

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
108TH LEGISLATURE
FIRST REGULAR SESSION

(Filing No. H-928)

HOUSE AMENDMENT "W" to S.P. 590, L.D. 1896, Bill, "AN ACT to Make Additional Corrections of Errors and Inconsistencies in the Laws of Maine."

Amend the Bill by striking out all of sections 27 and 28 and inserting in their place the following:

'Sec. 27. 5 MRSA §711, sub-§14 is enacted to read:

14. Scalers and surveyors. Scalers and surveyors appointed by the Director of the Bureau of Public Lands pursuant to Title 12, section 553, subsection 3, paragraph H.

Sec. 28. 5 MRSA §711, sub-§15 is enacted to read:

15. Appointed by the Commissioner of Conservation. The Director of the Bureau of Forestry, the Director of the Bureau of Parks and Recreation and the Director of the Bureau of Public Lands.

Further amend the Bill by striking out all of the amending clause of section 51 and inserting in its place the following:

'Sec. 51. 12 MRSA §685-B, sub-§2, ¶B, as repealed and replaced by PL 1977, c. 360, §17, is repealed and the following enacted in its place:'

Further amend the Bill by inserting after section 73 the following:

'Sec. 73-A. 15 MRSA §101, 2nd ¶, as amended by PL 1977, c. 201, §2 and by PL 1977, c. 311, §1, is repealed and the following enacted in its place:

If it is made to appear to the court by the report of any such examiner that the defendant suffers or suffered from a mental disease or mental defect affecting his criminal responsibility or his competence to stand trial or that further observation is indicated, the court may order the defendant to be further examined by a psychiatrist and a psychologist designated by the Commissioner of Mental Health and Corrections with such assistance as the designated examiners may deem necessary who shall determine the mental condition of the defendant. The court may order that observations, interviews and investigative reports regarding the behavior of the defendant made by law enforcement officials be made available to the designated psychiatrist or licensed psychologist for the limited purpose of this examination. If the examination by such designees can be completed without admission, a report of the results of such completed examination shall be forwarded to the court forthwith. If the designated examiners of the Commissioner of Mental Health and Corrections determine that admission to an appropriate institution for the mentally ill or mentally retarded is necessary for complete examination, the examiners shall so notify the court which may order the defendant committed to the custody of the Commissioner of Mental Health and Corrections to be placed in an appropriate institution for the mentally ill or the mentally retarded, to be there detained and observed by the superintendent, or his delegate, and professional staff for a period of time not to exceed 60 days,

for the purpose of ascertaining the mental condition of the defendant. When further detention for observation is deemed no longer necessary, the commissioner shall report such fact to the court. The court shall then order the person returned to the appropriate court for disposition; however, if the court ordering commitment for observation has provided for remand to the county jail following completion of the observation in the commitment order, the sheriff or any one or more of his deputies shall execute the remand order upon advice from the commissioner of completion of the observation. A report of the results of the observation shall be forwarded promptly to the court by the commissioner.

Further amend the Bill by inserting after section 88 the following:

'Sec. 88-A. 20 MRSA §2356-B, as amended by PL 1977, c. 361, §2 and as repealed and replaced by PL 1977, c. 205, §3, is repealed and the following enacted in its place:

§2356-B. State aid for vocational centers and regions

State aid for vocational centers and regions shall be in accordance with sections 3457 to 3460 and chapter 512-A. Costs for new or expanded vocational education programs may be financed by a local tax outside the uniform tax and outside of any additional appropriations now authorized in chapter 512-A.

Further amend the Bill by inserting after section 89 the following:

'Sec. 89-A. 20 MRSA §3125, sub-§5, as enacted by PL 1977, c. 436, is repealed.

Sec. 89-B. 20 MRSA §3125, sub-§7 is enacted to read:

7. Approval of programs. The commissioner may approve such programs for the usual public year, or for a year-round basis, or for such other period as he determines appropriate.'

Further amend the Bill by inserting after section 121 the following:

'Sec. 121-A. 32 MRSA §2851, first¶, as repealed and replaced by PL 1977, c. 78, §180 and as amended by PL 1977, c. 408, is repealed and the following enacted in its place:

A Board of Commissioners of the Profession of Pharmacy, as heretofore established and in this chapter called the "board," shall consist of 5 pharmacists all of whom shall be residents of this State and actually engaged in the practice of their profession, and one representative of the public, who shall be appointed and may be removed for cause by the Governor. At least one of the 5 pharmacists on the board shall be, at the time of appointment, actively engaged in the practice of hospital pharmacy, one member shall be actively engaged in the practice of chain pharmacy, and one member shall be actively engaged in the practice of pharmacy other than hospital or chain pharmacy. Chain pharmacy shall be defined

as retail pharmacy practiced in a group of at least 4
pharmacies of common ownership which are located within the
State. The public representative commissioner shall hold office
for 5 years from the first day of December of the year in which
he is appointed or until his successor is appointed and qualified.
The terms of office of the pharmacist commissioners shall be so
arranged that one pharmacist member of that board shall be
appointed annually as the terms of the present members expire,
to hold office for 5 years from the first day of December in
each year or until his successor is appointed and qualified.
Vacancies shall be filled by appointment for the unexpired term.
No pharmacist shall be appointed to serve as a commissioner
unless he has had at least 10 years' experience in the practice
of pharmacy as a registered pharmacist prior to his appointment.
At least 3 commissioners serving on the board shall possess a
degree in pharmacy from an accredited college of pharmacy. The
board shall have power: '

Further amend the Bill by inserting after section 128 the following:

'Sec. 128-A. 34 MRSA §1007, sub-§1, ¶F, as enacted by PL
1977, c. 455, §5, is repealed.

Sec. 128-B. 34 MRSA §1007, sub-§1, ¶G is enacted to read:
G. To work or provide service to the victim of his crime
in accordance with Title 17-A, chapter 54, but only with the
express approval of the victim.'

Further amend the Bill by inserting after section 131 the following:

'Sec. 131-A. 36 MRSA §451, sub-§2, as amended by PL 1977, c. 48, §3 and by PL 1977, c. 109, is repealed and the following enacted in its place:

2. Uniform property tax. Pursuant to the Maine Constitution, Article VIII, Part First, and in addition to subsection 1, a uniform property tax is assessed which shall be determined as follows. The Legislature shall annually, prior to April 14th, enact legislation establishing the uniform property tax rate. The uniform property tax rate shall be 13 mills for the period beginning July 1, 1976, and ending June 30, 1977. After January 1, 1977, the Legislature shall set the uniform property tax rate in accordance with Title 20, section 3747. The rate shall be applied to the state valuations of each municipality and property in the unorganized territory.'

Further amend the Bill by inserting after section 139 the following:

'Sec. 139-A. 38 MRSA §560, sub-§9, as amended by PL 1977, c. 78, §206, is repealed.'

Statement of Fact

This amendment is submitted on behalf of the House bills in second reading:

The purposes of this amendment are as follows:

1. The change involving 5 MRSA §711, sub-§§ 14 and 15 merely renumbers those sections to avoid conflicts with earlier legislation which enacted a sub-§ 13;
2. The amendment of 12 MRSA §685-B, sub-§2, ¶B changes the amending so that it specifically refers to changes which were made in that section by earlier legislation;
3. The amendment involving 15 MRSA §101 incorporates in that section changes in the law made by PL 1977, c. 201 and by PL 1977, c. 311
4. The amendment of 20 MRSA §2356-B incorporates changes made in that section by PL 1977, c. 361 and PL 1977, c. 205;
5. The amendment of 20 MRSA §3125, sub-§5 renumbers that subsection to avoid a conflict with PL 1977, c. 358 which also enacted a sub-§5;
6. The amendment of 34 MRSA §1007, sub-§1, ¶F renumbers that paragraph to avoid a conflict with PL 1977, c. 372 which also enacted a ¶F;
7. The amendment of 36 MRSA §451 incorporates changes made in that section by PL 1977, c. 48 and PL 1977, c. 109; and
8. The amendment of 38 MRSA §560, sub-§9, repeals that subsection as amended by the first Errors Bill. Since that subsection was repealed by PL 1977, c. 300, the changes

made by the first Errors Bill are unnecessary.

Filed by Mr. Burns of Anson.

Reproduced & distributed under the direction of the Clerk of the House.

7/7/77

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