

MAINE STATE LEGISLATURE

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(EMERGENCY)
FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 14

S. P. 7

Office of the Secretary of the Senate

Filed December 13, 1978 under Joint Rule 21 by Senator-Elect Samuel W. Collins, Jr. of Knox. To be printed and delivered to the 109th Maine Legislature.

MAY M. ROSS, Secretary of the Senate

Presented by Senator-Elect Collins of Knox.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

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 these uncertainties and confusion be resolved in order to prevent any injustice or hardship on the citizens of Maine; and

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

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

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

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

Sec. 2. 2 MRSA § 6, sub-§ 1, 4th ¶, as last repealed and replaced by PL 1977, c. 697, § 1, is amended to read as follows:

~~Commissioner of Commerce and Industry~~ **Director of State Development Office;**

Sec. 3. 2 MRSA § 6, sub-§ 5, 9th ¶, as repealed and replaced by PL 1977, c. 697, § 1, is amended to read:

~~Director of Geology~~ **Maine Geological Survey;**

Sec. 4. 2 MRSA § 7, sub-§ 2, as amended by PL 1977, c. 675, § 1, repealed and replaced by PL 1977, c. 697, § 3 and as amended by PL 1977, c. 709, § 1, is repealed and the following enacted in its place:

2. Regulatory boards. Notwithstanding section 6 or any other provision of law, the salaries of the listed chairmen and of members of the following regulatory boards shall be:

Maine Employment Security Commission

Chairman	\$23,000;
Members other than chairman	20,475;

Workers' Compensation Commission

Chairman	22,995;
Members other than chairman with more than 4 years' experience	21,420;
All other commissioners	18,900.

Sec. 5. 3 MRSA § 161, last ¶, as repealed and replaced by PL 1973, c. 590, § 3, is amended to read:

The Legislative Council shall meet at least once monthly when the Legislature is not in session and at such other times as the membership or the chairman ~~deem~~ **deems** necessary.

Sec. 6. 4 MRSA § 2, last sentence, as amended by PL 1975, c. 771, § 16, is repealed and the following enacted in its place:

Upon receipt of such certificate from the court, the Governor shall make due inquiry into the matter and, if he confirms the finding of said court, the Governor shall appoint an additional Justice of the Supreme Judicial or Superior Court, as the case may be.

Sec. 7. 4 MRSA § 4, first sentence, as repealed and replaced by PL 1977, c. 696, § 19, is amended to read:

Each Justice of the Supreme Judicial Court shall receive ~~an annual salary of \$29,000 until June 30, 1978, and an annual salary of \$32,000 thereafter;~~ and the Chief Justice of the Supreme Judicial Court shall receive ~~an annual salary of \$30,500 until June 30, 1978, and an annual salary of \$33,500 thereafter.~~

Sec. 8. 4 MRSA § 24, 2nd ¶, last sentence, as enacted by PL 1975, c. 408, § 7, is amended to read:

The Governor shall include in the ~~budgeted~~ **budget** submission the judicial budget without revision but with such recommendations as he may deem proper.

Sec. 9. 4 MRSA § 152, last ¶, first sentence, as enacted by PL 1971, c. 175, is amended to read:

The District Court shall also possess, concurrent with the Superior Court, original jurisdiction to receive pleas of guilty in ~~felony~~ **criminal cases in which the maximum term of imprisonment to which the defendant may be sentenced upon conviction of that crime is one year or more** in which the defendant has in writing waived his right to indictment by grand jury and his right to appearance and trial in the Superior Court and has indicated his intention to enter a plea of guilty to the charges pending against him.

Sec. 10. 4 MRSA § 153, sub-§ 1, 2nd sentence, as enacted by PL 1969, c. 559, is repealed as follows:

~~For the purpose of criminal business solely, the municipality of Jay, located in the County of Franklin, shall be deemed to be within the District of Northern Androscoggin.~~

Sec. 11. 4 MRSA § 171, 2nd ¶, first sentence, as amended by PL 1967, c. 434, § 2, is further amended to read:

He may, and on complaint shall, cause to be arrested persons found within his county or in an adjoining county under the conditions specified in the first paragraph of section 161 charged with offenses; and those having committed offenses therein or in an adjoining county who have escaped therefrom or from an adjoining county; and all persons charged with ~~felonies~~, offenses and ~~misdemeanors~~ **crimes**, and all affrayers, rioters, breakers of the peace and violators of the law, and may require such offenders to find sureties for keeping the peace.

Sec. 12. 4 MRSA § 173, sub-§ 4, 4th ¶, 2nd sentence, as enacted by PL 1971, c. 261, § 1, is amended to read:

All municipal police officers, so appearing at the order of a prosecuting official ~~and~~, whether or not they are called upon to give testimony, shall be compensated out of the General Fund on an hourly basis equal to their present rate of employment.

Sec. 13. 4 MRSA § 173, sub-§ 4, 4th ¶, 3rd sentence, as enacted by PL 1975, c. 369, § 2, is amended to read:

Notwithstanding any other provision of law, all law enforcement officers appearing in District Court at times other than their regular working hours, at the order of a prosecuting official ~~and~~, whether or not they are called upon to give

testimony, shall be compensated out of the General Fund on an hourly basis equal to that established by the State for their range and step level.

Sec. 14. 5 MRSA § 11, 2nd ¶, first sentence, as amended by PL 1975, c. 766, § 4, is further amended to read:

Any payment, made in violation of the compensation plan or the rules pertaining thereto or made to a person appointed or established in his position in a manner contrary to chapters 51 to ~~61~~ **60**, may be recovered from the appointing authority, the Commissioner of Personnel or any officer or person making such payment, whoever is culpable, or from the sureties on the official bond of such officer or person.

Sec. 15. 5 MRSA § 12, as enacted by PL 1965, c. 483, is repealed as follows:

~~§ 12. Longevity pay for certain department officers~~

~~In accordance with the request of chapter 202, section 3, of the private and special laws of 1963, all state executive and legislative officers, whose salaries are fixed by statute, shall receive longevity pay to commence at the same time as, and continue under the same terms and conditions as, the longevity pay for State employees provided by said chapter 202.~~

Sec. 16. 5 MRSA § 135, 2nd ¶, 3rd sentence from the end, as enacted by PL 1973, c. 406, § 3, is amended to read:

The collateral shall consist of securities in which savings banks may invest as provided in Title 9, sections ~~622 to 631~~ **9-B, chapter 55**.

Sec. 17. 5 MRSA § 138, first sentence, as last amended by PL 1973, c. 585, § 11, is further amended to read:

The Treasurer of State, with the approval of the Commissioner of Finance and Administration, the Bank Superintendent and the Attorney General, shall invest all permanent funds held in trust by the State in such securities as are legal investments for savings banks under Title ~~9~~ **9-B**.

Sec. 18. 5 MRSA § 139, first sentence, as last amended by PL 1973, c. 585, § 11, is further amended to read:

The Treasurer of State, with the approval of the Commissioner of Finance and Administration, the Bank Superintendent and the Commissioner of Educational and Cultural Services, shall invest and reinvest the principal of all funds derived or that may be derived from the sale and lease of lands reserved for public uses in accordance with the laws of the State governing the investment of funds of savings banks, as enumerated in Title ~~9~~ **9-B**.

Sec. 19. 5 MRSA § 283, sub-§ 7, as amended by P&SL 1975, c. 78, § 21, is repealed as follows:

~~**7. Bureau of Taxation.** The Bureau of Taxation, the head of which shall be the State Tax Assessor.~~

Sec. 20. 5 MRSA § 551 is amended to read:

§ 551. Title

Chapters 51 to ~~61~~ 60 and all acts amendatory thereof shall be known and may be cited as the "Personnel Law."

Sec. 21. 5 MRSA § 552, first ¶ is amended to read:

Certain words and phrases shall have, for the purposes of chapters 51 to ~~61~~ 60, the following meaning.

Sec. 22. 5 MRSA § 552, sub-§ 3 is amended to read:

3. Classified service. "Classified service" means all offices and positions of trust and employment in the state service except those placed in the unclassified service by chapters 51 to ~~61~~ 60.

Sec. 23. 5 MRSA § 552, sub-§ 4 is repealed and the following enacted in its place:

4. Commissioner. "Commissioner" means the State Commissioner of Personnel.

Sec. 24. 5 MRSA § 553, as amended by PL 1971, c. 212, is further amended to read:

§ 553. Discrimination

In carrying out chapters 51 to ~~61~~ 60, no discrimination shall be made on account of political or religious opinions or affiliations or because of race or national origin, sex or marital status or age or physical disability, unless based upon a bona fide occupational qualification.

Sec. 25. 5 MRSA § 556, first ¶, as last amended by PL 1977, c. 696, § 36, is further amended to read:

Employment in the classified service shall be open to all qualified persons who are residents of the State of Maine immediately preceding that employment, except that at the request of the ~~the~~ appointing authority the residence requirement may be waived by the Commissioner of Personnel in exceptional or emergency cases when such action is necessary for the good of the service.

Sec. 26. 5 MRSA § 631, first ¶, as last amended by PL 1977, c. 78, § 13, is repealed and the following enacted in its place:

The Commissioner of Personnel shall be, at the time of his appointment, a person thoroughly familiar with the principles and experienced in the methods and techniques of personnel administration and management. After consultation with the Personnel Board, the Governor shall appoint, subject to review by the Joint Standing Committee on State Government and to confirmation by the Legislature, the Commissioner of Personnel who shall serve a term coterminous with that of the Governor or until his successor has been appointed and qualified.

Sec. 27. 5 MRSA § 632, first ¶, 2nd sentence is amended to read:

Each eligible register shall consist of a list of all of the persons, who have shown by competitive tests, as provided for in section 673, that they possess the qualifications which entitle them to be considered eligible for appointment to any position in the class for which the eligible register is to be prepared, and of employees who have resigned or been dismissed, laid off or granted leaves of absence and whose names have been restored to the eligible register in accordance with chapters 51 to ~~61~~ 60.

Sec. 28. 5 MRSA § 1001, as last amended by PL 1977, c. 580, § 1, is further amended by inserting before subsection 1 the following new paragraph:

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

Sec. 29. 5 MRSA § 1061, sub-§ 1, 2nd ¶, first sentence, as repealed and replaced by PL 1967, c. 59, § 6, is amended to read:

The board of trustees may apply any funds derived from investments, including profits on the sale of investments, which are considered by the board to be in excess of actuarial requirements for the proper funding of the reserves, to reduce or eliminate the contributions required of either the member or the employer, or both, to the ~~Survivor~~ **Survivors** Benefit Fund, or those contributions the member is required to make to the Retirement Allowance Adjustment Fund, or a combination of both of these funds.

Sec. 30. 5 MRSA § 1121, sub-§ 5, 2nd sentence, as amended by PL 1973, c. 542, § 9, is further amended to read:

If, by virtue of length of teaching service in Maine and using the formula detailed under subsection 2, paragraph A, subparagraph ~~2-A (2)~~, a greater monthly benefit is developed, then the greater amount shall be paid.

Sec. 31. 5 MRSA § 3304, sub-§ 3, ¶G, as enacted by PL 1967, c. 533, § 1, is repealed and the following enacted in its place:

G: At his discretion, act for the State in the initiation of or participation in any multi-governmental agency program relative to the purposes of this chapter.

Sec. 32. 5 MRSA § 3305, sub-§ 1, ¶¶F and G, as enacted by PL 1967, c. 533, § 1, are repealed and the following enacted in their place:

F. At its discretion, assist in planning and executing any public or private project involving grants or loans; advise, confer and otherwise cooperate with municipal planning boards, agencies, officials, civic and other groups and citizens in matters relating to urban renewal, zoning and planning relating to schools, housing, health, land use controls and other objectives;

G. As coordinating agency:

(1) Act as the coordinating agency between the several officers, authorities, boards, commissions, departments and divisions of the State in matters relative to the physical development of the State, and review the proposals of said agencies in the light of their relationship to the comprehensive plan and incorporate such reviews in the reports of the office. Nothing in this section shall be construed as limiting the powers and duties of any officer, authority, board, commission, department or political subdivision of the State; and to

(2) Provide general coordination and review of plans in functional areas of State Government as may be necessary for receipt of federal funds.

Sec. 33. 5 MRSA § 8053, sub-§ 1, ¶ B, last paragraph, as enacted by PL 1977, c. 694, § 34-B, is repealed as follows:

~~Notification under this paragraph may be by delivery of a copy of the public hearing notice or other appropriate means to the Office of the Secretary of State.~~

Sec. 34. 5 MRSA § 9051, sub-§ 1, as amended by PL 1977, c. 616, § 1 and by c. 694, § 35-A, is repealed and the following enacted in its place:

1. **Adjudicatory proceeding.** In any adjudicatory proceedings, except those proceedings involving correctional facilities, the Workers' Compensation Commission or the State Parole Board, the procedures of this subchapter shall apply.

Sec. 35. 5 MRSA § 11001, sub-§ 1, first sentence, as amended by PL 1977, c. 616, § 2 and by PL 1977, c. 694, § 40, is repealed and the following enacted in its place:

Except where a statute provides for direct review or review of a pro forma judicial decree by the Supreme Judicial Court or where judicial review is specifically precluded or the issues therein limited by statute, any person who is aggrieved by final agency action shall be entitled to judicial review thereof in the Superior Court in the manner provided by this subchapter.

Sec. 36. 6 MRSA § 13, 4th ¶, as repealed and replaced by PL 1977, c. 678, § 27, is amended to read:

The director may employ, subject to the approval of the commissioner and in accordance with the Personnel Law, such personnel as may be deemed necessary to aid him in the fulfillment of his duties to administer, supervise, program, plan, coordinate and enforce all aspects of aviation as outlined in this chapter or imposed upon him.

Sec. 37. 6 MRSA § 203, sub-§§ 1 and 2, as amended by PL 1977, c. 678, §§ 46 and 47 and as repealed and replaced by PL 1977, c. 696, §§ 49 and 50, are repealed and the following enacted in their place:

1. **Violations of rules or orders.** Any person who violates any provisions of chapters 1 to 17 pertaining to registration, trespass or the air traffic rules, or who violates any provisions of an order, rule or regulation made hereunder, or fails to

answer a subpoena or to testify before the director shall be guilty of a Class E crime.

2. Fraud and forgery. Any person who fraudulently forges, counterfeits, alters or falsely makes any certificate authorized under chapters 1 to 17, or any person who knowingly uses or attempts to use any such fraudulent certificate shall be guilty of a Class D crime.

Sec. 38. 7 MRSA § 71 is amended to read:

§ 71. Constables

The officers of any **agricultural or horticultural** society ~~described in section 69~~ may appoint a sufficient number of suitable persons to act as constables at cattle shows and exhibitions, with all the powers of constables, for the preservation of the public peace and the enforcement of the regulations of said society, within the towns where such shows and exhibitions are held, from noon of the day preceding the commencement of the same until noon of the day succeeding the termination thereof, and no longer.

Sec. 39. 7 MRSA § 837, **first ¶**, as amended by PL 1977, c. 694, § 84, is further amended to read:

The commissioner shall, when it appears that any statement upon which ~~it~~ a license was issued was false or misleading or that any frozen dairy product manufactured, sold, offered or exposed for sale, or held for sale by the licensee is ~~adulterated~~ **adulterated** or misbranded or is manufactured in a plant or transported in a vehicle or stored in equipment not maintained in accordance with the standards of sanitation prescribed by the rules and regulations promulgated by the commissioner or that ~~the~~ brand name or any label or advertising of any frozen dairy product manufactured, sold, offered or exposed for sale or held for sale with the licensee gives a false indication of origin, character, ~~composition~~ **composition** or place of manufacture or is otherwise false or misleading in any particular, file a complaint with the Administrative Court in a manner consistent with the Maine Administrative Procedure Act for suspension or revocation of the license.

Sec. 40. 7 MRSA § 1015, **2nd ¶**, **last sentence**, as amended by PL 1977, c. 694, § 101, is further amended to read:

Any interested ~~party~~ **person** shall have 30 days in which to file comments as to the applicant's qualifications, to request a hearing, or to file a verified complaint with the commissioner as provided by this Article.

Sec. 41. 7 MRSA § 3602, **3rd sentence**, as repealed and replaced by PL 1977, c. 696, § 107, is amended to read:

The owner ~~of~~ or keeper of any dog killing or wounding any moose, caribou or deer at any time or any other wild animal in closed season shall be guilty of a Class E crime, provided that the court shall impose a fine of not less than \$200 which shall not be suspended.

Sec. 42. 7 MRSA § 3704, as repealed and replaced by PL 1977, c. 696, § 110, is amended to read:

§ 3704. Official refusal or neglect of duty

Any mayor, selectman, clerk, constable, police officer or sheriff who refuses or intentionally fails to perform the duties imposed by sections 3402, ~~3403~~ 3451, 3452, 3651 to 3653 and 3701 to 3703 commits a civil violation for which a forfeiture of not less than \$10 nor more than \$50, and costs, shall be adjudged.

Sec. 43. 8 MRSA § 658, as amended by PL 1973, c. 625, § 44, is further amended to read:

§ 658. Unincorporated places

County commissioners within their counties and counties within their limits shall respectively exercise over unincorporated places all the powers of municipal officers and towns under chapters 1, 3, 7 and ~~15~~ 17 to 25.

Sec. 44. 8 MRSA § 701 is amended to read:

§ 701. Jurisdiction

All penalties provided in chapters 1, 3, 7 and ~~15~~ 17 to 25, except that specified in section 502, shall be recovered by complaint for the use of the town where incurred.

Sec. 45. 9-A MRSA § 1-202, sub-§§ 3 and 4, as enacted by PL 1973, c. 762, § 1, are amended to read:

3. Transactions under public utility or common carrier tariffs if a subdivision or agency of this State or of the United States regulates the charges for the services involved, the charges for delayed payment, and any discount allowed for early payment; ~~or~~

4. Ceilings on rates and charges or limits on loan maturities of a credit union organized under the laws of this State or of the United States if these ceilings or limits are established by these laws; ~~or~~

Sec. 46. 9-A MRSA § 1-202, sub-§ 6, as amended by PL 1975, c. 413, is further amended to read:

6. Transactions in securities or commodities accounts with a broker-dealer registered with either the Securities and Exchange Commission or the Commodities Futures Trading Commission; ~~or~~

Sec. 47. 9-A MRSA § 1-202, sub-§ 7, as amended by PL 1977, c. 696, § 112, is further amended to read:

7. A loan made by a supervised financial organization or an institution of higher education when the loan is a low interest educational loan made for the purpose of financing expenses related to the borrower's attendance at an institution of post-secondary education, and on which the finance charge does not

exceed 7 1/2% per year on the unpaid balances of the amount financed or such finance charge in excess thereof as the United States Secretary of Health, Education and Welfare shall from time to time establish, and which is insured, guaranteed or subsidized by the Federal Government or a state or by a nonprofit private loan guaranty or organization or by the institution of higher education itself or through an endowment or trust fund affiliated with such an institution; or

Sec. 48. 9-A MRSA § 1-202, sub-§ 8, last sentence, as enacted by PL 1975, c. 318, is amended to read:

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

Sec. 49. 9-A MRSA § 1-202, sub-§ 8, as enacted by PL 1975, c. 446, § 3, is repealed.

Sec. 50. 9-A MRSA § 1-202, sub-§ 9 is enacted to read:

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

Sec. 51. 10 MRSA § 928, first sentence, as enacted by PL 1977, c. 548, § 1, is amended to read:

In order to provide for the initial organization of the foundation, the Governor shall appoint an organizing committee of 14 persons, 7 of whom shall be eligible to be private sector corporators, 5 of whom shall be eligible to be public sector corporators and 2 of whom shall be state department and agency heads from among the list set forth in section-3 **918, subsection 3**.

Sec. 52. 10 MRSA § 1186, as enacted by PL 1975, c. 573, is amended to read:

§ 1186. Penalty

~~Unfair methods of competition and unfair or deceptive acts or practices, as defined in Title 10, chapter 203, are hereby declared to be unlawful, and any~~ Any person who violates this chapter shall be guilty of a misdemeanor.

Sec. 53. 10 MRSA § 1315, sub-§ 1, first sentence, as amended by PL 1977, c. 677, § 5, is further amended to read:

Every consumer reporting agency shall, upon request and proper identification of any consumer, clearly and accurately disclose to ~~the~~ **that** consumer:

Sec. 54. 10 MRSA § 1317, sub-§ 4, first sentence, as amended by PL 1977, c. 677, § 7, is further amended to read:

If, after conducting the reinvestigation prescribed by subsection 2, the consumer

reporting agency finds that an item is ~~in error~~ **inaccurate** or that it can no longer be verified, it shall:

Sec. 55. 10 MRSA § 1317, sub-§ 5, ¶ B, as amended by PL 1977, c. 677, § 7, is further amended to read:

B. Permit the consumer to file a statement containing the nature of the dispute. The agency may limit such statements to not more than ~~100~~ **200** words if it provides the consumer with assistance in writing a clear summary of the dispute;

Sec. 56. 10 MRSA § 2366, as enacted by PL 1977, c. 537, § 5, is amended to read:

§ 2366. Appeal Procedure

1. Appeal to State Sealer of Weights and Measures. Any person aggrieved by the application or misapplication of standards and procedures promulgated under ~~sections 2354 and 2355~~ **this chapter** must initiate appeal to the State Sealer of Weights and Measures within 7 calendar days of the alleged grievance.

Sec. 57. 12 MRSA § 302, sub-§ 2, ¶ A, as enacted by PL 1975, c. 542, is amended to read:

A. Is 2 feet or more in height in the natural bed of the stream or watercourse in which it is constructed measured at the downstream toe of the barrier, or from the lowest elevation from the outside limit of the barrier, if it is not across a stream, channel or watercourse, to the maximum capable water storage elevation, or is located at the outlet of a great pond as defined in Title 38, section ~~422~~ **392**.

Sec. 58. 12 MRSA § 305, sub-§ 3, last sentence, as enacted by PL 1975, c. 542, is amended to read:

Further, the provisions of this chapter shall not apply to any dam where the dam owner is also the sole littoral owner on the impounded body of water and the impounded body of water is not a great pond as defined in Title 38, section ~~422~~ **392**.

Sec. 59. 12 MRSA § 685-A, sub-§ 3, 2nd sentence, as enacted by PL 1977, c. 694, § 223, is amended to read:

These Except as provided in this chapter, these standards shall be adopted by the commission in accordance with the procedures set forth in Title 5, chapter 375, subchapter II.

Sec. 60. 12 MRSA § 685-A, sub-§ 7, 7th ¶, as repealed and replaced by PL 1977, c. 694, § 227, is repealed and the following enacted in its place:

The land use district boundaries or standards shall be adopted within 45 days from final adjournment of the hearing.

Sec. 60-A. 12 MRSA § 685-A, sub-§ 7, 8th ¶, first sentence, as amended by PL 1973, c. 569, § 10, is repealed and the following enacted in its place:

Land use maps and standards so adopted shall become effective not sooner than 15 days after their adoption by the commission, provided the requirements of the Maine Administrative Procedure Act are met and provided the maps and standards are available in the appropriate registry of deeds for each county.

Sec. 61. 12 MRSA § 685-A, sub-§ 7, 8th ¶, first sentence, as amended by PL 1973, c. 569, § 10, is repealed and the following enacted in its place:

Land use maps and standards so adopted shall become effective 15 days after their adoption by the commission, provided the applicable requirements of the Maine Administrative Procedure Act, as modified by this chapter, are met, and provided the maps and standards are available in the appropriate registry of deeds for each county.

Sec. 62. 12 MRSA § 685-B, sub-§ 1, ¶ C, 3rd ¶, 1st sentence, as repealed and replaced by PL 1977, c. 213, § 1, is amended to read:

Approval by the commission that the proposed development meets the requirements of subsection 4, and of the land use standards, rules and regulations adopted by the commission shall be a sufficient basis to support, but shall not require, a finding by the administering agency that the development meets the requirements of the Site Location of Development Law, Title 38, sections 481 to 488, the Minimum Lot Size Law, sections 4807 to 4807-G, the Wetlands Law, Title 38, sections 471 to 478, the Great Ponds Law, Title 38, ~~section 422~~ **chapter 3, subchapter 1, Article 1-A** or the Stream Alteration Law, sections 2206 to 2212 and the rules and regulations adopted with respect to any of such statutes, as any of such statutes, rules or regulations may apply.

Sec. 63. 12 MRSA § 685-B, sub-§ 4, ¶ A, as repealed and replaced by PL 1977, c. 213, § 3, is amended to read:

A. Adequate technical and financial provision has been made for complying with the requirements of the state's air and water pollution control and other environmental laws, and those standards and regulations adopted with respect thereto, including without limitation the Site Location of Development Law, Title 38, sections 481 to 488, the Minimum Lot Size Law, sections 4807 to 4807-G, the Wetlands Law, Title 38, sections 471 to 478, the Great Ponds Law, Title 38, ~~section 422~~ **chapter 3, subchapter 1, Article 1-A**, and the Stream Alteration Law, sections 2206 to 2212, for solid waste disposal, for controlling of offensive odors and for the securing and maintenance of sufficient healthful water supplies; and

Sec. 64. 12 MRSA § 689, last sentence, as repealed and replaced by PL 1977, c. 694, § 236, is amended to read:

~~The~~ **This** right of appeal, with respect to any commission action to which ~~the~~ **this** right may apply, shall be in lieu of the rights provided under Title 5, section 8058, subsection 1.

Sec. 65. 12 MRSA § 1402, 3rd sentence, as repealed and replaced by PL 1977, c. 694, § 241, is amended to read:

When forest fire conditions become serious, the director may declare void permits already issued and, as to ~~the~~ **these** actions, compliance with the provisions of Title 5, chapter 25, and Title 5, chapter 375, shall not be required.

Sec. 66. 12 MRSA § 1960, first sentence, as repealed and replaced by PL 1977, c. 694, § 250, is amended to read:

The commissioner may, in conformity with the Administrative Procedure Act, Title 5, Part 18, and except as otherwise ~~provide~~ **provided**, adopt, amend and repeal reasonable rules, including emergency rules necessary for the proper administration, enforcement, implementation and interpretation of any provision of law that he is charged with the duty of administering.

Sec. 67. 12 MRSA § 2063, sub-§ 3, as amended by PL 1975, c. 497, § 3, is further amended to read:

3. Disbursement of revenues. All revenues collected under this chapter, including fines, fees and other available moneys, less all administrative costs of the Division of Watercraft Registration and Safety, will be disbursed for each fiscal year, when final accounting records are determined for that fiscal year, to the Department of Inland Fisheries and Wildlife and the Department of Marine Resources, in proportion to all revenues collected by the division during each fiscal year on the basis of watercraft registered for use on the internal and ~~or~~ federal waters of this State as reported to the U. S. Coast Guard, the former being retained by the Department of Inland Fisheries and Wildlife and the latter by the Department of Marine Resources, to help defray the costs of enforcing this chapter.

Sec. 68. 12 MRSA § 2552, sub-§ 7, first ¶, as repealed and replaced by PL 1973, c. 297, § 1, is amended to read:

No person shall fish for Atlantic sea run salmon in any internal waters of this State, except in accordance with this section and as otherwise provided in chapter ~~409~~ **611**.

Sec. 69. 12 MRSA § 2701, first ¶, 2nd and 3rd sentences, as repealed and replaced by PL 1977, c. 503, § 25, are amended to read:

It is unlawful for any person to take, kill, catch or possess alewives from inland waters unless he has a permit from the commissioner or he has been granted fishing rights under section ~~3708~~ **6131**, except that any person may fish for and take alewives by use of a dip net or single hook and line for consumption by himself or members of his family, provided that that person takes or possesses no more than one bushel in any day and also that the alewives may not be taken from any waters in which a municipality or other person has been granted exclusive rights under section ~~3708~~ **6131**. The commissioner may grant permits to take any of these fish by means of eel pots, traps, spear or nets in inland waters frequented by these fish, under such terms, rules and regulations as he may establish, provided these permits do not interfere with rights granted under section ~~3708~~ **6131**.

Sec. 70. 12 MRSA § 3204, last ¶, last sentence, as amended by PL 1977, c. 694, § 274, is further amended to read:

He shall maintain a list of all species which he has designated to be endangered or threatened, naming each species contained therein by both its scientific and common name, if any, and specifying over what portion of its range each species so designated is endangered or threatened, except that no species shall be added to or deleted from such list unless notice of such change is published and a public hearing thereon has been held in accordance with the procedures established in section A 1960.

Sec. 71. 12 MRSA § 3451, as amended by PL 1977, c. 674, § 12, is repealed.

Sec. 72. 12 MRSA § 3502, as amended by PL 1977, c. 674, § 13, is repealed.

Sec. 73. 12 MRSA § 4504, as last amended by PL 1977, c. 696, § 157, is repealed.

Sec. 74. 12 MRSA § 6024, sub-§ 1, 5th sentence, as enacted by PL 1977, c. 661, § 5, is amended to read:

All members shall be appointed for a term of 3 years, except a vacancy shall be filled by the Governor in the same manner as an original appointment for the unexpired portion of the term.

Sec. 75. 12 MRSA § 6121, sub-§ 6, first sentence, as enacted by PL 1977, c. 661, § 5, is amended to read:

The commissioner may enter any lands to reach the dam or ~~artificial~~ artificial obstruction effected ~~affected~~ by his final written order.

Sec. 76. 12 MRSA § 6451, sub-§ 2, first sentence, as enacted by PL 1977, c. 661, § 5, is amended to read:

The commissioner may ~~authorize~~ authorize the expenditure of the money in the Lobster Fund for the purpose of purchasing seed lobsters from Maine lobster pound owners and female lobsters from wholesale seafood license holders.

Sec. 77. 12 MRSA § 6701, sub-§ 1, as enacted by PL 1977, c. 661, § 5, is amended to read:

1. **License required.** It shall be unlawful for any person to engage in the activities authorized by this license under this section without a current scallop license or other license issued under this Part authorizing the ~~activities~~ activities.

Sec. 78. 12 MRSA § 6851, sub-§ 1, as enacted by PL 1977, c. 661, § 5, is amended to read:

1. **License required.** It shall be unlawful for any person to engage in the activities authorized by this license under this section without a current wholesale seafood license or other license issued under this Part authorizing the ~~activities~~ activities.

Sec. 79. 12 MRSA § 6854, sub-§ 2, as enacted by PL 1977, c. 661, § 5, is amended to read:

2. License activity. The holder of a lobster transportation license may buy from a licensed wholesale seafood dealer and transport beyond the state limits lobsters or their parts or meat. Lobster parts or meat may only be transported if they are properly permitted under section ~~4107~~ **6857** or lawfully imported.

Sec. 80. 13 MRSA § 802, sub-§ 7, first sentence, as enacted by PL 1977, c. 669, is amended to read:

“Number of shares” means, with respect to any equity security which is not stock or a similar security, the number of shares of stock or a similar security, as described in **subsection 6**, paragraph A:

Sec. 81. 13 MRSA § 812, sub-§ 1, first sentence, as enacted by PL 1977, c. 669, is amended to read:

Whenever ~~is it~~ appears to the superintendent that any person has engaged in or is about to engage in any act or practice constituting a violation of this chapter or any regulation or order adopted under this chapter, the superintendent may investigate and issue orders and notices, including cease and desist orders and notices.

Sec. 82. 13-A MRSA § 511, sub-§ 4, ¶ C, as enacted by PL 1971, c. 439, § 1, is amended to read:

C. The number and class of shares, and the designation of the series, if any, which such certificate represents; **and**

Sec. 83. 13-A MRSA § 521, sub-§ 3, ¶ B, as enacted by PL 1971, c. 439, § 1, is amended to read:

B. The number of reacquired shares cancelled by resolution adopted by the board of directors, itemized by classes and series, and the date of the adoption of the resolution for their cancellation; **and**

Sec. 84. 13-B MRSA § 107, sub-§ 1, as enacted by PL 1977, c. 525, § 13, is amended to read:

1. Seal of corporation. The seal of the corporation may, but need not, be affixed to any document executed in accordance with section 104, and its absence therefrom shall not ~~impair~~ **impair** the validity of the document or of any action taken in pursuance thereof or in reliance thereon.

Sec. 85. 13-B MRSA § 201, sub-§ 2, ¶ B, as enacted by PL 1977, c. 525, § 13, is amended to read:

B. Cooperatives, as that term is used in Title 113, section 1771 et seq; credit unions, as ~~that term is used in Title 9, section 2601 et seq~~ **defined in Title 9-B, section 131**; rural electrification cooperatives, as that term is used in Title 35, section 2801 et seq; consumers' cooperatives, as that term is used in Title 13,

section 1501 et seq; and fish marketing associations, as that term is used in Title 13, section 2001 et seq.

Sec. 86. 13-B MRSA § 301, sub-§ 3, first sentence, as enacted by PL 1977, c. 525, § 13, is amended to read:

Any ~~corporation~~ **corporation** may grant to any domestic business or nonprofit corporation or any foreign business or nonprofit corporation authorized to carry on activities in this State, by executing and filing with the Secretary of State as provided in sections 104 and 106 proof of a resolution of its board of directors making such grant, the exclusive right thereafter to authorize the use of a name similar to that of the granting corporation by any other corporation or corporations.

Sec. 87. 13-B MRSA § 302, sub-§ 3, as enacted by PL 1977, c. 525, § 13, is amended to read:

3. Right of exclusive use of name transferred. The right to the exclusive use ~~of~~ of a specified corporate name so reserved may be ~~transferred~~ **transferred** to any other person or corporation by filing in accordance with section 106 a notice of such transfer, executed by the applicant and, if a corporation, in accordance with section 104 for whom the name was reserved, and specifying the name and address of the transferee.

Sec. 88. 13-B MRSA § 305, sub-§ 2, first sentence, as enacted by PL 1977, c. 525, § 13, is amended to read:

Any registered agent of a corporation may resign as such agent upon filing a written notice thereof with the Secretary of State and by mailing a copy thereof to the corporation in care of an officer who is not the resigning registered agent, at the address of such officer as shown by the most recent ~~annual~~ **biennial** report of the corporation.

Sec. 89. 13-B MRSA § 307, sub-§ 2, last sentence, as enacted by PL 1977, c. 525, § 13, is amended to read:

The copy of the process therein provided for shall be mailed to the nonresident director at the address of such director shown on the most recent ~~annual~~ **biennial** report of the corporation.

Sec. 90. 13-B MRSA § 601, last sentence, as enacted by PL 1977, c. 525, § 13, is amended to read:

The bylaws may contain any provisions for the regulation and management of the activities ~~of~~ of a corporation not inconsistent with law or the articles of incorporation.

Sec. 91. 13-B MRSA § 704, sub-§ 5, last sentence, as enacted by PL 1977, c. 525, § 13, is amended to read:

If the court finds, by a ~~preponderance~~ **preponderance** of the evidence, that any

such director has been guilty of fraudulent or dishonest acts, to the detriment of the corporation or any substantial group of its members, or has been guilty of gross abuse of authority or discretion in discharge of his duties to the corporation, the court shall order him removed from office and may bar him from reelection for a period of time prescribed by the court, and may make such other orders as are just and equitable.

Sec. 92. 13-B MRSA § 1106, sub-§ 3, ¶ A, as enacted by PL 1977, c. 525, § 13, is amended to read:

A. All cost and expenses of the court proceedings and all liabilities and obligations of the corporation shall, to the extent that unencumbered assets are available ~~therefore~~ **therefor**, be paid first toward the payment of costs and expenses of court proceeding, and then toward other liabilities and obligations of the corporation.

Sec. 93. 13-B MRSA § 1210, sub-§ 5, as enacted by PL 1977, c. 525, § 13, is amended to read:

5. Authority ceased. The authority of the corporation to carry on activities in this State shall cease as of the date of filing of the certificate of revocation, unless on ~~appeal~~ **appeal** such effective date is stayed by the court.

Sec. 94. 13-B MRSA § 1401, sub-§ 6, as enacted by PL 1977, c. 525, § 13, is amended to read:

6. Change in registered agent or address of registered agent. Statement changing the registered agent or a statement ~~of~~ change of address of registered agent, as provided by section 305, subsection 1, \$5 for each foreign corporation listed; or when separate statements are filed at one time, \$5 for each separate statement up to but not exceeding 100 statements, \$2 for each separate statement over 100 but not exceeding 200 statements, \$1 for each separate statement over 200 statements;

Sec. 95. 13-B MRSA § 1401, sub-§ 12, as enacted by PL 1977, c. 525, § 13, is amended to read:

12. Articles of amendment. Articles of amendment, as provided by sections ~~702~~ **802** and 803, §5; if the amendment changes the corporation's purposes, a further additional amount of \$15;

Sec. 96. 14 MRSA § 6010, sub-§§ 3 and 4, as enacted by PL 1977, c. 401, § 3, are repealed and the following enacted in their place:

3. Failure to take steps. The landlord unreasonably failed under the circumstances to take prompt, effective steps to repair or remedy the condition; and

4. Rental payments current. The tenant is current in rental payments owing to the landlord at the time written notice was given.

Sec. 97. **14 MRSA § 6010**, as last amended by PL 1977, c. 401, § 3, is further amended by adding at the end the following new paragraph:

Then the court shall deduct from the amount of rent due and owing the difference between the rental price and the fair value of the use and occupancy of the premises from the time of written notice, as provided in subsection 1, to the time when the condition is repaired or remedied. In determining the fair value of the use and occupancy of the premises, there shall be a rebuttable presumption that the rental price is the fair value of the rented premises free from any condition rendering it unfit for human habitation. Any agreement by a tenant to waive the rights or benefits provided by this section shall be void. A written agreement whereby the tenant accepts specified conditions which may violate the warranty of fitness for human habitation in return for a stated reduction in rent or other specified fair consideration shall be binding on the tenant and the landlord.

Sec. 98. **15 MRSA § 1**, first ¶ is amended to read:

The Superior Court shall have original jurisdiction, exclusive or concurrent, of all offenses except those of which the original exclusive jurisdiction is conferred by law on the District Court, the District Court acting as a juvenile court and appellate jurisdiction of these, except that the appellate jurisdiction of the Superior Court regarding offenses of which the original exclusive jurisdiction is conferred upon the District Court acting as a juvenile court shall be as provided in ~~chapters 401 to 409~~ **Part 6**.

Sec. 99. **15 MRSA § 392**, as repealed and replaced by PL 1977, c. 225, § 1, is amended to read:

§ 392. Application

The penal provisions of section 393 shall not apply to any person employed as a law enforcement officer or employed by a watch, guard or patrol agency licensed under Title 32, ~~chapter 55-A~~ **chapter 54 or chapter 79**.

Sec. 100. **15 MRSA § 2714**, first sentence, as amended by PL 1975, c. 756, § 7, is further amended to read:

Only a juvenile as defined in section 2502, subsection 5, who is 11 years of age or older at the time of the court's disposition of the case may be committed to the center pursuant to ~~chapters 401 to 409~~ **this chapter and Part 6**.

Sec. 101. **15 MRSA § 3203, sub-§ 6**, as enacted by PL 1977, c. 520, § 1, is amended to read:

6. Availability of judges. The Chief Judge of the District Court shall provide that a juvenile court judge, not necessarily a judge of the division where a juvenile is being held, is available to preside at the detention hearings described in ~~paragraph~~ **subsection 5** on all days except Saturdays, Sundays and legal holidays.

Sec. 102. **15 MRSA § 3301, sub-§ 6**, as enacted by PL 1977, c. 664, § 22, is amended to read:

6. Review by prosecuting attorney. If the intake worker decides not to request the prosecuting attorney to file a petition, the ~~complainant~~ **complainant**, the law enforcement officer and the victim shall be informed of the decision and of the reasons therefor as soon as practicable and shall be advised that they may submit their complaint to the prosecuting attorney for review. The prosecuting attorney on his own motion or upon receiving a request for review by the law enforcement officer, the ~~complainant~~ **complainant** or the victim, shall consider the facts of the case, consult with the intake worker who made the initial decision and then make a final decision as to whether the petition shall be filed.

Sec. 103. 16 MRSA § 56, as last amended by PL 1977, c. 564, § 77, is repealed.

Sec. 104. 17 MRSA § 2253, as amended by PL 1975, c. 739, § 2, is repealed.

Sec. 105. 17 MRSA § 2509, as enacted by PL 1975, c. 141, is amended to read:

§ 2509. Tampering with passenger tramway

Whoever shall willfully break, injure, tamper with or remove part or parts of any ~~passenger~~ tramway as defined in ~~Title 25, section 1902~~ **Title 26, section 472**, shall be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both.

Sec. 106. 17 MRSA § 2906, as enacted by PL 1977, c. 419, is repealed.

Sec. 107. 17 MRSA § 2912 is enacted to read:

§ 2912. Magazines containing obscene material on their covers not to be displayed to minors

1. Prohibition. No book, magazine or newspaper containing obscene material on its cover and offered for sale shall be displayed in a location accessible to minors unless the cover of that book, magazine or newspaper is covered with an opaque material sufficient to prevent the obscene material from being visible.

2. Definitions. For purposes of this section, the following terms shall have the following meanings.

A. "Minor" means any person who has not attained his 18th birthday.

B. "Obscene material" means material which:

(1) To the average individual applying contemporary community standards with respect to what is suitable material for minors, considered as a whole, appeals to prurient interests;

(2) Depicts or describes in a patently offensive manner, human sexual intercourse, masturbation, sodomy, direct physical stimulation of unclothed genitals, or flagellation or torture in the context of ultimate sex acts, or which emphasizes the lewd depiction of uncovered genitals; and

(3) When considered as a whole, lacks serious literary, artistic, political or scientific value.

3. Civil violation. Any person violating this section shall be subject to a forfeiture of not more than \$250.

Sec. 108. 17 MRSA § 3203, last sentence, as amended by PL 1973, c. 788, § 70, is further amended to read:

If the person is the holder of dealer or transporter registration plates under Title 29, chapter 5, subchapter III-A, such person shall be subject to the suspension or revocation of said plates, as provided for in Title 29, section ~~349~~ **350-A**, for the violation of this section.

Sec. 109. 17-A MRSA § 16, sub-§ 2, ¶ A, as enacted by PL 1975, c. 740, § 22, is amended to read:

A. Any of the Class D or Class E crimes described in sections 207; 209; 211; 254; 255; 501, subsection 2; 503; 751; ~~752, subsection 1, paragraph A~~; 806 or 1002.

Sec. 110. 17-A MRSA § 53, sub-§ 1, as enacted by PL 1975, c. 499, § 1, is amended to read:

1. No criminal proceeding shall be commenced against any person who had not attained his 18th birthday at the time of the alleged crime, except as the result of a finding of probable cause authorized by Title 15, section ~~2611~~ **3101**, subsection ~~3~~ **4**, or in regard to the offenses over which juvenile courts have no jurisdiction, as provided in Title 15, section ~~2552~~ **3101, subsection 2**.

Sec. 111. 17-A MRSA § 106, sub-§ 5, as enacted by PL 1975, c. 499, § 1, is amended to read:

5. Whenever a person is required by law to enforce rules and regulations, or to maintain decorum or safety, in a vessel, aircraft, vehicle, train or other carrier, or in a place where others are assembled, **he** may use nondeadly force when and to the extent that he reasonably believes it necessary for such purposes, but he may use deadly force only when he reasonably believes it necessary to prevent death or serious bodily injury.

Sec. 112. 17-A MRSA § 1103, sub-§ 3, as enacted by PL 1977, c. 647, § 3, is amended to read:

3. A person shall be presumed to be unlawfully trafficking in scheduled drugs if he ~~intentionally~~ **intentionally** or knowingly possesses more than 2 pounds of marijuana.

Sec. 113. 17-A MRSA § 1253, sub-§ 2, first sentence, as enacted by PL 1975, c. 499, § 1, is amended to read:

When a person sentenced to imprisonment has been committed for pre-sentence evaluation pursuant to section 1251, ~~subsection 2~~ or has previously been detained to await trial, in any state or county institution, or local lock-up, for the conduct for which such sentence is imposed, such period of evaluation and detention shall be deducted from the time he is required to be imprisoned under such sentence.

Sec. 114. 18 MRSA § 3644, last ¶, as amended by PL 1977, c. 627, § 15, is further amended to read:

At such hearing, the burden shall be upon the petitioner to establish that the person for whom a guardian is sought to be appointed is so incapacitated by reason of advanced age, physical or mental illness or incapacity or other causes that he is incapable, in whole or in part, of managing himself and his affairs independently, and requires care and supervision of his person and estate ~~or as a limited guardian.~~

Sec. 115. 18 MRSA § 3648, first sentence, as repealed and replaced by PL 1977, c. 627, § 17, is amended to read:

The probate court may appoint the public guardian as special guardian of an alleged ~~mentally-retarded~~ **incapacitated** person if a proceeding under this subchapter is pending or an emergency prevents filing of a certificate or plan prior to the appointment.

Sec. 116. 20 MRSA § 218, sub-§ 3, as amended by PL 1977, c. 78, § 124, is further amended to read:

3. Investments as savings banks. Invested according to the law governing the investment of the funds of savings banks in Title-9 ~~9-B~~, chapter 55.

A. For the purpose of this section, the words “deposits of a bank” or their equivalent, as used in Title-9 ~~9-B~~, chapter 55, mean the total assets of the reserve fund, trust fund or other permanent fund being invested, but the limitation concerning the maximum amount which may be invested in a security or type of security under Title-9 ~~9-B~~, chapter 55 applies only to an investment in that security or type of security which exceeds \$2,000.

Sec. 117. 20 MRSA § 223, as last amended by PL 1977, c. 690, § 2-A and c. 694, § 311, is repealed and the following enacted in its place:

§ 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. 118. 20 MRSA § 226, first ¶, as repealed and replaced by PL 1977, c. 690, § 2-B and by c. 695, § 1, is repealed and the following enacted in its place:

A district budget meeting may be called to approve the operating school budget, reserve fund for capital outlay purposes, contingency fund or capital outlay appropriations or for the purpose of pledging the credit of the district to obtain additional moneys for the operation of schools. A special district budget meeting may be called whenever the directors declare that an emergency exists. Except as provided in section 226-A, the school directors shall call the meeting as follows.

Sec. 119. 20 MRSA § 966, sub-§ 2, ¶ B, as amended by PL 1977, c. 690, § 7-A, and as repealed and replaced by c. 696, § 174, is repealed and the following enacted in its place:

B. The unit which provides the educational program for that pupil or those pupils shall count them in all reports required for purposes of computing state subsidies. For purposes of local leeway, as defined in section 4751, subsection 3, that pupil or those pupils shall be counted as though they resided in the largest municipality within the administrative unit.

Sec. 120. 20 MRSA § 1461, sub-§ 1, first sentence is amended to read:

On April 1st, annually, the total cost of school privileges provided in any unorganized unit under sections 1451, 1453, 1454 and 1458, for the school year ending on the preceding June 30th, together with an additional charge of 8% of such total cost for administration, but with deductions for the amount of interest on lands reserved, if any, prorated to allow for the allocation provided by Title 30, section 4165 ~~subsection 1~~ of said unorganized unit for said school year and any other sums credited to the Unorganized Territory School Fund on behalf of said unit, shall be assessed upon the property of said unorganized unit by the State Tax Assessor in accordance with Title 36, section 1142.

Sec. 121. 20 MRSA § 2272, 2nd ¶, last sentence, as enacted by PL 1977, c. 694, § 326, is repealed as follows:

~~The commissioner shall promulgate these rules in accordance with the provisions set forth in section 21.~~

Sec. 122. 20 MRSA § 2272, sub-§ 2, as enacted by PL 1977, c. 703, § 2, is amended by inserting at the end the following new sentence:

The commissioner shall promulgate these rules in accordance with the provisions set forth in section 21.

Sec. 123. 20 MRSA § 2272, sub-§ 4, as enacted by PL 1977, c. 703, § 2, is amended to read:

4. Underserved areas. For purposes of this chapter, underserved areas are those geographic locations which meet the Health Maintenance Organization Act definition of medically underserved areas as described in the Federal Register, Vol. 42, number 201, October 15, 1976, or its successor.

Sec. 124. 20 MRSA § 3754, as repealed and replaced by PL 1977, c. 636, is repealed.

Sec. 125. 22 MRSA § 252, 1st sentence, is amended to read:

Whoever willfully violates any provision of sections 451, 454 to 456 and 460 to 462 ~~904, 905, 951 to 954, 961 to 963, 1001 to 1004 and 1010~~, or of said regulations and bylaws, or neglects or refuses to obey any order or direction of any local health officer authorized by said provisions, the penalty for which is not specifically

provided, or willfully interferes with any person or thing to prevent the execution of said sections or of said regulations and bylaws shall be punished by a fine of not more than \$50 or by imprisonment for not more than 6 months, or by both.

Sec. 126. 22 MRSA § 1823, first sentence, as amended by PL 1977, c. 78, § 146, is further amended to read:

Any hospital licensed under this chapter which provides facilities to a minor in connection with the treatment of that minor for venereal disease or abuse of drugs is under no obligation to obtain the consent of that minor's parent or guardian or to inform that parent or guardian of the provision of such facilities so long as such facilities have been provided at the direction of the person or persons referred to in Title 32, sections 2595, 3292, 3817 or ~~4185-A~~ **7004**.

Sec. 127. 22 MRSA § 3172-B, sub-§ 1, as enacted by PL 1977, c. 680, § 2, is amended to read:

1. Fund. All moneys received by the Department of Mental Health and Corrections under section ~~3172-A~~ **3172** which are generated by services rendered at any of the mental health and mental retardation institutions operated by that department shall be credited to the General Fund.

Sec. 128. 22 MRSA § 3173, as last amended by PL 1977, c. 674, § 20, c. 696, § 370, c. 712, Part F, § 2 and as repealed and replaced by PL 1977, c. 714, § 2, is repealed and the following enacted in its place:

§ 3173. Powers and duties of department

The department is authorized to administer programs of aid, medical or remedial care and services for medically indigent persons. It is empowered to employ, subject to the Personnel Law, such assistants as may be necessary to carry out this program and to coordinate their work with that of the other work of the department.

The department is authorized and empowered to make all necessary rules and regulations consistent with the laws of the State for the administration of these programs including, but not limited to, establishing conditions of eligibility and types and amounts of aid to be provided, and defining the term "medically indigent," and the type of medical care to be provided. In administering programs of aid, the department shall, among other services, emphasize developing and providing financial support for preventive health care and home health care in order to assure that a comprehensive range of health care services is available to Maine citizens. Preventive health services shall include, but need not be limited to, programs such as early periodic screening, diagnosis and treatment; public school nursing services; child and maternal health services; and dental health education services. To meet the expenses of emphasizing preventive health care and home health care, the department is authorized to expend for each type of care no less than 1.5% of the total sum of all funds available to administer medical or remedial care and services eligible for participation under the United States Social Security Act, Title XIX and amendments and successors to it.

The department shall provide all applicants for aid under this chapter with information in written form, and verbally as appropriate or if requested, about coverage, conditions of eligibility, scope of programs, existence of related services and the rights and responsibilities of applicants for and recipients of assistance under this chapter.

All applications for aid under this chapter shall be acted upon and a decision made as soon as possible, but in no case shall the department fail to notify the applicant of its decision within 45 days after receipt of his application. Failure of the department to meet the requirements of this 45-day time standard, except where there is document noncooperation by the applicant or the source of his medical information, shall lead to the immediate and automatic issuance of a temporary medical card which shall be valid only until such time as the applicant receives actual notice of a departmental denial of his application or he receives a replacement medical card. Notwithstanding an applicant's appeal of a denial of his application, the validity of the temporary medical card shall cease immediately upon receipt of the notice of denial. Any benefits received by the applicant during the interim period when he has actual use of a valid, temporary medical card shall not be recoverable by the department in any legal or administrative proceeding against the applicant.

Whenever an applicant is determined by the department to be ineligible for a program for which he has applied, he shall be immediately so notified in writing. Any notification of denial shall contain a statement of the denial action, the reasons for denial, the specific regulations supporting the denial, an explanation of the applicant's right to request a hearing and a recommendation to the applicant of any other program administered by the department for which he may be eligible. Whenever an individual's application for Aid to Families with Dependent Children is denied by the department, the notice of this denial shall also include, in a clear and conspicuous manner, a statement that the applicant is likely to be eligible for medical assistance and shall include information about the availability of applications for the program upon request to the department either in writing or through a toll-free telephone number.

Any applicant for benefits under the medically needy program whose countable income exceeds the applicable state protected income level maximum shall be eligible for the program when his incurred medical expenses are found to exceed the difference between his countable income and the applicable state maximum. Whenever the applicant incurs sufficient medical expenses to be eligible for the medically needy program and provides reasonable proof thereof to the department, a medical card shall be issued within 10 days of the presentation of proof that eligibility has been met. Failure of the department to meet the requirements of this 10-day time standard, except where there is documented noncooperation by the applicant or the source of his medical information, shall lead to the immediate and automatic issuance of a temporary medical card which shall be valid only until such time as the applicant receives actual notice of a departmental denial of his application or he receives a replacement medical card.

Any benefits received by the applicant during the interim period when he has actual use of a valid temporary medical card shall not be recoverable by the department in any legal or administrative proceeding against the applicant.

In all situations where prior authorization of the department is required before a particular medical service can be provided, the department shall authorize or deny the request for treatment within 30 days of the completion and presentation of the request to the department. The department's response to such a request shall be supplied to both the provider and the recipient. Whenever the provider is unable or unwilling to provide the service requested within a reasonable time after approval of the request by the department, the recipient shall have the right to locate another approved provider whose sole duty shall be to notify the department of his intention to provide the service subject to the original approval. It shall be the duty of the department to vigorously assist any recipient in his search for an approved provider of a necessary medical service where, through reasonable effort, the recipient has been unable to locate a provider on his own.

No time standard established by this section shall be used as a waiting period before granting aid, or as a basis for denial of an application or for terminating assistance.

The department shall make and enforce reasonable rules and regulations governing the custody, use and preservation of the records, papers, files and communications of the department. The use of those records, papers, files and communications by any other agency or department of government to which they may be furnished shall be limited to the purposes for which they are furnished and by the law under which they may be furnished.

The department shall initiate and monitor ongoing efforts performed cooperatively with other public and private agencies, religious, business and civic groups, pharmacists and other medical providers, professional associations, community organizations, unions, news media and other groups, organizations and associations to inform low-income households eligible for programs under this chapter of the availability and benefits of these programs and to insure the participation of eligible households which wish to participate by providing those households with reasonable and convenient access to the programs.

All moneys made available to fund programs authorized by this chapter shall be expended under the direction of the department, and the department is empowered to direct the expenditures therefrom of those sums which may be necessary for purposes of administration.

Relating to the determination of eligibility for medical care to be provided to a beneficiary of state or federal supplemental income for the blind, disabled and elderly, the department may enter into an agreement with the Secretary of the United States Department of Health, Education and Welfare, whereby the secretary shall determine eligibility on behalf of the department.

Sec. 129. 22 MRSA § 3173-A, as enacted by PL 1977, c. 719, § 1, is reallocated to 22 MRSA § 3173-B.

Sec. 130. 22 MRSA § 3701, sub-§ 2, first sentence, as enacted by PL 1977, c. 577, § 1, is amended to read:

“Child at risk” means a child who is or is alleged to be ~~absed~~ **abused**, neglected, abandoned, exploited, or a runaway from home.

Sec. 131. 22 MRSA § 3704, as enacted by PL 1977, c. 577, § 1, is amended to read:

§ 3704. Parental rights

Except for the provisions of section ~~3896~~ **3891-C**, nothing in this Part shall be construed as authorizing any public official, agent or representative, in carrying out any of the provisions of this Part, to take charge of any child over the objection of either the father or the mother of such child, or of the person standing in loco parentis to such child, except pursuant to a proper court order.

Sec. 132. 22 MRSA § 3793, 1st sentence, as amended by PL 1969, c. 590, § 32, is further amended to read:

Orders and decrees provided for in ~~sections 3791 and~~ **section 3792** shall have the same effect to divest the parent or parents of all legal rights in respect to said child as specified in Title 19, section 535, but shall not relieve the parent or parents of liability for the support of such child or from the penalties for failure to support which are provided in Title 19, section 481, 483 and 486.

Sec. 133. 22 MRSA § 3799 is amended to read:

§ 3799. Recovery of expenditures from parents

The State or any town or county, incurring expenses under section ~~3791~~ **3792** to 3794 and 3798 through the fault of parents who are able to support and educate their children but wrongfully neglect and refuse to do so, may recover of them or either of them, in a civil action, the amount so expended.

Sec. 134. 22 MRSA § 4717, last sentence, as enacted by PL 1977, c. 694, § 370, is amended to read:

Any ordinances, rules or regulations adopted by either tribe shall not be deemed to be rules within the meaning of Title 5, sections ~~2502 or~~ 8001 **or 11102**.

Sec. 135. 23 MRSA § 1103, first ¶, last sentence, as enacted by PL 1977, c. 688, § 3, is repealed as follows:

~~Towns may, upon petition of the municipal officers of the town and approval of the department, use up to 3 units of the state aid joint fund of the town toward the town's share of the cost of reconstruction of bridges under chapter 9, subchapter VI.~~

Sec. 136. 23 MRSA § 1103, first ¶, as repealed and replaced by PL 1977, c. 696, § 193, is amended by inserting at the end of the first paragraph the following new sentence:

Towns may, upon petition of the municipal officers of the town and approval of the department, use up to 3 units of the state aid joint fund of the town toward the town's share of the cost of reconstruction of bridges under chapter 9, subchapter VI.

Sec. 137. 23 MRSA § 3022, last 2 ¶¶, as enacted by PL 1975, c. 711, § 8, are repealed and the following enacted in their place:

The municipal officers may on petition therefor, personally or by agency, lay out a public easement for any occupant of land or for owners who have cultivated land in the municipality if the land will be connected to a town way or highway after the establishment of the public easement.

After a public easement has been laid out, it may be taken pursuant to section 3023. Notwithstanding any other provision of this chapter, public easements laid out under this section shall be limited to rights of access by foot or motor vehicle as defined in Title 29, section 1.

Sec. 138. 23 MRSA § 3028, 3rd sentence, as enacted by PL 1977, c. 479, § 4, is amended to read:

A proceeding to discontinue a town or county way shall not prevent or ~~stop~~ **estop** a municipality from asserting a presumption of abandonment.

Sec. 139. 23 MRSA § 4206, sub-§ 1, ¶J, as enacted by PL 1977, c. 341, § 1, is amended to read:

J. To oversee matters relating to railroad safety, provided that jurisdiction of the commissioner shall in no way diminish, infringe upon or replace the jurisdiction of the United States Department of Transportation, Federal Railroad Administration with regard to employee safety; **and**

Sec. 140. 24-A MRSA § 2159-A, first sentence, as repealed and replaced by PL 1977, c. 279, is amended to read:

No insurance company authorized to transact business in this State shall cancel, reduce liability limits of, increase the premiums of or refuse to issue or to renew an insurance policy of any kind that such company sells for the sole reason that the insured or the applicant for insurance is blind, as defined in Title 22, section 3505, subsection 1, or is deaf or developmentally disabled as defined in ~~paragraph 2~~ **subsection 2.**

Sec. 141. 25 MRSA § 2440, as last repealed and replaced by PL 1975, c. 770, § 111, is amended to read:

§ 2440. Penalties; recovery and appropriation

Penalties provided in sections ~~2431~~ **2432** to 2436-A and section 2439 may be recovered by complaint, indictment or civil action, $\frac{1}{2}$ to the municipality where the offense is committed and $\frac{1}{2}$ to the State.

Sec. 142. 26 MRSA § 569, as last amended by PL 1977, c. 694, § 463, is repealed and the following enacted in its place:

§ 569. Rules and regulations

The rules and regulations formulated under this chapter may supplement, but shall in no manner supersede, the rules and regulations duly promulgated by the Board of Boiler Rules and the Board of Elevator and Tramway Safety, whose rule-making authority is clearly set forth in sections 173, 373 and 476, respectively and the rules and regulations duly promulgated by the Department of Human Services under the laws administered by that department. All rules and regulations shall be adopted pursuant to Title 5, section 8051 et seq.

Sec. 143. 26 MRSA § 1043, sub-§ 11, ¶ A-2, sub-¶ (1), div. (c), 1st ¶, as enacted by PL 1977, c. 570, § 10, is amended to read:

(c) For the purposes of this paragraph, in the case of any individual who is furnished by a crew leader to perform services in agricultural labor for any other person and who is not treated as an employee of such crew leader under ~~subparagraph~~ **division** (b):

Sec. 144. 26 MRSA § 1082, sub-§ 1, next to the last sentence, as repealed and replaced by PL 1977, c. 696, § 373, is amended to read:

The report shall include a balance sheet of the moneys in the Unemployment Compensation Fund in which there shall be provided, if possible, a reserve against the liability in future years to pay benefits in excess of the then current contributions, which reserve shall be set up by the commission in accordance with accepted actuarial principles on the basis of statistics of employment, business activity and other ~~relevant~~ **relevant** factors for the longest possible period.

Sec. 145. 26 MRSA § 1082, sub-§ 2, as repealed and replaced by PL 1977, c. 696, § 375, is amended to read:

2. Regulations. The commissioner, with the advice and consent of ~~he~~ **the** commission, shall make, amend or rescind rules as required by this chapter.

Sec. 146. 26 MRSA § 1164, next to the last sentence is amended to read:

Any moneys in the Special Administrative Expense Fund may be used to make refunds of interest, penalties ~~of~~ or fines erroneously collected and deposited in the Special Administrative Expense Fund.

Sec. 147. 26 MRSA § 1195, sub-§ 1, ¶ G, first sentence, as amended by PL 1977, c. 675, § 18, is amended to read:

“Rate of insured unemployment” for purposes of paragraph H and I means the percentage derived by dividing the average weekly number of individuals filing claims in this State for weeks of unemployment with respect to the most recent 13-consecutive week period, as determined by the commissioner on the basis of ~~its~~ **his** reports to the United States Secretary of Labor, by the average monthly

employment covered under this chapter for the first 4 of the most recent 6 completed calendar quarters ending before the end of such 13-week period.

Sec. 148. 26 MRSA § 1226, sub-§ 1, ¶ B, 2nd sentence, as amended by PL 1977, c. 694, § 480, is further amended to read:

The conduct of such hearings shall be governed by regulations of the ~~commissions~~ **commission** consistent with Title 5, section 9051 et seq.

Sec. 149. 29 MRSA § 1, sub-§ 16 is repealed.

Sec. 150. 29 MRSA § 242-A, as amended by PL 1977, c. 692, § 2 and by c. 696, § 213, is repealed and the following enacted in its place:

§ 242-A. Special equipment; fees; plates

Special equipment shall be registered in accordance with this section to be drawn or to remain on any way in this State.

	Fee
From 1 to 2,000 pounds	\$ 5
From 2,001 to 5,000 pounds	\$10
Over 5,000 pounds	\$15

No registration shall be required of special equipment when the same is used solely on that part of a way adjoining the premises of the owner of the special equipment or when used solely for farm purposes, and highway use is limited to travel from or to the premises where the same is kept, to or from a farm lot and between farm lots used for farm purposes by the owner of the special equipment. Special equipment used solely for farm purposes may also be operated without registration to and from a filling station or garage for gas, oil or repairs.

Sec. 151. 29 MRSA § 530, as enacted by PL 1977, c. 696, § 214, is repealed.

Sec. 152. 29 MRSA § 941 is repealed.

Sec. 153. 29 MRSA § 1374, as enacted by PL 1973, c. 482, is amended to read:

§ 1374. Advertisements on motor vehicles

No person, firm or corporation shall operate or cause to be operated on public highways and streets any motor vehicle to which is affixed any advertisement as defined in Title 32, section 2712 that is illuminated. This section shall not apply to the illuminated name and telephone number identifications affixed to vehicles used for the conveyance of passengers.

Sec. 154. 29 MRSA § 2123, sub-§ 1, as repealed and replaced by PL 1977, c. 696, § 217, is amended to read:

1. Penalties. Notwithstanding the provisions of Title 17-A, section 4 4-A, whoever violates or fails to comply with any provision of sections 1369, 2122, 2124 or 2125, or any rules or regulations established thereunder, shall be punished by a

fine of not less than \$10 nor more than \$100, or by imprisonment for not more than 90 days, or by both, except as provided in subsection 2.

Sec. 155. 30 MRSA § 508, last ¶, as enacted by PL 1977, c. 628, § 2.

The Legislature therefore declares its intent that district attorneys, their assistants and employees and other law enforcement officials refrain from any unnecessary pretrial public disclosure of information that may identify a minor victim of an offense under Title 17, chapter 93-B, Title 17-A, chapter 11 or Title 71-A 17-A, section 556.

Sec. 156. 30 MRSA § 1901, first ¶, as repealed and replaced by PL 1977, c. 564, § 115, is amended to read:

The listed terms as used in chapters 201 to 213, 235 and 239, subchapters I I-A to VI and chapters 241 to 245 are defined as follows, unless a different meaning is plainly required by the context.

Sec. 157. 31 MRSA § 311, last ¶, as enacted by PL 1973, c. 377, § 1, is amended to read:

By decree of court under section ~~312~~ 312-A.

Sec. 158. 32 MRSA § 582, last sentence, as amended by PL 1977, c. 696, § 234, is further amended to read:

The Credit and Collection Board shall perform the functions and enjoy the privileges of the advisory committee referred to in ~~section~~ Title 9-B, section 216.

Sec. 159. 32 MRSA § 1102, sub-§ 6, as repealed and replaced by PL 1973, c. 363, is amended to read:

6. Elevator mechanics. Any person licensed under Title 26, sections ~~439 484 to 442 487~~, subject to the restrictions of the license as issued.

Sec. 160. 32 MRSA § 1153, 2nd sentence, as last amended by PL 1977, c. 694, § 561 and c. 696, § 237, is repealed and the following enacted in its place:

The board shall keep correct records of all its proceedings and shall be authorized to adopt, pursuant to the Maine Administrative Procedure Act, Title 5, section 8051 et seq, such rules and regulations as it shall deem necessary for the holding of examinations and for carrying out this chapter, and to provide for licensing requirements of Title 8, section 653 and to provide for reciprocity of licensing with similar boards of other states which maintain electrical standards at least equal to those of this State.

Sec. 161. 32 MRSA § 1657-A, first ¶, 2nd sentence, as reallocated by PL 1977, c. 696, § 239, is repealed and the following enacted in its place:

The board shall have the authority, after a hearing in conformance with Title 5, section 9051 et seq, to refuse to issue or renew a registration or license.

Sec. 162. 32 MRSA § 1658, first ¶, 2nd sentence, as enacted by PL 1977, c. 398, § 10 and as amended by PL 1977, c. 694, § 573, is repealed.

Sec. 163. 32 MRSA § 3604, 2nd ¶, as repealed and replaced by PL 1977, c. 604, § 30, is amended to read:

The commissioner shall act as a ~~hasen~~ **liaison** between the board and the Governor.

Sec. 164. 32 MRSA §§ 4190-A and 4190-B, as enacted by PL 1977, c. 604, § 33, are repealed.

Sec. 165. 34 MRSA § 1-B, sub-§ 3, as enacted by PL 1975, c. 718, § 3, is amended to read:

3. Court directive. As may be ordered by a court of record subject to any limitations contained within the ~~privileged communication provisions of Title 32~~ **Maine Rules of Evidence, Rule 503.**

Sec. 166. 34 MRSA § 1-B, last ¶, as enacted by PL 1975, c. 718, § 3, is amended to read:

As to persons receiving services pursuant to ~~chapters 184-A, 184-B, 187~~ **part 4-A** and from any facility licensed by the department pursuant to section 2052-A, nothing in this section shall preclude disclosure, upon proper inquiry, of information relating to the physical condition or mental status of an individual receiving such services to his spouse or next of kin; nor the disclosure of biographical or medical information concerning the individual to commercial or governmental insurers, or any other corporation, association or agency from which the department or licensee of the department may receive reimbursement for the care and treatment, education, training or support of the individual and the recipient of such information shall use it for no other purpose than to determine eligibility for reimbursement and if eligibility exists, to make reimbursement; nor the disclosure or use of any information, including recorded or transcribed diagnostic and therapeutic interviews, concerning any individual receiving such services in connection with any educational or training program established between a public hospital and any college, university, hospital, psychiatric or counseling clinic or school of nursing, provided that in the disclosure or use of any such information as part of a course of instruction or training program, the patient's identity shall remain undisclosed.

Sec. 167. 34 MRSA § 701, as repealed and replaced by PL 1971, c. 397, § 3, is amended to read:

§ 701. Forms of imprisonment

Punishment in the State Prison by imprisonment shall require that convicts, including inmates transferred under section ~~808-A~~ **813**, work at tasks normal to the maintenance, service, industrial, agricultural and other activities of the prison. With the authority of the warden any convict, including an inmate transferred

under section ~~808-A~~ 813, may be subject to confinement at hard labor. Such hard labor shall be imposed upon a convict only for the purpose of prison discipline and government and control of the convicts. With the authority of the warden any convict, including an inmate transferred under section ~~808-A~~ 813, may be subject to solitary confinement. Such confinement shall be imposed upon a convict only for the purpose of prison discipline and government and control of the convicts.

Sec. 168. 34 MRSA § 710-A, 1st ¶, 1st sentence, as last amended by PL 1975, c. 492, § 5, is further amended to read:

If a convict, sentenced to the State Prison for life, or for a limited term of years, or transferred thereto under sections 807, ~~808-A~~ 813 or 529, or committed thereto for safekeeping under Title 15, section 453, if armed with a firearm, assaults any officer or other person employed in the government thereof, or breaks or escapes therefrom, or forcibly attempts to do so, he may be punished by confinement to hard labor for any term of years, to commence after the completion of his former sentence or upon termination of such sentence by the State Parole Board.

Sec. 169. 34 MRSA § 1001, last ¶, is amended to read:

This section does not apply to sections ~~1003 to~~ 1003-A and 1006.

Sec. 170. 34 MRSA § 1005 is repealed.

Sec. 171. 34 MRSA § 1006 is amended to read:

§ 1006. Contracts subject to cancellation or suspension

Any contract for the employment of prisoners not provided for in sections ~~1003 to 1005~~ section 1003-A, which may be made by the county commissioners of any county with any person, firm or corporation, shall be made subject to the right of the said county commissioners to withdraw, cancel or suspend said contract in whole or in part.

Sec. 172. 34 MRSA § 1501, sub-§ 4, as amended by PL 1973, c. 788, § 172, is further amended to read:

4. Juvenile. "Juvenile" means a person under the age of 18 years or a person who is alleged to have committed, while under the age of 18 years, any acts or offenses covered by Title 15, chapters ~~401 to 409~~ Part 6 regardless of whether, at the time of the proceeding, such person is of the age of 18 years or over.

Sec. 173. 34 MRSA § 3002, last ¶, is amended to read:

This section shall not apply to persons who may be committed under Title 22, section ~~1042~~ 1022.

Sec. 174. 36 MRSA § 7, as enacted by PL 1977, c. 135, § 2, is amended to read:

§ 7. Denial, suspension and revocation of licenses

If any tax, other than property tax, assessed and deemed final under this Title remains unpaid in an amount exceeding \$1,000 for a period greater than 60 days

after the taxpayer has received notice of such finality and the taxpayer refuses to cooperate with the bureau in establishing and remaining in compliance with a reasonable plan for liquidating the liability, the State Tax Assessor shall certify such liability and lack of cooperation to the Secretary of State, who shall construe the liability and lack of cooperation to be a ground for denying, suspending or revoking the taxpayer's motor vehicle dealer license in accordance with Title 29, section ~~349~~ **350-A**.

Sec. 175. **36 MRSA § 191, sub-§ 2, ¶ F**, as enacted by PL 1977, c. 668, § 2, is amended to read:

F. The transmission of information among employees of the Bureau of Taxation for the purposes of enforcing the tax laws of this State and the delivery by a register of deeds ~~of to~~ the State Tax Assessor or delivery by the State Tax Assessor to the appropriate assessor of "declarations of value" ~~as provided by~~ **in accordance with** section 4641-D;

Sec. 176. **36 MRSA § 455**, as enacted by PL 1973, c. 592, § 4-A, is repealed.

Sec. 177. **36 MRSA § 456**, as last amended by PL 1973, c. 788, § 179, is repealed.

Sec. 178. **36 MRSA § 572, first sentence**, as enacted by PL 1971, c. 616, § 8, is amended to read:

It has for many years been the declared public policy of the State of Maine, as stated in sections ~~563 to 565~~ **and 564**, to tax all forest lands according to their productivity and thereby to encourage their operation on a sustained yield basis.

Sec. 179. **36 MRSA § 582**, as last amended by PL 1977, c. 720, § 5, is repealed.

Sec. 180. **36 MRSA § 583**, as last amended by PL 1977, c. 720, § 7, is repealed.

Sec. 181. **36 MRSA § 584-B** is enacted to read:

§ 584-B. Payment required notwithstanding appeal

Any person who appeals any rule or assessment made under this subchapter shall pay, on or before the due date, taxes assessed on land subject to taxation under this subchapter, notwithstanding the pendency of that appeal.

Sec. 182. **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, chapter 183 or ~~184-C~~ **227**;

Sec. 183. **36 MRSA § 1760, sub-§ 39**, as enacted by PL 1977, c. 716, § 1, is reallocated to 36 MRSA § 1760, sub-§ 40.

Sec. 184. **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 ½% per month or fraction thereof. The State Tax Assessor may waive penalties for cause~~

Sec. 185. **36 MRSA § 3852, last sentence** is amended to read:

For failure to make any such report any register of probate shall be liable to a penalty for a forfeiture of not more than \$50.

Sec. 186. **36 MRSA § 4365, 2nd sentence**, as enacted by PL 1977, c. 696, § 288, is amended to read:

Any increase in tax authorized under this section shall terminate when a federal program similar to that provided in Title 22, section ~~3283~~ **3185**, becomes effective.

Sec. 187. **36 MRSA § 4638**, as repealed and replaced by PL 1977, c. 679, § 31, is repealed.

Sec. 188. **36 MRSA § 4693, 3rd ¶, 2nd sentence**, as last amended by PL 1975, c. 481, § 3, is further amended to read:

They are authorized to select and employ an executive secretary-advertising and merchandising manager to administer the advertising, merchandising, research and development program, in concurrence with the Commissioner of Marine Resources and with the advice and cooperation of the ~~Commissioner~~ **Director** of the State Development Office, and fix his salary.

Sec. 189. **36 MRSA § 4699, sub-§ 2, ¶ A**, as amended by PL 1975, c. 481, § 3, is repealed and the following enacted in its place:

A. For the purpose of merchandising and advertising Maine sardines for food, under the direction of the Maine Sardine Council with the advice and cooperation of the Director of the State Development Office.

Sec. 190. **36 MRSA § 4699, sub-§ 2, ¶ C, 1st sentence**, as last amended by PL 1975, c. 481, § 3, is further amended to read:

For gathering, studying, classifying and distributing information and data concerning quality, grades, standards, methods of packing and character of the manufactured sardine products, in order to determine and improve their quality and aid in merchandising and advertising them under the direction of the Maine Sardine Council with the advice and cooperation of the ~~Commissioner~~ **Director** of the State Development Office.

Sec. 191. **36 MRSA § 4700, first sentence**, as repealed and replaced by PL 1977, c. 679, § 33 and as amended by PL 1977, c. 694, § 721, is repealed and the following enacted in its place:

If any packer is liable for penalties under chapter 7, his wholesale seafood

dealer's and processor's license and state license to pack sardines are subject to suspension by the Administrative Court in a manner consistent with the Maine Administrative Procedure Act and his packer's certificate shall be suspended by the State Tax Assessor until the penalties and related tax are paid in full.

Sec. 192. 36 MRSA § 5302, as amended by PL 1977, c. 694, § 730, is repealed and the following enacted in its place:

§ 5302. Assessment pending review; review bond

The assessor may assess a deficiency with respect to which a taxpayer has petitioned for judicial review, unless the taxpayer, at or before the time his petition for review is made, has paid the deficiency, deposited with the assessor the amount of the deficiency, or filed with the assessor a bond, issued by a person authorized under the laws of this State to act as surety, in the amount of the deficiency being contested, including interest, penalties and costs which may accrue against him in the prosecution of the proceeding.

Sec. 193. 36 MRSA §§ 6146 to 6151, as enacted by PL 1977, c. 721, § 2, are reallocated to 36 MRSA §§ 6141 to 6146, as follows:

§ 6146 is reallocated to § 6141

§ 6147 is reallocated to § 6142

§ 6148 is reallocated to § 6143

§ 6149 is reallocated to § 6144

§ 6150 is reallocated to § 6145

§ 6151 is reallocated to § 6146.

Sec. 194. 36 MRSA c. 365, as enacted by PL 1975, c. 162, § 1, is repealed.

Sec. 195. 37 MRSA c. 9, first 2 lines, as enacted by PL 1971, c. 495, § 1, are repealed as follows:

~~CHAPTER 9~~

~~DEPARTMENT OF MILITARY AND CIVIL DEFENSE~~

Sec. 196. 38 MRSA c. 1, sub-c. VI, first 3 lines, are repealed as follows:

~~SUBCHAPTER VI~~

~~WATERCRAFT REGISTRATION AND SAFETY~~

~~ARTICLE 1. GENERAL PROVISIONS~~

Sec. 197. 38 MRSA § 105, as enacted by PL 1969, c. 410, § 1, is amended to read:

§ 105. Pilots currently serving

All pilots serving as of ~~the effective date of sections 85 to 105~~ **October 1, 1969**

shall be entitled to continue to serve as long as they comply with the rules and regulations as ~~previously~~ **previously** set forth in sections 85 to 105.

Sec. 198. 38 MRSA § 349, sub-§ 4, ¶ J, as repealed and replaced by PL 1977, c. 510, § 91, is repealed and the following enacted in its place:

J. Sections 1320 and 1321; (Septic materials disposal);

Sec. 199. 38 MRSA § 367, 1st ¶, is amended to read:

The surface waters in sections 368 to ~~371~~ **371-A** shall be classified in accordance with this subchapter.

Sec. 200. 38 MRSA § 414-A, sub-§ 2, last sentence, as enacted by PL 1973, c. 450, § 15, is amended to read:

Such schedules shall be as short as possible and shall be based upon a consideration of the technological and economic impact of the steps necessary to attain such standards; ~~provided that in any event such schedules shall require complete compliance with subsection 1 not later than October 1, 1976.~~

Sec. 201. 38 MRSA § 420, sub-§ 1, ¶ B, last sentence, as enacted by PL 1971, c. 544, § 130, is amended to read:

Such findings and order shall be served in manner similar to that described in section ~~593~~ **347, subsection 2**, and the parties affected by such order shall have the same rights and duties with respect thereto as is described in section ~~593~~ **347, subsection 2**.

Sec. 202. 38 MRSA § 451, as last amended by PL 1977, c. 300, § 26, is repealed and the following enacted in its place:

§ 451. Enforcement generally

After adoption of any classification by the Legislature for surface waters or tidal flats or sections thereof, it shall be unlawful for any person, firm, corporation, municipality, association, partnership, quasi-municipal body, state agency or other legal entity to dispose of any sewage, industrial or other waste, either alone or in conjunction with another or others, in such manner as will, after reasonable opportunity for dilution, diffusion or mixture with the receiving waters or heat transfer to the atmosphere lower the quality of said waters below the minimum requirements of such classifications, or where mixing zones have been established by the board, so lower the quality of said waters outside such zones, notwithstanding any exemptions or licenses which may have been granted or issued under sections 413 and 414.

The board may establish a mixing zone with respect to any discharge at the time application for license for such discharge is made, and when so established shall be a condition of and form a part of the license issued. The board may, after hearing in accordance with section 345, establish by order a mixing zone with respect to any discharge for which a license has heretofore been issued pursuant

to section 414, or for which an exemption has been granted by virtue of section 413, subsection 2. Prior to the commencement of any enforcement action to abate a classification violation, the board shall establish, in the manner provided in this paragraph a mixing zone with respect to the discharge sought to be thereby affected.

The purpose of a mixing zone is to allow a reasonable opportunity for dilution, diffusion or mixture of wastes with the receiving waters before the receiving waters below or surrounding a discharge will be tested for classification violations. In determining the extent of any mixing zone to be by it established under this section, the board may require from the licensee testimony concerning the nature and rate of the discharge; the nature and rate of existing discharges to the waterway; the size of the waterway and the rate of flow therein; any relevant seasonal, climatic, tidal and natural variations in such size, flow, nature and rate; the uses of the waterways in the vicinity of the discharge, and such other and further evidence as in the board's judgment will enable it to establish a reasonable mixing zone for such discharge. An order establishing a mixing zone may provide that the extent thereof shall vary in order to take into account seasonal, climatic, tidal and natural variations in the size and flow of, and the nature and rate of discharges to the waterway.

Where no mixing zones have been established by the board, it shall be unlawful for any person, corporation, municipality or other legal entity to dispose of any sewage, industrial or other waste, either alone or in conjunction with another or others, into any classified surface waters, tidal flats or sections thereof, in such manner as will, after reasonable opportunity for dilution, diffusion, mixture or heat transfer to the atmosphere, lower the quality of any significant segment of said waters, tidal flats or sections thereof, affected by such discharge, below the minimum requirements of such classification, and notwithstanding any licenses which may have been granted or issued under sections 413 to 414-A.

Sec. 203. 38 MRSA § 451-A, sub-§ 6, as last amended by PL 1977, c. 564, § 139, is repealed.

Sec. 204. 38 MRSA § 451-B, as enacted by PL 1975, c. 683, is repealed.

Sec. 205. 38 MRSA § 582, sub-§ 2, last sentence, as enacted by PL 1969, c. 474, § 1, is amended to read:

Without limiting the generality of the foregoing, this term includes all types of business, commercial and industrial plants, works, shops and stores; heating and power plants and stations; ~~building~~ **buildings** and other structures of all types, including single and multiple family residences, apartments, houses, office buildings, hotels, restaurants, schools, hospitals, churches and other institutional buildings; garages and vending and service locations and stations, railroad locomotives, ships, boats and other water-borne craft; portable fuel-burning equipment, indoor and outdoor incinerators of all types, refuse dumps and piles; and ~~all~~ **any** machinery, equipment, stack, conduit, flue, duct, vent, chimney or other apparatus leading out of any of the foregoing.

Sec. 206. 38 MRSA § 582, sub-§ 7-E, first ¶, as enacted by PL 1973, c. 438, § 3, is amended to read:

7-E. Incinerator. ~~“Incinerators”~~ **“Incinerator”** means any device, apparatus, equipment or structure used for destroying, reducing or salvaging by fire any material or substance, and shall be classified as follows:

Sec. 207. 38 MRSA § 599, sub-§ 4, as enacted by PL 1973, c. 438, § 8, is repealed.

Sec. 208. PL 1977, c. 410, § 2 is amended by inserting after the amending clause the following:

CHAPTER 93-A

OBSENIITY

Sec. 209. PL 1977, c. 661, § 10, first sentence is amended to read:

Sections 1, 2, ~~3~~, 4, 5, 6, 7, 8 and 9 of this Act shall become effective January 1, 1979.

Sec. 210. PL 1977, c. 674, § 33 is amended to read:

Sec. 33. Transitional provisions. Any person who, on ~~December 31, 1978 the day preceding the effective date of this Act~~, is an incumbent in a position not subject to the Personnel Law, which position is made subject to the Personnel Law by this Act, shall by this Act: 1. Be considered appointed under the Personnel Law to the position on ~~January 1, 1979 the effective date of this Act~~, without having to satisfy any other requirements; and 2. Have the right to transfer under the appointment, all accrued fringe benefits, including vacation and sick leave, health and life insurance and retirement, exactly as if the transfer were between 2 positions under the Personnel Law.

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

STATEMENT OF FACT

- Sec. 1. Reference correction.
- Sec. 2. Change of name.
- Sec. 3. Change of name.
- Sec. 4. Corrects 3 inconsistent laws.
- Sec. 5. Corrects an error in grammar.
- Sec. 6. Corrects an error in grammar.
- Sec. 7. Deletes obsolete date.
- Sec. 8. Corrects an error in grammar.
- Sec. 9. Conforms to language in criminal laws.

- Sec. 10. Removes an inconsistency between 2 subsections.
- Sec. 11. Conforms language to the Criminal Code.
- Sec. 12. Conforms language to the Criminal Code.
- Sec. 13. Conforms language to the Criminal Code.
- Sec. 14. Removes reference to obsolete chapter.
- Sec. 15. Repeals an obsolete law.
- Sec. 16. Corrects an internal reference.
- Sec. 17. Corrects an internal reference.
- Sec. 18. Corrects an internal reference.
- Sec. 19. Repeals subsection covered by other law.
- Sec. 20. Removes reference to obsolete chapter.
- Sec. 21. Removes reference to obsolete chapter.
- Sec. 22. Removes reference to obsolete chapter.
- Sec. 23. Corrects obsolete language - director changed to commissioner.
- Sec. 24. Removes reference to obsolete chapter.
- Sec. 25. Corrects an error in printing.
- Sec. 26. Removes 2 obsolete sentences.
- Sec. 27. Removes reference to obsolete chapter.
- Sec. 28. To insert conforming language.
- Sec. 29. Corrects error in grammar.
- Sec. 30. Corrects internal reference.
- Sec. 31. Corrects inconsistent use of "shall" and "may."
- Sec. 32. Corrects inconsistent use of "shall" and "may."
- Sec. 33. Removes a duplicate paragraph.
- Sec. 34. Corrects 2 inconsistent laws.
- Sec. 35. Corrects 2 inconsistent laws.
- Sec. 36. Corrects an error in spelling.
- Sec. 37. Corrects 2 inconsistent laws.
- Sec. 38. Corrects an internal reference.
- Sec. 39. Corrects errors in spelling.

- Sec. 40. Corrects a printing error.
- Sec. 41. Corrects an error in grammar.
- Sec. 42. Corrects an internal reference.
- Sec. 43. Corrects an internal reference.
- Sec. 44. Corrects an internal reference.
- Sec. 45. Deletes "or" at end of subsections.
- Sec. 46. Deletes "or" at end of subsection.
- Sec. 47. Deletes "or" at end of subsection.
- Sec. 48. Adds "or" at end of subsection.
- Sec. 49. 2 subsections 8 enacted - repeal 1
- Sec. 50. Enacts subsection 9 (2nd subsection 8 enacted last session - see above)
- Sec. 51. Corrects internal reference.
- Sec. 52. Removes internal reference.
- Sec. 53. Corrects printing error.
- Sec. 54. Corrects printing error.
- Sec. 55. Corrects printing error.
- Sec. 56. Corrects internal reference.
- Sec. 57. Corrects internal reference.
- Sec. 58. Corrects internal reference.
- Sec. 59. Conforms the law to the Administrative Procedure Act - as recommended by the Attorney General Office.
- Sec. 60. Restores paragraph repealed and replaced in error.
- Sec. 60-A. Repeals and replaces proper paragraph.
- Sec. 61. Conforms the law to the Administrative Procedure Act - as recommended by the Attorney General Office.
- Sec. 62. Corrects internal reference.
- Sec. 63. Corrects internal reference.
- Sec. 64. Corrects an error in grammar.
- Sec. 65. Corrects an error in grammar.
- Sec. 66. Corrects a printing error.

- Sec. 67. Corrects erroneous wording.
- Sec. 68. Corrects an internal reference.
- Sec. 69. Corrects an internal reference.
- Sec. 70. Corrects a printing error.
- Sec. 71. Corrects 2 inconsistent laws.
- Sec. 72. Corrects 2 inconsistent laws.
- Sec. 73. Corrects 2 inconsistent laws.
- Sec. 74. Provides for legislative confirmation in case of vacancies under Marine Resources law.
- Sec. 75. Corrects printing and spelling errors.
- Sec. 76. Corrects a printing error.
- Sec. 77. Corrects a printing error.
- Sec. 78. Corrects a printing error.
- Sec. 79. Corrects an internal reference.
- Sec. 80. Adds internal reference.
- Sec. 81. Corrects a printing error.
- Sec. 82. Corrects form for series.
- Sec. 83. Corrects form for series.
- Sec. 84. Corrects a printing error.
- Sec. 85. Corrects an internal reference.
- Sec. 86. Corrects a printing error.
- Sec. 87. Corrects an error in spelling.
- Sec. 88. Changes improper word.
- Sec. 89. Changes improper word.
- Sec. 90. Corrects an error in grammar.
- Sec. 91. Corrects an error in spelling.
- Sec. 92. Corrects an error in spelling.
- Sec. 93. Corrects printing error.
- Sec. 94. Corrects an error in grammar.
- Sec. 95. Corrects an internal reference.
- Sec. 96. Relocates a misplaced paragraph.

- Sec. 97. Relocates a misplaced paragraph.
- Sec. 98. Corrects an internal reference.
- Sec. 99. Corrects internal reference.
- Sec. 100. Corrects an internal reference.
- Sec. 101. Corrects an internal reference.
- Sec. 102. Corrects 2 printing errors.
- Sec. 103. Repeals obsolete section.
- Sec. 104. Repeals unconstitutional statute.
- Sec. 105. Corrects an internal reference.
- Sec. 106. PL 1977, c. 410, § 1 repealed chapter. Section to be reallocated. (see next section)
- Sec. 107. Repealed 17 MRSA § 2906 enacted as 17 MRSA § 2912
- Sec. 108. Corrects internal reference.
- Sec. 109. Corrects internal reference.
- Sec. 110. Corrects internal reference.
- Sec. 111. Corrects error in grammar.
- Sec. 112. Corrects printing error.
- Sec. 113. Corrects internal reference.
- Sec. 114. Removes superfluous language.
- Sec. 115. "Mentally retarded" changed to "incapacitated" persons.
- Sec. 116. Corrects internal references.
- Sec. 117. Corrects 2 inconsistent laws.
- Sec. 118. Corrects 2 inconsistent laws.
- Sec. 119. Corrects 2 inconsistent laws.
- Sec. 120. Corrects internal reference.
- Sec. 121. Corrects 2 inconsistent laws.
- Sec. 122. Corrects 2 inconsistent laws.
- Sec. 123. To insert an omitted number.
- Sec. 124. To correct 2 inconsistent laws.
- Sec. 125. Corrects internal references.
- Sec. 126. Corrects internal reference.

- Sec. 127. Corrects internal reference.
- Sec. 128. Corrects 4 inconsistent laws.
- Sec. 129. Section reallocated. Two laws passed with the same allocation.
- Sec. 130. Corrects an error in spelling.
- Sec. 131. Corrects an internal reference.
- Sec. 132. Corrects an internal reference.
- Sec. 133. Corrects an internal reference.
- Sec. 134. Corrects an internal reference.
- Sec. 135. 2 inconsistent laws (see next section)
- Sec. 136. 2 inconsistent laws
- Sec. 137. Corrects chronological order of 2 paragraphs
- Sec. 138. Corrects an error in grammar.
- Sec. 139. Makes paragraphs conjunctive.
- Sec. 140. Corrects an internal reference.
- Sec. 141. Corrects internal reference.
- Sec. 142. Name change and corrects internal reference.
- Sec. 143. Corrects internal numbering.
- Sec. 144. Corrects printing error.
- Sec. 145. Corrects printing error.
- Sec. 146. Corrects printing error.
- Sec. 147. Corrects an error in grammar.
- Sec. 148. Corrects printing error.
- Sec. 149. Repeals obsolete subsection.
- Sec. 150. Corrects 2 inconsistent laws.
- Sec. 151. Corrects 2 inconsistent laws.
- Sec. 152. Repeals obsolete section.
- Sec. 153. Corrects internal reference.
- Sec. 154. Corrects internal reference.
- Sec. 155. Corrects printing error.
- Sec. 156. Corrects internal reference.

- Sec. 157. Corrects internal reference.
- Sec. 158. Deletes superfluous word.
- Sec. 159. Corrects internal references.
- Sec. 160. Corrects 2 inconsistent laws.
- Sec. 161. Corrects 2 inconsistent laws (see next section)
- Sec. 162. Corrects 2 inconsistent laws.
- Sec. 163. Corrects printing error.
- Sec. 164. Repeals 2 unnecessary sections.
- Sec. 165. Corrects internal reference.
- Sec. 166. Corrects internal reference.
- Sec. 167. Corrects internal references.
- Sec. 168. Corrects internal reference.
- Sec. 169. Corrects internal reference.
- Sec. 170. Repeals obsolete section.
- Sec. 171. Corrects internal reference.
- Sec. 172. Corrects internal reference.
- Sec. 173. Corrects internal reference.
- Sec. 174. Corrects internal reference.
- Sec. 175. Corrects a typing error.
- Sec. 176. Repeals obsolete section.
- Sec. 177. Repeals obsolete section.
- Sec. 178. Corrects internal reference.
- Sec. 179. Repeals inconsistent law.
- Sec. 180. Repeals inconsistent law.
- Sec. 181. Enacts section as result of 2 inconsistent laws (see 2 previous sections)
- Sec. 182. Corrects internal reference.
- Sec. 183. Subsection reallocated (2 subsections with the same number)
- Sec. 184. Sentence repealed. Unnecessary penalty provision.
- Sec. 185. "to a penalty" changed to "for a forfeiture"
- Sec. 186. Corrects internal reference.

- Sec. 187. Corrects 2 inconsistent laws.
- Sec. 188. Name change. "commissioner" changed to "director"
- Sec. 189. Corrects an obsolete paragraph.
- Sec. 190. Name change. "commissioner" changed to "director"
- Sec. 191. Corrects 2 inconsistent laws.
- Sec. 192. Corrects an erroneous reference and to simplify cumbersome language.
- Sec. 193. Reallocation to avoid conflict with an existing section.
- Sec. 194. Repeals obsolete chapter.
- Sec. 195. Repeals chapter. Sections already repealed.
- Sec. 196. Repeals subchapter. Sections already repealed.
- Sec. 197. Inserts effective date.
- Sec. 198. Corrects internal reference.
- Sec. 199. Corrects internal reference.
- Sec. 200. Removes obsolete language.
- Sec. 201. Corrects internal references.
- Sec. 202. Removes obsolete language.
- Sec. 203. Obsolete subsection repealed.
- Sec. 204. Obsolete section repealed.
- Sec. 205. Corrects grammar.
- Sec. 206. Corrects grammar.
- Sec. 207. Obsolete subsection repealed.
- Sec. 208. Enacts chapter heading.
- Sec. 209. Printing error. Deletes number "3" in amending clause.