

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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

Effective July 10, 1991, unless otherwise indicated.

CHAPTER 547

H.P. 650 - L.D. 924

An Act to Make Allocations from the Transportation Safety Fund for the Fiscal Years Ending June 30, 1992 and June 30, 1993

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

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

Whereas, certain obligations and expenses incident to the operation of the department will become due and payable on or immediately after July 1, 1991; 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:

Sec. 1. 29 MRSA §2713, sub-§3, ¶A, as amended by PL 1989, c. 515, §§10 and 16, is further amended to read:

A. There ~~shall~~ must be allocated to the Department of Public Safety for the State Police up to \$2,400,000 in fiscal year ~~1989-90~~ 1991-92 and ~~\$2,200,000~~ \$2,400,000 in fiscal year ~~1990-91~~ 1992-93 from the fund to carry out the duties of the bureau imposed by this chapter and Title 35-A and for related activities.

Sec. 2. 29 MRSA §2713, sub-§3, ¶B-1, as enacted by PL 1989, c. 515, §§11 and 16, are amended to read:

B-1. There ~~shall~~ must be allocated to the Department of the Secretary of State for the Division of Motor Vehicles up to ~~\$240,000~~ \$650,000 annually from the fund to carry out the duties of the commercial driver license laws.

Sec. 3. Allocation. The following funds are allocated from the Transportation Safety Fund to carry out the purposes of this Act.

	1991-92	1992-93
PUBLIC SAFETY, DEPARTMENT OF		
Motor Carrier Safety		
Positions - Legislative Count	(35.0)	(35.0)
Personal Services	\$1,545,574	\$1,646,566
All Other	217,576	235,676
Capital Expenditures	145,996	45,279
Total	\$1,909,146	\$1,927,521
Traffic Safety		
Positions - Legislative Count	(6.0)	(6.0)
Personal Services	340,669	358,426
All Other	54,179	58,131
Capital Expenditures	28,748	
Total	\$423,596	\$416,557
DEPARTMENT OF PUBLIC SAFETY		
TOTAL	\$2,332,742	\$2,344,078

SECRETARY OF STATE,
DEPARTMENT OF

Administration - Motor Vehicles

Positions - Legislative Count	(17.0)	(17.0)
Personal Services	\$486,679	\$524,408
All Other	115,486	104,239
Total	\$602,165	\$628,647

Sec. 4. Adjustments to allocations. Allocations may be increased or adjusted by the State Budget Officer, with the approval of the Governor, to specifically cover those adjustments determined to be necessary under any salary plan approved by the Legislature and those reclassifications or range changes that have been approved by the Department of Administration and submitted for legislative review prior to the effective date of this Act.

Sec. 5. Encumbered balance at year end. At the end of each fiscal year, all encumbered balances may not be carried more than once.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect on July 1, 1991.

Effective July 1, 1991.

CHAPTER 548

S.P. 760 - L.D. 1954

An Act Correcting 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, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and the 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. A-1. 5 MRSA §13084, sub-§7, as enacted by PL 1989, c. 875, Pt. M, §7 and affected by §13, is amended to read:

7. Rule-making authority. If the Residential Conservation Service, as established by the United States Natural Energy Conservation Policy Act, Public Law 95-619, November 9, 1978, as amended by the United States Energy Security Act, Public Law 96-294, June 30, 1980, 42 United States Code, Section 8211 et seq., is repealed or amended so as to have the effect of removing requirements for providing energy conservation information and energy audits and arranging financing for energy conservation improvements for residential customers, the director may promulgate rules pursuant to the Maine Administrative Procedure Act to continue these services. In establishing these rules, the director shall simplify federal rules, insofar as possible, without preventing fulfillment of the program objectives and in no case may the director impose rules containing additional requirements for utilities.

Until the director promulgates new rules under this ~~paragraph~~ subsection, the previously existing federal regulations and any state rules implementing them are considered state rules with full force.

Sec. A-2. 5 MRSA §17812, sub-§2, as enacted by PL 1987, c. 256, §11, is amended to read:

2. Election final. Except as provided in section 17803, subsection 4, and section ~~47957~~ 17953, subsection 8, if a beneficiary elects a benefit after receiving reasonable notification of available options from the retirement system, ~~his~~ the beneficiary's election of benefit is final and may not be changed or revoked at a later date.

Sec. A-3. 5 MRSA §18412, sub-§2, as enacted by PL 1987, c. 256, §34, is amended to read:

2. Election final. Except as provided in section 18403, subsection 4, and section ~~48560~~ 18553, subsection 8, if a beneficiary elects a benefit after receiving reasonable notification of available options from the retirement system, ~~his~~ the beneficiary's election of a benefit is final and may not be changed or revoked at a later date.

Sec. A-4. 14 MRSA §3141, sub-§7, as enacted by PL 1989, c. 875, Pt. E, §18, is amended to read:

7. Remedies. Failure to pay by the date fixed by the court's order or an amended order ~~shall subject~~ subjects the defendant to the contempt procedures provided in section 3142, suspensions under Title 29, section 2301-A, and all procedures for collections provided for in ~~subsections~~ sections 3127-A, 3127-B, 3131, 3132, 3134, 3135 and 3136. An installment agreement under this section must be considered ~~in an~~ an agreement under section 3125, and a court order to pay under section 3127 ~~of this title~~. In addition to other penalties provided by law, the court may impose on the defendant reasonable costs for any failure to appear.

Sec. A-5. 15 MRSA §1025, as amended by PL 1989, c. 704, §3, is further amended to read:

§1025. Law enforcement officers

A law enforcement officer may, without fee, take the personal recognizance of any defendant for appearance on a charge of a Class D or Class E crime. If authorized, a law enforcement officer may, without fee, take the personal recognizance with deposit in accordance with Title 12, section 675, section 7053, subsection 2, paragraph C and ~~Title 12~~, section 9707.

Sec. A-6. 17 MRSA §2701-B, first ¶, as enacted by PL 1989, c. 836, §2, is amended to read:

The Commissioner of Agriculture, Food and Rural Resources shall investigate complaints of improper manure handling, including, but not limited to, complaints of improper storage or spreading of manure. The commissioner may investigate or take other action under this section only after notice and hearing and utilizing the requirements of Title 5, chapter 375, subchapter IV. If the commissioner is able to identify the source or sources of the manure and has reason to believe that the manure is a nuisance and the nuisance is caused by the use of other than generally accepted manure handling practices, the commissioner shall:

Sec. A-7. 17 MRSA §2701-B, sub-§4, as enacted by PL 1989, c. 836, §2, is repealed.

Sec. A-8. 17-A MRSA §362, sub-§3, as amended by PL 1989, c. 239, §1, is further amended to read:

3. Theft is a Class C crime if:

A. The value of the property or services is more than \$1,000 but not more than \$5,000; or

B. The theft is a violation under section 355; ~~or~~.

Sec. A-9. 17-A MRSA §907, sub-§2, as enacted by PL 1979, c. 512, §32, is amended to read:

2. Possession or transfer of theft of services devices in violation of ~~section~~ subsection 1, paragraph B is a Class D crime; otherwise it is a Class E crime.

Sec. A-10. 17-A MRSA §1103, sub-§3, ¶D, as enacted by PL 1989, c. 924, §8, is amended to read:

D. Lysergic acid diethylamide in any of the following quantities, states or concentrations:

(1) Any compound, mixture, substance or solution in a liquid state that contains a detectable quantity of lysergic acid diethylamide;

(2) Fifty or more squares, stamps, tablets or units of any compound, mixture or substance containing a detectable quantity of lysergic acid diethylamide; or

(3) Any quantity of any compound, mixture or substance that, in the aggregate, contains 2,500 micrograms or more of lysergic acid diethylamide.

Sec. A-11. 17-A MRSA §1106, sub-§3, ¶D, as enacted by PL 1989, c. 924, §12, is amended to read:

D. Lysergic acid diethylamide in any of the following quantities or concentrations:

(1) Not less than 25 squares, stamps, tablets or units of any compound, mixture or substance containing a detectable quantity of lysergic acid diethylamide; or

(2) Any quantity of any compound, mixture or substance that, in the aggregate, contains not less than 1,250 micrograms of lysergic acid diethylamide.

Sec. A-12. 20-A MRSA §6501, sub-§5, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

5. **Penalty.** Failure to comply with this section ~~shall be~~ is subject to penalties under section ~~6804~~ 6801-A.

Sec. A-13. 20-A MRSA §8451, sub-§5, ¶C, as amended by PL 1989, c. 700, Pt. A, §57, is further amended to read:

C. In the event that School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department enter into a coop-

erative agreement pursuant to section 8401, not later than June 30, 1989, the school boards of the 3 participating units shall, in conjunction with the advisory committee, develop and submit a plan to the Commissioner of Education for delivery of secondary vocational services within the 3 participating units. The plan ~~shall~~ must include:

(1) A proposal for the construction of a new vocational center in School Administrative District No. 33;

(2) Provisions for assignment without loss of salary of all continuing contract vocational teachers employed by School Administrative District No. 27 and Madawaska School Department to School Administrative District No. 33 if a new vocational center in School Administrative District No. 33 becomes operational; and

(3) Assurances that all 3 participating administrative units and School Administrative District No. 10 on a tuition basis, ~~shall~~ have access to programs at the new vocational center in proportion to the number of high school juniors and seniors in each administrative unit.

Sec. A-14. 20-A MRSA §10709, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

§10709. Penalties

Any educational institution conferring degrees within the State or offering courses or programs within the State ~~which~~ that carry academic credit without being authorized or approved to do so in accordance with this chapter is subject to a civil penalty of not more than \$5,000, payable to the State, to be recovered in a civil ~~act~~ action.

Sec. A-15. 20-A MRSA c. 431, first 2 lines are repealed and the following enacted in their place:

CHAPTER 431

MAINE TECHNICAL COLLEGE SYSTEM

Sec. A-16. 22 MRSA §42, sub-§3, as repealed and replaced by PL 1989, c. 878, Pt. A, §53, is amended to read:

3. **Plumbing and subsurface waste water disposal.** The department, with the advice and consent of the Plumbers' Examining Board, shall adopt by reference a nationally recognized plumbing code. The department, with the advice and consent of the Plumbers' Examining Board, may adopt, as necessary, amendments to that code. The department shall adopt minimum rules relating to subsurface sewage disposal systems. All rules, including installation and inspection rules, must be consistent with Title 30-A, chapter 185, subchapter III, and Title 32,

chapter 49, but this does not preempt the authority of municipalities under Title 30-A, section 3001, to adopt more restrictive ordinances; ~~and~~. The department shall hold hearings on the first Tuesday of February of each year for the purpose of considering changes in the rules pertaining to plumbing and subsurface sewage disposal systems and the installation and inspection thereof. These rules may regulate the location of water supply wells to provide minimum separation distances from subsurface sewage disposal systems. The department may require a deed covenant or deed restriction when determined necessary.

Any person who violates the rules adopted under this subsection, or who violates a municipal ordinance adopted pursuant to Title 30-A, sections 4201 and 4211 or uses a subsurface waste water disposal system not in compliance with rules applicable at the time of installation or modification ~~shall~~ must be penalized in accordance with Title 30-A, section 4452. Enforcement of the rules ~~shall be~~ is the responsibility of the municipalities rather than the department. The department or a municipality may seek to enjoin violations of the rules or municipal ordinances. In the prosecution of a violation by a municipality, the court shall award reasonable attorney's fees to a municipality if that municipality is the prevailing party, unless the court finds that special circumstances make the award of these fees unjust.

Sec. A-17. 22 MRSA §1829, as enacted by PL 1989, c. 767, §1 and c. 823, is repealed and the following enacted in its place:

§1829. Notice to medical utilization review entity

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

A. "Medical utilization review entity" means a person, corporation, organization or other entity that provides medical utilization review services as defined in Title 24-A, section 2773.

B. "Emergency treatment" means treatment of a case involving accidental bodily injury or the sudden and unexpected onset of a critical condition requiring medical or surgical care for which a person seeks immediate medical attention within 24 hours of the onset.

2. Notification requirement. If a hospital provides emergency treatment to a person who is insured or otherwise covered under a policy or contract that requires review of hospitalization by a medical utilization review entity, the hospital must notify the medical utilization review entity covering that person, unless the person is:

A. Released from the hospital no more than 48 hours after admission; or

B. Covered under an insurance policy or contract that is not subject to Title 24, section 2302-B, Title 24-A, section 2749-A or Title 24-A, section 2848.

The notification must include the name of the person admitted, the general medical nature of the admission and the telephone number of the admitting physician or other health care provider treating the person.

3. Timing of notification. Notification must be made within 2 business days after the hospital determines the identity of the utilization review entity and receives written authorization to release the information by the patient or other person authorized to permit release of the information.

4. Exemption. The hospital is exempt from this requirement if:

A. The hospital receives a written confirmation from the admitting physician, the patient or a representative of the patient that the medical utilization review entity has been notified; or

B. The hospital is not able to obtain written authorization to release the information, following a good faith effort by the hospital to obtain that authorization.

5. Immunity from liability for notification. Neither the hospital nor any of its employees or representatives may be held liable for damages resulting from the notification required by this section.

Sec. A-18. 22 MRSA §1830 is enacted to read:

§1830. Pharmaceutical services in nursing homes

1. Notice. Each nursing home shall post a notice in a place within the nursing home where notices for residents are ordinarily posted stating that each resident has the right to obtain medication from a pharmacy of the resident's choice as provided in section 1826, subsection 1.

Sec. A-19. 22 MRSA §4031, sub-§3, as enacted by PL 1979, c. 733, §18, is amended to read:

3. Scope of authority. The court shall consider ~~and~~ act on child protection petitions regardless of other decrees regarding a child's care and custody. The requirements and provisions of Title 19, chapter 16, the Uniform Child Custody Jurisdiction Act, ~~shall do~~ not apply to child protection proceedings. If custody is an issue in another pending proceeding, the proceedings may be consolidated in the District Court, with respect to the custody issue. In any event, the court shall make an order on the child protection petition in accordance with this chapter. That order takes precedence over any other prior order regarding the child's care and custody.

Sec. A-20. 22 MRSA §5112, sub-§3, ¶B, as enacted by PL 1973, c. 793, §11, is repealed.

Sec. A-21. 22 MRSA §5112, sub-§3, ¶B-1 is enacted to read:

B-1. The Maine Residents Property Tax Program;

Sec. A-22. 25 MRSA §1542-A, sub-§1, ¶E, as enacted by PL 1987, c. 512, §3, is amended to read:

E. Who dies under circumstances of death constituting a medical examiner case under Title 22, section 3025, if sought pursuant to Title 22, section ~~3025~~ 3028, subsection 3, or at the request of the Chief Medical Examiner or the Attorney General; or

Sec. A-23. 26 MRSA c. 5, first 5 lines are repealed and the following enacted in their place:

CHAPTER 5

HEALTH AND SAFETY REGULATIONS

SUBCHAPTER I

BEDDING AND UPHOLSTERED FURNITURE

Sec. A-24. 30-A MRSA §2953, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§2953. Neglect of owners; function of fence viewers

If any party neglects or refuses to repair or rebuild any such fence, ~~which~~ that that party is legally required to maintain, the aggrieved party may complain to 2 or more fence viewers of the town where the land is situated who, after due notice to the delinquent party, shall proceed to survey it and, if they determine that it is insufficient, they shall signify it in writing to the delinquent occupant and direct the delinquent occupant to repair or rebuild it within such time as they judge reasonable not exceeding 30 days. If the fence is not repaired or rebuilt accordingly, the ~~complaint~~ complainant may make or repair it.

Sec. A-25. 32 MRSA §13863, as enacted by PL 1989, c. 878, Pt. D, §11 and c. 895, §19 and as affected by PL 1991, c. 263, §6, is repealed and the following enacted in its place:

§13863. Registration

1. Registration. An individual may not engage in procedures of counseling for a fee, monetary or otherwise, unless that individual is licensed pursuant to section 13858 or registers with the department pursuant to this section. Each individual who is not licensed and who engages in procedures of counseling shall register with the department

every 2 years. Each individual who registers shall fill out a form designed by the board.

2. Information required. Each individual who registers shall provide the following information on the form designed by the board. The board shall compile this information and make it available to the public upon request and for a fee that covers the cost of making information available. The information that must be provided includes:

A. Name, address and telephone number of individuals registering;

B. Major fields of training and expertise, including degrees and professional certifications held and from where they were conferred;

C. Method of billing and previous experience and policy with regard to 3rd-party payments;

D. The fee schedule and provisions for pro bono work or sliding scale modifications of the fee schedule; and

E. A description of the individual's practice.

3. Client bill of rights; code of ethics. Each individual who registers under this section shall sign, post and make a copy available to each client of:

A. The client bill of rights approved by the board;

B. The code of professional ethics approved by the board; and

C. The name and telephone number of the board's complaint officer and a description of the complaint process.

4. Registration fee. Each individual registering under this section shall pay a registration fee, not to exceed \$50 biennially, established by the board for the purposes of the administration of this section.

5. Registration not allowed. An individual, whose license, certification or registration has been revoked or suspended in this or any other state and in this or any related field, may not register to practice in this State unless the period of revocation or suspension has been completed and the board has conducted a competency review and determined that rehabilitation has taken place.

6. Disciplinary action. Any individual who is registered under this section is subject to section 13861.

7. Registration not certification. Registration does not imply or certify in any way that the registrant has met any standards or criteria of education or training.

8. Effective date. This section takes effect October 1, 1992.

Sec. A-26. 36 MRSA §5200-A, sub-§1, ¶G, as amended by PL 1989, c. 880, Pt. G, §5 and Pt. J, §1, is further amended to read:

G. For a taxable year ending in 1984, the sum of the following portions of the deductions allowed for that taxable year to the taxpayer under the United States Internal Revenue Code, Section 168:

- (1) 2.5% of the deductions for 3-year property;
- (2) 7.5% of the deductions for 5-year property;
- (3) 12.5% of the deductions for 10-year property; and
- (4) 20% of the deductions for 15-year property; ~~and~~

Sec. A-27. 36 MRSA §5200-A, sub-§1, ¶H, as enacted by PL 1989, c. 880, Pt. G, §6 and Pt. J, §2, is repealed and the following enacted in its place:

H. The absolute value of the amount of any net operating loss arising from tax years beginning on or after January 1, 1989 but before January 1, 1990 and that, pursuant to the United States Internal Revenue Code, Section 172, is being carried back for federal income tax purposes to the taxable year by the taxpayer; and

Sec. A-28. 36 MRSA §5200-A, sub-§1, ¶I is enacted to read:

I. Interest or dividends on obligations or securities of any state or of a political subdivision or authority, other than this State and its political subdivisions and authorities.

Sec. A-29. 36 MRSA §5200-A, sub-§2, ¶G, as amended by PL 1989, c. 880, Pt. G, §8, is further amended to read:

G. Fifty percent of the apportionable dividend income the taxpayer received during the taxable year from an affiliated corporation that is not included with the taxpayer in a Maine combined report, except that this modification must be phased in over 5 years in accordance with the following schedule:

Taxable year beginning in:	Subtractable dividend income:
1989	10%
1990	20%
1991	30%
1992	40%
1993 or thereafter	50%; <u>and</u>

Sec. A-30. 38 MRSA §1101, sub-§7, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §212, is further amended to read:

7. Submission. When the record of the municipality or the record of the joint meeting, ~~where~~ when municipalities are or unorganized territory is involved, has been received by the Commissioner of Environmental Protection and found by the commissioner to be in order, the commissioner shall order the question of the formation of the proposed sanitary district and other questions relating thereto to be submitted to the legal voters residing within the portion of the municipality, municipalities or unorganized territory that falls within the proposed sanitary district. The order must be directed to the municipal officers of the municipality or municipalities that propose to form said sanitary district, and, ~~where~~ when the proposed sanitary district includes or is composed solely of unorganized territory, to the commissioners of the county in which the unorganized territory is located, directing them to forthwith call town meetings, city elections or a meeting of the residents of the unorganized territory within the bounds of the proposed sanitary district, as the case may be, for the purpose of voting in favor of or in opposition to each of the following articles or questions, as they may apply, in substantially the following form:

A. To see if the town (or city) of (name of town or city) will vote to incorporate as a sanitary district to be called (name) Sanitary District;

B. To see if the residents of the following described section of the town (or city) of (name of town or city) will vote to incorporate as a sanitary district to be called (name) Sanitary District: (legal description of the bounds of section to be included);

C. To see if the residents of the (following described section of) (name of town or city) (unorganized territory) will vote to join with the residents of the (following described section of) (name of town or city) (unorganized territory) to incorporate as a sanitary district to be called (name) Sanitary District: (legal description of the bounds of the proposed sanitary district, ~~except where~~ when district is to be composed of entire municipalities);

D. To see if the inhabitants of the following described section of that unorganized territory known as Township (number), Range (number) will vote to incorporate as a sanitary district to be called (name) Sanitary District: (legal description of the bounds of the proposed sanitary district);

E. To see if the residents of (the above described section of) (name of town or city) will vote to approve the total number of trustees and the allocation of representation among the municipalities (and included section of unorganized territory) on the board of trustees as determined by the municipal officers

(and the persons representing the included area of unorganized territory) and listed as follows:

~~Total~~ The total number of trustees will be (number) and the residents of (the above described section of) (town or city) are entitled to (number) trustees (and the residents of the above described section of unorganized territory are entitled to (number) trustees); and

F. To choose (number) trustees to represent the residents of (the above described section) of (town or city) (unorganized territory) on the board of trustees of the (name) Sanitary District.

At any such town meeting, city election or election by the residents of the proposed sanitary district, trustees must be chosen to represent the municipality or the unorganized territory within the proposed sanitary district in the manner provided in section 1105.

Sec. A-31. 38 MRSA §1101, last ¶, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §212, is repealed.

Sec. A-32. 38 MRSA §1319-T, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §265, is further amended to read:

§1319-T. Criminal provisions

In addition to being subject to civil penalties as provided by section 349, subsection 2 and to criminal penalties as provided in section 349, subsection 3, conduct described in subsections 1 and 2 ~~shall be~~ is subject to criminal penalties as follows.

1. Penalty provisions. Any person is guilty of a Class C crime and may be punished accordingly if that person, with respect to any substance or material ~~which that~~ that has been identified as hazardous waste by the board and ~~which such that the~~ the person believes may be harmful to human health or knows or has reason to know has been so identified, knowingly:

- A. Transports any such substance or material without, in fact, having a proper license or permit as may be required under this subchapter;
- B. Transports any such substance or material to a waste facility knowing or consciously disregarding a risk that such facility does not have a proper license or permit as may be required under this subchapter;
- C. Handles any such substance or material without, in fact, having obtained a proper license or permit to do so as may be required under this subchapter; or
- D. Handles any such substance or material at any location knowing or consciously disregarding a risk that such location does not have a proper license or

permit as may be required under this subchapter for such treatment, storage or disposal.

Notwithstanding Title 17-A, section 1301, subsection 1, paragraph A-1; or Title 17-A, section 1301, subsection 3, paragraph D, the fine for such violation ~~shall~~ may not exceed \$50,000 for each day of such violation. In a prosecution under paragraph B or D, the conscious disregard of the risk, when viewed in light of the nature and purpose of the person's conduct and the circumstances known to the person, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

2. Class D crimes. A person is guilty of a Class D crime if, with respect to any substance or material ~~which that~~, in fact, has been identified as hazardous waste by the board and ~~which such that the~~ the person knows or has reason to believe has been so identified or may be harmful to human health, that person knowingly:

- A. Establishes, constructs, alters or operates any waste facility for any such substance or material without, in fact, having obtained a proper license or permit as may be required under this subchapter;
- B. Handles or transports any substance or material identified as hazardous waste by the board in any manner that violates the terms of any condition, order, rule, license, permit, approval or decision of the board or commissioner with respect to the handling or transporting of that substance or material; or
- C. Gives custody or possession of any such substance or material to any other person whom ~~he~~ that person knows or has reason to believe:

- (1) Does not have a license or permit to transport or handle such substance or material as may be required under this subchapter; or
- (2) Will transport or handle such substance or material in violation of this subchapter or rules adopted under it.

A person who violates the provisions of this subsection may be punished accordingly, except that, notwithstanding Title 17-A, section 1301, subsection 1, paragraph B, or Title 17-A, section 1301, subsection 3, paragraph E, the fine for such violation may not exceed \$25,000 for each day of the violation.

Sec. A-33. PL 1989, c. 600, Pt. A, §22 is amended to read:

Sec. 22. Effective date. ~~The section sections of this Act that repeals and replaces repeal~~ Public Law 1989, chapter 501, Part L, section 6 and enact Public Law 1989, chapter 501, Part L, section 6-A, shall take effect retroactively to June 30, 1989.

Sec. A-34. PL 1989, c. 890, Pt. B, §212, first 3 lines are repealed and the following enacted in their place:

Sec. B-212. 38 MRSA §1101, sub-§§1, 3, 4, 6, 7 and last ¶, as amended by PL 1971, c. 618, §12, are further amended to read:

Sec. A-35. P&SL 1991, c. 14, §6 is repealed and the following enacted in its place:

Sec. 6. Local referendum; effective date. This Act takes effect for all purposes when approved by a majority of the legal voters of the Town of Lubec present and voting for or against the acceptance of the revision to the charter at the next annual town meeting after this Act becomes a law, but if and only if the total number of votes cast for and against the acceptance of this Act in that election equals or exceeds 20% of the total vote for all candidates for Governor cast in Lubec at the previous gubernatorial election. The election must be called, advertised and conducted according to law relating to municipal elections, provided, however, that the board of registration in the Town of Lubec is not required to prepare for posting nor the town clerk to post a new list of voters and, for the purpose of registration of voters, the board must be in session the 3 secular days preceding such election, the first 2 days thereof to be devoted to registration of voters and the last day to enable the board to verify the corrections of the lists and to complete and close up their records of those sessions. The town clerk shall reduce the subject of this Act to the following question:

“Shall the Lubec Water and Electric District Charter be amended to delete reference to electric service?”

The voters shall indicate by a cross or a check mark placed against the words “Yes” or “No” their opinion of the same. A check list must be used at the election. The result must be declared by the municipal officers and due certificate thereof filed with the Secretary of State by the clerk of the town.

Sec. A-36. P&SL 1865, c. 532, §8-A, first ¶, as amended by PL 1979, c. 541, Pt. B, §72; PL 1981, c. 470, Pt. B, §13; and PL 1985, c. 779, §97, is repealed and the following enacted in its place:

The trustees of the University of Maine System, or such administrators of the University of Maine System as the trustees may designate for this purpose, may appoint persons to act as police officers who, within the limits of the property owned by or under the control of the University of Maine System, possess all of the powers of police officers in criminal cases and civil violations.

PART B

Sec. B-1. 10 MRSA §8001, as repealed and replaced by PL 1989, c. 806, §2 and c. 878, Pt. D, §6 and

amended by PL 1991, c. 396, §1 and c. 397, §3, is repealed and the following enacted in its place:

§8001. Department; organization

There is created and established the Department of Professional and Financial Regulation, in this chapter referred to as the “department,” to regulate financial institutions, insurance companies, commercial sports, grantors of consumer credit and to license and regulate professions and occupations. The department is composed of the following bureaus, boards and commissions:

1. Bureau of Banking. Banking, Bureau of;
2. Bureau of Consumer Credit Protection. Consumer Credit Protection, Bureau of;
3. Bureau of Insurance. Insurance, Bureau of;
4. Maine Athletic Commission. Athletic Commission, Maine;
5. Maine State Pilotage Commission. Pilotage Commission, Maine State;
6. Real Estate Commission. Real Estate Commission;
7. Arborist Examining Board. Arborist Examining Board;
8. Board of Licensing of Auctioneers. Auctioneers, Board of Licensing of;
9. Board of Barbering and Cosmetology. Barbering and Cosmetology, Board of;
10. Board of Commercial Driver Education. Commercial Driver Education, Board of;
11. Board of Licensing of Dietetic Practice. Dietetic Practice, Board of Licensing of;
12. Electricians’ Examining Board. Electricians’ Examining Board;
13. State Board of Licensure for Professional Foresters. Foresters, State Board of Licensure for Professional;
14. State Board of Funeral Service. Funeral Service, State Board of;
15. State Board of Certification for Geologists and Soil Scientists. Geologists and Soil Scientists, State Board of Certification for;
16. Board of Hearing Aid Dealers and Fitters. Hearing Aid Dealers and Fitters, Board of;

17. Manufactured Housing Board. Manufactured Housing Board;

18. Nursing Home Administrators Licensing Board. Nursing Home Administrators Licensing Board;

19. Board of Occupational Therapy Practice. Occupational Therapy Practice, Board of;

20. Oil and Solid Fuel Board. Oil and Solid Fuel Board;

21. Board of Examiners in Physical Therapy. Physical Therapy, Board of Examiners in;

22. Plumbers' Examining Board. Plumbers' Examining Board;

23. State Board of Examiners of Psychologists. Psychologists, State Board of Examiners of;

24. Radiologic Technology Board of Examiners. Radiologic Technology Board of Examiners;

25. Board of Respiratory Care Practitioners. Respiratory Care Practitioners, Board of;

26. State Board of Social Worker Licensure. Social Worker Licensure, State Board of;

27. Board of Examiners on Speech Pathology and Audiology. Speech Pathology and Audiology, Board of Examiners on;

28. State Board of Substance Abuse Counselors. Substance Abuse Counselors, State Board of;

29. State Board of Veterinary Medicine. Veterinary Medicine, State Board of;

30. Acupuncture Licensing Board. Acupuncture Licensing Board;

31. Board of Commissioners of the Profession of Pharmacy. Profession of Pharmacy, Board of Commissioners of;

32. Board of Licensure for Professional Land Surveyors. Licensure for Professional Land Surveyors, Board of;

32-A. Maine State Board for Licensure of Architects and Landscape Architects. Licensure of Architects and Landscape Architects, Maine State Board for;

33. Board of Chiropractic Examination and Registration. Chiropractic Examination and Registration, Board of;

34. Board of Licensure of Railroad Personnel. Licensure of Railroad Personnel, Board of;

35. Board of Counseling Professionals Licensure. Counseling Professionals Licensure, Board of; and

36. Board of Real Estate Appraisers. Real Estate Appraisers, Board of.

Sec. B-2. 23 MRSA §1904, sub-§3, as repealed and replaced by PL 1989, c. 735, §1, is repealed and the following enacted in its place:

3. Membership. The Travel Information Advisory Council is composed as follows.

A. Nine members are appointed by the Governor as follows:

(1) One representative of the lodging industry;

(2) One representative of the restaurant industry;

(3) One representative of garden clubs;

(4) One representative of agriculture;

(5) One representative of the recreation industry;

(6) One representative of environmental organizations;

(7) One representative of nonprofit historical and cultural institutions;

(8) One representative of sign designers and fabrication artisans; and

(9) One representative of the general public.

These members are appointed to 2-year terms of office expiring on January 16th, with the terms of those members appointed under subparagraphs (1), (2), (3) and (4) expiring in odd-numbered years and the terms of those members appointed under subparagraphs (5), (6), (7), (8) and (9) expiring in even-numbered years.

B. Two legislative members who shall serve until the adjournment of the First Regular Session of the 115th Legislature, are appointed as follows:

(1) One Senator appointed by the President of the Senate to a term concurrent with the term to which the member of the Senate is elected; and

(2) One member of the House of Representatives appointed by the Speaker of the House of Representatives to a term concurrent with the term to which the member of the House of Representatives is elected.

If a vacancy occurs prior to the expiration of a term of any member, including legislative members, that vacancy must be filled by the appointing authority as provided in this subsection for the remainder of that term.

Sec. B-3. 24-A MRSA §222, sub-§9, as enacted by PL 1975, c. 356, §1, is amended to read:

9. Transactions with affiliates; standards. Material transactions by registered insurers with their affiliates occurring after the effective date of this chapter ~~shall be~~ are subject to the following standards:

A. The terms ~~shall~~ must be fair and reasonable;

B. The books, accounts and records of each party ~~shall~~ must be so maintained as to disclose clearly and accurately the nature and details of the transaction; and

C. The insurer's surplus to policyholders following any dividends or distributions to stockholder affiliates ~~shall~~ must be reasonable in relation to the insurer's outstanding liabilities and adequate to its financial needs.

~~Any material transaction which is not in conformity with this subsection shall constitute a violation of this Title and chapter and in addition to the penalties contained in subsection 14, shall render the transactions voidable at the initiative of the superintendent or otherwise under applicable law.~~

Any material transaction not in conformity with this subsection constitutes a violation of this Title and chapter and in addition to the penalties contained in subsection 14, renders the transactions voidable at the initiative of the superintendent or otherwise under applicable law.

Sec. B-4. 30-A MRSA c. 183, sub-c. I, first 3 lines are repealed and the following enacted in their place:

SUBCHAPTER I

JUNKYARDS AND AUTOMOBILE GRAVEYARDS

PART C

Sec. C-1. 24-A MRSA §2404, sub-§3, ¶C, as amended by PL 1989, c. 353, §1, is further amended to read:

C. An individual party to a contract or option for the purchase or sale of an interest in a business proprietorship, partnership or firm, or of shares of stock of a closed corporation or of an interest in these shares, has an insurable interest in the life, body and health of each individual party to that contract and for the purposes of that contract only, in addition to any insurable interest which may otherwise exist as to that individual; ~~and~~

Sec. C-2. 24-A MRSA §2404, sub-§3, ¶D, as enacted by PL 1989, c. 353, §2, is amended to read:

D. A corporation has an insurable interest in the lives of its employees, former employees and retirees for the purpose of funding, in the aggregate, all or part of the corporation's cost for preretirement and postretirement medical, death, disability and pension benefits to its employees, former employees, retirees or their beneficiaries, provided that an insurance program used to finance these employee benefits includes former employees, retirees or a broad class of employees selected by objective standards related to age, service, sex or category of employment and that the proceeds created by that insurance program are used for the sole purpose of funding the corporations's preretirement or postretirement benefit programs; and

Sec. C-3. 24-A MRSA §2404, sub-§3, ¶E is enacted to read:

E. Any revocable or irrevocable trust has an insurable interest, provided any beneficiary of the trust has an insurable interest as provided in paragraph A or B.

Sec. C-4. 30-A MRSA, §751, sub-§1, ¶A, as enacted by PL 1991, c. 257, is amended to read:

A. Budget committee members must be elected on the Tuesday following the first Monday of November in each even-numbered year beginning in 1994. Each term begins January 1st of the year following the election.

Sec. C-5. 30-A MRSA §756, sub-§§2, 3 and 4, as enacted by PL 1991, c. 257, are amended to read:

2. **Committee selection.** The initial election to the budget committee must occur on the Tuesday following the first Monday of November 1991. The terms for the initial budget committee members begin December 1, 1991. The committee consists of 9 members elected from the districts defined in section 757 and as provided for in section 751, subsection 1, paragraph B;

3. **Organization meeting.** The county clerk shall call an organization meeting of the initial budget committee no later than ~~50~~ 30 days before the end of the county's fiscal year; and

4. **Submission of itemized budget estimate.** The county commissioners shall submit an itemized budget estimate to the initial budget committee no later than ~~50~~ 30 days before the end of the county's fiscal year.

Sec. C-6. 30-A MRSA §757, as enacted by PL 1991, c. 257, is amended to read:

§757. Budget committee membership districts

One budget committee member must be elected from each of the following districts, with the exception of district 3 which shall elect 2 members at large. The county commissioners shall redistrict these seats by June 1, 1993 and every 10 years thereafter. The county commissioners shall provide the Secretary of State with the descriptions of the new districts within 30 days of adoption of each redistricting. The budget committee member districts are as follows.

1. District 1. District 1 consists of Criehaven, Isle au Haut, Matinicus Isle Plantation, North Haven, Vinalhaven and St. George. The initial term for district 1 expires on ~~the Tuesday following the first Monday of November~~ December 31, 1996.

2. District 2. District 2 consists of South Thomaston and ~~Owl's~~ Owls Head. The initial term for district 2 expires on ~~the Tuesday following the first Monday of November~~ December 31, 1994.

3. District 3. District 3 consists of Rockland and elects 2 members at large. The initial term for district 3 expires on ~~the Tuesday following the first Monday of November~~ December 31, 1996.

4. District 4. District 4 consists of Camden. The initial term for district 4 expires on ~~the Tuesday following the first Monday of November~~ December 31, 1994.

5. District 5. District 5 consists of Hope and Rockport. The initial term for district 5 expires on ~~the Tuesday following the first Monday of November~~ December 31, 1996.

6. District 6. District 6 consists of Appleton, Union and Washington. The initial term for district 6 expires on ~~the Tuesday following the first Monday of November~~ December 31, 1994.

7. District 7. District 7 consists of Warren and Friendship. The initial term for district 7 expires on ~~the Tuesday following the first Monday of November~~ December 31, 1996.

8. District 8. District 8 consists of Thomaston and Cushing. The initial term for district 8 expires on ~~the Tuesday following the first Monday of November~~ December 31, 1994.

Sec. C-7. P&SL 1989, c. 89, §4, sub-§12, ¶B, as enacted by PL 1991, c. 31, is amended to read:

B. This corporation has all corporate powers and is subject to all corporate limitations as set forth in the Maine Revised Statutes, Title ~~43-B~~ 13, as amended.

Sec. C-8. P&SL 1991, c. 31, first line, is repealed and the following enacted in its place:

P&SL 1989, c. 89, as amended by PL 1989, c. 878, Pt. H, §13, is further amended to read:

PART D

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

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

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

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

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

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

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

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

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

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

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

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

2-A. Financial statement required. The treasurer of the municipality shall prepare a signed statement to accompany any question submitted to the electors for ratification of a general obligation of the municipality bond issue. The statement must set forth:

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

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

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

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

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

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

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

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

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

PART E

32 MRSA §14301, sub-§4, as enacted by PL 1991, c. 403, §1, is amended to read:

4. Massage therapy. "Massage therapy" means a scientific or skillful manipulation of soft tissue for therapeutic or remedial purposes, specifically for improving muscle tone and circulation and promoting health and physical well-being. The term includes, but is not limited to, manual and mechanical procedures for the purpose of treating soft tissue only, the use of supplementary aids such as rubbing alcohol, liniments, oils, antiseptics, powders, herbal preparations, creams or lotions, procedures such as oil rubs, salt glows and hot or cold packs or other similar procedures or preparations commonly used in this practice. This term specifically excludes manipulation of the spine or its articulations and excludes sexual contact as defined in Title 17-A, section 251, subsection 1, paragraph D.

PART F

Sec. F-1. 29 MRSA §1368-C, sub-§1, as amended by PL 1991, c. 470, is further amended to read:

1. Persons at least 4 but under 19 years of age. When a person 4 years of age or older, but less than 19 years of age, is a passenger in a motor vehicle that is required by the United States Department of Transport-

tation to be equipped with seat belts, the operator of ~~the motor vehicle shall have the person or passenger~~ must be properly secured in a seat belt or in a child safety seat that meets the requirements set out in 49 Code of Federal Regulations, Part 571. The failure by the operator of a motor vehicle to ensure that the operator and any passengers are secured by a seat belt or a child safety seat as required by this subsection while the vehicle is being operated is a civil violation punishable as provided in subsection 4.

Sec. F-2. Effective date. That section of this Part that amends the Maine Revised Statutes, Title 29, section 1368-C, subsection 1 is effective 90 days after the adjournment of the First Regular Session of the 115th Legislature.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective July 10, 1991, unless otherwise indicated.

CHAPTER 549

S.P. 771 - L.D. 1965

An Act to Authorize the Establishment of a Violations Bureau in the District Court

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

Whereas, the District Court, pursuant to the Maine Revised Statutes, Title 4, section 164, subsection 12, paragraph C, is permitted to accept payment of waiver fines by persons in traffic infraction offenses without the filing of a signed waiver form; and

Whereas, many waiver fines are being tendered to the District Court in criminal traffic offenses by persons who do not file the required signed waiver forms; and

Whereas, the fines tendered in criminal traffic offenses without the signed waiver forms must be returned; and

Whereas, the District Court should be permitted to accept payment of waiver fines in criminal traffic offenses without the necessity of the filing of signed waiver forms; 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:

Sec. 1. 4 MRSA §159, as amended by PL 1983, c. 131, §1, is further amended to read:

§159. Clerks, clerical assistants; appointment; compensation

For each division, for the violations bureau and for the office of the Chief Judge, the Chief Judge shall appoint such clerks and deputy clerks as may be necessary. If the business of any division or the violations bureau does not require the full-time service of a clerk, the Chief Judge may appoint a part-time clerk for such division or violations bureau. Whenever the clerk is unable to perform the duties of his that office or so directs, his the deputy shall have has all the power and perform performs all the duties of clerk. Whenever a clerk is absent or temporarily unable to perform his the duties as clerk and there is no deputy clerk authorized or available to exercise the powers and perform the duties of clerk and an existing or immediate session of the court renders it necessary, the Chief Judge may designate a clerk pro tempore who shall have has the same powers and duties of the clerk.

Sec. 2. 4 MRSA §163, sub-§1, as amended by PL 1991, c. 132, §2, is further amended to read:

1. District Court funds. Except as otherwise provided by law, all fines, forfeitures, surcharges and fees collected in any division of the District Court or by the violations bureau must be paid to the clerk of that District Court, who shall deposit them in a special account in a timely manner. Once each month, the clerk shall remit the sums to the Treasurer of State, who shall credit them to the General Fund. At the same time, the clerk shall remit the sums that have been collected in accordance with section 1057. Funds received by the clerk as bail in criminal cases must be deposited daily in a special account. The clerk shall deposit the funds in an interest-bearing account unless the clerk determines that it is not cost effective to do so. Interest accrued in the account is the property of and accrues to the State. The forfeiture and setoff of bail is governed as otherwise provided by law.

The court shall file a monthly report with the State Auditor itemizing the amount of fines imposed and to whom each is payable.

Sec. 3. 4 MRSA §164, sub-§12, as amended by PL 1991, c. 91, is repealed and the following enacted in its place:

12. Violations bureau. Notwithstanding any other statute or law, establish the violations bureau.

A. The violations bureau has jurisdiction over all traffic infractions committed in this State. Unless