commission** may contract with other state or federal agencies as appropriate to accomplish necessary soils mapping within this State.

3. Interdepartmental cooperation. The ~~committee~~ **commission** shall consult with other state resource agencies and the State Planning Office in setting priorities of soils mapping and the publication of interim soils reports.

Sec. 117. 12 MRSA § 601, as amended by PL 1967, c. 190, § 1, is further amended by inserting before subsection 1 the following new paragraph:

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

Sec. 118. 12 MRSA § 601, sub-§ 1, first ¶, is amended to read:

1. Memorial. As used in this chapter, ~~“memorial”~~ **“Memorial”** shall mean:

Sec. 119. 12 MRSA § 601, sub-§ 2, first ¶, is amended to read:

2. Park. As used in this chapter, ~~“park”~~ **“Park”** shall mean:

Sec. 120. 12 MRSA § 601, sub-§ 2, ¶C is amended to read:

C. Any area included above within easy access of any road or highway, except extensions to road or highway right-of-ways, ~~turn-outs~~ **turnouts**, loops or other additions to roads or highways the primary purpose of which is to preserve the natural beauty of lands bordering such roads or highways or to afford temporary stopping points along such roads or highways.

Sec. 121. 12 MRSA § 662, first ¶ is repealed and the following enacted in its place:

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

Sec. 122. 12 MRSA § 662, sub-§ 7, last sentence, as enacted by PL 1965, c. 496, § 1, is amended to read:

The restricted zone shall ~~also~~ include all additional areas that may be added by mutual agreement between the commission and a private property owner.

Sec. 123. 12 MRSA § 663, sub-§ 1, first sentence, as enacted by PL 1965, c. 496, § 1, is amended to read:

The Allagash Wilderness Waterway is established covering an area as defined in this section and shall hereinafter **in this chapter** be called "the waterway."

Sec. 124. 12 MRSA § 665, sub-§ 1, ¶ C, as enacted by PL 1965, c. 496, § 1, is amended to read:

C. Except as permitted by paragraphs A and B ~~of this subsection~~ and subsection 3, no watercraft equipped with power propulsion shall be allowed in the waterway.

Sec. 125. 12 MRSA § 668, as amended by PL 1973, c. 460, § 17, is further amended to read:

§ 668. Manner of acquisition by eminent domain

Any acquisition of property by the bureau by eminent domain pursuant to ~~the provisions of~~ section 667 shall be made in the manner provided in Title 35, chapter 263.

Sec. 126. 12 MRSA § 675, first ¶, as amended by PL 1973, c. 460, § 17, is further amended to read:

The bureau shall exercise police supervision over the waterway with the powers and in the manner provided in ~~Title 12~~ section 602, subsection 5.

Sec. 127. 12 MRSA § 682, as last amended by PL 1973, c. 569, §§ 2 to 5, is further amended by inserting before subsection 1 a new paragraph to read:

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

Sec. 128. 12 MRSA § 685, last sentence, as amended by PL 1975, c. 521, § 1, is further amended to read:

The director with the approval of the Commissioner of ~~the Department of~~ Conservation may hire whatever competent professional personnel and other staff he deems necessary and he may obtain office space, goods and services as required.

Sec. 129. 12 MRSA § 1551, 2nd ¶, 3rd sentence from the end, as amended by PL 1965, c. 226, § 52, is further amended to read:

Nothing herein contained in this section shall limit restrictions of any municipal ordinance regulating burning of refuse or debris.

Sec. 130. 12 MRSA § 1558, first sentence, as enacted by PL 1965, c. 226, § 56, is amended to read:

All primary processors of wood products, including, but not limited to, sawmills, except a person processing for his own domestic use, and owners of lands on which such processing plants are located shall keep any slash resulting from cutting forest growth removed for a distance of 50 feet in all directions from the mill, sawdust pile and any open incinerator; ~~live.~~ Live trees need not be removed from the 50-foot cleared area but coniferous trees shall be pruned to a height of 10 feet above the ground and dead snags shall be removed.

Sec. 131. 12 MRSA § 4813, first sentence, as repealed and replaced by PL 1973, c. 564, § 5, is amended to read:

If any municipality fails to adopt ordinances as required by section ~~4182~~ 4812 for shoreland areas as defined in section 4811 or if the Board of Environmental Protection and the Maine Land Use Regulation Commission determine that particular municipal ordinances because of their laxity and permissiveness do not adequately prevent and control water pollution, protect wildlife habitat, conserve shore cover or otherwise fail to accomplish the purposes outlined in section 4811, the Department of Environmental Protection and the Maine Land Use Regulation Commission shall, following consultation with the State Planning Office, with respect to these shoreland areas, adopt suitable ordinances for these municipalities, which ordinances the respective municipalities shall then administer and enforce.

Sec. 132. 13 MRSA § 642, first ¶ is amended to read:

~~In~~ As used in this chapter, unless the context otherwise requires indicates, the following terms shall have the following meanings:

Sec. 133. 13 MRSA § 1774, first ¶, is amended to read:

As used in this subchapter, unless the context ~~or subject matter requires~~ otherwise indicates, the following terms shall have the following meanings.

Sec. 134. 13-B MRSA § 714, sub-§ 5, first sentence, as enacted by PL 1977, c. 525, § 13, is amended to read:

The indemnification provided by this section shall not be deemed exclusive of any other rights to which those indemnified may be entitled under any bylaw, agreement, vote of ~~stockholders~~ or disinterested directors or otherwise, both as to action in his official capacity and as to action in another capacity while holding such office, and shall continue as to a person who has ceased to be a director, officer, employee or agent and shall inure to the benefit of the heirs, executors and administrators of such a person.

Sec. 135. 13-B MRSA § 1210, sub-§ 1, ¶ A, as enacted by PL 1977, c. 525, § 13, is amended to read:

A. The corporation has failed to file its ~~annual~~ biennial report within the time specified by this Act, or has failed to pay any fees or penalties prescribed by this Act, when they have become due and payable;

Sec. 136. 14 MRSA c. 1 is amended by inserting before section 1 the following:

**SUBCHAPTER I
PARTIES**

Sec. 137. 14 MRSA § 51, last sentence, is amended to read:

Nothing herein in this section shall be construed as changing in any way the common law burden of proof as to such matters as are so put in issue under the pleadings.

Sec. 138. 14 MRSA § 812-B, first sentence, as enacted by PL 1971, c. 450, § 3, is amended to read:

To satisfy the recording provisions of ~~the foregoing sections~~ sections 812 and 812-A, with respect to land in the unorganized territory, the notice shall describe the land specifically or by reference to source of title, so as to identify it, and shall not be in the form of a reference to whatever land the person may own in the respective county or township.

Sec. 139. 14 MRSA § 1218, 2nd ¶, as enacted by PL 1971, c. 391, § 1, is amended to read:

Any employer who violates this section is guilty of criminal contempt and upon conviction may be punished by a fine of not more than \$500 or by imprisonment for

not more than 6 months, or by both.

Sec. 140. 15 MRSA § 1710, first ¶, as enacted by PL 1973, c. 538, is amended to read:

A sheriff having in his custody a person sentenced to a county jail for a term of 60 days or more, upon receipt from such person of a request, in writing, for transfer to a correctional center, may apply, in writing, to the director of the Bureau of Corrections of the Department of Mental Health and Corrections for the transfer of such person from the county jail to the ~~Men's Correctional Center or Women's Correctional Center~~ **Maine Correctional Center**, solely for the purpose of permitting such person the opportunity to participate in rehabilitative programs conducted at or from such institution.

Sec. 141. 15 MRSA § 2142, last sentence, as enacted by PL 1965, c. 419, § 1, is amended to read:

The Supreme Judicial Court shall by rule establish forms for requests for appeals and for leave to appeal ~~hereunder~~ **under this chapter** and may by rule make such other regulations of procedure and notice relative thereto, consistent with law, as justice may require.

Sec. 142. 17 MRSA is amended by inserting before section 2911 the following:

CHAPTER 93-A
OBSCENITY

Sec. 143. 20 MRSA § 2252 is amended to read:

§ 2252. State agency

The University of Maine is declared to be an instrumentality and agency of the State for the purpose for which it was established and for which it has been managed and maintained under ~~chapter 532~~ of the private and special laws of 1865, **chapter 532**, and supplementary legislation relating thereto.

Sec. 144. 21 MRSA § 1061, first ¶, as enacted by PL 1967, c. 464, is amended to read:

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

Sec. 145. 22 MRSA § 1362, first ¶, as enacted by PL 1973, c. 582, § 1, is repealed and the following enacted in its place:

For the purposes of this Act, unless the context otherwise indicates, the following terms shall have the following meanings.

Sec. 146. 22 MRSA § 2152, first ¶, is amended to read:

As used in this subchapter, **unless the context otherwise indicates**, the following ~~words and phrases~~ **terms** shall have the following meanings.

Sec. 147. 22 MRSA § 2374, first sentence, as amended by PL 1967, c. 390, § 12, is further amended to read:

Prescriptions, orders and records required by this chapter and stocks of narcotic drugs shall be open for inspection only to the ~~Board of Commissioners of the Profession of Pharmacy~~ **board** and to federal, state, county and municipal officers whose duty it is to enforce the laws of this State or of the United States relating to narcotic drugs.

Sec. 148. 22 MRSA § 2379 is amended to read:

§ 2379. Enforcement and cooperation

The Bureau of Health, the ~~Board of Commissioners of the Profession of Pharmacy~~ **board**, their officers, agents, inspectors and representatives, and all peace officers within the State and all county attorneys shall enforce all provisions of this chapter, except those specifically delegated, and shall cooperate with all agencies charged with the enforcement of the laws of the United States, of this State and of all other states relating to narcotic drugs.

Sec. 149. 22 MRSA § 3505, first ¶, as enacted by PL 1971, c. 88, is amended to read:

As used in sections 3504 to 3511, **unless the context otherwise indicates**, the following terms shall have the following meanings.

Sec. 150. 22 MRSA § 4770, 2nd sentence, as repealed and replaced by PL 1979, c. 105, is amended to read:

The governor, or lieutenant governor in his absence, ~~shall~~ **may** be required to remove that person therefrom by a written notice given to him in hand under the signature of the governor or lieutenant governor in his absence, as a result of the hearing.

Sec. 151. 22 MRSA § 4777, first sentence, is amended to read:

Any Indian holding lands under a certificate issued under authority of ~~chapter 137 of the public laws of 1883, chapter 137~~, or by virtue of any assignment under the laws for the apportionment of the lands of said Penobscot ~~tribe~~ **Tribe**, may sell and convey the same to any member of the same tribe with the approval of the commissioner.

Sec. 152. 22 MRSA § 4779 is amended to read:

§ 4779. Surveys; tribal use of waters and timberlands

Surveys of the islands in Penobscot ~~river~~ **River** from Old Town Falls to Mattawamkeag Point and field notes thereof, as made under ~~chapter 158~~ of the public laws of 1835, **chapter 158** and ~~chapter 396~~ of the public laws of 1839, **chapter 396**, plans of which were returned to the land office and to the Indian agent, shall be deemed authentic in all matters to which they relate. The water privileges belonging to said islands, valuable for mills, booms, fisheries, tracts of wood and timberland and other lots indicated on said plans are reserved for public use, except the public farm which is subject to allotment by ~~chapter 22~~ of the private and special laws of 1878, **chapter 22**, are not subject to assignment or distribution to members of said tribe, but shall remain for the benefit of the whole tribe.

Sec. 153. 22 MRSA § 4787, last sentence, is amended to read:

All sums received from rent of said shores shall be paid to the State, to be held in trust, and paid to said tribe as provided in ~~section 1 of chapter 267~~ of the **private and special laws of 1873, chapter 267, section 1.**

Sec. 154. 22 MRSA § 5112, sub-§ 4, first sentence, as enacted by PL 1973, c. 793, § 11, is amended to read:

Serve, through a subcommittee of the committee consisting of 5 persons, including the chairman and 4 other members appointed by the chairman with the advice and consent of the Governor, as the review committee on behalf of the State of Maine responsible for ~~analysis~~ **analysis** of proposals and submission of advisory recommendations to the director concerning the acceptability of proposals requesting award of state-administered grant funds under ~~paragraphs A and D of subsection 3,~~ **paragraphs A and D.**

Sec. 155. 22 MRSA § 5308, 3rd ¶, last sentence, as enacted by PL 1973, c. 793, § 12, is amended to read:

Functions relating to agreements shall not require the approval of any other unit of the department, except as the bureau is responsible and accountable to the commissioner, except as the bureau shall function with the advice of the council pursuant to section 5316 and with the consent of the Maine Committee on Aging pursuant to ~~subsection 3 of section 5112,~~ **subsection 3** and except as provided by section 6108.

Sec. 156. 22 MRSA § 5309, 4th ¶, as enacted by PL 1973, c. 793, § 12, is amended to read:

The director shall possess full authority and responsibility for administering all the powers and duties of the bureau provided in section 5310, subject to the direction of the commissioner, and with the advice of the council pursuant to section 5316, and the advice of the Maine Committee on Aging pursuant to ~~subsection 3 of section 5112,~~ **subsection 3**, and except as otherwise provided in section 6108.

Sec. 157. 22 MRSA § 7103, sub-§ 8, as enacted by PL 1973, c. 566, § 1, is amended to read:

8. **Director.** "Director" means the Director, Office of Alcoholism and Drug Abuse Prevention.

Sec. 158. 23 MRSA § 242, first ¶, as enacted by PL 1971, c. 333, § 1, is amended to read:

As used in this subchapter, **unless the context otherwise indicates**, the following words and phrases shall have the following meanings.

Sec. 159. 23 MRSA § 1005, sub-§ 1, ¶¶ A-D, as repealed and replaced by PL 1977, c. 174, § 1 and c. 405, § 1, are repealed and the following enacted in their place:

A. If the state valuation exceeds \$6,250,000, reimbursements shall be made to the extent of \$100 per mile in accordance with approved certification of costs.

B. If the state valuation is \$3,750,000 or less, such municipalities shall bear the first \$70 of cost per mile, and reimbursements shall be made to said municipalities in accordance with approved certification of costs; except that such reimbursement shall not exceed \$400 per mile.

C. If the state valuation is more than \$3,750,000 but does not exceed \$4,750,000, the municipalities shall bear the first \$70 of cost per mile, and reimbursements shall be made to those municipalities in accordance with approved certification of costs; except that such reimbursement shall not exceed \$300 per mile.

D. If the state valuation is more than \$4,750,000 but does not exceed \$6,250,000, the municipalities shall bear the first \$70 of cost per mile, and reimbursements shall be made to those municipalities in accordance with approved certification of costs; except that such reimbursement shall not exceed \$200 per mile.

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

Sec. 160. 23 MRSA § 1005, sub-§ 2, as repealed and replaced by PL 1977, c. 174, § 2, and c. 405, § 2, is repealed and the following enacted in its place:

2. **Certification of costs.** Certification of costs for the season's snow removal work on routes designated in section 1002 are to be received at the office of the Department of Transportation on or before May 1st following the winter in which the work is done.

Sec. 161. 24 MRSA § 2602, sub-§ 1, last ¶, as enacted by PL 1977, c. 492, § 3, is amended to read:

For purposes of this ~~section~~ **subsection**, a judgment or award is final when it cannot be appealed, and a disposition is final when it results from judgment, dismissal, withdrawal or abandonment.

Sec. 162. 24-A MRSA § 2018, **last sentence**, as amended by PL 1973, c. 585, § 12, is further amended to read:

Any fine collected by the superintendent shall ~~shall~~ be paid to the Treasurer of State and credited to the ~~insurance regulatory fund~~ **Insurance Regulatory Fund**.

Sec. 163. 24-A MRSA § 2109, as enacted by PL 1969, c. 132, § 1, is amended to read:

§ 2109. Unauthorized Insurers False Advertising Process Act; title

~~Sections Section 2102 and 2109, this section and sections 2110 to 2111 constitute and may be referred to as the "unauthorized insurers false advertising process act~~ **Unauthorized Insurers False Advertising Process Act.**

Sec. 164. 24-A MRSA § 2525, **sub-§ 2**, as enacted by PL 1969, c. 132, § 1, is amended to read:

2. A policy which contains any exclusion or restriction pursuant to **subsection 1**, paragraph B, shall also provide that in the event of death under the circumstances to which any such exclusion or restriction is applicable, the insurer will pay an amount not less than the reserve attributable thereto determined according to the commissioners reserve valuation method upon the basis of the mortality table and interest rate specified in the policy for the calculation of nonforfeiture benefits, or if the policy provides for no such benefits, computed according to a mortality table and interest rate determined by the insurer and specified in the policy, with adjustment for indebtedness or dividend credit.

Sec. 165. 24-A MRSA § 2835, **sub-§ 1, last sentence**, as enacted by PL 1975, c. 770, § 108, is amended to read:

This section shall apply to all health insurance policies, contracts or certificates issued, renewed, modified, altered, amended or reissued on or after ~~the effective date of this Act~~ **April 16, 1976**.

Sec. 166. 25 MRSA § 2439 is amended to read:

§ 2439. Common law remedy preserved

The common law right to an action for damages done by fires is not taken away or diminished and it may be pursued notwithstanding the penalties set forth in chapters ~~341~~ 313 to 321, but any person availing himself of section 2436 is barred of his action at common law for the damage so sued for.

Sec. 167. 25 MRSA § 2501, first ¶, last sentence, as repealed and replaced by PL 1973, c. 680, § 2, is amended to read:

The appointed forest fire warden may appoint one or more deputy forest fire wardens subject to approval of the municipal officers and may delegate to one of them authority to issue burning permits under ~~section 1551 of~~ Title 12, **section 1551**:

Sec. 168. 25 MRSA § 2805, sub-§ 2, first sentence, as repealed and replaced by PL 1971, c. 592, § 13-A, is amended to read:

For the purposes of this section, **unless the context otherwise indicates, the following terms shall have the following meanings.**

Sec. 169. 26 MRSA § 569, first sentence, as repealed and replaced by PL 1979, c. 127, § 158, is amended to read:

The rules and regulations formulated under this chapter may supplement, but shall in no manner supersede, the rules and regulations duly promulgated by the Board of Boiler Rules and the Board of Elevator and Tramway Safety, whose rule-making authority is clearly set forth in sections 173 ~~373~~ and 476, respectively and the rules and regulations duly promulgated by the Department of Human Services under the laws administered by that department.

Sec. 170. 26 MRSA § 965, sub-§ 2, ¶E, 2nd sentence, as amended by PL 1975, c. 564, § 16, is further amended to read:

He shall annually, on or before the first day of July, make a report to the Governor ~~and Executive Council.~~

Sec. 171. 26 MRSA § 1001, sub-§ 2, as amended by PL 1965, c. 43, § 1, is further amended to read:

2. Apprentice agreement. "Apprentice agreement" shall mean a written agreement entered into by an apprentice or organization of employees with an employer or with an association of employers or organizations of employees, which agreement provides for his participation in a definite sequence of job training, and for such related and supplemental instruction as may be deemed necessary to qualify as a journeyman in the particular trade ~~effected~~ **affected**.

Sec. 172. 26 MRSA § 1024, as last amended by PL 1977, c. 581, §§ 5, 6 and 7, and by PL 1977, c. 641, is repealed.

Sec. 173. 26 MRSA § 1029, sub-§ 7, first sentence, as last amended by PL 1975, c. 671, § 25, is further amended to read:

Either party may seek a review the Superior Court in Kennebec County of a decision or order of the Maine Labor Relations Board by filing a complaint in

accordance with ~~Rule 80B of the Maine Rules of Civil Procedure~~ **the Maine Rules of Civil Procedure, Rule 80B**, provided the complaint shall be filed within 15 days of the effective date of the decision.

Sec. 174. 26 MRSA § 1033, sub-§ 1, as enacted by PL 1975, c. 603, § 1, is amended to read:

1. Court review. Either party may seek a review by the Superior Court of a binding determination by an arbitration panel. Such review shall be sought in accordance with ~~Rule 80B of the Maine Rules of Civil Procedure~~ **the Maine Rules of Civil Procedure, Rule 80B**.

Sec. 175. 26 MRSA § 1043, sub-§ 9, ¶ A, as last amended by PL 1971, c. 538, § 3, is repealed.

Sec. 176. 26 MRSA § 1043, sub-§ 9, ¶ A-1, as enacted by PL 1971, c. 538, § 4, is amended to read:

A-1. ~~On and after January 1, 1972, any~~ Any employing unit which:

- (1) During any calendar quarter in either the current or preceding calendar year paid wages of \$1,500 or more; or
- (2) For some portion of a day in each of 20 different weeks, whether or not such weeks were consecutive, within either the current or the preceding calendar year, has or had in employment one or more individuals, irrespective of whether the same individual was employed in each such day;

Sec. 177. 26 MRSA § 1043, sub-§ 9, ¶ F, as last amended by PL 1977, c. 570, § 3, is further amended to read:

F. Any employing unit which, having become an employer under paragraphs A, A-1, B, C, D, E, G, H, J or K has not, under section 1222, ceased to be an employer subject to this chapter, or for the effective period of its election pursuant to section 1222, subsection 3, any other employing unit which has elected to become fully subject to this chapter; ~~or~~

Sec. 178. 26 MRSA § 1043, sub-§ 9, ¶ L, as enacted by PL 1977, c. 570, § 4, is amended to read:

L. In determining whether or not an employing unit for which service, other than domestic service, is also performed is an employer under paragraphs A-1, H, I or J, wages earned or the employment of an employee performing domestic service after December 31, 1977, shall not be taken into account; **or**

Sec. 179. 26 MRSA § 1043, sub-§ 11, ¶ A-1, sub-¶ (4), div. (a), (b) and (c), as enacted by PL 1971, c. 538, § 1, are amended to read:

(a) The employer's principal place of business in the United States is located in this State; ~~or~~

(b) The employer has no place of business in the United States, but the employer is an individual who is a resident of this State; or the employer is a corporation which is organized under the laws of this State; or the employer is a partnership or a trust and the number of the partners or trustees who are residents of this State is greater than the number who are residents of any other state; ~~or~~

(c) None of the criteria of divisions (a) and (b) is met but the employer has elected coverage in this State or, the employer having failed to elect coverage in any state, the individual has filed a claim for benefits, based on such service, under the law of this State; **or**

Sec. 180. 26 MRSA § 1043, sub-§ 11, ¶ F, sub-¶ (19), as amended by PL 1967, c. 294, is further amended to read:

(19) Service performed by an individual for a person as a real estate broker, real estate salesman, an insurance agent or as an insurance solicitor, if all such service performed by such individual for such person is performed for remuneration solely by way of commission; ~~and~~

Sec. 181. 26 MRSA § 1082, sub-§ 12, 3rd ¶, first sentence, as amended by PL 1977, c. 675, § 11, is further amended to read:

The commissioner is authorized to make such investigations, secure and transmit such information, make available such services and facilities and exercise such of the other powers provided herein with respect to the administration of this chapter as ~~he~~ deems necessary or appropriate to facilitate the administration of any unemployment compensation, employment security or public employment service law, and in like manner, to accept and utilize information, services and facilities made available to this State by any agency charged with the administration of any such other unemployment compensation, employment security or public employment service law.

Sec. 182. 26 MRSA § 1194, sub-§ 9, as amended by PL 1977, c. 666, §§ 1 and 2 and as repealed by PL 1977, c. 694, § 477, is repealed.

Sec. 183. 26 MRSA § 1195, sub-§ 1, ¶ I, sub-¶ (1) is amended to read:

(1) Equaled or exceeded 120% ~~or~~ of the average of such rates for the corresponding 13-week period ending in each of the preceding 2 calendar years; and

Sec. 184. 26 MRSA § 1221, sub-§ 3, ¶ B, as amended by PL 1977, c. 675, § 24, is further amended to read:

B. The commissioner shall classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their "experience rating records" and shall submit in ~~its~~ his annual report to the Governor, the results of the actual experience in payment of contributions on behalf of the individual employers and with respect to benefits charged to their "experience rating records" together with the recommendations relative to the advisability of the continuance of the rates based on benefit experience.

Sec. 185. 27 MRSA § 2 is repealed and the following enacted in its place:

§ 2. Contents; exchange

1. Library contents. The State Librarian shall procure and keep in the State Library the following:

- A.** Histories of this State, its counties and its towns;
- B.** Histories of all countries;
- C.** Family histories;
- D.** Works on the arts and sciences, with special reference to agriculture, forestry, fishing, manufacturers, shipbuilding and road making;
- E.** Maps, charts, plans, manuscripts and statistical and other publications relating to the financial, social, religious and educational condition of this State and then of the world as fast as the State furnishes the necessary means;
- F.** Full and complete sets of all the documents printed by the State; and
- G.** Full and complete sets of the reports of the towns, cities and counties of this State.

2. Exchanges. For the purpose of carrying out this section, the State Librarian may conduct a system of exchanges with other libraries and institutions of learning.

Sec. 186. 28 MRSA § 801-C, first ¶, as enacted by PL 1977, c. 246, § 8, is amended to read:

Notwithstanding any other provision of law, licenses may be granted to qualified catering services located in municipalities and unincorporated places which have previously voted affirmatively on ~~Title 28~~ section 101, questions pertaining to class A restaurants.

Sec. 187. 28 MRSA § 852, first ¶, last sentence, as amended by PL 1977, c. 696, § 378, is further amended to read:

No licensee for the sale of liquor to be consumed on the licensed premises of Class A restaurants, Class A taverns, clubs and hotel dining rooms shall employ any person under the age of 17 years in the direct handling or selling of liquor on the premises where such liquor is sold, ~~provided that~~ unless an employee who is 18 years of age or older is present in a supervisory capacity.

Sec. 188. 28 MRSA § 1002, last ¶, as amended by PL 1975, c. 430, § 26, is further amended to read:

It is intended that the penalty herein defined shall be the sole and exclusive penalty for the adjudication for this traffic infraction, and shall not be in conflict with Title 15, ~~chapters 401 to~~ chapter 409, but is additional to the criminal offense defined in section 303.

Sec. 189. 29 MRSA c. 5, sub-c. III, Article 1 and Article 2, are repealed.

Sec. 190. 29 MRSA § 1313, first sentence, as repealed and replaced by PL 1975, c. 731, § 51, is amended to read:

The license, permit or right to operate of any person, who, as a result of his operation of a motor vehicle in such a manner as to cause the death of any person, is convicted of a violation of Title 17-A, ~~sections 201-205~~ criminal homicide, or attempt thereof, shall be revoked immediately by the Secretary of State upon receipt of an attested copy of the court records, without further hearing.

Sec. 191. 29 MRSA § 1652, sub-§ 1, ¶ B, last sentence, as repealed and replaced by PL 1975, c. 237, § 4, is amended to read:

Nothing contained in this paragraph shall permit, validate or in any way apply to the use of the Interstate Highway System as defined by the Federal Aid Highway Act of 1956 by vehicles with overall gross weights in excess of the applicable maximum gross weights permitted by ~~section 1652, subsection 1~~ paragraph A.

Sec. 192. 29 MRSA § 2124, 8th ¶, as amended by PL 1973, c. 303, § 3, is further amended to read:

After hearing, as provided in Title 5, chapters 301 to ~~307~~ 375, the Administrative Court Judge may suspend or revoke the license issued to any official inspection station or the inspection certificate issued to any inspecting mechanic and may refuse the right of relicensing or recertifying for a period not to exceed 6 months.

Sec. 193. 30 MRSA § 2854-C, as enacted by PL 1979, c. 29, is amended to read:

§ 2854-C. Ejection of disruptive or destructive persons; damage to property

The owner or manager of an inn, hotel, restaurant, lodging house, camping area or boarding house may request that any person on the premises of that establishment who is causing unnecessary disturbance to other persons on the

premises or who is damaging or destroying property belonging to or in use by the inn, hotel, restaurant, lodging house, **camping area** or boarding house leave the premises immediately. If any person who is requested to leave the premises pursuant to this section fails or refuses to do so, the owner or manager may use a reasonable degree of force against that person to remove that person from the premises.

Any person who is requested to leave the premises of an inn, hotel, restaurant, lodging house, **camping area** or boarding house or is ejected from the premises pursuant to this section, shall, in addition to any other liability or penalty, be liable for the value of any property belonging to or in use by the inn, hotel, restaurant, lodging house, **camping area** or boarding house which is damaged or destroyed as a result of his conduct while on the premises or which is damaged or destroyed during his ejection from the premises pursuant to this section.

Sec. 194. 30 MRSA § 3703, sub-§ 1, as enacted by PL 1965, c. 271, § 2, is amended to read:

1. Maine commercial standard shingles. "Maine commercial standard shingles," MCST, shall mean northern white-cedar shingles that are graded by producers authorized by the **State Bureau of Forestry Department** to label northern white-cedar shingles under this chapter.

Sec. 195. 30 MRSA § 4751, 2nd ¶, is amended to read:

Whether or not the bonds are of such form and character as to be negotiable instruments under ~~Article 8~~ of the Uniform Commercial Code, **Article 8**, the bonds shall be and are hereby made negotiable instruments within the meaning of and for all the purposes of ~~Article 8~~ of the Uniform Commercial Code, **Article 8**, subject only to the provisions of the bonds for registration.

Sec. 196. 30 MRSA § 4963, sub-§ 1, last sentence, as amended by PL 1971, c. 622, § 112, is further amended to read:

Such board of appeals shall be governed by section 2411, except that ~~subsection 2~~ of section 2411, **subsection 2** shall not apply to boards existing on September 23, 1971.

Sec. 197. 30 MRSA § 4991, first ¶, 2nd and 4th sentences, as enacted by PL 1967, c. 308, § 2, are amended to read:

Any lease granted ~~hereunder~~ **under this chapter** may, with the consent of the municipal officers, be assigned, pledged or mortgaged and the lien of such pledge or mortgage may be foreclosed by appropriate action.

Any lease granted ~~hereunder~~ **under this chapter** may be granted over public streets and ways in which the municipalities own the easement, but not a fee interest, without thereby disturbing the reversionary rights, if any, of the holder of the fee in such public street or way.

Sec. 198. 30 MRSA § 4991, 2nd ¶, as enacted by PL 1967, c. 308, § 2, is amended to read:

Nothing herein in this chapter shall derogate from the right of a municipality holding a fee interest in such streets, ways, facilities, buildings, land or water from conveying air rights in fee or by lease.

Sec. 199. 30 MRSA § 4992, first sentence, as enacted by PL 1967, c. 308, § 2, is amended to read:

The construction or occupancy of any building or other thing erected or affixed under any lease hereunder under this chapter shall be subject to the building, fire, garage, health and zoning ordinances, bylaws, rules and regulations applicable in the municipality.

Sec. 200. 30 MRSA § 4994, first sentence, as enacted by PL 1967, c. 308, § 2, is amended to read:

Each lease made hereunder under this chapter shall require that the lessee file with the municipality a statement under oath containing the names and addresses of the officers and directors, in the case of a corporation, and in the case of a partnership or other voluntary association, the name and address of all persons having a financial interest in said lease.

Sec. 201. 30 MRSA § 5325, sub-§ 5, as enacted by PL 1965, c. 423, § 1, is amended to read:

5. Contracts; employment of specialists. To make and enter into all leases, contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including a trust agreement or trust agreements securing any revenue obligation securities issued hereunder under this chapter, and to employ such consulting and other engineers, attorneys, accountants, construction and financial experts, superintendents, managers and such other employees and agents as deemed necessary, and to fix their compensation; provided all such expenses shall be payable solely from funds made available under this chapter;

Sec. 202. 30 MRSA § 5332, last ¶, first sentence, as enacted by PL 1965, c. 423, § 1, is amended to read:

All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of the project.

Sec. 203. 30 MRSA § 5353, sub-§ 3, ¶ C, sub-¶ (1), 3rd sentence, as enacted by PL 1969, c. 353, is amended to read:

Such supplementary petition shall comply with the requirements of paragraph B, subparagraphs (2) and (3) of paragraph B and within 5 days after it is filed the

clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition.

Sec. 204. 30 MRSA § 5374, sub-§ 3, as enacted by PL 1973, c. 506, is amended to read:

3. Personnel. Either the rent control board, hereinafter **in this chapter** called the board, or the rent control administrator, hereinafter **in this chapter** called the administrator, as the case may be, shall be responsible for carrying out this chapter and shall hire, with the approval of the appointing official or officials, such personnel as are needed, shall promulgate such policies, rules and regulations as will further the provisions of this chapter and shall recommend to the city or town for adoption such ordinances and bylaws as may be necessary to carry out the purposes of this chapter.

Sec. 205. 30 MRSA § 5605 is amended to read:

§ 5605. Copy of proceedings and description of plantation sent to Secretary of State

Upon the organization of a plantation, the clerk and assessors shall transmit to the Secretary of State, to be by him recorded, a certified copy of all proceedings had in effecting such organization, including the petition if any, the warrant issued therefor and the return thereon, and the record of the meeting held in pursuance thereof and a written description of the limits of the plantation, and thereupon all laws applicable to organized plantations shall apply to plantations organized as ~~herein~~ provided **in this chapter**.

Sec. 206. 32 MRSA § 1309, as repealed by PL 1979, c. 13, § 9, is reenacted to read:

§ 1309. Roster of registered engineers

A roster showing the names and places of business of all registered professional engineers shall be prepared by the secretary of the board during the month of January of each year. Copies of this roster shall be mailed to each person so registered, placed on file with the Secretary of State and furnished to the public upon request.

Sec. 207. 32 MRSA § 4408, as amended by PL 1973, c. 460, § 18, is further amended to read:

§ 4408. Enforcement agencies

State ~~Forestry~~ Bureau of Forestry personnel and all state, county and municipal law enforcement officers shall be authorized officers to make inspections, investigations, arrests and disposals of trees and boughs under this chapter and

shall report violations to the Director of the Bureau of Forestry.

Sec. 208. 33 MRSA § 751, sub-§ 7, as repealed and replaced by PL 1977, c. 145, § 6, is repealed.

Sec. 209. 34 MRSA § 136-A, sub-§ 1, first sentence, is repealed and the following enacted in its place:

When the Warden of the Maine State Prison, Superintendent of the Maine Correctional Center or Maine Youth Center believes that any person in any such institution is mentally ill, requiring hospitalization and meeting requirements for admission, he shall make application in accordance with section 2333.

Sec. 210. 34 MRSA § 136-A, sub-§ 2, first sentence, as last amended by PL 1975, c. 756, § 20, is repealed and the following enacted in its place:

When the Warden of the Maine State Prison, Superintendent of the Maine Correctional Center or Maine Youth Center believes that any person confined in any such institution is mentally retarded and in need of services available at the Pineland Center and is a proper subject for admission thereto, he shall apply, in writing, for the admission of any such person to the Pineland Center.

Sec. 211. 34 MRSA § 269, 2nd ¶, as enacted by PL 1977, c. 520, § 2, is amended to read:

The Commissioner of ~~the Department of~~ Mental Health and Corrections shall promulgate guidelines for the functioning of community conference committees.

Sec. 212. 34 MRSA § 1412, first ¶, as enacted by PL 1971, c. 171, is amended to read:

As used in this agreement, unless the context clearly requires otherwise, **the following terms shall have the following meanings.**

Sec. 213. 34 MRSA § 2657-A, sub-§ 3, as enacted by PL 1977, c. 635, § 7, is amended to read:

3. Medical admission. Any person may be admitted to Benda Hospital pursuant to ~~§ section~~ 2662.

Sec. 214. 35 MRSA § 95, first ¶, as enacted by PL 1977, c. 521, is amended to read:

The Department of ~~the~~ Attorney General, heretofore established by law, is hereby authorized to:

Sec. 215. 35 MRSA § 1565, first sentence, as enacted by PL 1977, c. 18, § 2, is amended to read:

Each carrier holding a permit or certificate from the commission under **this chapter 93** shall file with the commission, in writing, an appointment of a resident of this State to be its true and lawful agent, representative or attorney upon whom all lawful processes may be served, and who may be required to appear in court on behalf of the carrier with the same legal force and validity as if the carrier were itself in court.

Sec. 216. 35 MRSA § 2308, first ¶, as amended by PL 1977, c. 124, § 1, is further amended to read:

Wherever used or referred to in **this section and sections 2308 2309 to 2313**, unless a different meaning clearly appears from the context, **the following terms shall have the following meanings.**

Sec. 217. 35 MRSA § 2344, sub-§§ 2 and 3, as enacted by PL 1977, c. 301, § 2, are repealed and the following enacted in their place:

2. Posting surety bonds. The applicant has posted with the licensing authority a surety bond in an amount sufficient to:

A. Protect the public from claims, demands and actions arising out of improper construction or maintenance of the line and unsafe conditions thereon; and

B. Insure that the owner of the line, and his successors and assigns, will continue to properly maintain and repair the line and protect the public from harm.

3. Duplication. The Maine Public Utilities Commission has found that the line will not constitute a duplication of electric facilities.

This section shall not apply to state and state aid highways maintained by the State.

Sec. 218. 36 MRSA § 505, sub-§ 4, first sentence, as repealed and replaced by PL 1971, c. 367, is amended to read:

The date from and after which interest shall be collected accrue, which shall also be the date on which taxes shall become delinquent.

Sec. 219. 36 MRSA § 582, sub-§ 1, first sentence, as repealed by PL 1977, c. 694, § 686 and as amended by PL 1977, c. 720, § 4, is repealed.

Sec. 220. 36 MRSA § 1752, sub-§ 9-B, 3rd ¶, first sentence, as enacted by PL 1977, c. 477, § 8, is amended to read:

Production does not include biological processes, wood harvesting operations, the severance from of sand, gravel, oil, gas or other natural resources produced or

severed from the soil or water, or activities such as cooking or preparing drinks, meals, food or food products by a retailer for retail sale.

Sec. 221. 36 MRSA § 1761, first sentence, is amended to read:

It shall be unlawful for any retailer to advertise or hold out or state to the public or to any consumer, directly or indirectly, that the tax or any part thereof imposed by chapters 211 to 225 will be assumed or absorbed by the retailer, or that **it will not be added to or included in the selling price of the property sold**, or if added or included that it or any part thereof will be refunded.

Sec. 222. 36 MRSA § 1765, as repealed and replaced by PL 1977, c. 686, § 4, is amended to read:

§ 1765. Trade-in credit for vehicles, boats or aircraft

When one or more motor vehicles, farm tractors, boats, aircraft or self-propelled vehicles used to harvest lumber ~~is~~ **are** traded in toward the sale price of another motor vehicle, farm tractor, boat, aircraft or self-propelled vehicle used to harvest lumber, the tax imposed by chapters 211 to 225 shall be levied only upon the difference between the sale price of the purchased vehicle and the sale price of the vehicle or vehicles taken in trade, except for transactions between dealers involving exchange of the vehicles from inventory.

Sec. 223. 36 MRSA § 1955-A, as enacted by PL 1975, c. 702, § 8, is amended to read:

§ 1955-A. Failure to pay tax on vehicles

If, after notice of deficiency assessment and demand for payment, any amount required to be paid with respect to any vehicle is not paid as demanded within the 12-day period prescribed in section 1959, or such extension thereof as the State Tax Assessor may allow, the State Tax Assessor may, in addition to proceeding to enforce collection pursuant to chapters 211 to 225, immediately notify the Secretary of State who shall proceed in accordance with Title 29, section 55-B, to mail the required 5-day notice and to suspend any registration certificate and plates issued for the vehicle in respect to which the tax remains unpaid upon the expiration of the 5-day period provided therein.

Sec. 224. 36 MRSA c. 365, as enacted by PL 1975, c. 162, § 1 and as amended, is repealed.

Sec. 225. 36 MRSA § 4511, sub-§ 2 is amended to read:

2. Balance of funds. The remaining sum ~~shall be used~~ for such purposes as are defined in section 4501 or for carrying out this chapter.

Sec. 226. 36 MRSA § 4530, sub-§ 2, as enacted by PL 1975, c. 444, § 6, is amended to read:

2. **Balance of funds.** The remaining sum ~~shall be used~~ for such purposes as are defined in section 4521 or for carrying out this chapter.

Sec. 227. 36 MRSA § 4562, first ¶, as repealed and replaced by PL 1975, c. 554, § 1, is repealed and the following enacted in its place:

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

Sec. 228. 36 MRSA § 4692, first ¶, is amended to read:

For the purpose of this chapter, unless the context otherwise indicates, the following terms shall have the following meanings.

Sec. 229. 36 MRSA § 4699-A, as enacted by PL 1965, c. 332, § 6, is amended to read:

§ 4699-A. Refund on sardines exported

In the event sardines upon which an excise tax has been paid under section 4695 are exported from the United States, the packer who has paid the tax after the effective date hereof **September 3, 1965** shall be entitled to a refund of all of such tax upon application to the Maine Sardine Council.

Sec. 230. 36 MRSA § 5102, sub-§ 8, ¶ C, last ¶, as repealed and replaced by PL 1973, c. 12, § 2, is repealed.

Sec. 231 36 MRSA § 5102, sub-§ 10, last sentence, as amended by PL 1973, c. 12, § 3, is further amended to read:

In the case of affiliated corporations which are ~~permitted or~~ required to file consolidated returns under section 5220, subsection ~~8 5~~, the group shall be deemed to be the taxable corporation.

Sec. 232. 36 MRSA § 5128, last sentence, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

The reduction shall be in an amount equal to that portion of the lower of the ~~two 2~~ taxes applicable to the income taxed twice which the tax imposed by this State bears to the combined taxes of the ~~two 2~~ jurisdictions on the income taxed twice.

Sec. 233. 36 MRSA § 5191, sub-§ 3, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

3. **Tax avoidance or evasion.** Where a partner's distributive share of an item of partnership income, gain, loss or deduction is determined for federal income tax purposes by a special provision in the partnership agreement with respect to such item, and the principal purpose of such provision is the avoidance or evasion

of tax under this ~~part~~ **Part**, the partner's distributive share of such item and any modification required with respect thereto shall be determined in accordance with his distributive share of the taxable income or loss of the partnership generally (that is, exclusive of those items requiring separate computation under ~~the provisions of Section 702 (or its equivalent)~~ of the Internal Revenue Code, **Section 702, or its equivalent.**)

Sec. 234. 36 MRSA § 5192, sub-§ 4, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

4. Partner's modifications. Any modification described in ~~subsections 1 and 2~~ of section 5122, **subsection 1 and 2**, which relates to an item of partnership income, gain, loss or deduction, shall be made in accordance with the partner's distributive share, for federal income tax purposes of the item to which the modification relates, but limited to the portion of such item derived from or connected with sources in this State.

Sec. 235. 36 MRSA § 5192, sub-§ 6, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

6. Application of rules for resident partners to nonresident partners. A nonresident partner's distributive share of items of income, gain, loss or deduction shall be determined under ~~subsection 1 of~~ section 5191, **subsection 1**. The character of partnership items for a nonresident partner shall be determined under ~~subsection 2 of~~ section 5191, **subsection 2**. The effect of a special provision in a partnership agreement, other than a provision referred to in subsection 3, having as a principal purpose the avoidance or evasion of tax under this ~~part~~ **Part** shall be determined under ~~subsection 3 of~~ section 5191, **subsection 3**.

Sec. 236. 36 MRSA § 5210, first ¶, as enacted by P&SL, 1969, c. 154, Sec. F, is amended to read:

As used in this section, unless the context otherwise requires, **the following terms shall have the following meanings.**

Sec. 237. 36 MRSA § 5215, sub-§ 2, first sentence, as enacted by PL 1977, c. 722, is amended to read:

As used in this section ~~and in section 5214~~ unless the context otherwise indicates, the following terms shall have the following meanings.

Sec. 238. 36 MRSA § 5222, sub-§ 4, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

4. Joint fiduciaries. If ~~two~~ 2 or more fiduciaries are acting jointly, the return may be made by any one of them.

Sec. 239. 36 MRSA § 5229, sub-§ 4, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

4. **Fiscal year.** In the application of this section and ~~the preceding~~ section 5228 to the case of a taxable year beginning on any date other than January 1st, there shall be substituted, for the months specified in this section and ~~the preceding~~ section 5228, the months which correspond thereto.

Sec. 240. 36 MRSA § 5230, sub-§ 1, ¶ B, first sentence, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

If the declaration is filed after April 15th and not after June 15th of the taxable year, and is not required to be filed on or before April 15th of the taxable year, the estimated tax shall be paid in ~~three~~ 3 equal installments.

Sec. 241. 36 MRSA § 5241, last 2 sentences, as enacted by P&SL 1969, c. 154, Sec. F, are amended to read:

Such return shall be filed on or before the 15th day of the ~~fourth~~ 4th month following the close of each taxable year. For the purposes of this section, "taxable year" means a year or period which would be a taxable year of the partnership if it were subject to tax under this ~~part~~ Part.

Sec. 242. 36 MRSA § 5243, first 2 sentences, as enacted by P&SL 1969, c. 154, Sec. F, are amended to read:

If the amount of a taxpayer's federal taxable income reported on his federal income tax return for any taxable year is changed or corrected by the United States Internal Revenue Service or other competent authority, or as the result of a renegotiation of a contract or subcontract with the United States, the taxpayer shall report such change or correction in federal taxable income within ~~ninety~~ 90 days after the final determination of such change, correction or renegotiation, or as otherwise required by the assessor, and shall concede the accuracy of such determination or state wherein it is erroneous. Any taxpayer filing an amended federal income tax return shall also file within 90 days thereafter an amended return under this ~~part~~ Part, and shall give such information as the assessor may require.

Sec. 243. 36 MRSA § 5250, sub-§ 3, first sentence, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

The assessor may enter into agreements with the tax departments of other states, which require income tax to be withheld from the payment of wages and salaries, so as to govern the amounts to be withheld from the wages and salaries of residents of such states under ~~provisions of~~ this chapter.

Sec. 244. 36 MRSA § 5251, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

§ 5251. Information statement for employee

Every employer required to deduct and withhold tax under this ~~part~~ Part from

the wages of an employee, or who would have been required so to deduct and withhold tax, if the employee had claimed no more than one withholding exemption, shall furnish to each such employee in respect to the wages paid by such employer to such employee during the calendar year on or before February 15th of the succeeding year, or, if his employment is terminated before the close of such calendar year, within ~~thirty~~ 30 days from the date on which the last payment of wages is made, a written statement as prescribed by the assessor showing the amount of wages paid by the employer to the employee, the amount deducted and withheld as tax, and such other information as the assessor shall prescribe.

Sec. 245. 36 MRSA § 5259, sub-§ 1, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

1. Change other than to installment method. If a taxpayer's method of accounting is changed, other than from an accrual to an installment method, any additional tax which results from adjustments determined to be necessary solely by reason of the change shall not be greater than if such adjustments were ratably allocated and included for the taxable year of the change and the preceding taxable years, not in excess of ~~two~~ 2, during which the taxpayer used the method of accounting from which the change is made.

Sec. 246. 36 MRSA § 5279, sub-§ 1, first sentence, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

Under regulations prescribed by the assessor, interest shall be allowed and paid at the rate of 1/2% per month upon any overpayment in respect of the tax imposed by this Act **Part**.

Sec. 247. 36 MRSA § 5319, sub-§ 2 first sentence, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

If any taxpayer willfully refuses to make available any books, papers, records or memoranda for examination by the assessor or his representative or willfully refuses to attend and testify pursuant to the powers conferred on the assessor by section 5340, subsection 3 ~~of this part~~, the assessor may apply to a Justice of the Superior Court of Kennebec County for an order directing the taxpayer to comply with the assessor's request for books, papers, records or memoranda or for his attendance and testimony.

Sec. 248. 36 MRSA § 5320, sub-§ 3, 2nd and 3rd sentences, as enacted by P&SL 1969, c. 154, Sec. F, are amended to read:

For the purpose of determining the period of limitation on credit or refund to the transferee of overpayments of tax made by such transferee of overpayments of tax made by the transferor of which the transferee is legally entitled to credit or refund, such agreement and any extension thereof shall be deemed an agreement or extension referred to in ~~subsection 3 of section 5278~~, **subsection 3**. If the

agreement is executed after the expiration of the period of limitation for assessment against the taxpayer with reference to whom the liability of such transferee arises, then in applying the limitations under ~~subsection 2 of section 5278, subsection 2~~ on the amount of the credit or refund, the periods specified in ~~subsection 1 of section 5278, subsection 1~~ shall be increased by the period from the date of such expiration to the date of the agreement.

Sec. 249. 36 MRSA § 5340, sub-§ 1, first sentence, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

The assessor shall administer and enforce the tax imposed by this ~~part~~ **Part** and he is authorized to make such rules and regulations and to require such facts and information to be reported as he may deem necessary to enforce ~~the provisions of~~ this ~~part~~ **Part**.

Sec. 250. 36 MRSA § 6103, sub-§ 5-A, last sentence, as enacted by PL 1973, c. 634, § 2, is amended to read:

For purposes of this ~~subchapter~~ **chapter** "unit" refers to the parcel of property separately assessed of which the homestead is a part.

Sec. 251. 36 MRSA § 6103, sub-§ 5-B, as enacted by PL 1973, c. 634, § 2, is amended to read:

5-B. Rent constituting property taxes accrued. "Rent constituting property taxes accrued" means 25% of the gross rent actually paid in cash or its equivalent in any tax year by a claimant and his household solely for the right of occupancy of their Maine homestead in the tax year, and which rent constitutes the basis, in the succeeding calendar year, of a claim for relief under this ~~subchapter~~ **chapter** by the claimant.

Sec. 252. 36 MRSA § 6106, as enacted by PL 1971, c. 503, § 1, is amended to read:

§ 6106. Filing date

No claim shall be paid unless the claim is filed with the Bureau of Taxation on or after August ~~1st~~ and on or before the following October ~~15th~~.

Sec. 253. 37-A MRSA § 28, sub-§§ 1 and 2, as enacted by PL 1971, c. 580, § 1, are amended to read:

1. Child. ~~The term "child"~~ **"Child"** shall be construed to mean a child under the age of 18, or over age 18 and under age 20 if found by the bureau to be regularly attending school, or over 18 and not attending school if, prior to reaching age 18, the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, and shall include a foster child, a legitimate or legally adopted child of the veteran or a stepchild if a member of the veteran's

household either at time of application, or in the event of the veteran's death, at time of death, and who continues a member of the household, or an illegitimate child, provided that the veteran has been judicially ordered or decreed by the court to contribute to the child's support, or has been judicially decreed to be the putative father or has acknowledged under oath in writing that he is the father of such child.

2. **Parent.** ~~The term "parent"~~ **"Parent"** shall mean the father or mother of a veteran with whom the veteran lived during the minority and for whom he would be legally responsible under the laws of the State; or the foster mother or father of a veteran.

Sec. 254. 37-A MRSA § 28, sub-§ 3, first sentence, as enacted by PL 1971, c. 580, § 1, is amended to read:

~~The term "veteran"~~ **"Veteran"** shall be construed to mean any person who served in Armed Forces of the United States on active duty during World War I, World War II, the Korean Campaign or Viet Nam War, not dishonorably discharged.

Sec. 255. 37-A MRSA § 28, sub-§ 4, as repealed and replaced by PL 1975, c. 701, § 19, is amended to read:

4. **Spouse.** ~~The term "spouse"~~ **"Spouse"** shall be construed to mean the legally married spouse of the veteran, not divorced, or the widow or widower of the veteran, not previously divorced and who has not become the dependent of another person.

Sec. 256. 37-A MRSA § 28, sub-§ 5, as amended by PL 1975, c. 432, § 5, is further amended to read:

5. **World War I and II, Korean Campaign, Viet Nam War.** ~~The term "World War I"~~ shall mean that period between April 6, 1917 and November 11, 1918; if service was in Russia the ending date shall be on March 31, 1920. ~~The term "World War II"~~ shall mean that period between December 7, 1941 and December 31, 1946. ~~The term "Korean Campaign"~~ shall mean that period between June 27, 1950 and January 31, 1955. ~~The term "Viet Nam War"~~ shall mean that period between August 5, 1964 and May 7, 1975.

Sec. 257. 37-A MRSA § 164, first ¶, as enacted by PL 1971, c. 580, § 1, is amended to read:

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

Sec. 258. 37-A MRSA § 183, 2nd ¶, as enacted by PL 1973, c. 787, § 2, is amended to read:

In carrying out ~~the provisions of~~ this chapter, the bureau shall consult with other state agencies, including the Soil and Water Conservation Commission, the State

Planning Office, the Departments of Environmental Protection, Conservation, Transportation and Public Safety on matters pertaining to the technical aspects of the administration of this chapter and in emergency situations may require the aid and assistance of such agencies.

Sec. 259. 37-A MRSA § 1302, first ¶, as reallocated by PL 1971, c. 580, § 3, is amended to read:

As used in this code, unless the context otherwise requires indicates, the following terms shall have the following meanings.

Sec. 260. 37-A MRSA § 1326, sub-§ 1, first sentence, as reallocated by PL 1971, c. 580, § 3 is amended to read:

Any person not subject to this code is guilty of an offense against the State, who:

Sec. 261. 37-A MRSA § 1326, sub-§ 1, ¶ B, as reallocated by PL 1971, c. 580, § 3, is amended to read:

B. Has been duly paid or tendered the fees and mileage of a witness at the rates allowed to witnesses attending the ~~district courts~~ District Courts of the State of Maine; and

Sec. 262. 38 MRSA § 321-A, sub-§ 6, last sentence, as enacted by PL 1967, c. 103, § 2, is amended to read:

These federal funds will be credited to the ~~Boat~~ Boating Facilities Fund to carry out the purposes of the chapter.

Sec. 263. 38 MRSA § 482, first ¶, as enacted by PL 1969, c. 571, § 2, is amended to read:

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

Sec. 264. 38 MRSA § 541, 3rd ¶, as enacted by PL 1969, c. 572, § 1, is amended to read:

The Legislature further finds and declares that the transfer of oil, petroleum products and their by-products between vessels and vessels and onshore facilities and vessels within the jurisdiction of the State and state waters is a hazardous undertaking; that spills, discharges and escape of oil, petroleum products and their by-products occurring as a result of procedures involved in the transfer and storage of such products pose threats of great danger and damage to the marine, estuarine and adjacent terrestrial environment of the State; to owners and users of shorefront property; to public and private recreation; to citizens of the State and other interests deriving livelihood from marine-related activities; and to the beauty of the Maine coast; that such hazards have frequently occurred in the past, are occurring now and present future threats of potentially catastrophic

proportions, all of which are expressly declared to be inimical to the paramount interests of the State as ~~herein~~ set forth in **this subchapter** and that such state interests outweigh any economic burdens imposed by the Legislature upon those engaged in transferring oil, petroleum products and their by-products and related activities.

Sec. 265. 38 MRSA § 541, last ¶, as enacted by PL 1969, c. 572, § 1, is amended to read:

The Legislature further finds and declares that the preservation of the public uses referred to ~~herein~~ in **this subchapter** is of grave public interest and concern to the State in promoting its general welfare, preventing disease, promoting health and providing for the public safety, and that the state's interest in such preservation outweighs any burdens of absolute liability imposed by the Legislature upon those engaged in transferring oil, petroleum products and their by-products and related activities.

Sec. 266. 38 MRSA § 548, 2nd ¶, last sentence, as amended by PL 1971, c. 618, § 12, is further amended to read:

Any expenses involved in the removal of discharges, whether by the person causing the same, the person reporting the same or the board by itself or through its agents or contractors, shall be paid in the first instance from the Maine Coastal Protection Fund ~~hereinafter provided for~~ and any reimbursements due ~~said that~~ fund shall be collected in accordance with ~~the provisions of~~ section 551.

Sec. 267. 38 MRSA § 549, first sentence, as amended by PL 1971, c. 618, § 12, is further amended to read:

The board shall establish and maintain at such ports within the State, and other places as it shall determine, such employees and equipment as in its judgment may be necessary to carry out ~~the provisions of~~ this subchapter.

Sec. 268. 38 MRSA § 551, sub-§ 1, last sentence, as enacted by PL 1969, c. 572, § 1, is amended to read:

Such allocations shall be made in accordance with ~~the provisions of~~ section 555.

Sec. 269. 38 MRSA § 555, first sentence, as amended by PL 1971, c. 618, § 12, is further amended to read:

The board shall submit to each Legislature its budget recommendations for disbursements from the fund in accordance with ~~the provisions of~~ section 551.

Sec. 270. 38 MRSA § 556, as amended by PL 1971, c. 618, § 12, is further amended to read:

§ 556. **Municipal ordinances; powers limited**

Nothing in this subchapter shall be construed to deny any municipality, by ordinance or by law, from exercising police powers under any general or special ~~act~~ **Act**; provided ~~however~~ that ordinances and bylaws in furtherance of the intent of this subchapter and promoting the general welfare, public health and public safety shall be valid unless in direct conflict with ~~the provisions of~~ this subchapter or any rule, regulation or order of the board adopted under authority of this subchapter.

Sec. 271. 38 MRS § 582, first ¶, as enacted by PL 1969, c. 474, § 1, is amended to read:

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

Sec. 272. 38 MRS § 584, first ¶, first sentence, as amended by PL 1971, c. 618, § 12, is further amended to read:

The board shall establish and may amend reasonable standards, ~~herein in this chapter~~ called "ambient air quality standards," within a reasonable air quality region regulating and limiting the amount and types of air contaminants which may exist in the ambient air of such region.

Sec. 273. 38 MRS § 1159, as enacted by PL 1965, c. 310, is amended to read:

§ 1159. Inspection of sewers

The officers or agents of each sanitary district formed under this chapter shall have free access to all premises served by its sewers, at all reasonable hours, for inspection of plumbing and sewage fixtures, to ascertain the quality and quantity of sewage discharged and the manner of discharge, and to enforce ~~the provisions of~~ this chapter and the rules and regulations prescribed by the trustees of the district.

Sec. 274. 38 MRS § 1205, first sentence, as enacted by PL 1965, c. 310, is amended to read:

All assessments made under section 1203 shall create a lien upon each and every lot or parcel of land so assessed and the buildings upon the same, which lien shall take effect when the trustees file with the clerk of the district the completed assessment, and shall continue for one year thereafter; ~~and, within~~. **Within** 10 days after the date of hearing on said assessment the clerk of the district shall make out a list of all such assessments, the amount of each, and the name of the person against whom the same is assessed, and he shall certify the list and deliver it to the treasurer of said district; ~~if~~. **If** said assessments are not paid within 3 months from the date thereof, the treasurer may bring a civil action for the collection of said assessment in the name of the district against the person against whom said assessment is made and for the enforcement of said lien.

Sec. 275. 38 MRS § 1206, as enacted by PL 1965, c. 310, is amended to read:

§ 1206. Civil action for unpaid assessments

If assessments under section 1203 are not paid, and any such district does not proceed to collect unpaid assessments by proceedings as prescribed in section 1205, or does not collect or is in any manner delayed or defeated in collecting such assessments by proceedings under section 1205, then the district in its name may maintain a civil action against the party so assessed for the amount of said assessment, as for money paid, laid out and expended, in any court of competent jurisdiction, and in such ~~suit~~ **action** may recover the amount of such assessment with 10% interest on the same from the date of said assessment and costs.

Sec. 276. 38 MRSA § 1208, last ¶, as enacted by PL 1965, c. 310, is amended to read:

The filing of the ~~aforsaid~~ certificate in the registry of deeds as ~~aforsaid~~ shall be deemed to create, and shall create, a mortgage on the real estate therein described to the district which shall have priority over all other mortgages, liens, attachments and encumbrances of any nature, except liens, attachments and claims for taxes, and shall give to the district all the rights usually possessed by mortgagees, except that the district as mortgagee shall not have any right to possession of said real estate until the right of redemption ~~hereinafter~~ provided for shall have expired. If the mortgage, together with interest and costs, shall not have been paid within 18 months after the date of filing of said certificate in the registry of deeds as ~~herein~~ provided, the mortgage shall be deemed to have been foreclosed and the right of redemption to have expired. The filing of the certificate in the registry of deeds shall be sufficient notice of the existence of the mortgage ~~hereby~~ provided for. In the event that said rate, toll, rent or other charge, with interest and costs as ~~aforsaid~~, shall be paid within the period of redemption ~~herein~~ provided for, the treasurer of the district shall discharge the mortgage in the same manner as provided for discharge of real estate mortgages.

Sec. 277. 38 MRSA § 1305, sub-§ 2, as enacted by PL 1973, c. 387, is amended to read:

2. Ordinances. This chapter shall not be construed as limiting the authority of any municipality to enact ordinances for the regulation of solid waste disposal, provided that such ordinances are not less stringent than or inconsistent with ~~the provisions of~~ this chapter or the regulations adopted thereunder.

Sec. 278. 39 MRSA § 2, sub-§ 6, as amended by PL 1973, c. 746, § 2, is repealed.

Sec. 279. 39 MRSA § 56, first sentence, as amended by PL 1965, c. 489, § 6, is further amended to read:

In addition to the benefits provided for in sections 54 and 55, when an employee sustains an injury which is included in the following schedule, the incapacity in each case shall be deemed to be total for the period specified and the injured employee shall receive a lump sum payment for said injury which shall be

determined by multiplying the amount to which he would be entitled weekly for total incapacity as determined under section 54, by the period of presumed total incapacity hereinafter set forth **in this section**.

Sec. 280. 39 MRSA § 56, 2nd sentence, as repealed and replaced by PL 1965, c. 408, § 5, is amended to read:

The specific periods of presumed total incapacity because of injuries hereinafter specified **in this section** shall be as follows:

Sec. 281. 39 MRSA § 93, sub-§ 5, first sentence, as repealed and replaced by PL 1977, c. 612, § 13, is amended to read:

A person shall not, in proceedings before the Workers' Compensation Commission or a single commissioner ~~Disobey~~, **disobey** or resist any lawful order, process or writ; misbehave during a hearing or so near the place thereof as to obstruct the same; neglect to produce, after having been ordered to do so, any pertinent document; or refuse to appear after having been subpoenaed or, upon appearing, refuse to be examined according to law.

Sec. 282. 39 MRSA § 95, 2nd sentence, as repealed and replaced by PL 1965, c. 408, § 9, is amended to read:

Any time during which the employee is unable by reason of physical or mental incapacity to file said petition shall not be included in the period ~~aforsaid~~ **provided in this section**.

Sec. 283. 39 MRSA § 106-A, as enacted by PL 1979, c. 142, § 2, is amended to read:

§ 106-A. Notice by the commission

Within 90 days of receipt of an employer's notice of injury, as required by section 106, unless it has received a petition for award or approved an agreement for compensation relating to the injured employee, the commission shall take reasonable steps to notify the employee that a petition for award may be filed; section 110 of the Act provides for the payment of attorney's fees under certain circumstances; and rights under the Act may **not** be protected unless a petition of award or approved agreement is on file with the commission within 2 years of the injury.

Sec. 284. P&SL 1941, c. 69, § 4, (a), (3), as amended by PL 1977, c. 694, § 761, is further amended to read:

(3) to adopt from time to time and amend by-laws covering its procedure, rules and regulations governing use of the turnpike and any of the other services made available in connection with said turnpike in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter ~~I~~ **II**;

PART B

Sec. 1. 5 MRSA § 552, first ¶, as amended by PL 1979, c. 127, § 26, is further amended to read:

Certain words and phrases shall have, for the purposes of chapters 51 to 60 67, the following meaning meanings.

Sec. 2. 5 MRSA § 552, sub-§ 3, as amended by PL 1979, c. 127, § 27, is further amended to read:

3. Classified service. "Classified service" means all offices and positions of trust and employment in the state service except those placed in the unclassified service by chapters 51 to 60 67.

Sec. 3. 5 MRSA § 632, first ¶, 2nd sentence, as amended by PL 1979, c. 127, § 32, is further amended to read:

Each eligible register shall consist of a list of all of the persons, who have shown by competitive tests, as provided for in section 673, that they possess the qualifications which entitle them to be considered eligible for appointment to any position in the class for which the eligible register is to be prepared, and of employees who have resigned or been dismissed, laid off or granted leaves of absence and whose names have been restored to the eligible register in accordance with chapters 51 to 60 67.

Sec. 4. 5 MRSA § 4574, sub-§ 1, first sentence, as repealed and replaced by PL 1979, c. 350, § 4, is amended to read:

As used in this section and section 4573, unless the context otherwise indicates, the following terms shall have the following meanings.

Sec. 5. 7 MRSA § 62, 4th sentence, as enacted by PL 1965, c. 436, § 2, is amended to read:

A sum equal to 2e 2¢ per inhabitant of the State shall be divided for reimbursement in amounts in proportion to the sums expended for premiums in the current year to each recipient of the stipend fund which does not conduct pari-mutuel racing, if said recipient has improved its facilities and has met the standards for facility improvements set by the ~~Commissioner of Agriculture~~ commissioner for said recipients.

Sec. 6. 7 MRSA § 956, last ¶, as amended by PL 1977, c. 694, § 90 and c. 696, § 81, is repealed and the following enacted in its place:

All fees received under sections 951 to 957 by the commissioner and all money and forfeitures received by him under those sections shall be paid by him to the Treasurer of State and shall be appropriated for carrying out those sections. The

commissioner shall, in a manner consistent with the Maine Administrative Procedure Act, establish such rules as may be needed for the proper enforcement of sections 951 to 957.

Sec. 7. 7 MRSA § 995, sub-§ 10, last sentence, is amended to read:

The commissioner may authorize ~~such board~~ **the committee** to employ necessary personnel, including an attorney, fix their compensation and terms of employment, and to incur such expenses, to be paid by the commissioner from moneys collected as provided, as the commissioner may deem necessary and proper to enable ~~such board~~ **the committee** properly to perform such of its duties as are authorized ~~herein~~ **in this Article**.

Sec. 8. 10 MRSA § 672, sub-§ 4, first sentence, as enacted by PL 1973, c. 633, § 26, is amended to read:

“Local development corporation” hereinafter in this chapter called the “development corporation,” shall mean any organization incorporated under Title 13, chapter 81 **or Title 13-B**, for the purposes of fostering, encouraging, and assisting the physical location, settlement or resettlement of industrial, manufacturing and other business enterprises within the State, and to whose members no profit shall insure, but limited to those created by a municipality as defined by this chapter.

Sec. 9. 10 MRSA § 703, sub-§ 4, as last amended by PL 1977, c. 489, § 2, is further amended to read:

4. Local development corporation. “Local development corporation” shall mean any organization incorporated under Title 13, chapter 81; **Title 13-B**; or otherwise chartered by the State, for the purpose of fostering, encouraging and assisting the physical location, settlement, and resettlement of industrial, manufacturing, fishing, agricultural, recreational and other business enterprises within the State, and to whose members no profit shall enure, or for the purpose of this chapter, any organized municipality of the State.

Sec. 10. 10 MRSA § 1312, sub-§ 9, as enacted by PL 1977, c. 514, is repealed.

Sec. 11. 10 MRSA § 1327, as enacted by PL 1977, c. 514 is repealed.

Sec. 12. 12 MRSA § 667, last ¶, as amended by PL 1973, c. 460, § 17, is further amended to read:

Within the restricted zone, the bureau is empowered to acquire by eminent domain on behalf of the State, **any** land, ~~or~~ improvements of **any** interest therein, water and power rights, specifically excluding from the power to acquire by eminent domain the Telos Dam Lot and Lock Dam Lot and water and power rights connected therewith, however, the power and authority of the bureau as otherwise provided to accomplish the purposes of this chapter shall apply to the Telos Dam

Lot and Lock Dam Lot.

Sec. 13. 12 MRSA § 6001, sub-§ 13-A is enacted to read:

13-A. Engage. "Engage" means engage or attempt to engage.

Sec. 14. 12 MRSA § 6025, as enacted by PL 1977, c. 661, § 5, is amended to read:

§ 6025. Marine patrol officers

1. **Appointment.** Applicants for the position of a ~~coastal-warden~~ **marine patrol officer** who qualify under the ~~warden's officer's~~ code and pass the examination administered by the Department of Personnel, may be appointed by the commissioner to hold office under Title 5, chapters 51 to ~~61~~ 67 and under the ~~warden's officer's~~ code.

2. **Fees and other offices.** Except before the District Court, ~~wardens officers~~ shall be allowed the same fees as sheriffs and their deputies for like service which shall be paid to the commissioner for use of the State. ~~Wardens Officers~~ may not hold any other state, county or municipal office for which they receive compensation.

3. **Powers and duties.** ~~Wardens Officers~~ shall enforce all marine resources' laws and may arrest and prosecute all violators. They may serve all process pertaining to marine resources' laws. They shall have jurisdiction and authority in all areas where the laws for which they have responsibility apply. In addition to their specified powers and duties, the ~~coastal-wardens~~ **marine patrol officers** are vested with the authority to enforce all laws of the State and may arrest for violations of any criminal laws. Any ~~warden officer~~ may require suitable aid in the execution of the duties of his office. **Marine patrol officers may receive complete law enforcement training within one year from the date of employment and in-service training privileges at the Maine Criminal Justice Academy.**

4. **Search powers.** Any ~~coastal-warden~~ **marine patrol officer**, in uniform, may search without a warrant and examine any watercraft, aircraft, conveyance, vehicle, box, bag, locker, trap, crate or other receptacle or container for any marine organism when he has probable cause to believe that any marine organism taken contrary to law is concealed thereon or therein.

5. **Sheriff and police powers as marine patrol officers.** A sheriff, deputy sheriff, deputy sheriff, police officer, constable or inland fisheries and wildlife warden, within their respective jurisdiction, shall be vested with the powers of a ~~coastal-warden~~ **marine patrol officer**, except the powers provided in sections 6306 and 6434. When an officer acts under this section, the same fees shall be paid for his services to the usual recipient of the officer's fees.

Sec. 15. 12 MRSA § 6372, sub-§ 4, as enacted by PL 1977, c. 661, § 5, is amended to read:

4. **Stay.** Upon written request, the ~~commissioner~~ **commissioner** may delay the suspension pending the determination of the original hearing or the appeal, if he finds that suspension will cause undue hardship.

Sec. 16. 13-B MRSA § 201, sub-§ 2, ¶ A, first sentence, as enacted by PL 1977, c. 525, § 13, is amended to read:

Parishes and societies, as that term is used in Title 13, section 2861 et seq; independent local churches, as that term is used in Title 13, section 3021 et seq; meeting houses, as that ~~terms~~ **term** is used in Title 13, section 3101 et seq; **and churches organized as noncapital stock corporations under Title 13, section 901 et seq.**

Sec. 17. 13-B MRSA § 201, sub-§ 2, ¶ A, last ¶, as enacted by PL 1977, c. 525, § 13, is amended to read:

If any of the foregoing corporations files ~~an annual~~ **a biennial** report pursuant to section 1301 of this ~~chapter~~ **Act**, the filing of the report shall be deemed an election by that corporation to be governed by all of the provisions of this chapter, unless clearly inapplicable.

Sec. 18. 13-B MRSA § 201, sub-§ 3, ¶¶ D and E, as enacted by PL 1977, c. 525, § 13, are amended to read:

D. Cemetery corporations which do not issue shares, as that term is used in Title 13, section 1031 et seq; ~~and~~

E. County and local agricultural societies, as that term is used in Title 7, section 61 et seq; **and**

Sec. 19. 13-B MRSA § 201, sub-§ 3, ¶ F is enacted to read:

F. Local development corporations, as that term is used in Title 10, section 671, et seq.

Sec. 20. 13-B MRSA § 201, sub-§ 3, last ¶, as enacted by PL 1977, c. 525, § 13, is amended to read:

If any of the foregoing corporations are organized under applicable provisions of this ~~chapter~~ **Act**, they shall be governed by the provisions of this chapter unless clearly inapplicable; provided further that if any of the foregoing corporations files ~~an annual~~ **a biennial** report pursuant to section 1301 of this ~~chapter~~ **Act**, the filing of the report shall be deemed an election by that corporation to be governed by all of the provisions of this chapter unless clearly inapplicable.

Sec. 21. 15 MRSA § 1254, as repealed and replaced by PL 1977, c. 114, § 27, is amended to read:

§ 1254. **Juror's oath or affirmation in cases punishable by imprisonment**

The following oath shall be administered to jurors in criminal cases: "You swear, that in all causes committed to you, you will give a true verdict therein, according to the law and evidence given you. So help you God." Any juror, conscientiously scrupulous of taking an oath, may affirm in the mode described in section 1253.

Sec. 22. 15 MRSA § 2115-A, sub-§§ 1, 2 and 3, as repealed and replaced by PL 1979, c. 343, § 2, are amended to read:

1. **Appeals prior to trial.** An appeal may be taken by the State in criminal cases on questions of law from the District Court and from the Superior Court to the ~~Supreme Judicial Court~~ **law court**: From an order of the court prior to trial which suppresses any evidence, including, but not limited to, physical or identification evidence or evidence of a confession or admission; from an order which prevents the prosecution from obtaining evidence; from a pretrial dismissal of an indictment, information or complaint; or from any other order of the court prior to trial which, either under the particular circumstances of the case or generally for the type of order in question, has a reasonable likelihood of causing either serious impairment to or termination of the prosecution.

2. **Appeals after trial.** An appeal may be taken by the State from the Superior Court or the District Court to the ~~Supreme Judicial Court~~ **law court** after trial and after a finding of guilty by a jury or the court from the granting of a motion for a new trial, from arrest of judgment, from dismissal or from other orders requiring a new trial or resulting in termination of the prosecution in favor of the accused, when an appeal of the order would be permitted by the double jeopardy provisions of the Constitution of the United States and the Constitution of Maine.

3. **When defendant appeals.** When the defendant appeals from a judgment of conviction, it is not necessary for the State to appeal. It may argue that error in the proceedings at trial in fact supports the judgment. The State may also establish that error harmful to it was ~~committed~~ **committed** in the trial resulting in the conviction from which the defendant has appealed which should be corrected in the event that the ~~Supreme Judicial Court~~ **law court** reverses on a claim of error by the defendant and remands the case for a new trial. If the case is so reversed and remanded, the ~~Supreme Judicial Court~~ **law court** shall also order correction of the error established by the State.

Sec. 23. 18 MRSA § 2351, 4th sentence is amended to read:

If any sum of money directed by a decree of the probate court to be paid over, in any solvent or insolvent estate or pecuniary legacy, remains for 6 months unclaimed, the executor, administrator, guardian or trustee who was ordered to pay over the same shall ~~pay such sum of money to the treasurer of the county in which the probate court has jurisdiction, who shall give a receipt therefor, specifying the amount, name of estate and name of person entitled thereto, which said receipt shall be filed in the probate court and allowed as a sufficient voucher therefor~~ dispose of it according to Title 33, chapter 27.

Sec. 24. 18 MRSA § 2351, last ¶, is amended to read:

Any sums of money directed by a decree of the probate court to be paid over which remained unclaimed for 6 months in the hands of any executor, administrator, guardian or trustee, and were deposited in some savings bank or like institution as directed by the probate court to accumulate for the benefit of the person entitled thereto under this section, shall with all accumulations be deposited in the treasury of the county in which said probate court has jurisdiction, for the benefit of persons entitled by the decree of the probate court having original jurisdiction of the proceedings, in which said decree ordering such deposits was originally based disposed of according to Title 33, chapter 27.

Sec. 25. 18 MRSA § 2353 is repealed.

Sec. 25-A. Application; Title 18, section 2353. All sums on deposit with any county under Title 18, section 2353 shall be deposited with the Treasurer of State according to Title 33, chapter 27, together with any records or other evidence of ownership, within 90 days of the effective date of this Act.

Sec. 26. 20 MRSA §§ 3562-B and 3562-C, as enacted by PL 1965, c. 241, § 1, are repealed and the following enacted in their place:

§ 3562-B. Condemnation by community school district

When the location of a school lot has been determined by a vote of the legal voters of a community school district, upon the recommendation of the board of trustees, and the owner of that property refuses to sell, or, the owner resides outside of the State and has no authorized agent or attorney in the State, the board of trustees may take and acquire a lot for the erection of, or an addition to, a school building and requisite playgrounds, not exceeding 25 acres for any one project, and appraise the damages sustained by the owner, as is provided for laying out county ways by Title 23, sections 2052 and 2054, except that no notice need be given to the Department of Transportation; and on payment or tender of those damages, or if the owner does not reside in the State, upon depositing those damages in the treasury of the county for his use, the community school district may take that lot to be held and used for the purposes set out in this section. The trustees shall then, within 30 days after payment, tender or deposit of those damages, cause a description of the lot as laid out by them and a plan of the lot to be recorded in the registry of deeds where the land lies, and notify the recorded owner by serving, in the usual manner as provided for the commencement in civil actions as provided by law, upon him a certified copy of the vote of the municipal officers which provides for the taking.

§ 3562-C. Reversion

When the schoolhouse lot, taken under either section 3562, 3562-A or 3562-B has ceased to be used for school purposes for 2 successive years, the lot reverts to the owner, his heirs or assigns, on demand by him or them in writing made to the

municipal officers of the town, the school directors of the School Administrative District or the board of trustees of the community school district subject to the right of the town or school directors or board of trustees to enter upon the lot and remove the schoolhouse at any time within 6 months after the demand.

Sec. 27. 20 MRSA § 3562-D is enacted to read:

§ 3562-D. Fencing

All schoolhouse lots and playgrounds that require fencing shall be fenced by the town, city, administrative district or community school district.

Sec. 28. 22 MRSA § 2613, sub-§ 1, last ¶, first sentence, as enacted by PL 1975, c. 751, § 4, is amended to read:

Prior to granting a variance, the commissioner shall provide ~~notice in the state newspaper and~~ an opportunity for public hearing pursuant to the Maine Administrative Procedure Act on the proposed variance.

Sec. 29. 22 MRSA § 2613, sub-§ 2, last ¶, first sentence, as enacted by PL 1975, c. 751, § 4, is repealed and the following enacted in its place:

Prior to implementation of a schedule for compliance with contaminant level or treatment technique requirements and for implementation of control measures, the commissioner shall provide notice and opportunity for public hearing pursuant to the requirements of the Maine Administrative Procedure Act.

Sec. 30. 24 MRSA § 2316, next to the last sentence, as enacted by PL 1979, c. 267, § 1, is repealed and the following enacted in its place:

No contracts may be delivered or issued for delivery in this State unless they meet the requirements of Title 24-A, sections 2438 to 2445.

Sec. 31. 26 MRSA § 1024-A is enacted to read:

§ 1024-A. Bargaining units

1. Legislative intent. It is the express legislative intent that, in order to foster meaningful collective bargaining, units shall be structured in such a way as to avoid excessive fragmentation whenever possible. In accordance with this policy, bargaining units shall be structured on a university system-wide basis with one unit for each of the following occupational groups:

- A. Faculty;
- B. Professional and administrative staff;
- C. Clerical, office, laboratory and technical;

- D. Service and maintenance;
- E. Supervisory classified; and
- F. Police.

It is intended that Cooperative Extension Service employees be included in appropriate units.

2. Academy units. It is the express legislative intent to foster meaningful collective bargaining for employees of the Maine Maritime Academy. Therefore, in accordance with this policy, bargaining units shall be structured with one unit for each of the following occupational groups:

- A. Faculty;
- B. Administrative staff; and
- C. Classified employees.

3. Vocational-technical institutes and state schools for practical nursing units. It is the express legislative intent to foster meaningful collective bargaining for employees of the vocational-technical institutes and state schools for practical nursing. Therefore, in accordance with this policy, the bargaining units shall be structured with one unit in each of the following occupational groups:

- A. Faculty and instructors; and
- B. Administrative staff.

4. Assignment to bargaining units. In the event of a dispute over the assignment of jobs or positions to a unit, the executive director shall examine the community of interest, including work tasks among other factors, and make an assignment to the appropriate statutory bargaining unit set forth in subsection 1, 2 or 3.

5. Additional bargaining units. Notwithstanding subsection 1, 2 or 3, the Legislature recognizes that additional or modified university system-wide units, academy units, vocational-technical institute units or state schools for practical nursing units may be appropriate in the future. Therefore, the employer or employee organizations may petition the executive director for the establishment of additional or modified university system-wide units, academy units, vocational-technical institute units or state schools for practical nursing units. The executive director or his designee shall determine the appropriateness of such petitions, taking into consideration the community of interest and the declared legislative intent to avoid fragmentation whenever possible and to insure employees the fullest freedom in exercising the rights guaranteed by this chapter. The executive director or his designee conducting unit determination proceedings shall have the

power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the issues represented to them.

6. Students.

A. When collective bargaining is to take place between the university and the faculty or professional and administrative staff, the board of trustees shall appoint 3 currently enrolled students who are broadly representative of the various campuses to meet and confer with the university and who may meet and confer with the bargaining agent prior to collective bargaining.

B. During the course of collective bargaining, the student representatives designated under paragraph A shall be allowed to meet and confer with the university bargaining team at reasonable intervals during the course of negotiations, these meetings to occur at least upon receipt by the university of the initial bargaining proposal of the bargaining agent and before final agreement on a contract or any major provisions thereof. The students shall be bound by the same rules of negotiation, including, but not limited to, those regarding confidentiality, as the participants in the negotiations.

7. Unit clarification. Where there is a certified or currently recognized bargaining representative and where the circumstances surrounding the formation of an existing bargaining unit are alleged to have changed sufficiently to warrant modification in the composition of that bargaining unit, any public employer or any recognized or certified bargaining agent may file a petition for a unit clarification, provided that the parties are unable to agree on appropriate modifications and there is no question concerning representation.

Sec. 32. 29 MRSA § 2012, sub-§ 1, ¶ G, as amended by PL 1977, c. 532, § 1, is further amended to read:

G. Effective September 1, 1979 1981, school buses with a carrying capacity of 20 or less passengers shall comply with the requirements of paragraphs B, C and E.

Sec. 33. 29 MRSA § 2014, sub-§ 1, ¶ E, as last repealed and replaced by PL 1977, c. 532, § 2, is amended to read:

E. Effective September 1, 1979 1981, all seats shall face the front of the bus and shall be divided by a center aisle which is at least 12 inches wide.

Sec. 34. 29 MRSA § 2298, 2nd sentence, as enacted by PL 1979, c. 10, § 2, is amended to read:

Any person found to be an habitual offender under this chapter, or former chapter 18, who is thereafter convicted of operating a motor vehicle in this State while the revocation prohibiting operation is in effect shall have committed a Class C crime.

Sec. 35. 29 MRSA § 2305, first sentence, as last amended by PL 1977, c. 694, § 530, is further amended to read:

In addition to or instead of any other penalty provided in this Title and imposed by any court upon any person for violation of any provision of this Title, ~~except section 1312~~ the court may suspend an operator's license for a period not exceeding 60 days, in which case the judge shall take up the license certificate of such person, who shall forthwith surrender the same and forward it by mail to the Secretary of State.

Sec. 36. 29 MRSA § 2362, sub-§ 9, as enacted by PL 1977, c. 294, § 4, is amended to read:

9. Mobile home. Any mobile home even though registered in this State; or

Sec. 37. 29 MRSA § 2362, sub-§ 11, as enacted by PL 1977, c. 606, is amended to read:

11. Special mobile equipment. Special mobile equipment as defined in section 1, subsection 14; or

Sec. 38. 29 MRSA § 2362, sub-12 is enacted to read:

12. Special equipment. Special equipment as defined in section 1, subsection 13-A.

Sec. 39. 30 MRSA § 1201, first sentence, as amended by PL 1975, c. 632, is further amended to read:

The county commissioners of Aroostook county are authorized, on behalf of the inhabitants of Connor and Silver Ridge Townships, of Township 8, R.4, Township 10, R. 6, Township 14, R. 6, Township 15, R. 6, Township 16, R. 4, ~~Township 16, R.6~~ Township 17, R.4 and Township 17, R.5, and the county commissioners of Franklin County are authorized, on behalf of Township 3, R.2, BKPWKR (Jerusalem), Township 4, R.2, BKPWKR (Sugarloaf Township) and the townships of Salem and Freeman, and the county commissioners of Hancock county are authorized, on behalf of the inhabitants of Township 8, S.D., and the unorganized coastal islands of that county, and the county commissioners of Knox County are authorized, on behalf of the inhabitants of the unorganized coastal islands of that county, and the county commissioners of Lincoln County are authorized, on behalf of the inhabitants of the unorganized coastal islands of that county, and the county commissioners of Oxford County are authorized on behalf of the inhabitants of Albany and Milton Townships, and the county commissioners of Penobscot County are authorized, on behalf of the inhabitants of Argyle and Kingman Townships and the county commissioners of Somerset County are authorized on behalf of the inhabitants of Rockwood Township, and the county commissioners of Waldo county are authorized on behalf of the inhabitants of the unorganized coastal islands of that county, and the county commissioners of Washington County are

authorized on behalf of the inhabitants of the unorganized coastal islands of that county to enter into contracts on such terms as they deem fit with one or more persons, associations or municipalities, or to take such other steps as they deem advisable, to provide fire protection, other than forest fires protection, for the Townships of Connor, Silver Ridge, Township 8, R.4, Township 10, R.6, Township 14, R.6, Township 15, R.6, Township 16, R.4, ~~Township 16, R.6~~ Township 17, R.4, Township 17, R.5, Township 3, R.2 (Jerusalem), Township 4, R.2 (Sugarloaf Township), 8, S.D., Salem, Freeman, Albany, Milton, Argyle, Kingman, Rockwood and the unorganized coastal islands of Hancock, Knox, Lincoln, Waldo and Washington counties.

Sec. 40. 30 MRSA § 1201, as last amended by PL 1975, c. 632, is further amended by adding at the end the following new paragraph:

The Town of Eagle Lake may provide fire protection, other than forest fire protection, for Township 16, R.6. Assessment, taxation, collection and enforcement of collection of an amount sufficient to provide for that protection shall comply with the provisions of the first paragraph of this section. The State Tax Assessor shall directly reimburse the Town of Eagle Lake the full amount collected for those fire protection services.

Sec. 41. 32 MRSA § 7154, 2nd ¶, first sentence, as enacted by PL 1979, c. 209, § 2, is amended to read:

It shall be unlawful for any polygraph examiner conducting a polygraph examination to ask any questions pertaining to sexual behavior of any type or questions that could be construed as being sexually oriented, unless the examination is conducted in the course of either a criminal investigation by law enforcement officials for alleged violation of Title 17-A, chapters 11 and 35, or substantially equivalent provisions in another jurisdiction or in the course of civil litigation in which sexual behavior is at issue.

Sec. 42. 32 MRSA § 7154, 3rd ¶, as enacted by PL 1979, c. 209, § 2, is amended to read:

It shall be unlawful for any polygraph examiner to probe the political or religious beliefs of any individual during any polygraph examination, **except when the examination is conducted in the course of a criminal investigation conducted by law enforcement officials and the political or religious beliefs of the individual may be relevant to that investigation.**

Sec. 43. 32 MRSA § 7169 is enacted to read:

§ 7169. Admissibility of evidence

The fact that evidence was obtained in violation of this chapter shall not render the evidence inadmissible in any criminal, civil or administrative proceeding.

Sec. 44. 34 MRSA § 183, sub-§ 6, last sentence, as enacted by PL 1979, c. 274, § 7, is amended to read:

A person charged with or convicted of a crime as an adult in a demanding state, whose extradition from this State is sought by the demanding state shall be subject to the provisions of ~~chapter 9~~ **Title 15, sections 201 to 229**, although the person is a minor under the laws of this State.

Sec. 45. 35 MRSA § 94, as enacted by PL 1977, c. 521, is amended by adding at the end the following new paragraphs:

On its own initiative or during a rate proceeding, and to the extent that is feasible, the commission shall consider and adopt the federal standards established in the United States Public Utility Regulatory Policies Act of 1978, Public Law 95-617.

If, and to the extent that, the commission should decide not to adopt any of the federal standards referred to in this section, it shall set forth fully and adequately the facts and the rationale supporting the rejection of the standards.

Sec. 45-A. Effective date. Section 45 of Part B of this Act shall become effective 91 days after adjournment of the Legislature.

Sec. 46. 36 MRSA § 1953, first sentence, is amended to read:

The taxes, interest and penalties imposed by chapters 7 and 211 to 225, from the time the same shall be due, shall be a personal debt of the retailer or user to the State of Maine, recoverable in any court of competent jurisdiction in a civil action in the name of the State of Maine, and shall have preference in any distribution of the assets of the taxpayer, whether in bankruptcy, insolvency or otherwise.

Sec. 47. 36 MRSA § 2686, first sentence, as repealed and replaced by PL 1973, c. 717, § 3, is amended to read:

Every corporation, association or person operating in whole or in part a telephone or telegraph line for toll or other compensation within the State shall annually, on or before the last day of January, return to the State Tax Assessor, signed by its treasurer or its chief accounting officer if a corporation, or by the owner or owners, or by the members of an association or one of them, if a person or association, a statement of the total gross operating revenues of such corporation, association or person from its or his operations within this State during the preceding year ending December 31st, together with payment of tax in accordance with ~~section~~ **sections 2684 and 2685.**

Sec. 48 36 MRSA § 3039, as repealed and replaced by PL 1977, c. 696, is amended to read:

§ 3039. Additional violations

Any user, or any agent or employee of any user, who shall consume any fuel in a motor vehicle on a public highway or on a turnpike operated and maintained by the Maine Turnpike Authority, when that user is not the holder of an uncanceled license as required by this chapter, or when that user has failed to file any report or pay tax, penalty or interest as required by this chapter **and chapter 7**, commits a civil violation for which a forfeiture of not less than \$10 nor more than \$300 shall be adjudged. Each day or part thereof during which any person shall consume any fuel in a motor vehicle on a public highway or on a turnpike owned and maintained by the Maine Turnpike Authority, when that user is not the holder of an uncanceled license as required by this chapter, or when that user has failed to file any report or pay tax, interest or penalty as required by this chapter **and chapter 7**, shall constitute a separate violation within the meaning of this section.

Sec. 49. 36 MRSA § 4693, last ¶, as last amended by PL 1979, c. 127, § 200, is repealed and the following enacted in its place:

The members of the council shall serve without compensation but shall be reimbursed for expenses incurred in the performance of their duties. They are authorized to select and employ an executive director-advertising and merchandising manager to administer the advertising, merchandising, research and development program, in concurrence with the Commissioner of Marine Resources, and fix his salary. The executive director, with the consent of the council, is authorized, subject to the Personnel Law, to engage sufficient clerical personnel and other employees for the efficient performance of his duties.

Sec. 50. 36 MRSA § 5220, sub-§ 5, as enacted by P&SL 1969, c. 154, Section F, is amended by adding at the end a new sentence to read:

Corporations which are affiliated or are directly or indirectly controlled by the same interests shall file a consolidated return only if the State Tax Assessor deems a consolidated return necessary to fairly determine net income. Permission to file consolidated returns will not be granted for the purpose of effecting a tax savings.

Sec. 51. 36 MRSA § 5313, first sentence, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

If any tax imposed by this ~~part~~ **Part** is not paid when due, the assessor may file in the office of the registry of deeds of the county where such property is located with respect to real property or fixtures and in the office in which a security or financing statement or notice with respect to personal property would be filed a notice of lien specifying the amount of the tax, addition to tax, penalty and interest due, the name and last known address of the taxpayer liable for the amount and the fact that the assessor has complied with ~~all the provisions of this part~~ **Part** in the assessment of the tax.

Sec. 52. 36 MRSA § 5317, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

§ 5317. **Action for recovery of taxes**

The Attorney General within 6 years after the assessment of any tax may bring an action in any court of competent jurisdiction within or without this State in the name of the State of Maine to recover the amount of any taxes, additions to tax, penalties and interest due and unpaid under this ~~part~~ **Part**. In such action, the certificate of the assessor showing the amount of the delinquency shall be prima facie evidence of the levy of the tax, of the delinquency, and of the compliance by the assessor with ~~all the provisions of this part~~ **Part** in relation to the assessment of the tax. Claims of the State for sums under this ~~part~~ **Part** shall have preference in any distribution of the assets of the taxpayer, whether in bankruptcy, insolvency or otherwise. The proceeds of any judgment shall be paid to the assessor.

Sec. 53. 36 MRSA § 6101, as amended by PL 1973, c. 634, § 1, is further amended to read:

§ 6101. **Short title**

This ~~Part~~ **chapter** may be cited as the "Elderly Householders Tax and Rent Refund Act."

Sec. 54. 36 MRSA § 6102, as enacted by PL 1971, c. 503, § 1, is amended to read:

§ 6102. **Purpose**

The purpose of this ~~Part~~ **chapter** is to provide relief, through a system of grants, to certain elderly persons who own or rent their homestead.

Sec. 55. 36 MRSA § 6103, first ¶, as enacted by PL 1971, c. 503, § 1, is amended to read:

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

Sec. 56. 36 MRSA § 6103, sub-§ 1, first sentence, as enacted by PL 1971, c. 503, § 1, is amended to read:

"Claimant" means a person who has filed a claim under this ~~Part~~ **chapter** and was domiciled in this State and owned or rented a homestead in this State during the entire calendar year preceding the year in which he files claim for relief under this ~~Part~~ **chapter**.

Sec. 57. 36 MRSA § 6103, sub-§ 3, as enacted by PL 1971, c. 503, § 1, is amended to read:

3. Household. "Household" means a claimant and spouse and members of the household for whom the claimant under this ~~Part~~ **chapter** is entitled to claim

an exemption as a dependent under Part 8 for the year for which relief is requested.

Sec. 58. 36 MRSA § 6103, sub-§ 5, first sentence, as enacted by PL 1971, c. 503, § 1, is amended to read:

“Income” means the sum of Maine adjusted gross income determined in accordance with Part 8, the amount of capital gains excluded from adjusted gross income, alimony, support money, nontaxable strike benefits, the gross amount of any pension or annuity including railroad retirement benefits, all payments received under the Federal Social Security Act, state unemployment insurance laws, and veterans disability pensions, nontaxable interest received from the Federal Government or any of its instrumentalities, workmen’s compensation and the gross amount of “loss of time” insurance, cash public assistance and relief, but not including relief granted under this **Part chapter**.

Sec. 59. 36 MRSA § 6104, first sentence, as enacted by PL 1971, c. 503, § 1, is amended to read:

The right to file claim under this **Part chapter** shall be personal to the claimant and shall not survive his death, but such right may be exercised on behalf of a claimant by his legal guardian or attorney-in-fact.

Sec. 60. 36 MRSA § 6105, last sentence, as enacted by PL 1971, c. 503, § 1, is amended to read:

No interest shall be allowed on any payment made to a claimant pursuant to this **Part chapter**.

Sec. 61. 36 MRSA § 6107, as enacted by PL 1971, c. 503, § 1, is amended to read:

§ 6107. One claim per household

Only one claimant per household or homestead per year shall be entitled to relief under this **Part chapter**.

Sec. 62. 36 MRSA § 6111, first ¶, as repealed and replaced by PL 1977, c. 552, § 1, is amended to read:

No claim shall be granted which is otherwise allowable under this **Part chapter**, unless at least one member of the household shall:

Sec. 63. 36 MRSA § 6112, as repealed and replaced by PL 1977, c. 686, § 17, is amended to read:

§ 6112. Amount of claim

The claim shall be limited to the amount ~~by which~~ of property taxes accrued or

rent constituting property taxes accrued in such tax year on the claimant's homestead.

Sec. 64. 36 MRSA § 6114, first sentence, as enacted by PL 1971, c. 503, § 1, is amended to read:

If on the audit of any claim filed under this **Part chapter** the State Tax Assessor determines the amount to have been incorrectly determined, he shall redetermine the claim and notify the claimant of the redetermination and his reasons for it.

Sec. 65. 36 MRSA § 6116, as repealed and replaced by PL 1977, c. 694, § 735-A, is amended to read:

§ 6116. Appeal

A denial in whole or in part of relief claimed under this **Part chapter** may be appealed in accordance with the Administrative Procedure Act, Title 5, chapter 375.

Sec. 66. 36 MRSA § 6117, as enacted by PL 1971, c. 503, § 1, is amended to read:

§ 6117. Disallowance of certain claims

A Claim shall be disallowed, if the State Tax Assessor finds that the claimant received title to his homestead primarily for the purpose of receiving benefits under this **Part chapter**.

Sec. 67. 36 MRSA § 6144, sub-§ 4, as reallocated by PL 1979, c. 127, § 207, is amended to read:

4. Maximum benefits for owners. The benefit awarded by section ~~6148~~ 6143 to an eligible claimant who owned his homestead on April 1, 1978 shall not exceed the amount of property tax assessed as of the date upon that homestead and the parcel of land not to exceed one acre **owned** by the eligible claimant upon which the homestead is located.

Sec. 68. 36 MRSA § 6144, sub-§ 8, as reallocated by PL 1979, c. 127, § 203, is amended to read:

8. Certification of sufficient surplus. The State Budget Officer shall document and certify to the Legislature on January 20, 1979 whether or not a sufficient surplus for fiscal year 1978-79 will be available to provide the benefits described in section ~~6148~~ 6143. In his certification process he shall take into account all outstanding contingencies.

Sec. 69. 38 MRSA § 413, sub-§ 2-A, as repealed by PL 1979, c. 281, § 3, is reenacted to read:

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

Sec. 70. 38 MRSA § 413, sub-§ 2-B is enacted to read:

2-B. Exemptions; snow dumps. The Board of Environmental Protection may by rule exempt categories of snow dumps from the need to obtain a license under this section when it finds that the exempted activity would not have a significant adverse effect on the quality or classifications of the waters of the State.

Sec. 71. P&SL 1865, c. 532, § 4-C, last ¶, first sentence, as repealed and replaced by P&SL 1973, c. 84, is amended to read:

Ownership of any real property formerly held by Aroostook State College, Farmington State College, Fort Kent State College, Gorham State College or Washington State College, which is removed from educational use by the University of Maine, may be sold by the University of Maine subject to the approval of the Governor and Council or may be conveyed by gift by the University of Maine to any entity in whose ownership and use it will be exempt from real estate taxation.

Sec. 72. P&SL 1865, c. 532, § 8-A, first ¶, as enacted by PL 1971, c. 544, § 142, is amended to read:

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

Sec. 73. Revision clause. Wherever in the Revised Statutes the words "coastal warden service" appear or reference is made to that name, they shall be amended to read and mean "Bureau of Marine Patrol;" wherever in the Revised Statutes the words "coastal warden" appear or reference is made to that name, they shall be amended to read and mean "marine patrol officer;" and wherever in the Revised Statutes the words "Chief Coastal Warden" appear or reference is made to that name, they shall be amended to read and mean "Chief of the Bureau of Marine Patrol."

Sec. 74. Resolves, 1979, c. 12, § 2, is amended by inserting at the end of Appropriation Account Number, 2045, the following:

Hancock County Regional Planning Commission

10,000

Sec. 75. Resolves, 1979, c. 12, § 2, is amended in the line reading "Total

General Fund'' as follows:

TOTAL GENERAL FUND	898,315	\$908,315
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Sec. 76. Resolves, 1979, c. 12, § 4 is amended to read:

Sec. 4. Summary. Resolved: That the figures appearing in this resolve represent the total amount of taxes and the total specific expenditures authorized for the year 1979.

Total Appropriations	\$1,063,315	\$1,073,315
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Available Credits:

Estimated Revenue	\$150,000
	\$160,000

Transfer from Surplus	65,000
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Federal Revenue Sharing	165,000
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Total Available Credits	380,000
	\$390,000

Amount to be raised by taxation	\$683,315
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Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 22, 1979

CHAPTER 542

S. P. 600 — L. D. 1673

AN ACT Making Supplemental Appropriations and Other Necessary Adjustments from the General Fund for the Fiscal Years Ending June 30, 1980 and June 30, 1981.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state