

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE
FIRST SPECIAL SESSION
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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
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1981

CHAPTER 470

S. P. 649 — L. D. 1677

AN ACT to Make Corrections of Errors and Inconsistencies in the Laws of Maine.

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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

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

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Sec. 1. 2 MRSA § 6, sub-§ 5, as last amended by PL 1979, c. 651, § 1 and as last repealed and replaced by PL 1979, c. 663, § 3, is repealed and the following enacted in its place:

5. Range 86. The salaries of the following state officials and employees shall be within salary range 86:

Adjutant General;

Director of Labor Standards;

General Counsel of the Public Utilities Commission;

Deputy Chief of the State Police;

Director of Transportation of the Public Utilities Commission;

Director of State Lotteries;

State Archivist;

Director of Maine Geological Survey;
Executive Director, Land Use Regulation Commission;
Director of Finance of the Public Utilities Commission;
Executive Director of the Maine Labor Relations Board; and
Chairman, Maine Employment Security Commission.

Sec. 2. 3 MRSA c. 7, first 2 lines, as repealed and replaced by PL 1979, c. 541, Pt. A, § 6, are repealed and the following enacted in their place:

CHAPTER 7

LEGISLATIVE COUNCIL

SUBCHAPTER I

GENERAL PROVISIONS

Sec. 3. 3 MRSA § 507, sub-§ 4, ¶ B, as enacted by PL 1979, c. 654, § 3, is amended to read:

B. Unless continued or modified by law, the following Group B-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1983. The Maine Health Facilities Authority and the Maine State Housing Authority ~~the Penobscot Indian Housing Authority, the Pleasant Point Passamaquoddy Indian Housing Authority and the Indian Township Passamaquoddy Indian Housing Authority~~ shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1987:

- (1) Board of Chiropractic Examination and Registration;
- (2) Board of Dental Examiners;
- (3) State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals;
- (4) Board of Registration in Medicine;
- (5) State Board of Nursing;
- (6) State Board of Optometry;
- (7) Board of Osteopathic Examination and Registration;
- (8) Board of Commissioners of the Profession of Pharmacy;

- (9) Examiners of Podiatrists;
- (10) Maine Health Facilities Cost Review Board;
- (11) Maine Medical Laboratory Commission;
- (12) State Planning and Advisory Council on Developmental Disabilities;
- (13) Maine Committee on Problems of the Mentally Retarded;
- (14) Governor's Committee on Employment of the Handicapped;
- (15) Division of Community Services;
- (16) Maine State Housing Authority; and
- ~~(17) Penobscot Indian Housing Authority;~~
- ~~(18) Pleasant Point Passamaquoddy Indian Housing Authority;~~
- ~~(19) Indian Township Passamaquoddy Indian Housing Authority; and~~
- (20) Maine Health Facilities Authority.

Sec. 4. 4 MRSA § 152, first sentence, as last amended by PL 1979, c. 663, § 7 and as repealed and replaced by PL 1979, c. 700, § 1, is repealed and the following enacted in its place:

The District Court shall possess the civil jurisdiction exercised by all trial justices and municipal courts in the State on September 16, 1961, and in addition, original jurisdiction, concurrent with that of the Superior Court of all civil actions in which neither damages in excess of \$20,000, nor, except as herein provided, equitable relief is demanded of proceedings under Title 14, sections 6651 to 6658 and of actions for divorce, annulment of marriage or judicial separation and of proceedings under Title 19 and original jurisdiction, concurrent with that of the Superior Court, of actions to quiet title to real estate under Title 14, sections 6651 to 6658, and in these actions the District Court may grant equitable relief; and original jurisdiction, concurrent with that of the Superior Court, for breach of implied warranty and covenant of habitability under Title 14, section 6021, and in these actions the District Court may grant equitable relief; and original jurisdiction, concurrent with that of the Superior Court, of actions to quiet title to real estate under Title 36, section 946, and in such actions the District Court may grant equitable relief, of actions to foreclose mortgages under Title 14, chapter 713, subchapter VI; and of small claims actions under Title 14, chapter 738, and in these actions the District Court may grant equitable relief.

Sec. 5. 4 MRSA § 553, as amended by PL 1973, c. 625, § 12, is repealed as follows:

~~§ 553. Bond~~

~~Each clerk shall give a corporate surety bond or bonds to the State, to be lodged in the office of the State Auditor, in amounts and form approved by the Chief Justice of the Supreme Judicial Court, conditioned that he will faithfully perform all the duties of his office, pay over all moneys and safely keep and immediately deliver all records, files, papers, muniments in said office and property of the county as required by law~~

Sec. 6. 5 MRSA § 10, last sentence, as enacted by P&SL 1975, c. 147, Pt. C, § 6, is repealed as follows:

~~The manner and timing of conversion to biweekly payroll will be determined by the State Controller in such a manner as to minimize any adverse cash flow impact on state employees or the State as a result of this change~~

Sec. 7. 5 MRSA § 4613, sub-§ 2, ¶ B, sub-¶ (6), as enacted by PL 1971, c. 501, § 1, is amended to read:

(6) An order to pay in cases of unlawful price discrimination the victim thereof 3 times the amount of any excessive price demanded and paid by reason of such unlawful discrimination; and

Sec. 8. 5 MRSA § 5005, sub-§ 1, ¶ O, as enacted by PL 1979, c. 277, § 1 and c. 372, § 1, is repealed and the following enacted in its place:

O. In cooperation with the Plumbers' Examining Board, establish a voluntary training and certification program for installers of solar energy equipment; and

Sec. 8-A. 5 MRSA § 5005, sub-§ 1, ¶ P is enacted to read:

P. Have the authority to collect inventory and product delivery data from the state's primary storage facilities of petroleum products and shall afford confidential treatment to that information.

Sec. 9. 5 MRSA § 8053, sub-§ 1, as last amended by PL 1979, c. 127, § 38, and as repealed and replaced by PL 1979, c. 425, § 5, is repealed and the following enacted in its place:

1. Notice of rulemaking without hearing. At least 20 days prior to the adoption of any rule without hearing, the agency shall deliver or mail written notice to:

A. Any person specified by the statute authorizing the rulemaking;

B. Any person who has filed within the past year a written request with the agency for notice of rulemaking;

C. Any trade, industry, professional, interest group or regional publication that the agency deems effective in reaching the persons affected; and

D. The Secretary of State, for publication in accordance with subsection 5.

Notification to subscribers under paragraph B shall be by mail or otherwise in writing to the last address provided to the agency by that person.

Sec. 10. 7 MRSA § 489, as amended by PL 1979, c. 663, § 20, is further amended to read:

§ 489. Exceptions

No person shall be prosecuted under chapter 401, and sections 481 to 488 and 640 to 643, ~~791 to 795, 911 to 913 and 1081 to 1085~~ when he can establish proof of purchase, and a guaranty signed by the person residing in the United States from whom the purchase was made, to the effect that the article in question is not adulterated or misbranded within the meaning of this Title.

Sec. 11. 7 MRSA § 3704, as amended by PL 1979, c. 127, § 47 and c. 492, § 13, is repealed and the following enacted in its place:

§ 3704. Official refusal or neglect of duty

Any mayor, selectman, clerk, constable, police officer, sheriff or animal control officer who refuses or intentionally fails to perform the duties imposed by sections 3402, 3451, 3452, 3701 to 3703 and 3804 commits a civil violation for which a forfeiture of not less than \$10 nor more than \$50, and costs, shall be adjudged.

Sec. 12. 8 MRSA § 329, 2nd ¶, 5th sentence is repealed and the following enacted in its place:

A judge of the Administrative Court may revoke any license for good cause upon notice and hearing.

Sec. 13. 9 MRSA § 3751, last sentence, as enacted by PL 1977, c. 694, § 155-C, is amended to read:

Actions of the ~~commissioner~~ **superintendent** pursuant to this section shall be conducted in accordance with the provisions of the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 14. 9 MRSA § 4064, sub-§ 1, ¶ C, sub-¶ (5), as enacted by PL 1975, c. 429, § 1, is amended to read:

(5) The balance payable by the insured, the sum of subparagraphs (3) and (4); and

Sec. 15. 9 MRSA § 4064, sub-§ 1, ¶ D, as enacted by PL 1975, c. 429, § 1, is repealed.

Sec. 16. 9 MRSA § 4064, sub-§ 5 is enacted to read:

5. **Agent or broker not licensed.** If an insurance premium finance agreement is payable to, or to the order of, an insurance agent or broker not licensed as an insurance premium finance company, payments under the agreement must be payable at the office of an insurance premium finance company authorized under this Part to do business in the State to whom the agreement is by its terms to be and is subsequently assigned.

Sec. 17. 9-A MRSA § 2-201, sub-§ 9, last ¶, as enacted by PL 1979, c. 661, § 1, is amended to read:

“Motor vehicle” means any self-propelled vehicle not operated exclusively on tracks, except agricultural machinery and any other ~~devises~~ devices which do not constitute consumer goods, as defined in Title 11, section 9-109, subsection 1.

Sec. 18. 9-A MRSA § 2-307, sub-§ 2, first sentence, as enacted by PL 1979, c. 660, § 6, is amended to read:

With respect to a supervised loan in which the amount financed is \$1,000 or less, a lender may not take a security interest in the ~~principle~~ principal residence of the consumer.

Sec. 19. 10 MRSA Pt. 9, first line, as enacted by PL 1969, c. 430, is repealed and the following enacted in its place:

PART 9

DEPARTMENT OF BUSINESS REGULATION

Sec. 20. 10 MRSA § 803, sub-§ 4 is amended to read:

4. **Amortization.** Contain complete amortization provisions satisfactory to the authority requiring periodic payments by the mortgagor which shall include principal and interest payments, cost of local property taxes and assessments, land lease rentals if any, and hazard insurance on the property and such mortgage insurance premiums as are required under section 805; and

Sec. 21. 10 MRSA § 803, sub-§ 6, as enacted by PL 1977, c. 489, § 11, is repealed.

Sec. 22. 10 MRSA § 803, as last amended by PL 1979, c. 228, §§ 5 and 6, is further amended by adding before the 3rd paragraph from the end a new paragraph to read:

All payments required to be paid under the terms of any mortgage or other agreement for the extension of credit or making of a loan by the authority for a project financed by revenue obligation securities or of notes issued in anticipation of such securities as provided in chapter 104 shall at all times that these securities or notes are outstanding be eligible for insurance pursuant to this chapter. The

authority may insure any eligible mortgage or other agreement by designating such mortgage in the resolution authorizing the notes or bonds issued to provide funds to finance the eligible project or by endorsing an appropriate certificate on such mortgage or other agreement. In the case of a default in payment with respect to any mortgage or other agreement so insured, the amount of the payment shall immediately, and at all times during the continuance of the default, constitute a charge on the mortgage insurance fund and shall be applied by the authority to the payment of taxes or insurance on the eligible project or the payment of the mortgage loan secured by the mortgage or other agreement. The authority may make the payments from any current revenues or surplus and may pledge moneys in the mortgage insurance fund to the payments as aforesaid. The authority shall take or cause to be taken all reasonable steps to enforce the payment of amounts in default on any such mortgage or other agreement and to exercise all available remedies necessary to enforce the mortgage or other agreement and protect the security of the authority's obligations. The trustee for any bond or note issued in anticipation thereof or, if there be no such trustee, the holder of any such bond or note shall have the right to bring suit against the authority for payment.

Sec. 23. 10 MRSA § 1174, sub-§ 3, ¶¶ K and L, as enacted by PL 1975, c. 573, are amended to read:

K. To compete with a motor vehicle dealer operating under an agreement or franchise from ~~such the~~ manufacturer, distributor or wholesaler in the relevant market area, ~~such the~~ area to be determined exclusively by equitable principles; provided ~~however~~ that a manufacturer, distributor or wholesaler shall not be deemed to be competing when operating a dealership either temporarily for a reasonable period in any case not to exceed one year or in a bona fide relationship in which an independent person has made a significant investment subject to loss in the dealership and can reasonably expect to acquire full ownership of ~~said the~~ dealership on reasonable terms and conditions; and provided ~~further~~ that a distributor shall not be deemed to be competing when a wholly owned subsidiary corporation or ~~such the~~ distributor sells motor vehicles at retail, if, for at least 3 years prior to January 1, 1975, ~~such the~~ subsidiary corporation has been a wholly owned subsidiary of ~~such the~~ distributor and engaged in the sale of motor vehicles at retail; or

L. To require a motor vehicle dealer to assent to a release assignment, novation, waiver or estoppel which would relieve any person from liability imposed by this chapter; or

Sec. 24. 10 MRSA § 1174, sub-§ 4, first sentence, as enacted by PL 1975, c. 573, is amended to read:

~~It shall be deemed a violation for a motor~~ Motor vehicle dealer:

Sec. 25. 10 MRSA § 1174, sub-§ 4, ¶ B, as enacted by PL 1975, c. 573, is amended to read:

B. To represent and sell as a new motor vehicle any motor vehicle which has been used and operated for demonstration purposes or which is otherwise a used motor vehicle; or

Sec. 26. 10 MRSA § 1254, sub-§ 1, ¶ F is amended to read:

F. The addresses of the places where its stamps are redeemable therein; and

Sec. 27. 10 MRSA § 1254, sub-§§ 2 and 3 are repealed.

Sec. 28. 10 MRSA § 1254 is amended by adding at the end 2 new paragraphs to read:

The statement of registration shall be filed with the Secretary of State annually by July 1st of each year.

If the company has not previously done business as a trading stamp company in this State, or if its gross income from such business in this State during its last fiscal year was less than \$100,000, it shall pay a registration fee of \$100 to the Secretary of State at the time of filing each registration statement. If the gross income exceeded \$100,000 but was not in excess of \$250,000, the registration fee shall be \$250. If the gross income exceeded \$250,000 but was not in excess of \$500,000, the registration fee shall be \$500. If the gross income exceeded \$500,000 but was not in excess of \$750,000, the registration fee shall be \$750. If the gross income exceeded \$750,000, the registration fee shall be \$1,000.

Sec. 29. 10 MRSA § 1474, sub-§ 3, as last amended by PL 1977, c. 696, § 116, is repealed and the following enacted in its place:

3. Dealer to furnish certain written statements concerning warranty. No dealer may sell, offer for sale or transfer a used motor vehicle to a person unless he furnishes to such person a written statement containing the warranty required by subsection 1. Any other warranty, in addition to that required by subsection 1, that may be extended or agreed to by the dealer must be set forth in this written statement in accordance with further requirements of this section.

A. Every written statement shall contain, fully and conspicuously disclosed, the following information:

(1) The name and address of the dealer's place of business, where repairs, replacement of parts and other service under the warranty are to be performed or, if such repairs, replacement of parts and other service under the warranty are not to be performed at such place of business, the name, address and other identifying information of each facility within a radius of 50 miles of the dealer's place of business to which the vehicle may be brought for repairs, replacement of parts and other service under the warranty; and

(2) The following notice: "If a dealer fails to perform his obligation under the warranty, the purchaser shall give the dealer written notice of such

failure before the purchaser initiates a civil action in accordance with section 1476." The notice must be sent by registered or certified mail to the dealer's last known business address.

B. In addition, the written statement required by this subsection shall contain, fully and conspicuously disclosed, the following information concerning any additional warranty not required by subsection 1:

- (1) The date or number of days or mileage at which the warranty will terminate;
- (2) The parts or systems of the vehicle that are warranted against mechanical defects, or the parts or systems of the vehicle excluded from the warranty; and
- (3) A statement of what the dealer will do in the event of a mechanical defect and at whose expense.

Sec. 30. 12 MRSA § 8409, sub-§ 3, last sentence, as enacted by PL 1979, c. 545, § 3, is amended to read:

In the event that the director finds that the owner or claimant is in noncompliance with the terms upon which the application was granted, then an amount equal to the tax, interest and penalty as provided for in section 8406, subsection-6 4, for each year the parcel was designated as a silvicultural treatment area shall immediately become due and payable and his land shall be subject to a lien as provided for in section 8406, subsection-7 5.

Sec. 31. 13-B MRSA § 714, sub-§ 3, 2nd sentence, as enacted by PL 1977, c. 525, § 13, is amended to read:

Such determination shall be made by the board of directors by a majority vote of a quorum consisting of directors who were not parties to such action, suit or proceeding, or if such a quorum is not obtainable, or even if obtainable, if a quorum of disinterested directors so directs, by independent legal counsel in a written opinion ~~or by the shareholders.~~

Sec. 32. 14 MRSA § 5536 is amended to read:

§ 5536. No rearrest after discharge

No person discharged by ~~habeas corpus~~ **post-conviction review**, except as provided in ~~sections 5502 to 5508~~ **Title 15, chapter 305-A**, shall be again imprisoned or restrained for the same cause, unless indicted therefor, convicted thereof or committed for want of bail; or unless, after a discharge for defect of proof or some material defect in the commitment in a criminal case, he is arrested on sufficient proof and committed by legal process for the same offense.

Sec. 33. 15 MRSA § 3101, sub-§ 4, ¶ D, as repealed and replaced by PL 1979,

c. 681, § 4 and as last amended by PL 1979, c. 681, § 38, is repealed and the following enacted in its place:

D. The Juvenile Court shall consider the following factors in deciding whether to bind a juvenile over to Superior Court:

(1) **Seriousness of the crime:** The nature and seriousness of the offense, greater weight being given to offenses against the person than against property; whether the offense was committed in an aggressive, violent, premeditated or willful manner;

(2) **Characteristics of the juvenile:** The record and previous history of the juvenile; his emotional attitude and pattern of living; and

(3) **Dispositional alternatives:** Whether future criminal conduct by the juvenile will be deterred by the dispositional alternatives available to the Juvenile Court; whether the dispositional alternatives available to the Juvenile Court would diminish the gravity of the offense; and whether the protection of the community requires commitment of the juvenile to a facility which is more secure than those available as dispositional alternatives to the Juvenile Court.

Sec. 34. 16 MRSA § 355, last sentence, as amended by PL 1977, c. 696, § 364 is repealed and the following enacted in its place:

When the plaintiff is a corporation, the affidavit may be made by its president, vice-president, secretary, treasurer or other person authorized by the corporation.

Sec. 35. 17 MRSA § 1228, sub-§ 3, first sentence, as enacted by PL 1977, c. 445, is amended to read:

By The animal may be destroyed by shooting, provided that:

Sec. 36. 17-A MRSA § 7, sub-§ 4, ¶ C, as enacted by PL 1979, c. 512, § 19, is amended to read:

C. The same place in which other crimes, if any, in the same criminal episode were committed; and

Sec. 37. 17-A MRSA § 8, sub-§ 1, as enacted by PL 1975, c. 499, § 1, is amended to read:

1. It is a defense that prosecution was commenced after the expiration of the applicable period of limitations provided in this section; provided however that a prosecution for murder or criminal homicide in the first or 2nd degree may be commenced at any time.

Sec. 38. 17-A MRSA § 8, sub-§ 2, as amended by PL 1977, c. 510, § 18, is further amended to read:

2. Prosecutions for crimes other than murder or criminal homicide in the first or 2nd degree are subject to the following periods of limitations:

A. A prosecution for a Class A, Class B or Class C crime must be commenced within 6 years after it is committed; and

B. A prosecution for a Class D or Class E crime must be commenced within 3 years after it is committed.

Sec. 39. 17-A MRSA § 1203-A, as enacted by PL 1979, c. 512, § 41 and repealed by PL 1979, c. 707, § 2, is reenacted to read:

§ 1203-A. Suspension of last portion of sentence with probation

The court, at the time of imposing a term of imprisonment for 4 years or more for a Class A or Class B crime, may suspend any portion of the last 2 years with probation. The term of probation shall not exceed one year and shall commence on release from the unsuspended term of imprisonment. The total of the unsuspended term of imprisonment and the suspended term of imprisonment shall not exceed the maximum term authorized for the crime.

Sec. 40. 17-A MRSA § 1203-B, as enacted by PL 1979, c. 701, § 27, is repealed.

Sec. 41. 18-A MRSA § 1-503 as enacted by PL 1979, c. 540, § 1, is amended by adding at the end a new paragraph to read:

A facsimile of the signature of the register of probate or deputy register of probate imprinted at his direction upon any instrument, certification or copy which is customarily certified by him or recorded in the probate office, shall have the same validity as his signature.

Sec. 42. 18-A MRSA § 1-510, next to the last sentence, as enacted by PL 1981, c. 165, is amended to read:

A register may aid in drafting applications in informal proceedings, petitions or sworn statements relating to the closing of decedents' estates which have not been contested prior to closing, applications for change of name and petitions for guardians of minors.

Sec. 42-A. Effective date. Section 42 takes effect 90 days after the Legislature adjourns.

Sec. 43. 18-A MRSA § 1-602, ¶ (2), sub-¶ (i), as repealed and replaced by PL 1979, c. 719, § 2, is amended to read:

(i) Under \$10,000 and under or for filing a will without probate, \$5;

Sec. 44. 19 MRSA § 532, 3rd ¶, as amended by PL 1979, c. 325, § 1, is repealed as follows:

~~When a surrender and release has been executed and approved in accordance with section 532-A, the consent to adoption may be given by the child placing agency duly licensed in Maine or State Department of Human Services to whom a child has been surrendered and released or to whom a surrendered and released child has been transferred~~

Sec. 45. 19 MRSA § 662 is repealed and the following enacted in its place:

§ 662. Certain divorces validated

1. Writ of attachment. All divorces prior to the effective date of this section in this State on libels inserted in a writ of attachment, and otherwise valid except for want of attachment nominal or otherwise upon the writ, are validated.

2. Pendency of another claim. All divorces or annulments granted prior to the effective date of this section, and all dispositions of property made prior to the effective date of this section under section 722-A and all other dispositions, divisions or awards of property, prior to the effective date of this section, made incident upon a divorce or annulment, and otherwise valid except for the pendency of another claim or counterclaim in the same action, are validated and effective for all purposes. This paragraph shall not apply to any final judgment for divorce, annulment or property disposition in which the appeal period, including any extensions thereof, has commenced but has not expired as of the effective date of this section.

Sec. 46. 19 MRSA § 771, as enacted by PL 1979, c. 677, § 17, is reallocated to 19 MRSA § 770-A.

Sec. 47. 19 MRSA § 773, sub-§ 3, as enacted by PL 1979, c. 668, § 6, is amended to read:

3. Disclosure hearing. The court may make an order under section 1 without a separate disclosure hearing, if the court has already determined the person's ability to pay and his receipt of money from a source **other than a source** that is otherwise exempt from trustee process, attachment and execution.

Sec. 48. 19 MRSA § 774, sub-§ 2, as enacted by PL 1979, c. 668, § 6, is amended to read:

2. Installment payments. Specified installment payments as provided under Title 14, sections 3127 to 3137, without a separate disclosure hearing, if the court has already determined the judgment debtor's ability to pay and his receipt of money from a source **other than a source** that is otherwise exempt from trustee process, attachment and execution;

Sec. 49. 19 MRSA c. 14, as enacted by PL 1979, c. 668, § 6, is reallocated to 19 MRSA c. 14-A.

Sec. 50. 20 MRSA § 215, sub-§ 4, 3rd ¶ from the end is amended to read:

When affirmative action is taken in accordance with the preceding articles in each of the participating municipalities, said district shall, upon the date that it takes over the operation of the public schools within its jurisdiction, become eligible to the benefits of ~~sections 3456 and~~ **section 3457** and become responsible for assessing in all the participating municipalities in the new School Administrative District, collecting and paying over to the trustees of the community school district each year the funds necessary to amortize all outstanding capital outlay indebtedness existing at the time when the operation of the community school district was suspended.

Sec. 51. 20 MRSA § 223, as repealed and replaced by PL 1979, c. 127, § 133, is amended to read:

§ 223. Regulations

Subject to this chapter and sections 1901, 1902, ~~3456~~ 3457 to 3460 and 4742 to 4758, the State Board of Education may make such reasonable regulations as it may find necessary for carrying out the purposes, provisions and intent of these sections. The State Board of Education shall adopt these regulations in accordance with section 21.

Sec. 52. 20 MRSA § 1195, sub-§ 2, as enacted by PL 1977, c. 471, is amended to read:

2. Municipal ordinances and regulations. A municipality may enforce any ordinance or regulation, relating to the diseases against which immunization is required and to the children who are required to be immunized, which ~~are~~ is more stringent than the requirements of this subchapter.

Sec. 53. 20 MRSA § 4755, sub-§ 3, ¶ B, as enacted by PL 1977, c. 625, § 8, is amended to read:

B. The format of the school budget may be determined in accordance with section 226, subsection 3 or section ~~362~~ 379.

Sec. 54. 22 MRSA § 46, first ¶, last sentence, as enacted by PL 1971, c. 622, § 69-B, is amended to read:

The only ~~exception~~ **exceptions** to the above specific procedures ~~will be~~ **are** those instances in which the charitable or benevolent organization by agreement with the department elects to return its state appropriation, either in whole or in part, to the department for matching with federal funds.

Sec. 55. 22 MRSA § 253, first ¶, as enacted by PL 1967, c. 243, is amended to read:

The ~~Department of Health and Welfare~~ **department** is authorized to develop and

administer, and continuously adapt, modify or otherwise revise as conditions and circumstances indicate, a plan for providing comprehensive health services, and continued comprehensive health planning in accordance with the ~~Federal United States~~ Public Health Services Act, as amended by PL 89-749.

Sec. 56. 22 MRSA § 253, last ¶, as enacted by PL 1967, c. 243, is amended to read:

The ~~Department of Health and Welfare~~ **department** is authorized to accept and expend federal funds allotted or otherwise made available under the said Act to states for the purposes of the Act in accordance with the said Act and any amendments thereof, and the applicable State of Maine laws, rules, regulations or fiscal policies or practices.

Sec. 57. 22 MRSA § 254, sub-§ 4-A, as enacted by PL 1979, c. 726, § 5, is amended to read:

4-A. Payment for drugs provided. The commissioner may establish the amount of payment to be made by recipients toward the cost of prescription or nonprescription drugs and medication furnished under this program; **and**

Sec. 58. 22 MRSA § 254, sub-§ 6, as amended by PL 1975, c. 771, § 212, is repealed.

Sec. 59. ~~22 MRSA § 254~~, as last amended by PL 1979, c. 726, §§ 1-5, is further amended by inserting before the 2nd paragraph from the end a new paragraph to read:

The Commissioner of Human Services shall establish, or shall require the person responsible for administration of this program to establish, a planned program of solicitation of funds and drugs for this program from agencies of government, individuals, groups and corporations. A register of solicitations shall be kept, which shall include at least the name, address and business of the agency, individual, group or corporation from whom funds and drugs are solicited, as well as the date, time and result of the solicitation. This register shall be a public record and shall be sent to the Governor every 6 months for his inspection.

Sec. 60. 22 MRSA § 353, sub-§ 1, ¶C, as enacted by PL 1977, c. 691, § 1, is amended to read:

C. One member shall have had at least 5-years' experience in the field of health insurance or in the administration of a health care service plan within the 10 years preceding the ~~initial~~ initial appointment; and

Sec. 61. 22 MRSA § 459, first sentence, as amended by PL 1975, c. 293, § 4, is further amended to read:

The local health officer of each municipality shall annually on a day or days specified by him during the month of March, or ~~often~~ **more often** if he deems it

prudent, provide for the free vaccination with cowpox of all inhabitants within his jurisdiction; and shall provide for free inoculation with suitable material, as defined by the Department of Human Services, against diphtheria, whooping cough, tetanus and poliomyelitis of all children under 16 years of age at a time specified by him.

Sec. 62. 22 MRSA § 1021, first sentence, as enacted by PL 1977, c. 304, § 2, is amended to read:

When ~~the~~ a departmental or a municipal health officer knows that an individual having a dangerous communicable disease has failed or refused to comply with a rule or proper order or is unable or unwilling to conduct ~~himself~~ **himself** and to live in a manner so as not to expose members of his family or household, or other individuals with whom he may be associated or in contact to the danger of infection, the health officer immediately shall investigate the circumstances.

Sec. 63. 22 MRSA § 1317-A, last ¶, as enacted by PL 1975, c. 239, § 4, is amended to read:

~~Provided, however, nothing~~ **Nothing** in this section should be construed to authorize or require the physical examination of any child whose parent or guardian objects thereto on the grounds ~~such~~ the examination conflicts with the tenets and practices of a ~~well-recognized~~ **well-recognized** church or religious denomination of which he is an adherent.

Sec. 64. 22 MRSA § 1320-A, sub-§ 1, as enacted by PL 1975, c. 239, § 7, is amended to read:

1. Lead poisoning found. A case of lead poisoning has been found in any dwelling unit within the dwelling; or

Sec. 65. 22 MRSA § 1321, sub-§ 3, last sentence, as repealed and replaced by PL 1975, c. 239, § 8, is amended to read:

If, at the discretion of the commissioner, ~~such~~ the lead base substances cannot be removed, replaced or securely and permanently covered within 30 days, an extension of reasonable time may be granted; and

Sec. 66. 22 MRSA § 1471-B, sub-§ 1, next to last sentence, as enacted by PL 1979, c. 644, § 3, is repealed and the following enacted in its place:

The term shall be for 4 years, except that of the initial appointees, 2 shall serve 4-year terms, 2 shall serve 3-year terms, 2 shall serve 2-year terms and one shall serve a one-year term.

Sec. 67. 22 MRSA § 1471-D, sub-§ 8, ¶¶ G and H, as enacted by PL 1975, c. 397, § 2, are amended to read:

G. Has made false or fraudulent records or reports required by the board under this chapter or under regulations pursuant thereto; or

H. Has been subject to a criminal conviction under section 14 (b) of the amended FIFRA or a final order imposing a civil penalty under section 14 (a) of the amended FIFRA; or

Sec. 68. 22 MRSA § 1471-M, sub-§ 1, ¶ D, last sentence, as enacted by PL 1975, c. 397, § 2, is amended to read:

~~Such~~ These standards shall include, but not be limited to, requirements concerning transportation of pesticides, the applicant's knowledge of applicable federal and state statutes and regulations, and the applicant's understanding of the dangers involved and the precautions necessary for the safe storage and distribution of pesticides; and

Sec. 69. 22 MRSA § 1471-M, sub-§ 2, ¶ C, as enacted by PL 1975, c. 397, § 2, is amended to read:

C. On its own or in cooperation with other persons, publish such information as it deems appropriate, including information concerning injury which might result from improper application or handling of pesticides, and methods and precautions designed to prevent ~~such the~~ injury; and

Sec. 70. 22 MRSA § 1701, sub-§ 2 is amended to read:

2. **Cooperate with Federal Government.** Cooperate with the Federal Government through the United States Public Health Service in matters of mutual concern pertaining to general public health, including such methods of administration as are found to be necessary for the efficient operation of the plan for ~~such the~~ aid; and

Sec. 71. 22 MRSA § 1816, first sentence is amended to read:

Every building, institution or establishment for which a license has been issued shall be periodically inspected by duly appointed representatives of the Bureau of ~~Health~~ Medical Services under the rules and regulations to be established by ~~said~~ the department.

Sec. 72. 22 MRSA § 1818, as amended by PL 1973, c. 303, § 3, is further amended to read:

§ 1818. Appeals

Any person who is aggrieved by the decision of the department in refusing to issue a license or the renewal of a license may ~~file a statement or complaint with the Administrative Court Judge designated in Title 5, chapters 301 to 307~~ request a hearing as provided by the Maine Administrative Procedure Act, Title 5, chapter 375.

Sec. 73. 22 MRSA § 1903, sub-§ 3, as enacted by PL 1973, c. 624, § 1, is amended to read:

3. **Refusal.** Nothing in this chapter shall inhibit a physician from refusing to furnish family planning services when ~~such~~ the refusal is for medical reasons; **and**

Sec. 74. 22 MRSA § 1952, sub-§ 1 is amended to read:

1. **Federal aid.** Apply for federal aid under Title V of the ~~Federal United States Social Security Act~~ (Public No. 271, 74th Congress);

Sec. 75. 22 MRSA § 1952, sub-§ 2 is amended to read:

2. **Cooperation with Federal Government.** Cooperate with the Federal Government in matters of mutual concern pertaining to maternal and child health services, including such methods of administration as are found to be necessary for the efficient operation of the plan for such aid; **and**

Sec. 76. 22 MRSA § 1953 is amended to read:

§ 1953. Federal grants

The Treasurer of State shall be the appropriate fiscal officer of the State to receive federal grants on account of maternal and child health services and administration thereof, as contemplated by ~~Title V of the Federal Social Security Act~~ **the United States Social Security Act, Title V**, and the State Controller shall authorize expenditures therefrom as approved by the department.

Sec. 77. 22 MRSA § 2002, sub-§§ 1 and 2 are amended to read:

1. **Federal aid.** Apply for federal aid under Title V of the ~~Federal United States Social Security Act~~ (Public No. 271, 74th Congress);

2. **Cooperation with Federal Government.** Cooperate with the Federal Government in matters of mutual concern pertaining to services for crippled children, including such methods of administration as are found to be necessary for the efficient operation of the plan for such aid; **and**

Sec. 78. 22 MRSA § 2003 is amended to read:

§ 2003. Federal grants

The Treasurer of State shall be the appropriate fiscal officer of the State to receive federal grants on account of services for crippled children and administration thereof, as contemplated by ~~Title V of the Federal Social Security Act~~ **the United States Social Security Act, Title V**, and the State Controller shall authorize expenditures therefrom as approved by the department.

Sec. 79. 22 MRSA § 2013, sub-§§ 1, 2, 3 and 5, as repealed and replaced by PL 1975, c. 218, are amended to read:

1. **Governmental.** Medical laboratories operated by the United States Government, the State of ~~Maine~~ or municipalities of the State of ~~Maine~~;

2. **Hospitals.** Laboratory facilities and laboratory services operated in a hospital licensed by the State of ~~Maine~~;

3. **Physicians.** Physicians registered in the State of ~~Maine~~ who operate a medical laboratory exclusively for the examination of their own patients, provided if referred work is received in the laboratory all ~~provisions~~ **provisions** of this Act shall apply;

5. **Research and teaching.** Laboratories operated and maintained for research and teaching purposes which are recognized by the department after consultation with the commission or involve no patient or public health service; **and**

Sec. 80. 22 MRSA § 2037, sub-§ 1, as repealed and replaced by PL 1975, c. 218, is amended to read:

1. **Unlicensed.** Operate, maintain, direct or engage in the business of operating a medical laboratory, as defined, unless he has obtained a medical laboratory license from the department; **or**

Sec. 81. 22 MRSA § 2040, as repealed and replaced by PL 1975, c. 218, is amended to read:

§ 2040. Appeal

Any person aggrieved by a decision of the department or the commission may appeal to the Administrative Court Judge under Title 5, ~~chapters 301 to 307~~ **chapter 375**.

Sec. 82. 22 MRSA § 2055, sub-§ 14, as amended by PL 1979, c. 680, § 13, is further amended to read:

14. **Apportionment.** To charge to and equitably apportion among participating hospitals and participating institutions for higher education its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter; **and**

Sec. 83. 22 MRSA § 2095, **first and 2nd sentences**, as enacted by P&SL 1975, c. 90, § A, are amended to read:

The office shall establish in accordance with the purposes and intent of this chapter, with the advice of the council and subject to the direction of the commissioner, the overall planning, policy, objectives and priorities for all functions and activities relating to dental health, which are conducted by or supported by the State of ~~Maine~~. It is the purpose and intent of this chapter that the office shall have the objectives of reducing dental disease in Maine residents to a minimal and acceptable level and of improving and expanding dental health services in ~~Maine~~ **the State**.

Sec. 84. 22 MRSA § 2095, sub-§ 10, last sentence, as enacted by P&SL 1975, c. 90, § A, is amended to read:

~~Such~~ The report shall be submitted to the Governor in accordance with Title 5, sections 43, 44, 45 and 46 and to the Legislature; **and**

Sec. 85. 22 MRSA § 2099, sub-§ 3, as enacted by P&SL 1975, c. 90, § A, is amended to read:

3. Assist the director. Assist the director in reviewing and evaluating state and federal policies regarding dental health programs and other activities affecting people, conducted or assisted by any state department or agency; **and**

Sec. 86. 22 MRSA § 2155, sub-§ 8 is amended to read:

8. Alteration, etc. of label. The alteration, mutilation, destruction, obliteration or removal of the whole or any part of the labeling of, or the doing of any other act with respect to a food, if ~~such~~ the act is done while ~~such~~ the article is held for sale and results in ~~such~~ the article being misbranded; **or**

Sec. 87. 22 MRSA § 2156, sub-§ 3, last sentence is amended to read:

This subsection shall not apply to any confectionery by reason of its containing less than 1/2 of 1%, by volume of alcohol derived solely from use of flavoring extracts, or to any chewing gum by reason of its containing harmless nonnutritive masticatory substances; **or**

Sec. 88. 22 MRSA § 2157, sub-§ 10, as amended by PL 1979, c. 731, § 19, is amended to read:

10. Dietary properties. If it purports to be or is represented for special dietary uses, unless its label bears such information concerning its vitamin, mineral and other dietary properties as the Commissioner of Agriculture, Food and Rural Resources determines to be, and by regulation prescribed as necessary in order to fully inform purchasers as to its value for such uses; **or**

Sec. 89. 22 MRSA § 2164, sub-§ 3 is repealed.

Sec. 90. 22 MRSA § 2164 is amended by adding at the end a new paragraph to read:

In the event that any samples or specimens of food are removed from any vehicle of transport, it shall be the duty of the commissioner to notify the consignor, consignee and the carrier of the action taken and of the amount and kind of sample or specimen taken.

Sec. 91. 22 MRSA § 2369, sub-§ 1 is amended to read:

1. Character. That the applicant is of good moral character or, if the applicant be an association or corporation, that the managing officers are of good moral character; **and**

Sec. 92. 22 MRSA § 2370, sub-§ 1, ¶ C is amended to read:

C. To a person in charge of a hospital, but only for use by or in that hospital; **or**

Sec. 93. 22 MRSA § 2370, sub-§ 2, ¶ B is amended to read:

B. To a master of a ship or a person in charge of any aircraft upon which no physician is regularly employed, or to a physician or surgeon duly licensed in some state, territory or the District of Columbia to practice his profession, or to a retired commissioned medical officer of the United States Army, Navy or Public Health Service employed upon such ship or aircraft, for the actual medical needs of persons on board ~~such the~~ ship or aircraft, when not in port; provided ~~such the~~ narcotic drugs shall be sold to the master of ~~such the~~ ship or person in charge of ~~such the~~ aircraft or to a physician, surgeon or retired commissioned medical officer of the United States Army, Navy or Public Health Service employed upon ~~such the~~ ship or aircraft only in pursuance of a special order form approved by a commissioned medical officer or acting assistant surgeon of the United States Public Health Service; **or**

Sec. 94. 22 MRSA § 2387, sub-§ 1, ¶ A, as last amended by PL 1975, c. 740, § 126, is further amended to read:

A. All materials, products and equipment of any kind which are used, or intended for use, in manufacturing, trafficking or furnishing any substance in violation of Title 17-A, chapter 45; **and**

Sec. 95. 22 MRSA § 2882, 2nd sentence, as amended by P&SL 1973, c. 53, is further amended to read:

When no medical schools of the State are in active operation, the Superintendent of the Bangor Mental Health Institute, the Superintendent of the Augusta Mental Health Institute, the Superintendent of the Eastern Maine ~~General Hospital~~ **Medical Center**, the Superintendent of the Maine ~~General Hospital~~ **Medical Center** and the Superintendent of the Central Maine ~~General Hospital~~ **Medical Center** shall constitute ~~such the~~ board.

Sec. 96. 22 MRSA § 3056, sub-§ 2, as enacted by PL 1969, c. 457, § 1, is amended to read:

2. Perform for Federal Government. ~~May perform~~ **Perform** functions and services for the Federal Government in addition to those provided for in this section.

Sec. 97. 22 MRSA § 3461, sub-§ 2, as enacted by PL 1973, c. 631, § 2, is amended to read:

2. Incapacitated person. "Incapacitated person" means any person who is 18 years of age or over, and who is impaired by reasons of advanced age, mental or physical illness or incapacity, or other cause, to the extent that he lacks sufficient understanding or capacity to make, communicate or implement responsible decisions concerning his person or property, except that this chapter shall not include those persons who are provided for in ~~Title 18, chapter 501, subchapter III-A~~ **Title 18-A, Article V, Part 6.**

Sec. 98. 22 MRSA § 3461, sub-§ 5, as repealed and replaced by PL 1973, c. 790, § 6, is amended to read:

5. Ward. "Ward" means a person for whom the department has been duly appointed guardian pursuant to ~~Title 18, chapter 501, subchapter III-B~~ **Title 18-A, Article V, Part 6.**

Sec. 99. 22 MRSA § 3463, as enacted by PL 1973, c. 631, § 2, is amended to read:

§ 3463. Appointment of guardian

The bureau shall serve as public guardian for incapacitated adults under ~~Title 18, chapter 501, subchapter III-B~~ **Title 18-A, Article V, Part 6.**

Sec. 100. 22 MRSA § 3505, sub-§ 4, as enacted by PL 1971, c. 88, is amended to read:

4. Jurisdiction. "Jurisdiction" means the control of the ~~maintainance~~ **maintenance**, operation and protection of public buildings and property of the State of ~~Maine~~ or of any county or municipality.

Sec. 101. 22 MRSA § 3752 is amended to read:

§ 3752. Payments to guardian or conservator

When a relative with whom a child is living is found by the department to be incapable of taking care of his money, payment shall be made only to a legally appointed guardian or conservator and, notwithstanding ~~Title 18, section 3701~~ **Title 18-A, Article V, Part 4**, in the matter of infirmities of age or physical disability to manage his estate with prudence and understanding, the Probate Court may appoint any suitable person as a conservator.

Sec. 102. 22 MRSA § 4065, as enacted by PL 1979, c. 733, § 18, is amended to read:

§ 4065. Department's responsibility after death of committed child

If a child in the custody of the department dies, the department shall arrange and pay for a decent burial for the child. If administration of the deceased child's estate is not commenced, within 60 days after the date of death, by an heir or a

creditor, then the department may petition the Probate Court to appoint an administrator and settle the estate of the deceased child pursuant to Title 18 or 18-A.

Sec. 103. 22 MRSA § 5104, sub-§ 8, as enacted by PL 1973, c. 793, § 3, is amended to read:

8. Nonprofit organization. “Nonprofit organization” ~~as applied to~~ means any agency, institution or organization which is, or is owned and operated by, one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and which has a territory of operations that may extend to a neighborhood or community region or the State of Maine.

Sec. 104. 22 MRSA § 5106, sub-§ 2, ¶ D, last sentence, as enacted by PL 1973, c. 793, § 6, is amended to read:

This function shall include: The unduplicated count, location and characteristics of people served by each facility, program or service; and the amount, type and source of resources supporting functions related to the elderly; **and**

Sec. 105. 22 MRSA § 5106, sub-§ 2, ¶ E, 4th sentence, as enacted by PL 1973, c. 793, § 6, is amended to read:

Included shall be activities as authorized by this and so much of the several Acts and amendments to them enacted by the people of the State of ~~Maine~~, and those authorized by United States Acts and amendments to them such as the:

Sec. 106. 22 MRSA § 5106, sub-§ 2, ¶ E, sub-¶¶ (4)-(7), as enacted by PL 1973, c. 793, § 6, are amended to read:

- (4) ~~U.S.~~ United States Social Security Act of 1935;
- (5) ~~U.S.~~ United States Housing Act of 1937;
- (6) ~~U.S.~~ United States Older Americans Act of 1965; and
- (7) ~~U.S.~~ United States Age Discrimination Act of 1967;

Sec. 107. 22 MRSA § 5106, sub-§ 3, ¶ B, last sentence, as enacted by PL 1973, c. 793, § 6, is amended to read:

Such findings and comments shall recommend what modification in proposals or actions shall be taken to make proposed legislation, fiscal activities and administrative activities consistent with such policies and priorities; **and**

Sec. 108. 22 MRSA § 5106, sub-§ 6, first ¶, as enacted by PL 1973, c. 793, § 6, is amended to read:

Function as the organizational unit of ~~Maine~~ State Government with sole responsibility for conducting and coordinating, with the advice of the committee and subject to the direction of the commissioner, programs authorized by this Part and so much of the several Acts, amendments and successors to them enacted by the people of the State of ~~Maine~~ and those authorized by the United States Acts, amendments and successors to them as relate to older people:

Sec. 109. 22 MRSA § 5106, sub-§ 6, last ¶, as enacted by PL 1973, c. 793, § 6, is amended to read:

The bureau is designated as the single agency of ~~Maine~~ State Government solely responsible for administering, subject to the direction of the commissioner, any state plans as may be required by the above Acts, and for administering programs of Acts of the State of ~~Maine~~ or United States relating to older people which are not the specific responsibility of another state agency under state or federal law;

Sec. 110. 22 MRSA § 5106, sub-§ 10, last sentence, as enacted by PL 1973, c. 793, § 6, is amended to read:

Such adoption, amendment and rescission shall be made as provided under the ~~Maine Administrative Code Procedure Act~~, Title 5, ~~chapters 301 to 307~~ chapter 375;

Sec. 111. 22 MRSA § 5106, sub-§ 14, as enacted by PL 1973, c. 793, § 6, is amended to read:

14. Establish and maintain an office. Establish and maintain an office at the department's general headquarters; and

Sec. 112. 22 MRSA § 5114, sub-§ 1, first sentence, as enacted by PL 1973, c. 630, § 1, is amended to read:

“Coordinated community program” means a system for providing all necessary social services in a manner designed to:

Sec. 113. 22 MRSA § 5118, sub-§ 1, ¶ C, sub-¶ (2), as enacted by PL 1973, c. 630, § 1, is amended to read:

- (2) Employs a specially trained staff to inform older persons of the opportunities and services which are available, and assists ~~such these~~ persons to take advantage of ~~such these~~ opportunities and services; and

Sec. 114. 22 MRSA § 5118, sub-§ 1, ¶ D, first sentence, as enacted by PL 1973, c. 630, § 1, is amended to read:

~~Provides~~ Provide that the area agency will:

Sec. 115. 22 MRSA § 5118, sub-§ 1, ¶¶ E-I, as enacted by PL 1973, c. 630, § 1, are amended to read:

E. Provides Provide for the use of such methods of administration as are necessary for the proper and efficient administration of the plan;

F. Provides Provide that the area agency will make such reports, in such form and containing such information as the director may from time to time require, and comply with such requirements as the director may impose to assure the correctness of ~~such~~ **these** reports;

G. Establishes Establish objectives consistent with the purposes of this Title, toward which activities under the plan will be directed, ~~identifies~~ **identify** obstacles to the attainment of those objectives and ~~indicates~~ **indicate** how it proposes to overcome those obstacles;

H. Provides Provide that no social service will be directly provided by the state agency or an area agency, except where, in the judgment of the state agency, provision of ~~such that~~ service by the state agency or an area agency is necessary to assure an adequate supply of ~~such that~~ service; and

I. Provides Provide that preference shall be given to persons aged 60 or over for any staff positions, full time or part-time, in area agencies for which ~~such~~ **these** persons qualify.

Sec. 116. 22 MRSA § 5118, sub-§ 1, ¶¶ J-M, as enacted by PL 1973, c. 630, § 1, are repealed.

Sec. 117. 22 MRSA § 5118, sub-§§ 2-5 are enacted to read:

2. Approval of area plan. The director shall approve any area plan which he finds fulfills the requirements of subsection 1, paragraphs A to I.

3. Notice and opportunity for hearing. The director shall not make a final determination disapproving any area plan, or any modification thereof, or make a final determination that an area agency is ineligible under section 5116, without first affording the area agency reasonable notice and opportunity for a hearing.

4. Findings. Whenever the director, after reasonable notice and opportunity for hearing to the area agency, finds that:

A. The area agency is not eligible under section 5116;

B. The area plan has been so changed that it no longer complies with subsection 1, paragraphs A to I; or

C. In the administration of the plan, there is a failure to comply substantially with any such provision of subsection 1, paragraphs A to I, the director shall notify the area agency that no further payments from its allotments under sections 306 and 5115 will be made to the agency or, in his discretion, that further payments to the agency will be limited to projects under or portions of the area plan not affected by the failure, until he is satisfied that there will no

longer be any failure to comply. Until he is so satisfied, no further payments may be made to the agency from its allotments under section 5115, or payments may be limited to projects under or portions of the area plan not affected by the failure. The director shall, in accordance with regulations he shall prescribe, disburse funds so withheld directly to any public or nonprofit private organization or agency of the area, submitting an approved plan in accordance with section 5116. Any payment or payments shall be matched in the proportions specified in section 5116.

5. **Final action; dissatisfaction.** An agency which is dissatisfied with a final action of the director under subsection 2, 3 or 4 may appeal to the commissioner by filing a petition with the commissioner within 60 days after final action. A copy of the petition shall be forthwith transmitted by the commissioner to the director. The director thereupon shall file with the commissioner the record of the proceedings on which he based his action. Upon the filing of the petition, the commissioner shall have jurisdiction to affirm the action of the director or to set it aside, in whole or in part, temporarily or permanently, but until the filing of the record the director may modify or set aside his order. The findings of the director as to the facts, if supported by substantial evidence, shall be conclusive, but the commissioner, for good cause shown, may remand the case to the director to take further evidence, and the director may thereupon make new or modified findings of fact and may modify his previous action, and shall file with the commissioner the record of the further proceedings. The new or modified findings of fact shall likewise be conclusive if supported by substantial evidence. The judgment of the commissioner affirming or setting aside, in whole or in part, any action of the director shall be final.

Sec. 118. 22 MRSA § 5304, sub-§ 15, as enacted by PL 1973, c. 793, § 12, is amended to read:

15. **Nonprofit organization.** “Nonprofit organization” ~~as applied to~~ means any agency, institution or organization which is, or is owned and operated by one or more corporations or associations no part of the net earnings of which inures, or may lawfully inure, to the benefit of any private shareholder or individual and which has a territory of operations that may extend to a neighborhood or community region of the State of Maine.

Sec. 119. 22 MRSA § 8404, as enacted by PL 1975, c. 709, § 2, is repealed.

Sec. 120. 23 MRSA § 2, as amended by PL 1973, c. 537, § 24, is repealed and the following enacted in its place:

§ 2. Rules of construction

The rules of construction in Title 1, chapter 3, shall apply to chapters 1 to 19. As used in chapters 1 to 19, unless the context otherwise indicates, the following terms have the following meanings.

1. **Compact or built-up section.** “Compact” or “built-up section” means a

section of the highway where structures are nearer than 200 feet apart for a distance of 1/4 of a mile, unless otherwise defined.

2. **Highway.** "Highway" means all of the right-of-way that may have been laid out by the State, county or town.

3. **Maintenance.** "Maintenance" includes the restoring of reconstructed and improved highways to their condition when improved and shall be applicable only to highways to the improvement of which the State has contributed or shall hereafter contribute, except as otherwise provided.

4. **Municipal officers.** "Municipal officers" includes county commissioners having jurisdiction over highways in unincorporated townships.

5. **Town.** "Town" includes cities, towns, organized plantations and unincorporated townships, except as otherwise indicated.

6. **Valuation.** "Valuation" means the valuation last made by the State Tax Assessor.

Sec. 121. 23 MRSA § 64, last sentence is amended to read:

The fines forfeitures recovered in such cases shall be paid to the Treasurer of State for the use of the State Highway Maintenance Fund.

Sec. 122. 23 MRSA § 153, first ¶, as amended by PL 1971, c. 593, § 22, is further amended to read:

The Department of Transportation, on behalf of the State of ~~Maine~~, may take over and hold for the State of ~~Maine~~, such property as it may deem necessary to:

Sec. 123. 23 MRSA § 153, sub-§ 5, as repealed and replaced by PL 1965, c. 492, § 1, is amended to read:

5. **Automobile graveyards.** Secure the relocation, removal or disposal of automobile graveyards and junkyards which are not in conformity with Title 30, sections 2451 to 2459; and

Sec. 124. 23 MRSA § 154, 2nd ¶, last sentence, as amended by PL 1971, c. 593, § 22, is further amended to read:

With said that copy there shall be served on each individual owner of record a copy of so much of the plan as relates to the particular parcel or parcels of land taken from him and a statement by the department with respect to the particular parcel or parcels of land taken from him which shall state:

Sec. 125. 23 MRSA § 154, sub-§ 1 is amended to read:

1. **Date of proposed possession.** The State the proposed date of taking possession;

Sec. 126. 23 MRSA § 154, sub-§ 2, ¶E, sub-¶ (1) is amended to read:

(1) The fair market value of the real property taken; **and**

Sec. 127. 23 MRSA § 154, sub-§ 2, ¶H, last sentence, as enacted by PL 1965, c. 297, § 2, is amended to read:

Acceptance and cashing this check will not jeopardize negotiation and will not be construed as acceptance of the offer; **and**

Sec. 128. 23 MRSA § 154, sub-§ 3, ¶F, last sentence, as enacted by PL 1965, c. 297, § 3, is amended to read:

Acceptance and cashing this check will not jeopardize negotiation and will not be construed as acceptance of the offer; **and**

Sec. 129. 23 MRSA § 154, sub-§ 4, ¶C is amended to read:

C. Cost of removal; **and**

Sec. 130. 23 MRSA § 156, sub-§ 7, as enacted by PL 1965, c. 297, § 8, is amended to read:

7. Award. The award which shall be the net damage, less the amount paid the owner or owners at the date of taking plus interest on the net amount of the award; **and**

Sec. 131. 23 MRSA § 158, sub-§ 2 is amended to read:

2. Statement of encumbrances. A statement of the mortgages, tax liens or other encumbrances on the property involved; **and**

Sec. 132. 23 MRSA § 161, sub-§ 2, as amended by PL 1971, c. 593, § 22, is amended to read:

2. Determination. Any determination by the department in the administration of this section shall be final and nothing herein shall be construed to give any person a cause of action in the ~~Land Damage Board~~ **State Claims Board** or the Superior Court.

Sec. 133. 23 MRSA § 241, first sentence, as enacted by PL 1971, c. 333, § 1, is amended to read:

The prompt and equitable relocation and reestablishment of persons, businesses, farm operations and nonprofit organizations displaced as a result of state or state aid highway projects ~~is~~ **are** necessary to insure that a few individuals do not suffer disproportionate injuries as a result of programs designed for the benefit of the public as a whole.

Sec. 134. 23 MRSA § 244-A, sub-§ 1, ¶ B, last sentence, as enacted by PL 1971, c. 333, § 1 is amended to read:

The discount rate shall be the prevailing interest rate paid on savings deposits by commercial banks in the general area in which the replacement dwelling is located; and

Sec. 135. 23 MRSA § 244-A, sub-§ 4, as enacted by PL 1973, c. 22, § 3, is amended to read:

4. Advance payments. The additional payment authorized by subsection 1 may be made to the displaced person while determination of the acquisition cost of the dwelling is either unsettled or is pending before the ~~Land Damage Board~~ **State Claims Board** or the Superior Court. Such a payment is not authorized until and unless an agreement between the Department of Transportation and the displaced person is signed which shall authorize withholding from any subsequent award by the ~~Land Damage Board~~ **State Claims Board** or judgment of the court any amount determined from the agreement to be refunded by the displacee to the department by reason of the award or judgment being in excess of the determined net damage and offering price paid pursuant to section 154. A copy of the agreement shall be filed with the ~~Land Damage Board~~ **State Claims Board** with the petition or within 10 days after it is signed if the petition is already filed and a copy shall be filed in any subsequent case appealed to the Superior Court with the complaint or answer, or both. The ~~Land Damage Board~~ **State Claims Board** and court shall take judicial notice of the facts set forth in such agreement.

Sec. 136. 23 MRSA § 246, as amended by PL 1971, c. 593, §§ 22 and 24, is further amended to read:

§ 246. Appeal

1. State Claims Board. If the department is unable to negotiate any payment authorized under section 244, subsection 1, paragraph A, or section 244-A, subsection 1, at what it deems to be a reasonable amount, either the department or the displaced person, or both, may apply to the ~~Land Damage Board~~ **State Claims Board** in writing for a determination and assessment. The proceedings shall then be the same as in condemnation proceedings under subchapter III.

2. Commissioner of Transportation. Any person aggrieved by a determination as to eligibility for any payment, except those enumerated in subsection 1, authorized by this subchapter may have his application reviewed by the Commissioner of Transportation or his delegate whose determination shall be final and nothing herein shall be construed to give any person a cause of action in the ~~Land Damage Board~~ **State Claims Board** or the Superior Court.

Sec. 137. 23 MRSA § 1915, sub-§ 6, as amended by PL 1979, c. 477, § 12, is further amended to read:

6. Maintenance of lawfully erected signs. Any sign lawfully erected as of the

effective date of this ~~Act~~ **chapter** in accordance with section 1924, subsections 1 and 2, may be maintained until removed by the commissioner under subsection 7 or by section 1916.

Sec. 138. 23 MRSA § 2753, last sentence is amended to read:

This section shall not apply to bridges built or rebuilt under sections ~~352~~ 353, 355, 451 to 455 and 457 to 459.

Sec. 139. 25 MRSA § 2803, sub-§ 2-A, as enacted by PL 1977, c. 701, § 3, is amended to read:

2-A. Training and certification of corrections personnel. In accordance with section ~~2802~~ 2805, to approve training programs for corrections officers, including prescription of curriculum and setting of standards for graduation from those approved programs;

Sec. 140. 26 MRSA c. 7, sub-c. IV, first 4 lines, are repealed and the following enacted in their place:

SUBCHAPTER IV

EMPLOYMENT OF MINORS

ARTICLE 1. GENERAL PROVISIONS RELATING TO MINORS

Sec. 141. 26 MRSA § 704 is enacted to read:

§ 704. Penalty for employers

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

- 1. First offense.** For the first offense a forfeiture of not less than \$25 nor more than \$50;
- 2. Second offense.** For the 2nd offense a forfeiture of not less than \$50 nor more than \$200; and
- 3. Subsequent offenses.** For a 3rd offense and subsequent offenses a forfeiture of not less than \$250 nor more than \$500.

Sec. 142. 26 MRSA § 738, as amended by PL 1975, c. 701, § 15, is repealed.

Sec. 143. 26 MRSA § 1045, sub-§ 2 is amended to read:

2. Criminal actions. All criminal actions for violation of any provision of this chapter, or of any regulations issued pursuant thereto, shall be prosecuted by the Attorney General or ~~at his request and under his direction, by the prosecuting~~

~~district attorney of any county in which the employer has a place of business or the violator resides.~~

Sec. 144. 26 MRSA § 1081, sub-§2, as last amended by PL 1977, c. 675, § 4, is amended to read:

2. Salaries. The members of the commission shall receive a fixed weekly salary in accordance with Title 2, section ~~7~~ 6, and shall be paid from the Employment Security Administration Fund.

Sec. 145. 26 MRSA § 1082, sub-§ 14, ¶C, last sentence, as enacted by PL 1975, c. 90, is amended to read:

The commission's decision shall be mailed to the last known address of the employing unit ~~and such decision may be appealed to the courts within the time limits and under the provisions of paragraph E.~~

Sec. 146. 26 MRSA § 1193, sub-§ 3, first ¶, 2nd sentence, as amended by PL 1979, c. 651, § 46 and as repealed and replaced by PL 1979, c. 663, § 161, is amended to read:

If the ~~commission~~ **deputy** determines that refusal has occurred for cause of necessitous and compelling nature, the individual shall be ineligible while such inability or unavailability continues, but shall be eligible to receive prorated benefits for that portion of the week during which he was able and available.

Sec. 147. 29 MRSA § 1313, 3rd sentence, as repealed and replaced by PL 1975, c. 731, § 51, is amended to read:

No person whose license, permit or right to operate a motor vehicle has been so revoked ~~shall~~ **may** be licensed again or permitted to operate a motor vehicle for a period of 5 years from the time ~~such~~ **the** license, permit or right to operate is revoked ~~except that in cases of conviction of Title 17-A, section 204 or 205, the Secretary of State may, after one year has elapsed from the date of such revocation, restore such license, permit or right to operate with or without conditions or restrictions.~~

Sec. 148. 30 MRSA § 4101, sub-§ 3, as amended by PL 1979, c. 545, § 9, is further amended to read:

3. Application. Public dumping grounds established under this section shall be subject to Title 12, chapter 807, subchapter ~~V~~ IV, Article 1.

Sec. 149. 30 MRSA § 4552, sub-§ 11, last sentence, as enacted by PL 1979, c. 712, § 1, is amended to read:

When this term is used in connection with loans made to improve or rehabilitate, for the purpose of energy conservation, owner-occupied one-family to 4-family

residential housing in the State, including ~~Title 30~~ section 4651, subsection 13, sections 4712 and 4757, it shall not include families whose adjusted income exceeds 150% of the median family income for the State, as developed by the United States Bureau of the Census for the United States Department of Health, Education and Welfare for use in establishing eligibility for social services funded under the United States Social Security Act, Title XX.

Sec. 150. 30 MRSA § 5341, as amended by PL 1979, c. 688, § 14, is further amended to read:

§ 5341. Purpose

It is declared that there is a statewide need for industrial-commercial, pollution-control, health care, water supply system, recreational projects, multi-family housing units, energy generating systems, energy distribution systems and combined projects and for multi-level ~~private~~ parking facilities to provide enlarged opportunities for gainful employment by the people, to restore purity to the air, the water or the earth of the State which are fouled with, among other things, industrial and other waste materials and pollutants, to more adequately serve the working people of this State, and to provide a more healthy environment and thus to insure the preservation and betterment of the economy of the State and the living standards and health of its inhabitants.

Sec. 151. 32 MRSA § 1104, 3rd ¶, **first sentence**, as amended by PL 1973, c. 303, § 3 and as repealed and replaced by PL 1973, c. 363, is amended to read:

The decision of the Administrative Court Judge on an appeal as provided shall be final and not subject to appeal under Title 5, chapter ~~307~~ 375, **subchapter 7**.

Sec. 152. 32 MRSA § 1202, **sub-§ 1, ¶ A, first sentence**, as last amended by PL 1979, c. 278, is further amended to read:

For a journeyman electrician's or limited license at least 2 years' service as an apprentice or helper electrician or at least 2 years' experience in electrical installations as defined in section 1101, except that the board may give such credit as it deems justified toward such service for satisfactory completion of a course of instruction in the trade in a school approved by the board; provided ~~however~~ that any person qualified under Title 20, section ~~2361~~ 2269, shall be eligible to write the journeyman's examination.

Sec. 153. 32 MRSA § 3501, **sub-§ 2, ¶ A, last sentence**, as enacted by PL 1977, c. 469, § 15, is amended to read:

Any person qualified under Title 20, section ~~2361~~ 2269, shall be eligible to write the journeyman plumber's examination; or for a master plumber's license, at least one year's service as a journeyman plumber or at least 3 years' service as an apprentice or trainee plumber or its equivalency; and

Sec. 154. 32 MRSA § 5012, as last amended by PL 1979, c. 118, § 4, is repealed and the following enacted in its place:

§ 5012. General requirements for registration

The minimum qualifications and requirements for registration as a registered professional forester shall be as follows: Graduation from a curriculum in forestry of 4 years or more in a school or college approved by the board or graduation from a post-graduate curriculum in forestry leading to a degree higher than a bachelor's degree in a school or college approved by the board. Applicants who have not graduated from such a curriculum may substitute 2 years' experience in forestry work of a character satisfactory to the board for each year of the undergraduate requirement of this section.

Sec. 155. 32 MRSA § 6057, last sentence, as enacted by PL 1977, c. 508, § 3, is amended to read:

Prior to the revocation of a license, the licensee is entitled to a fair hearing equivalent to one required in section ~~3775~~ 3770, subsection 2.

Sec. 156. 36 MRSA § 1760, sub-§ 28, as repealed and replaced by PL 1975, c. 773, is amended to read:

28. Community mental health facilities and community mental retardation facilities. Sales to mental health facilities and mental retardation facilities which receive support under the Federal Community Mental Health Centers Act, as amended, or its successors, or from the Department of Mental Health and Corrections pursuant to Title 34, ~~chapters~~ **chapter** 183 or ~~184-C~~ 227.

Sec. 157. 36 MRSA § 1959, first ¶, last sentence, as last amended by PL 1977, c. 165, § 2, is further amended to read:

~~Such~~ The notice shall be given as required by section ~~1906~~ 111, **subsection 2** and shall warn the person that if he does not make payment as demanded, the State Tax Assessor may proceed to have the amount due collected by warrant as provided or may certify the amount due to the Attorney General for collection and, in addition, in the case of an amount due in respect to any vehicle, that if he does not make payment as demanded, suspension of the registration certificate and plates issued for ~~such~~ **that** vehicle may result.

Sec. 158. 36 MRSA § 2111, first ¶, is repealed and the following enacted in its place:

The State Tax Assessor may, by filing a complaint, apply for the revocation of registration and injunction from doing business of any person required to register by this Part or any rule promulgated pursuant thereto, who has omitted to register within 15 days after the State Tax Assessor has made demand as provided by section 111, subsection 2; or has omitted to file with the State Tax Assessor any overdue report within 15 days after the State Tax Assessor has made demand

therefor as provided by section 111, subsection 2, or has knowingly filed a false report; or has omitted to pay any tax required of him by this Part when the tax is shown to be due on a report filed by the taxpayer, or admitted to be due by the taxpayer, or has been determined to be due and that determination has become final under this Part. The existence of other civil or criminal remedies shall be no defense to this proceeding.

Sec. 159. 36 MRSA § 2964, 4th and 5th sentences, as enacted by PL 1973, c. 7, § 3, are repealed as follows:

~~If any motor carrier shall fail to pay tax when due, there shall be added to the tax a penalty of 10% and interest at the rate of 1/2% per month or fraction thereof. The State Tax Assessor may waive penalties for cause~~

Sec. 160. 36 MRSA § 4508, as amended by PL 1979, c. 452, § 5, and as repealed by PL 1979, c. 378, § 30-A, is repealed.

Sec. 161. 36 MRSA § 4509, as last amended by PL 1979, c. 378, § 30-B and c. 452, § 5, is repealed and the following enacted in its place:

§ 4509. Reports; payment of tax

Every dealer shall, on or before the 20th day of each month, report to the State Tax Assessor the quantity of milk received by him during the preceding calendar month. Upon application to the State Tax Assessor, dealers who sell less than 100 quarts of milk per day may be permitted by the State Tax Assessor to file reports quarterly upon the 20th day of the month following the quarter. Reports shall be on forms to be furnished by the State Tax Assessor and shall contain such further information as the State Tax Assessor may prescribe. On the filing of a report, each dealer shall pay to the State Tax Assessor a tax at the rate imposed by section 4505 upon all milk so reported. The State Tax Assessor shall pay over all receipts from such tax to the Treasurer of State daily.

Sec. 162. 38 MRSA § 349, sub-§ 2, as amended by PL 1979, c. 699, § 2, is further amended to read:

2. **Civil penalties.** Any person who violates any provision of the laws administered by the department or **terms or conditions** of any order, regulation, license, permit, approval or decision of the board shall be subject to a civil penalty, payable to the State, of not more than \$10,000 for each day of such violation or, if the violation relates to hazardous waste, of not more than \$25,000 for each day of the violation.

Sec. 163. 38 MRSA § 361-A, sub-§ 1-B, as enacted by PL 1979, c. 472, § 8 is repealed.

Sec. 164. 38 MRSA § 361-A, sub-§ 1-D is enacted to read:

1-D. **Aquifer.** "Aquifer" means a geologic formation composed of rock or

sand and gravel that stores and transmits significant quantities of recoverable water, as identified by the Maine Geological Survey.

Sec. 165. 38 MRSA § 476, as enacted by PL 1975, c. 595, § 3, is amended to read:

§ 476. Enforcement

Inland fish and game wardens, coastal wardens and all other law enforcement officers enumerated in Title 12, section ~~2003~~ 7055 shall enforce this subchapter.

Sec. 166. 38 MRSA § 582, sub-§ 9-C, as reallocated by PL 1979, c. 663, § 232 is repealed.

Sec. 167. 38 MRSA § 582, sub-§ 11-A, as enacted by PL 1979, c. 385, § 1, is reallocated to 38 MRSA § 582, sub-§ 11-C.

Sec. 168. 38 MRSA § 622, sub-§ 5, as enacted by PL 1979, c. 465, is amended to read:

5. Small hydroelectric power project. “Small ~~Hydroelectric~~ hydroelectric power project” means any hydroelectric power project which is located at the site of any existing dam, which uses the water power potential of the dam, which has not more than 1,500 kilowatts of installed capacity, and which, prior to its construction or operation must secure a permit under any of the following statutes: Site location of development statutes, sections 481 to 488; the wetlands laws, sections 471 to 478; the great ponds laws, sections 391 to 394; or the stream alteration laws, Title 12, sections ~~2206 to 2211~~ 7776 to 7780.

Sec. 169. 38 MRSA § 626, last ¶, as enacted by PL 1979, c. 465, is amended to read:

Any small hydroelectric facility receiving approval of the board under this subarticle shall not require permits under the site location development statutes, sections 481 to 488; the wetlands statutes, sections 471 to 478; the great ponds statutes, sections 391 to 394; or the ~~Stream Alteration~~ stream alteration statutes, Title 12, sections ~~2206 to 2211~~ 7776 to 7780, as any of these statutes may apply, notwithstanding their terms.

Sec. 170. 38 MRSA § 1303, sub-§ 9, as repealed and replaced by PL 1979, c. 383, § 2, is amended to read:

9. Septage. “Septage” means waste, refuse, effluent, sludge and any other materials from septic tanks, cesspools or any other similar facilities.

Sec. 171. 38 MRSA § 1304, sub-§ 1, 2nd ¶, as repealed and replaced by PL 1979, c. 663, § 236, and as repealed by PL 1979, c. 699, § 10, is repealed as follows:

~~The board may adopt by rule any or all of the final regulations of the United States~~

~~Environmental Protection Agency defining hazardous waste. Rules adopted by the board shall be effective although enforcement of the United States Environmental Protection Agency of its regulations has been stayed or enjoined by court order during the pendency of any suit brought to determine the legality of the regulations~~

Sec. 172. 38 MRSA § 1310-B, sub-§ 1, as enacted by PL 1979, c. 699, § 17, is amended to read:

1. **Public records.** Except as provided in subsections 2 and 3, information obtained by the department under this subchapter shall be a public record as provided by Title 1, **chapter 13**, subchapter I.

Sec. 173. 38 MRSA § 1310-B, sub-§ 5, as enacted by PL 1979, c. 699, § 17, is amended to read:

5. **Rules.** The board may adopt rules to carry out the purposes of this section. The rules shall be consistent with the provisions of Title 1, **chapter 13**, subchapter I.

Sec. 174. PL 1979, c. 649, § 2 is amended to read:

Sec. 2. **Effective date.** The provisions of this Act shall become effective with regard to tax years beginning **on or after** January 1, 1980.

Sec. 175. PL 1981, c. 150, § 5, **first line**, is repealed and the following enacted in its place:

Sec. 5. 24-A MRSA § 2604-A is enacted to read:

Sec. 176. PL 1981, c. 146, **amending clause**, is amended to read:

5 MRSA § 1121, sub-§ 1, ¶ A, **first sentence** as amended by PL 1969, c. 590, § 4-A is further amended to read:

Sec. 177. **Amendatory clause.** Wherever in the Revised Statutes the words "Oil and Solid Fuel Burner Technician's Licensing Board" appear they shall mean "Oil and Solid Fuel Burner Technicians' Licensing Board."

PART B

Sec. 1. 10 MRSA § 1481, sub-§ 1, as enacted by PL 1977, c. 660 is amended to read:

1. **Insulation.** "Insulation" means any material, including, but not limited to, mineral wool, cellulose fibre, vermiculite and perlite, and foams to reduce **airflow heat flow** between the interior and exterior surfaces of a building.

Sec. 2. 12 MRSA § 7451, sub-§ 2, ¶ F is enacted to read:

F. All bear presented for registration shall be field dressed in a manner that permits determination of the sex of the animal.

Sec. 3. 13-B MRSA § 709, sub-§ 4, first sentence, as amended by P.L. 1981, c. 307, § 3, is further amended to read:

At the time an executive committee or any other committee is created, or at any time thereafter, the board of directors may designate one or more alternate members of such committee, and may specify their order of preference, **provided that alternate members of an executive committee may be designated only from among members of the board of directors.**

Sec. 4. 17 MRSA § 1609-A, as last amended by PL 1979, c. 701, §§ 16 - 18 is repealed.

Sec. 4-A. Effective date. The amendment to the Revised Statutes, Title 17, section 1609-A contained in Part B of this Act shall take effect 90 days after adjournment.

Sec. 5. 17-A MRSA § 11, sub-§ 5, as last amended by PL 1981, c. 317, § 5 and as repealed by PL 1981, c. 324, § 13, is repealed.

Sec. 6. 17-A MRSA § 34, sub-§ 5, as enacted by PL 1981, c. 324, § 14, is amended to read:

5. If a statute defining a crime ~~in this code~~ does not expressly prescribe a culpable mental state with respect to some or all of the elements of the crime, a culpable mental state is nevertheless required, pursuant to subsections 1, 2 and 3, unless:

A. The statute expressly provides that a person may be guilty of a crime without a culpable state of mind as to those elements; or

B. A legislative intent to impose liability without a culpable state of mind as to those elements otherwise appears.

Sec. 7. 17-A MRSA § 1253, sub-§ 1-A, first sentence, as amended by PL 1981, c. 317, § 25, is further amended to read:

When a person who has been previously sentenced in another jurisdiction has not commenced or completed that sentence, the court, subject to section ~~1155~~ 1256, subsection 1, may, with consideration of the factors stated in section ~~1155~~ 1256, subsection 2, sentence the person to a term of imprisonment which shall be treated as a concurrent sentence from the date of sentencing although the person is incarcerated in an institution of the other jurisdiction.

Sec. 7-A. Effective date. The amendments to the Revised Statutes, Title 17-A, section 11, subsection 5; section 34, subsection 5; and section 1253, subsection 1-

A, first sentence, contained in Part B of this Act shall take effect 90 days after adjournment of the Legislature.

Sec. 8. 21 MRSA § 496, sub-2, ¶F, as enacted by PL 1981, c. 301, § 5, is amended to read:

F. Only a voter of the county establishing a charter commission may challenge the nomination petition for county charter commission member. The challenge shall be in writing and shall set forth the reasons for the challenge. The ~~Challenge~~ **challenge** shall be filed in the office of the Secretary of State by or before ~~6~~ **5** p.m. on the 55th day following the order of the county officers under Title 30, section 1551, subsection 1, or the receipt of a certificate of sufficiency under Title 30, section 1551, subsection 4.

Sec. 8-A. Effective date. The amendment to the Revised Statutes, Title 21, section 496, subsection 2, paragraph F, contained in Part B of this Act shall take effect 90 days after adjournment of the Legislature.

Sec. 9. 22 MRSA § 8305, sub-§ 1, first sentence, as enacted by PL 1981, c. 309, § 3, is amended to read:

Persons providing home day care for 3 to 12 ~~unrelated~~ children under the age of 16 ~~unrelated to the provider~~ on a regular basis shall be required to register with the Department of Human Services.

Sec. 9-A. Effective date. The amendment to the Revised Statutes, Title 22, section 8305, subsection 1, first sentence, contained in Part B of this Act shall take effect 90 days after adjournment of the Legislature.

Sec. 10. 28 MRSA § 1052, sub-§ 4 is amended by adding after the first paragraph a new paragraph to read:

The commission, in its discretion and by written authorization, may grant permission to hospitals and state institutions for the purchase of liquors for medicinal purposes only, from licensed Maine wholesalers and state liquor stores. Liquors purchased from state liquor stores may be sold at the discount price authorized for licensees in section 204.

Sec. 11. 29 MRSA § 364-A is enacted to read:

§ 364-A. Odometers; transfer

1. Information on transfer. At the time of transfer of a motor vehicle each transferor shall furnish to the transferee a written statement signed by the transferor containing the following information, and also shall enter, on any form prescribed by the Secretary of State, Division of Motor Vehicles, the information required under this section:

A. The date of the transfer;

- B. The odometer reading at the time of transfer;**
- C. The transferor's current address;**
- D. A statement that the transferor or his agent has repaired, replaced or serviced the odometer, if such is the fact;**
- E. The name and address of the prior owner;**
- F. The identity of the vehicle, including its make, model and body type, vehicle identification number and last plate number;**
- G. If the transferor knows that the odometer reading differs from the number of miles the vehicle has actually been driven, he shall include a statement of the true mileage traveled, if known, or if not, a statement that the actual vehicle mileage is unknown; and**
- H. If the transferor knows that the number of miles the vehicle has been driven is beyond the designed mechanical limits of the odometer in the vehicle, he shall include a statement of the total cumulative mileage.**

2. Violation. An intentional violation of this section by any person, corporation, organization or other legal entity is a Class D crime. A violation of this section is a violation of Title 5, chapter 10.

Sec. 11-A. Effective date. The amendment to the Revised Statutes, Title 29, section 364-A contained in Part B of this Act shall take effect 90 days after adjournment of the Legislature.

Sec. 12. 35 MRSA § 1560, sub-§ 1, last ¶, last 2 sentences, as enacted by PL 1981, c. 263, are amended to read:

Any sawlogs and pulpwood harvested on lands owned by the State may be transported without the limitations provided by this section where the limitations are based solely on the source of the sawlogs and pulpwood being state-owned lands, ~~if the Commissioner of Conservation consents to the transport, for lands administered by the Department of Conservation, the Commissioner of Conservation consents to the transport or, for lands administered by the Baxter State Park Authority, the authority consents to the transport. The Commissioner of Conservation shall give the~~ Such consent shall be given where it is necessary to avoid severe economic hardship or to avoid the disruption of land management plans.

Sec. 13. 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 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 and civil violations.

Sec. 14. P&SL 1907, c. 84, § 6-D is enacted to read:

Sec. 6-D. Mental retardation home and center. The corporation may establish and maintain a mental retardation home and center to be known as the Powell Memorial Center. For the purpose of this section, the corporation shall maintain a separate division of finance for the center, to administer matters of income, assets, liabilities and other matters of finance.

Sec. 15. P&SL 1981, c. 22, § 3, 4th sentence is amended to read:

~~Two-thirds~~ A majority of the directors shall constitute a quorum for the transaction of business and any action taken by a majority of directors present at any meeting at which a quorum is in attendance shall be deemed to be the action of the full board of directors.

Sec. 16. P&SL 1981, c. 22, § 8, first sentence is amended to read:

The directors of ~~a the~~ district may establish such routes and shall fix such rates of fare to be charged for such public transportation service as shall to the extent possible reasonably assure sufficient income to meet the cost of the service, including, but not limited to, operating expenses, insurance, taxes, rentals, annual serial bond payments, **sinking fund requirements, if any,** interest, allocation for a reserve account **or accounts** and an allowance for depreciation.

Sec. 17. P&SL 1981, c. 22, § 11 is amended to read:

Sec. 11. Sale of bonds. The costs incurred in acquiring the Casco Bay Lines ~~and~~, establishing the service **and issuing bonds or notes, including, without limitation, the funding of any debt service reserves,** shall be paid by the district from the proceeds of the sale of bonds **or notes** upon approval of the directors of the district. The district shall operate its service as a toll system to retire the bonds **or notes** issued and to provide for all the expenses and maintenance incurred hereunder. All such bonds, notes and evidences of indebtedness so issued by the district shall be legal obligations of the district, which is declared to be a quasi-municipal corporation. Such bonds **or notes** may be secured by a mortgage or security interest in any assets of the district. The district may refund and reissue from time to time, in one or in a separate series, its bonds **or notes** and **each such series shall** constitute a separate loan. All bonds, notes and evidences of indebtedness issued by the district shall be legal investments for savings banks in the State and, **together with the income therefrom,** shall be ~~tax-exempt at all times exempt~~ from taxation within the State. The amortization of and interest paid on bonds **or notes** issued ~~in~~ under this Act shall be included as an operating expense for rate-making purposes by the Public Utilities Commission.

Sec. 18. **Validation of election.** The election of directors held on May 4, 1981, by the Casco Bay Island Transit District is validated.

Sec. 19. P&SL 1981, c. 49 is amended to read:

Program for practical nursing. The Eastern Maine Vocational-technical Vocational-Technical Institute may operate a program for practical nursing in the City of Ellsworth. The program established shall not be funded from the General Fund, but shall be funded for the first year of the biennium from dedicated revenues derived from other sources and retained in a special revenue account hereby authorized for that purpose.

Sec. 19-A. Effective date. The amendment to Private and Special Law 1981, c. 49 contained in Part B of this Act shall take effect 90 days after adjournment of the Legislature.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except as otherwise provided.

Effective June 18, 1981, unless otherwise indicated

CHAPTER 471

S. P. 345 — L. D. 988

AN ACT Concerning Information Provided by Insurers Prior to Rate Approval.

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

Sec. 1. 39 MRSA § 22, sub-§ 2-A is enacted to read:

2-A. Separate filing of information required under subsection 2. Notwithstanding any other provision of law, the information required by subsection 2, paragraphs B and C, shall be filed separately for each company seeking rate approval.

Sec. 2. 39 MRSA § 22, sub-§ 3-A is enacted to read:

3-A. Separate filing of information required under subsection 3. Notwithstanding any other provision of law, the information required by subsection 3, paragraphs A and B, shall be filed separately for each company seeking rate approval.

Effective September 18, 1981

CHAPTER 472

H. P. 1175 — L. D. 1399