

# MAINE STATE LEGISLATURE

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(Emergency)  
FIRST REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1639**

S. P. 581

In Senate, May 29, 1979

MAY M. ROSS, Secretary of the Senate

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STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED  
SEVENTY-NINE

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

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

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

Whereas, these errors and inconsistencies cause difficulty and confusion in determining what is intended under the law; and

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

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

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

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

At 2 o'clock ~~ante meridian~~ **antemeridian** of the last Sunday in April of each year, the standard time in this State shall be advanced one hour, and at 2 o'clock ~~ante~~

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

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

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

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

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

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

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

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

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

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

## CHAPTER 7

### LEGISLATIVE COUNCIL

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

**6. Appointment of directors and officers.** To appoint a Legislative Administrative Director, a Director of Legislative Research, a **Legislative** Finance Officer, a Constituent Service Officer and a State Law Librarian, each of whom shall be chosen without reference to party affiliations and solely on the

grounds of fitness to perform the duties of his office; each to be appointed for a term of 7 years from the date of his appointment and until his successor has been appointed and qualified;

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

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

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

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

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

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

**Sec. 11.** 3 MRSA § 507, sub-§ 2, ¶ F, as repealed and replaced by PL 1977, c. 683, § 2, is repealed and the following enacted in its place:

**F. Maine Blueberry Commission;**

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

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

**Sec. 13.** 4 MRSA § 164, sub-§ 12, 2nd ¶, as repealed and replaced by PL 1969, c. 299, is amended to read:

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

**Sec. 14.** 4 MRSA § 555, 10th ¶, as amended by PL 1973, c. 355, § 1, is further amended to read:

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

**Sec. 15.** 4 MRSA § 804, 2nd ¶, last 2 sentences, as repealed and replaced by PL 1975, c. 66, § 3, are amended to read:

When an applicant shall have satisfied the board that the foregoing requirements have been fulfilled and has paid a fee fixed by the board and approved by the

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

**Sec. 16.** 4 MRSA § 903, as amended by PL 1971, c. 115, § 1, is further amended to read:

**§ 903. Revision**

It shall likewise be the duty of the clerk of courts in each of the several counties to furnish to the ~~Administrative Assistant to the Chief Justice~~ **administrative assistant** by registered mail a written certificate setting forth any and all additions to the list of members of the bar from his county as well as all deletions by reason of death, resignation, disbarment, suspension or otherwise, and all reinstatements or readmissions not otherwise reported to the ~~Administrative Assistant to the Chief Justice~~ **administrative assistant** as and when they occur and thereupon it shall become the duty of the ~~Administrative Assistant to the Chief Justice~~ **administrative assistant**, forthwith upon receipt of each amendatory certificate, to revise the central register of attorneys accordingly, to the end that said register may be perpetually maintained with current corrections from each county. A list of persons admitted each year together with the date and place of taking the oath and the date of admission shall be supplied annually to the secretary of the Board of Examiners for the Examination of Applicants for Admission to the Bar by the ~~Administrative Assistant to the Chief Justice~~ **administrative assistant**.

**Sec. 17.** 4 MRSA § 904, as amended by PL 1971, c. 115, § 1, is further amended to read:

**§ 904. Register as evidence**

If and whenever in any proceedings before any court of civil or criminal jurisdiction within the State of ~~Maine~~, it becomes an issue as to whether or not any individual is or is not duly admitted to practice law as a member of the bar in the State of ~~Maine~~, the certificate of the ~~Administrative Assistant to the Chief Justice~~ **administrative assistant** as to whether or not his name then appears upon the said central roll or register of attorneys shall be prima facie evidence of the fact.

**Sec. 18.** 4 MRSA § 905, as amended by PL 1971, c. 115, § 1, is further amended to read:

**§ 905. Certificates**

It shall be the duty of the ~~Administrative Assistant to the Chief Justice~~ **administrative assistant** upon payment of a fee of \$5 to furnish his certificate

under seal of the Supreme Judicial Court in respect of any individual as to whether he is or is not recorded as a member of the bar on the said central register except that such certificate shall be furnished without charge to the Attorney General, his deputies and assistants and the county attorneys of the several counties for use in connection with their public duties.

**Sec. 19.** 4 MRSA § 1051, first sentence, as last amended by PL 1975, c. 623, § 3-G, is further amended to read:

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

**Sec. 20.** 5 MRSA § 8-F, as last amended by PL 1973, c. 788, § 11, is further amended to read:

**§ 8-F. Rules and regulations; review**

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

**Sec. 21.** 5 MRSA § 8-G, as enacted by PL 1971, c. 588, is amended to read:

**§ 8-G. Exemption**

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

**Sec. 22.** 5 MRSA § 11, 2nd ¶, first sentence, as last amended by PL 1979, c. 127, § 17, is further amended to read:

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

**Sec. 23.** 5 MRSA § 82, last ¶, as repealed and replaced by PL 1975, c. 771, § 31-A, is amended to read:

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

**Sec. 24. 5 MRSA § 130, first ¶, last sentence** is amended to read:

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

**Sec. 25. 5 MRSA § 243, sub-§ 2** is amended to read:

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

**Sec. 26. 5 MRSA § 244, first sentence** is amended to read:

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

**Sec. 27. 5 MRSA c. 13, first 4 lines** are repealed and the following enacted in their place:

### CHAPTER 13

#### DEPARTMENT OF FINANCE AND ADMINISTRATION

##### SUBCHAPTER I

##### GENERAL PROVISIONS

**Sec. 28. 5 MRSA § 551, as amended by PL 1979, c. 127, § 25,** is further amended to read:

#### § 551. Title

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

**Sec. 29. 5 MRSA § 552, first ¶,** as amended by PL 1979, c. 127, § 26, is further amended to read:

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

**Sec. 30.** 5 MRSA § 552, sub-§ 3, as amended by PL 1979, c. 127, § 27, is further amended to read:

**3. Classified service.** "Classified service" means all offices and positions of trust and employment in the state service except those placed in the unclassified service by ~~chapters 51 to 60~~ **section 711**.

**Sec. 31.** 5 MRSA § 553, as last amended by PL 1979, c. 127, § 29, is further amended to read:

**§ 553. Discrimination**

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

**Sec. 32.** 5 MRSA § 557, 2nd ¶, as enacted by PL 1973, c. 568, is amended to read:

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

**Sec. 33.** 5 MRSA § 559, sub-§ 2, ¶¶ A and B, as enacted by PL 1977, c. 667, § 2, are repealed.

**Sec. 34.** 5 MRSA § 559, sub-§ 2, ¶ D, as enacted by PL 1977, c. 667, § 2, is amended to read:

**D.** Be considered a ~~classified status~~ **employee** for the purposes of:

- (1) Eligible registers;
- (2) Classification of positions;
- (3) The compensation plan;
- (4) Promotion in the classified service;
- (5) Provisional, emergency, exceptional and temporary appointments;
- (6) Probationary period;
- (7) Transfer;
- (8) Reinstatement;
- (9) Demotion;
- (10) Suspension, layoff and dismissal;
- (11) Leave of absence and resignation;
- (12) Personnel records;



- (13) In-service training;
- (14) Service ratings; and
- (15) Certification of payrolls;

**Sec. 35. 5 MRSA § 632, first ¶, 2nd sentence**, as amended by PL 1979, c. 127, § 32, is further amended to read:

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

**Sec. 36. 5 MRSA § 674, sub-§ 1, ¶ D, first sentence**, as repealed and replaced by PL 1971, c. 561, is amended to read:

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

**Sec. 37. 5 MRSA c. 61** is repealed.

**Sec. 38. 5 MRSA § 752, last sentence**, as enacted by PL 1969, c. 550, § 2, is amended to read:

In the case of the refusal of any person to comply with any subpoena issued ~~hereunder~~ or to testify to any matter regarding which he may be lawfully interrogated, the Superior Court in any county on application of any one of the members of the board may issue an order requiring such person to comply with such subpoena and to testify; and any failure to obey such order of the court may be ~~punished~~ **punishable** by the court as a contempt thereof.

**Sec. 39. 5 MRSA § 753, last ¶**, as enacted by PL 1973, c. 493, § 2, is amended to read:

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

**Sec. 40. 5 MRSA § 1062, sub-§ 5, 3rd sentence**, as repealed and replaced by PL 1973, c. 369, § 3, is amended to read:

On July 1, 1973 and thereafter on each and every payroll from which retirement contributions are deducted the State Controller shall cause a charge to be made to each department, agency or governmental unit of an amount or amounts in payment of the employer costs of all charges related to the ~~Retirement System~~ **retirement system** and which shall be credited to the appropriate funds as listed in ~~section 1062~~ subsection 1.

**Sec. 41. 5 MRSA § 1124, sub-§ 1, ¶ B, sub-¶ (I), first ¶**, as repealed and

replaced by PL 1975, c. 622, § 55, is repealed and the following enacted in its place:

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

**Sec. 42.** 5 MRSA § 1222, first ¶, is amended to read:

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

**Sec. 43.** 5 MRSA § 1222, sub-§ 4, is amended to read:

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

**Sec. 44.** 5 MRSA § 1223, sub-§ 1, is amended to read:

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

**Sec. 45.** 5 MRSA § 1223, sub-§ 2 is amended to read:

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

**Sec. 46.** 5 MRSA § 1224, sub-§ 1, first sentence, is amended to read:

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

**Sec. 47.** 5 MRSA § 1681, sub-§ 2, as enacted by PL 1977, c. 583, § 4, is amended to read:

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

**Sec. 48.** 5 MRSA § 1741, last ¶ is amended to read:

The word "person" as used in ~~this section 1741 and sections 1745 to 1750~~ **1749** shall mean and include any individual, copartnership, association, corporation or

joint stock company, their lessees, trustees or receivers appointed by any court whatsoever.

**Sec. 49. 5 MRSA § 4598**, as amended by PL 1975, c. 355, § 17, is further amended to read:

**§ 4598. Enforcement**

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

**Sec. 50. 5 MRSA § 4613, sub-§ 1, 2nd sentence**, as enacted by PL 1971, c. 501, § 1, is amended to read:

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

**Sec. 51. 5 MRSA § 4621**, as enacted by PL 1971, c. 501, § 1, is amended to read:

**§ 4621. Civil action**

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

**Sec. 52. 6 MRSA § 3, first ¶**, as amended by PL 1977, c. 678, § 3, is further amended to read:

As used in **this chapter and chapters 12 to 17**, unless the context otherwise indicates, the following ~~words~~ **terms** shall have the following meanings.

**Sec. 53. 6 MRSA § 3, sub-§ 3**, as repealed and replaced by PL 1977, c. 678, § 4, is amended to read:

**3. Air carrier.** "Air carrier" means a person who undertakes, whether directly or indirectly or by lease or other arrangement, to engage in air commerce and is certificated by the Civil Aeronautics Board under ~~section 401~~ of the Federal Aviation Act of 1958, **section 401**.

**Sec. 54. 7 MRSA § 62, first sentence**, as amended by PL 1965, c. 436, § 1, is further amended to read:

There shall be appropriated annually from the State Treasury a sum of money not to exceed ~~3e 3c~~ per inhabitant of the State, and an additional sum of money equal to 5% of the amount contributed under Title 8, section 275, and additional sums of money as provided and limited by Title 8, sections 274 and 333, which shall be known as the state stipend for aid and encouragement to agricultural societies and hereafter designated as the "stipend."

**Sec. 55. 7 MRSA § 62, 4th sentence**, as enacted by PL 1965, c. 436, § 2, is amended to read:

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

**Sec. 56.** 7 MRSA § 74, 3rd ¶, first sentence, as repealed and replaced by PL 1971, c. 585, § 1, is amended to read:

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

**Sec. 57.** 7 MRSA § 75, first 2 paragraphs, as enacted by PL 1971, c. 585, § 2, are amended to read:

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

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

**Sec. 58.** 7 MRSA § 502, first ¶, as enacted by PL 1965, c. 65, is repealed and the following enacted in its place:

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

**Sec. 59.** 7 MRSA § 508, sub-§§ 4, 5 and 6, as enacted by PL 1965, c. 65, are amended to read:

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

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

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

**Sec. 60.** 7 MRSA § 540-B, 2nd ¶, last sentence, as enacted by PL 1971, c. 13, § 3, is amended to read:

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

**Sec. 61. 7 MRSA § 634, first sentence**, as amended by PL 1973, c. 48, § 4, is further amended to read:

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

**Sec. 62. 7 MRSA § 640, first ¶**, is amended to read:

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

**Sec. 63. 7 MRSA § 712, first ¶**, as enacted by PL 1971, c. 77, § 1, is amended to read:

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

**Sec. 64. 7 MRSA § 717, sub-§ 1, ¶ D**, as enacted by PL 1971, c. 77, § 1, is amended to read:

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

**Sec. 65. 7 MRSA § 722, 4th ¶, last sentence**, as enacted by PL 1971, c. 77, § 1, is amended to read:

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

**Sec. 66. 7 MRSA § 742, first ¶** is amended to read:

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

**Sec. 67. 7 MRSA § 749** is amended to read:

### § 749. Enforcement

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

**Sec. 68.** 7 MRSA § 832, first ¶ is amended to read:

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

**Sec. 69.** 7 MRSA § 893, first ¶, first sentence, as enacted by PL 1967, c. 104, is amended to read:

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

**Sec. 70.** 7 MRSA § 896, as enacted by PL 1967, c. 104, is amended to read:

### § 896. Exemptions

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

**Sec. 71.** 7 MRSA § 952, last sentence, as repealed and replaced by PL 1965, c. 219, § 3, is amended to read:

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

**Sec. 72.** 7 MRSA § 953, as enacted by PL 1971, c. 271, is amended to read:

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

It shall be unlawful for any person, firm, association, organization or corporation to expose for sale or sell at full sale or retail, to ship, deliver or consign, or have in possession potatoes prepared for market in containers which bear any statements, design or device regarding such potatoes which shall be false or misleading, in any particular, or potatoes packed in such manner that the face or shown surface is not an average of the contents of the package, or potatoes that fail to meet the grade requirements established and promulgated by the ~~Commissioner of Agriculture~~ commissioner or potatoes that are accompanied by a bill of lading false or misleading in any particular. When a violation of ~~the above provision~~ **this section** occurs, it is deemed to have taken place at the point where such violation first became evident to the commissioner or his duly authorized representative.

**Sec. 73. 7 MRSA § 956, last ¶**, as amended by PL 1977, c. 694, § 90 and c. 696, § 81, is repealed and the following enacted in its place:

All fees received under sections 951 to 957 by the commissioner and all money and forfeitures received by him under those sections shall be paid by him to the Treasurer of State and shall be appropriated for carrying out those sections. The commissioner shall, in a manner consistent with the Maine Administrative Procedure Act, establish such rules and regulations as may be needed for the proper enforcement of sections 951 to 957.

**Sec. 74. 7 MRSA § 993, first ¶** is amended to read:

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

**Sec. 75. 7 MRSA § 993, sub-§ 6, ¶ C**, as repealed and replaced by PL 1965, c. 513, § 9, is amended to read:

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

**Sec. 76. 7 MRSA § 995, sub-§ 10, last sentence** is amended to read:

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

**Sec. 77. 7 MRSA § 1012, sub-§ 13**, as amended by PL 1975, c. 555, § 1, is further amended to read:

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

**Sec. 78. 7 MRSA § 1022, sub-§ 2, 3rd sentence**, as repealed and replaced by PL 1971, c. 600, § 7, and the **4th sentence**, as enacted by PL 1971, c. 600, § 7, are amended to read:

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

**Sec. 79. 7 MRSA § 1042, first ¶** is amended to read:

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

**Sec. 80.** 7 MRSA § 1081, first ¶ is amended to read:

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

**Sec. 81.** 7 MRSA § 1302, first ¶, is amended to read:

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

**Sec. 82.** 7 MRSA § 1308, last ¶, as repealed and replaced by PL 1977, c. 696, § 88, is amended to read:

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

**Sec. 83.** 7 MRSA § 1813, first ¶, is amended to read:

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

**Sec. 84.** 7 MRSA § 1814, 2nd ¶, is amended to read:

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

**Sec. 85.** 7 MRSA § 2154, first ¶, last sentence, as enacted by PL 1971, c. 553, is amended to read:

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

**Sec. 86.** 7 MRSA § 2901, first ¶, is amended to read:

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

**Sec. 87.** 7 MRSA § 2901, sub-§ 24 is amended to read:

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



from time to time determine, specifically for milk, or skim milk, or cream or a milk product.

**Sec. 88. 7 MRSA § 3101-A, sub-§ 1, first sentence,** is enacted to read:

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

**Sec. 89. 7 MRSA § 3406, first sentence** is amended to read:

Any person finding a sick, stray, injured or abandoned dog may take the same to any licensed veterinarian, humane society or shelter within the State, who may accept the ~~same~~ dog, providing ~~such~~ the shelter has been approved by the ~~Commissioner of Agriculture~~ commissioner or his agent.

**Sec. 90. 7 MRSA § 3451, 12th ¶, 2nd sentence,** as enacted by PL 1975, c. 236, § 3 is amended to read:

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

**Sec. 91. 7 MRSA § 3455, first ¶, 2nd sentence,** as repealed and replaced by PL 1977, c. 503, § 1, is repealed.

**Sec. 92. 7 MRSA § 3705, last sentence,** as amended by PL 1977, c. 696, § 111, is further amended to read:

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

**Sec. 93. 8 MRSA § 104, last sentence,** as enacted by PL 1973, c. 585, § 1, is amended to read:

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

**Sec. 94. 8 MRSA § 276-A,** as enacted by PL 1969, c. 526, § 3, is amended to read:

**§ 276-A. Unclaimed ticket money**

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

**Sec. 95. 8 MRSA § 342** is amended to read:

### § 342. Enforcement

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

**Sec. 96.** 8 MRSA § 660, as enacted by PL 1969, c. 575, § 1, is amended by inserting before subsection 1, a new paragraph to read.

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

**Sec. 97.** 8 MRSA § 660, sub-§ 2, ¶B, as enacted by PL 1969, c. 575, § 1, is amended to read:

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

**Sec. 98.** 9 MRSA § 3722, first ¶, as enacted by PL 1965, c. 501, § 1, is amended to read:

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

**Sec. 99.** 9 MRSA § 3740, first ¶, as amended by PL 1975, c. 381, § 4, is further amended to read:

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

**Sec. 100.** 9 MRSA § 3753, as amended by PL 1973, c. 762, § 8, is further amended to read:

### § 3753. Violations

Any home repair contractor, home repair financing agency, home repair salesman or holder of a home repair contract and any officer, partner, member, employee, agent or representative of either who shall knowingly violate this chapter or shall directly or indirectly counsel, aid or abet such violation shall be ~~liable to~~ **punished by** a fine of not more than \$2,500 for each offense, or by imprisonment for not more than 90 days, or by both.

**Sec. 101.** 9-A MRSA § 1-202, sub-§ 7, as amended by PL 1979, c. 127, § 53, is further amended to read:

7. A loan made by a supervised financial organization or an institution of higher education when the loan is a low interest educational loan made for the purpose of financing expenses related to the borrower's attendance at an institution of post-secondary education, and on which the finance charge does not exceed 7 1/2% per year on the unpaid balances of the amount financed or such

finance charge in excess thereof as the United States Secretary of Health, Education and Welfare shall from time to time establish, and which is insured, guaranteed or subsidized by the Federal Government or a state or by a nonprofit private loan guaranty or organization or by the institution of higher education itself or through an endowment or trust fund affiliated with such an institution; or

**Sec. 102.** 9-A MRSA § 1-202, sub-§ 8, last sentence, as last amended by PL 1979, c. 127, § 54, is further amended to read:

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

**Sec. 103.** 9-A MRSA § 1-202, sub-§ 9, as enacted by PL 1979, c. 127, § 56, is repealed.

**Sec. 104.** 9-A MRSA § 1-202, as last amended by PL 1979, c. 127, §§ 51 to 56, is further amended by adding at the end a new paragraph to read:

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

**Sec. 105.** 9-B MRSA § 226, sub-§ 3, ¶ A, as enacted by PL 1975, c. 500, § 1, is amended to read:

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

**Sec. 106.** 10 MRSA § 805, 2nd sentence, is amended to read:

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

**Sec. 107.** 10 MRSA § 1105, first ¶, is amended to read:

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

**Sec. 108.** 10 MRSA § 1202, is amended by inserting before subsection 1, a new paragraph to read:

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

**Sec. 109.** 10 MRSA § 1251, first ¶, is amended to read:

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

**Sec. 110.** 10 MRSA § 1652, last sentence, is amended to read:

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

**Sec. 111.** 10 MRSA § 2202, as last amended by PL 1973, c. 537, § 8, is further amended by inserting before subsection 1, a new paragraph to read:

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

**Sec. 112.** 10 MRSA § 2205, sub-§ 2, last sentence, as amended by PL 1971, c. 618, § 13, is further amended to read:

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

**Sec. 113.** 10 MRSA § 2801, first ¶, is amended to read:

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

**Sec. 114.** 10 MRSA § 2955, last ¶, is amended to read:

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

**Sec. 115.** 11 MRSA § 1-201, sub-§ (1), is amended to read:

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

**Sec. 116.** 11 MRSA § 1-201, sub-§ (9), last sentence, is amended to read:

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

**Sec. 117.** 11 MRSA § 1-201, sub-§ (10), 2nd sentence, is amended to read:

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

Sec. 118. 11 MRSA § 1-201, sub-§ (13) is amended to read:

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

Sec. 119. 11 MRSA § 1-201, sub-§ (44), ¶¶ (b) and (c), are amended to read:

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

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

Sec. 120. 11 MRSA § 2-322, sub-§ (1) is amended to read:

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

Sec. 121. 11 MRSA § 3-509, sub-§ (1), **first sentence**, is amended to read:

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

Sec. 122. 11 MRSA § 4-107, sub-§ (1) is amended to read:

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

Sec. 123. 11 MRSA § 4-201, sub-§ (1), **first 2 sentences**, are amended to read:

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

Sec. 124. 11 MRSA § 4-210, sub-§ (2) is amended to read:

(2) Where presentment is made by notice and neither honor nor request for compliance with a requirement under section 3-505 is received by the close of business on the day after maturity or in the case of demand items by the close of business on the ~~third~~ **3rd** banking day after notice was sent, the presenting bank may treat the item as dishonored and charge any secondary party by sending him notice of the facts.

**Sec. 125.** 11 MRSA § 4-213, sub-§ (1), ¶¶ (b) and (d) are amended to read:

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

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

**Sec. 126.** 11 MRSA § 4-213, sub-§ (2) is amended to read:

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

**Sec. 127.** 11 MRSA § 4-303, sub-§ (1), first sentence, is amended to read:

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

**Sec. 128.** 11 MRSA § 8-311, sub-§ (1) is amended to read:

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

**Sec. 129.** 11 MRSA § 9-109, sub-§ (3), first sentence, is amended to read:

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

**Sec. 130.** 12 MRSA § 3, first ¶ is amended to read:

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

**Sec. 131.** 12 MRSA § 54, sub-§ 11 is amended to read:

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

**Sec. 132.** 12 MRSA § 212, as enacted by PL 1969, c. 509, § 1, is amended to read:

**§ 212. General provisions**

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

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

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

**Sec. 133.** 12 MRSA § 601, as amended by PL 1967, c. 190, § 1, is further amended by inserting before subsection 1 the following new paragraph:

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

**Sec. 134.** 12 MRSA § 601, sub-§ 1, first ¶, is amended to read:

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

**Sec. 135.** 12 MRSA § 601, sub-§ 2, first ¶, is amended to read:

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

**Sec. 136.** 12 MRSA § 601, sub-§ 2, ¶ C is amended to read:

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

**Sec. 137.** 12 MRSA § 662, first ¶ is repealed and the following enacted in its place:

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

**Sec. 138.** 12 MRSA § 662, sub-§ 7, last sentence, as enacted by PL 1965, c. 496, § 1, is amended to read:

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

**Sec. 139.** 12 MRSA § 663, sub-§ 1, first sentence, as enacted by PL 1965, c. 496, § 1, is amended to read:

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

**Sec. 140.** 12 MRSA § 665, sub-§ 1, ¶ C, as enacted by PL 1965, c. 496, § 1, is amended to read:

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

**Sec. 141.** 12 MRSA § 667, last ¶, as amended by PL 1973, c. 460, § 17, is further amended to read:

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

**Sec. 142.** 12 MRSA § 668, as amended by PL 1973, c. 460, § 17, is further amended to read:

**§ 668. Manner of acquisition by eminent domain**

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

**Sec. 143.** 12 MRSA § 675, first ¶, as amended by PL 1973, c. 460, § 17, is further amended to read:

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

**Sec. 144.** 12 MRSA § 682, as last amended by PL 1973, c. 569, §§ 2 to 5, is further amended by inserting before subsection 1 a new paragraph to read:



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

**Sec. 145. 12 MRSA § 685, last sentence**, as amended by PL 1975, c. 521, § 1, is further amended to read:

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

**Sec. 146. 12 MRSA § 1005**, as amended by PL 1973, c. 460, § 18, is further amended to read:

**§ 1005. Advice**

For the purpose of improving the ~~over-all~~ overall health of trees, the State Entomologist and his agents, under the supervision of the director, may advise municipalities or private owners on their forest, shade or ornamental tree problems and recommend programs for the general improvement of such trees.

**Sec. 147. 12 MRSA § 1106, first sentence**, as amended by PL 1973, c. 460, § 18, is further amended to read:

The Director of the Bureau of Forestry is authorized and empowered to prohibit and prevent or to regulate the entry into the State or movement within the State, from any part thereof to any other part, of any living ~~five-leaved~~ 5-leaved pine trees, or any plants of the genus Ribes or other nursery or wilding plants, stock or parts of plants, which in his judgment may cause the introduction or spread of a dangerous plant disease or insect pest.

**Sec. 148. 12 MRSA § 1551, 2nd ¶, 3rd sentence from the end**, as amended by PL 1965, c. 226, § 52, is further amended to read:

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

**Sec. 149. 12 MRSA § 1558, first sentence**, as enacted by PL 1965, c. 226, § 56, is amended to read:

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

**Sec. 150. 12 MRSA § 1904, first ¶**, is amended to read:

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

**Sec. 151.** 12 MRSA § 1971, first ¶, as enacted by PL 1969, c. 414, § 1, is amended to read:

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

**Sec. 152.** 12 MRSA § 1978, sub-§ 8, first sentence, as amended by PL 1975, c. 497, § 3, is further amended to read:

Snowmobiles operated at prearranged racing meets, whose sponsor has obtained a permit from the Department of Inland Fisheries and Wildlife ~~under section 1979, subsection 5~~ shall be exempt from the provisions of this chapter concerning registration, noise, horsepower and lights during the time of such operation at prearranged organized racing meets.

**Sec. 153.** 12 MRSA § 2401-A, first sentence, as enacted by PL 1965, c. 52, is amended to read:

The ~~Commissioner of Inland Fisheries and Game~~ **commissioner** is authorized to establish a program for training minors in the safe handling of firearms and for this purpose may cooperate with any public or private association or organization having as one of its objectives the promotion of safety in firearms handling.

**Sec. 154.** 12 MRSA § 2401-A, 2nd ¶, first sentence, as enacted by PL 1965, c. 52, is amended to read:

Each instructor authorized by the ~~Commissioner of Inland Fisheries and Game~~ **commissioner** to conduct the program for training in safe handling of firearms by minors shall be covered by liability insurance protecting him from liability for damages during the time when instruction is being furnished.

**Sec. 155.** 12 MRSA § 2401-B, sub-§ 7, ¶ A, 2nd ¶, as amended by PL 1971, c. 471, § 1, is further amended to read:

After having had a full consultation with and the consent of the ~~Commissioner of Inland Fisheries and Game~~ **commissioner**, the tribal governor and council of each reservation shall have the right to govern by tribal ordinance hunting, fishing and trapping on their respective reservation lands. Copies of the text of any ordinances adopted shall be filed with the ~~Commissioner of Inland Fisheries and Game~~ **commissioner** and in any and all instances not covered by tribal ordinance the inland fish and game laws of Maine shall apply.

**Sec. 156.** 12 MRSA § 2401-B, sub-§ 14, first sentence, as enacted by PL 1971, c. 409, § 2, is amended to read:

A complimentary license to fish shall be issued to any resident of Maine who is over 16 years of age and blind and applies therefor to the ~~Commissioner of Inland Fisheries and Game~~ **commissioner**.

**Sec. 157.** 12 MRSA § 2455-A, 2nd sentence, as enacted by PL 1971, c. 259, § 1, is amended to read:

Possession of a loaded firearm within the limits of any public way, except as herein provided, shall be prima facie evidence of hunting.

**Sec. 158.** 12 MRSA § 2704, first sentence, is amended to read:

Smelts may be taken by the use of a ~~dip-net~~ **dip net** in the usual and ordinary way.

**Sec. 159.** 12 MRSA § 4813, first sentence, as repealed and replaced by PL 1973, c. 564, § 5, is amended to read:

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

**Sec. 160.** 12 MRSA § 6025, sub-§ 1, as enacted by PL 1977, c. 661, § 5, is further amended to read:

**1. Appointment.** Applicants for the position of a coastal warden, who qualify under the warden's code and pass the examination administered by the Department of Personnel, may be appointed by the commissioner to hold office under Title 5, chapters 51 to ~~61~~ **60** and under the warden's code.

**Sec. 161.** 13 MRSA § 642, first ¶ is amended to read:

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

**Sec. 162.** 13 MRSA § 1774, first ¶, is amended to read:

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

**Sec. 163.** 13-B MRSA § 714, sub-§ 5, first sentence, as enacted by PL 1977, c. 525, § 13, is amended to read:

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

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

Sec. 171. 17 MRSA is amended by inserting before section 2911 the following:

**CHAPTER 93-A**

**OBSCENITY**

Sec. 172. 20 MRSA § 2252 is amended to read:

**§ 2252. State agency**

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

Sec. 173. 21 MRSA § 1061, first ¶, as enacted by PL 1967, c. 464, is amended to read:

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

Sec. 174. 22 MRSA § 1362, first ¶, as enacted by PL 1973, c. 582, § 1, is repealed and the following enacted in its place:

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

Sec. 175. 22 MRSA § 2152, first ¶, is amended to read:

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

Sec. 176. 22 MRSA § 2374, **first sentence**, as amended by PL 1967, c. 390, § 12, is further amended to read:

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

Sec. 177. 22 MRSA § 2379 is amended to read:

**§ 2379. Enforcement and cooperation**

The Bureau of Health, the ~~Board of Commissioners of the Profession of Pharmacy~~ **board**, their officers, agents, inspectors and representatives, and all peace officers within the State and all county attorneys shall enforce all provisions of this chapter, except those specifically delegated, and shall cooperate

**Sec. 164.** 13-B MRSA § 1210, sub-§ 1, ¶ A, as enacted by PL 1977, c. 525, § 13, is amended to read:

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

**Sec. 165.** 14 MRSA c. 1 is amended by inserting before section 1 the following:

### SUBCHAPTER I PARTIES

**Sec. 166.** 14 MRSA § 51, last sentence, is amended to read:

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

**Sec. 167.** 14 MRSA § 812-B, first sentence, as enacted by PL 1971, c. 450, § 3, is amended to read:

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

**Sec. 168.** 14 MRSA § 1218, 2nd ¶, as enacted by PL 1971, c. 391, § 1, is amended to read:

Any employer who violates this section is guilty of criminal contempt and upon conviction may be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or **by** both.

**Sec. 169.** 15 MRSA § 1710, first ¶, as enacted by PL 1973, c. 538, is amended to read:

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

**Sec. 170.** 15 MRSA § 2142, last sentence, as enacted by PL 1965, c. 419, § 1, is amended to read:

with all agencies charged with the enforcement of the laws of the United States, of this State and of all other states relating to narcotic drugs.

**Sec. 178.** 22 MRSA § 3505, first ¶, as enacted by PL 1971, c. 88, is amended to read:

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

**Sec. 179.** 22 MRSA § 4770, 2nd sentence, as repealed and replaced by PL 1979, c. 105, is amended to read:

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

**Sec. 180.** 22 MRSA § 4777, first sentence, is amended to read:

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

**Sec. 181.** 22 MRSA § 4779 is amended to read:

**§ 4779. Surveys; tribal use of waters and timberlands**

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

**Sec. 182.** 22 MRSA § 4787, last sentence, is amended to read:

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

**Sec. 183.** 22 MRSA § 5112, sub-§ 4, first sentence, as enacted by PL 1973, c. 793, § 11, is amended to read:

Serve, through a subcommittee of the committee consisting of 5 persons, including the chairman and 4 other members appointed by the chairman with the advice and consent of the Governor, as the review committee on behalf of the

State of Maine responsible for ~~analysis~~ **analysis** of proposals and submission of advisory recommendations to the director concerning the acceptability of proposals requesting award of state-administered grant funds under ~~paragraphs A and D~~ of subsection 3, **paragraphs A and D**.

**Sec. 184.** 22 MRSA § 5308, 3rd ¶, last sentence, as enacted by PL 1973, c. 793, § 12, is amended to read:

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

**Sec. 185.** 22 MRSA § 5309, 4th ¶, as enacted by PL 1973, c. 793, § 12, is amended to read:

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

**Sec. 186.** 22 MRSA § 7103, sub-§ 8, as enacted by PL 1973, c. 566, § 1, is amended to read:

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

**Sec. 187.** 23 MRSA § 242, first ¶, as enacted by PL 1971, c. 333, § 1, is amended to read:

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

**Sec. 188.** 23 MRSA § 1005, sub-§ 1, ¶¶ A-D, as repealed and replaced by PL 1977, c. 174, § 1 and c. 405, § 1, are repealed and the following enacted in their place:

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

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

**C.** If the state valuation is more than \$3,750,000 but does not exceed \$4,750,000, the municipalities shall bear the first \$70 of cost per mile, and reimbursements

shall be made to those municipalities in accordance with approved certification of costs; except that such reimbursement shall not exceed \$300 per mile.

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

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

**Sec. 189.** 23 MRSA § 1005, sub-§ 2, as repealed and replaced by PL 1977, c. 174, § 2, and c. 405, § 2, is repealed and the following enacted in its place:

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

**Sec. 190.** 24 MRSA § 2602, sub-§ 1, last ¶, as enacted by PL 1977, c. 492, § 3, is amended to read:

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

**Sec. 191.** 24-A MRSA § 2018, last sentence, as amended by PL 1973, c. 585, § 12, is further amended to read:

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

**Sec. 192.** 24-A MRSA § 2109, as enacted by PL 1969, c. 132, § 1, is amended to read:

**§ 2109. Unauthorized Insurers False Advertising Process Act; title**

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

**Sec. 193.** 24-A MRSA § 2525, sub-§ 2, as enacted by PL 1969, c. 132, § 1, is amended to read:

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



**Sec. 194.** 24-A MRSA § 2835, sub-§ 1, last sentence, as enacted by PL 1975, c. 770, § 108, is amended to read:

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

**Sec. 195.** 24-A MRSA c. 41, first 2 lines, as enacted by PL 1969, c. 132, § 1, are repealed and the following enacted in their place:

#### CHAPTER 41

### PROPERTY INSURANCE CONTRACTS

#### SUBCHAPTER I

#### STANDARD FIRE POLICY

**Sec. 196.** 25 MRSA § 2439 is amended to read:

**§ 2439. Common law remedy preserved**

The common law right to an action for damages done by fires is not taken away or diminished and it may be pursued notwithstanding the penalties set forth in chapters ~~311~~ **313** to 321, but any person availing himself of section 2436 is barred of his action at common law for the damage so sued for.

**Sec. 197.** 25 MRSA § 2501, first ¶, last sentence, as repealed and replaced by PL 1973, c. 680, § 2, is amended to read:

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

**Sec. 198.** 25 MRSA § 2805, sub-§ 2, first sentence, as repealed and replaced by PL 1971, c. 592, § 13-A, is amended to read:

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

**Sec. 199.** 26 MRSA § 569, first sentence, as repealed and replaced by PL 1979, c. 127, § 158, is amended to read:

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

**Sec. 200.** 26 MRSA § 965, sub-§ 2, ¶E, 2nd sentence, as amended by PL 1975, c. 564, § 16, is further amended to read:

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

**Sec. 201.** 26 MRSA § 1001, sub-§ 2, as amended by PL 1965, c. 43, § 1, is further amended to read:

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

**Sec. 202.** 26 MRSA § 1024, as last amended by PL 1977, c. 581, §§ 5, 6 and 7, and by PL 1977, c. 641, is repealed.

**Sec. 202-A.** 26 MRSA § 1024-A is enacted to read:

**§ 1024-A. Bargaining units**

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

- A. Faculty;
- B. Professional and administrative staff;
- C. Clerical, office, laboratory and technical;
- D. Service and maintenance;
- E. Supervisory classified; and
- F. Police.

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

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

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

**3. Vocational-technical institutes and state schools for practical nursing units.** It is the express legislative intent to foster meaningful collective bargaining for

employees of the vocational-technical institutes and state schools for practical nursing. Therefore, in accordance with this policy, the bargaining units shall be structured with one unit in each of the following occupational groups:

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

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

5. Additional bargaining units. Notwithstanding subsections 1, 2 or 3, the Legislature recognizes that additional or modified university system-wide units, academy units, vocational-technical institute units or state schools for practical nursing units may be appropriate in the future. Therefore, the employer or employee organizations, may petition the executive director for the establishment of additional or modified university system-wide units, academy units, vocational-technical institute units or state schools for practical nursing units. The executive director or his designee conducting unit determination proceedings shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the issues represented to them.

6. Students.

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

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

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

**Sec. 203. 26 MRSA § 1029, sub-§ 7, first sentence**, as last amended by PL 1975, c. 671, § 25, is further amended to read:

Either party may seek a review of the Superior Court in Kennebec County of a decision or order of the Maine Labor Relations Board filing a complaint in accordance with ~~Rule 80B of the Maine Rules of Civil Procedure~~ **the Maine Rules of Civil Procedure, Rule 80B**, provided the complaint shall be filed within 15 days of the effective date of the decision.

**Sec. 204. 26 MRSA § 1033, sub-§ 1**, as enacted to by PL 1975, c. 603, § 1, is amended to read:

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

**Sec. 205. 26 MRSA § 1043, sub-§ 9, ¶ A**, as last amended by PL 1971, c. 538, § 3, is repealed.

**Sec. 206. 26 MRSA § 1043, sub-§ 9, ¶ A-1**, as enacted by PL 1971, c. 538, § 4, is amended to read:

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

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

**Sec. 207. 26 MRSA § 1043, sub-§ 9, ¶ F**, as last amended by PL 1977, c. 570, § 3, is further amended to read:

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

**Sec. 208. 26 MRSA § 1043, sub-§ 9, ¶ L**, as enacted by PL 1977, c. 570, § 4, is amended to read:

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

**Sec. 209. 26 MRSA § 1043, sub-§ 11, ¶ A-1, sub-¶ (4), div. (a), (b) and (c)**, as enacted by PL 1971, c. 538, § 1, are amended to read:

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

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

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

**Sec. 210. 26 MRSA § 1043, sub-§ 11, ¶F, sub-¶ (19)**, as amended by PL 1967, c. 294, is further amended to read:

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

**Sec. 211. 26 MRSA § 1082, sub-§ 12, 3rd ¶, first sentence**, as amended by PL 1977, c. 675, § 11, is further amended to read:

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

**Sec. 212. 26 MRSA § 1194, sub-§ 9**, as amended by PL 1977, c. 666, §§ 1 and 2 and as repealed by PL 1977, c. 694, § 477, is repealed.

**Sec. 213. 26 MRSA § 1195, sub-§ 1, ¶I, sub-¶ (1)**, is amended to read:

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

**Sec. 214. 26 MRSA § 1221, sub-§ 3, ¶B**, as amended by PL 1977, c. 675, § 24, is further amended to read:

**B.** The commissioner shall classify employers in accordance with their actual experience in the payment of contributions on their own behalf and with respect to benefits charged against their "experience rating records" and shall submit

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

Sec. 215. 27 MRSA § 2 is repealed and the following enacted in its place:

**§ 2. Contents; exchange**

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

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

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

Sec. 216. 28 MRSA § 801-C, first ¶, as enacted by PL 1977, c. 246, § 8, is amended to read:

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

Sec. 217. 28 MRSA § 852, first ¶, last sentence, as amended by PL 1977, c. 696, § 378, is further amended to read:

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

Sec. 218. 28 MRSA § 1002, last ¶, as amended by PL 1975, c. 430, § 26, is further amended to read:

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

**Sec. 219.** ~~29 MRSA c. 5, sub-c III, Article 1 and Article 2,~~ are repealed.

**Sec. 220.** ~~29 MRSA § 1313, first sentence,~~ as repealed and replaced by PL 1975, c. 731, § 51, is amended to read:

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

**Sec. 221.** ~~29 MRSA § 1652, sub-§ 1, ¶ B, last sentence,~~ as repealed and replaced by PL 1975, c. 237, § 4, is amended to read:

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

**Sec. 222.** ~~29 MRSA § 2124, 8th ¶,~~ as amended by PL 1973, c. 303, § 3, is further amended to read:

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

**Sec. 223.** ~~30 MRSA § 2854-C,~~ as enacted by PL 1979, c. 29, is amended to read:

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

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

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

destroyed as a result of his conduct while on the premises or which is damaged or destroyed during his ejection from the premises pursuant to this section.

**Sec. 224. 30 MRSA § 3703, sub-§ 1**, as enacted by PL 1965, c. 271, § 2, is amended to read:

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

**Sec. 225. 30 MRSA § 4751, 2nd ¶**, is amended to read:

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

**Sec. 226. 30 MRSA § 4963, sub-§ 1, last sentence**, as amended by PL 1971, c. 622, § 112, is further amended to read:

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

**Sec. 227. 30 MRSA § 4991, first ¶, 2nd and 4th sentences**, as enacted by PL 1967, c. 308, § 2, are amended to read:

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

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

**Sec. 228. 30 MRSA § 4991, 2nd ¶**, as enacted by PL 1967, c. 308, § 2, is amended to read:

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

**Sec. 229. 30 MRSA § 4992, first sentence**, as enacted by PL 1967, c. 308, § 2, is amended to read:

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



**Sec. 230. 30 MRSA § 4994, first sentence**, as enacted by PL 1967, c. 308, § 2, is amended to read:

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

**Sec. 231. 30 MRSA § 5325, sub-§ 5**, as enacted by PL 1965, c. 423, § 1, is amended to read:

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

**Sec. 232. 30 MRSA § 5332, last ¶, first sentence**, as enacted by PL 1965, c. 423, § 1, is amended to read:

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

**Sec. 233. 30 MRSA § 5353, sub-§ 3, ¶ C, sub-¶ (1), 3rd sentence**, as enacted by PL 1969, c. 353, is amended to read:

Such supplementary petition shall comply with the requirements of **paragraph B**, subparagraphs (2) and (3) ~~of paragraph B~~ and within 5 days after it is filed the clerk shall complete a certificate as to the sufficiency of the petition as amended and promptly send a copy of such certificate to the petitioners' committee by registered mail as in the case of an original petition.

**Sec. 234. 30 MRSA § 5374, sub-§ 3**, as enacted by PL 1973, c. 506, is amended to read:

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

**Sec. 235. 30 MRSA § 5605** is amended to read:

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

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

Sec. 236. 32 MRSA § 1309, as repealed by PL 1979, c. 13, § 9, is reenacted to read:

**§ 1309. Roster of registered engineers**

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

Sec. 237. 32 MRSA § 4408, as amended by PL 1973, c. 460, § 18, is further amended to read:

**§ 4408. Enforcement agencies**

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

Sec. 238. 32 MRSA § 7003, sub-§ 2, as enacted by PL 1977, c. 673, § 3, is amended to read:

2. **Employment by a hospital.** The person is employed by a hospital licensed under Title 22, chapter 405, which meets the standards of the Joint Commission on Accreditation of Hospitals or the American Osteopathic Association for the provision of social services by hospitals and that person is engaging in the independent practice of social work on behalf of that hospital.

Sec. 239. 33 MRSA § 751, sub-§ 7, as repealed and replaced by PL 1977, c. 145, § 6, is repealed.

Sec. 240. 34 MRSA § 136-A, sub-§ 1, first sentence, is repealed and the following enacted in its place:

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

**Sec. 241.** 34 MRSA § 136-A, sub-§ 2, first sentence, as last amended by PL 1975, c. 756, § 20, is repealed and the following enacted in its place:

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

**Sec. 242.** 34 MRSA § 269, 2nd ¶, as enacted by PL 1977, c. 520, § 2, is amended to read:

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

**Sec. 243.** 34 MRSA § 1412, first ¶, as enacted by PL 1971, c. 171, is amended to read:

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

**Sec. 244.** 34 MRSA § 2657-A, sub-§ 3, as enacted by PL 1977, c. 635, § 7, is amended to read:

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

**Sec. 245.** 35 MRSA § 95, first ¶, as enacted by PL 1977, c. 521, is amended to read:

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

**Sec. 246.** 35 MRSA § 1565, first sentence, as enacted by PL 1977, c. 18, § 2, is amended to read:

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

**Sec. 247.** 35 MRSA § 2308, first ¶, as amended by PL 1977, c. 124, § 1, is further amended to read:

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

**Sec. 248.** 35 MRSA § 2344, sub-§§ 2 and 3, as enacted by PL 1977, c. 301, § 2, are repealed and the following enacted in their place:

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

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

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

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

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

**Sec. 249.** 36 MRSA § 505, sub-§ 4, first sentence, as repealed and replaced by PL 1971, c. 367, is amended to read:

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

**Sec. 250.** 36 MRSA § 582, sub-§ 1, first sentence, as repealed by PL 1977, c. 694, § 686 and as amended by PL 1977, c. 720, § 4, is repealed.

**Sec. 251.** 36 MRSA § 1752, sub-§ 9-B, 3rd ¶, first sentence, as enacted by PL 1977, c. 477, § 8, is amended to read:

Production does not include biological processes, wood harvesting operations, the severance from of sand, gravel, oil, gas or other natural resources produced or severed from the soil or water, or activities such as cooking or preparing drinks, meals, food or food products by a retailer for retail sale.

**Sec. 252.** 36 MRSA § 1761, first sentence, is amended to read:

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

**Sec. 253.** 36 MRSA § 1765, as repealed and replaced by PL 1977, c. 686, § 4, is amended to read:

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

When one or more motor vehicles, farm tractors, boats, aircraft or self-propelled vehicles used to harvest lumber is are traded in toward the sale price of another motor vehicle, farm tractor, boat, aircraft or self-propelled vehicle used to harvest lumber, the tax imposed by chapters 211 to 225 shall be levied only upon the difference between the sale price of the purchased vehicle and the sale price of

the vehicle or vehicles taken in trade, except for transactions between dealers involving exchange of the vehicles from inventory.

**Sec. 254.** 36 MRSA § 1955-A, as enacted by PL 1975, c. 702, § 8, is amended to read:

**§ 1955-A. Failure to pay tax on vehicles**

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

**Sec. 255.** 36 MRSA § 1956, sub-§ 4, last sentence, as repealed and replaced by PL 1977, c. 316, § 3, is amended to read:

The **State** Tax Assessor's decision upon the petition for reconsideration becomes final upon the expiration of 30 days from the date when he gives notice of his decision to the petitioner, unless within that 30-day period the petitioner appeals therefrom as provided in section ~~1958~~ 151.

**Sec. 256.** 36 MRSA c. 365, as enacted by PL 1975, c. 162, § 1 and as amended, is repealed.

**Sec. 257.** 36 MRSA § 3039, as repealed and replaced by PL 1977, c. 696, § 286, is amended to read:

**§ 3039. Additional violations**

Any user, or any agent or employee of any user, who shall consume any fuel in a motor vehicle on a public highway or on a turnpike operated and maintained by the Maine Turnpike Authority, when that user is not the holder of an uncanceled license as required by this chapter, or when that user has failed to file any report or pay tax, penalty or interest as required by ~~this~~ chapter 7, commits a civil violation for which a forfeiture of not less than \$10 not more than \$300 shall be adjudged. Each day or part thereof during which any person shall consume any fuel in a motor vehicle on a public highway or on a turnpike owned and maintained by the Maine Turnpike Authority, when that user is not the holder of an uncanceled license as required by this chapter, or when that user has failed to file any report or pay tax, interest or penalty as required by ~~this~~ chapter 7, shall constitute a separate violation within the meaning of this section.

**Sec. 258.** 36 MRSA § 4511, sub-§ 2 is amended to read:

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

**Sec. 259.** 36 MRSA § 4530, sub-§ 2, as enacted by PL 1975, c. 444, § 6, is amended to read:

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

**Sec. 260.** 36 MRSA § 4562, first ¶, as repealed and replaced by PL 1975, c. 554, § 1, is repealed and the following enacted in its place:

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

**Sec. 261.** 36 MRSA § 4692, first ¶, is amended to read:

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

**Sec. 262.** 36 MRSA § 4699-A, as enacted by PL 1965, c. 332, § 6, is amended to read:

**§ 4699-A. Refund on sardines exported**

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

**Sec. 263.** 36 MRSA § 5102, sub-§ 8, ¶ C, last ¶, as repealed and replaced by PL 1973, c. 12, § 2, is repealed.

**Sec. 264.** 36 MRSA § 5102, sub-§ 10, last sentence, as amended by PL 1973, c. 12, § 3, is further amended to read:

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

**Sec. 265.** 36 MRSA § 5128, last sentence, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

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

**Sec. 266.** 36 MRSA § 5191, sub-§ 3, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

**3. Tax avoidance or evasion.** Where a partner's distributive share of an item of partnership income, gain, loss or deduction is determined for federal income tax purposes by a special provision in the partnership agreement with respect to such item, and the principal purpose of such provision is the avoidance or evasion of tax under this ~~part~~ **Part**, the partner's distributive share of such item and any modification required with respect thereto shall be determined in accordance

with his distributive share of the taxable income or loss of the partnership generally (that is, exclusive of those items requiring separate computation under ~~the provisions of Section 702 (or its equivalent)~~ of the Internal Revenue Code, **Section 702, or its equivalent.**)

**Sec. 267. 36 MRSA § 5192, sub-§ 4**, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

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

**Sec. 268. 36 MRSA § 5192, sub-§ 6**, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

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

**Sec. 269. 36 MRSA § 5210, first ¶**, as enacted by P&SL, 1969, c. 154, Sec. F, is amended to read:

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

**Sec. 270. 36 MRSA § 5214**, as enacted by PL 1977, c. 722, is repealed.

**Sec. 271. 36 MRSA § 5215, sub-§ 2, first sentence**, as enacted by PL 1977, c. 722, is amended to read:

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

**Sec. 272. 36 MRSA § 5215, sub-§ 7** is enacted to read:

**7. Legislative findings and purpose.** The Legislature finds the encouragement of the growth of major industry in the State to be in the public interest and for the promotion of the general welfare of the people of the State. The use of investment tax credits to encourage industry to make substantial capital investments in the State is necessary to promote the purpose of the Legislature of encouraging the growth of industry. The Legislature further finds that the selecting of limits of \$5,000,000 in qualified investment in the State and an increase of a new job credit base of \$1,200,000 for a taxable year are reasonable qualifying criteria for the

**application of an investment tax credit and will best promote substantial capital investment in the State.**

Sec. 273. 36 MRSA § 5220, sub-§ 5, as enacted by P&SL 1969, c. 154, Section F, is amended by adding at the end a new sentence to read:

**Corporations which are affiliated or are directly or indirectly controlled by the same interests shall file a consolidated return only if the State Tax Assessor deems a consolidated return necessary to fairly determine net income.**

Sec. 274. 36 MRSA § 5222, sub-§ 4, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

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

Sec. 275. 36 MRSA § 5229, sub-§ 4, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

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

Sec. 276. 36 MRSA § 5230, sub-§ 1, ¶ B, **first sentence**, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

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

Sec. 277. 36 MRSA § 5241, **last 2 sentences**, as enacted by P&SL 1969, c. 154, Sec. F, are amended to read:

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

Sec. 278. 36 MRSA § 5243, **first 2 sentences**, as enacted by P&SL 1969, c. 154, Sec. F, are amended to read:

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



**Sec. 279. 36 MRSA § 5250, sub-§ 3, first sentence**, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

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

**Sec. 280. 36 MRSA § 5251**, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

**§ 5251. Information statement for employee**

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

**Sec. 281. 36 MRSA § 5256, sub-§ 3**, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

**3. Termination of taxable year for jeopardy.** Notwithstanding the ~~provisions of~~ subsections 1 and 2, if the assessor terminates the taxpayer's taxable year under section 5321, relating to tax in jeopardy, the tax shall be computed for the period determined by such action.

**Sec. 282. 36 MRSA § 5259, sub-§ 1**, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

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

**Sec. 283. 36 MRSA § 5270, sub-§ 1, first sentence**, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

Except as otherwise provided in this ~~Act~~ **Part**, a notice of a proposed deficiency assessment shall be mailed to the taxpayer within 3 years after the return was filed.

**Sec. 284. 36 MRSA § 5270, sub-§ 5**, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

**5. Report of federal change or correction.** If the taxpayer shall pursuant to section 5243 report a change or correction or file an amended return increasing his federal taxable income or report a change or correction which is treated in the same manner as if it were a deficiency for federal income tax purposes, the assessment, if not deemed to have been made upon the filing of the report or amended return, may be made at any time within ~~two~~ 2 years after such report or amended return was filed.

**Sec. 285. 36 MRSA § 5279, sub-§ 1, first sentence**, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

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

**Sec. 286. 36 MRSA § 5313, first sentence**, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

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

**Sec. 287. 36 MRSA § 5317**, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

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

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

**Sec. 288. 36 MRSA § 5319, sub-§ 2 first sentence**, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

If any taxpayer willfully refuses to make available any books, papers, records or

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

**Sec. 289. 36 MRSA § 5320, sub-§ 3, 2nd and 3rd sentences**, as enacted by P&SL 1969, c. 154, Sec. F, are amended to read:

For the purpose of determining the period of limitation on credit or refund to the transferee of overpayments of tax made by such transferee of overpayments of tax made by the transferor of which the transferee is legally entitled to credit or refund, such agreement and any extension thereof shall be deemed an agreement or extension referred to in ~~subsection 3 of~~ section 5278, **subsection 3**. If the agreement is executed after the expiration of the period of limitation for assessment against the taxpayer with reference to whom the liability of such transferee arises, then in applying the limitations under ~~subsection 2 of~~ section 5278, **subsection 2** on the amount of the credit or refund, the periods specified in ~~subsection 1 of~~ section 5278, **subsection 1** shall be increased by the period from the date of such expiration to the date of the agreement.

**Sec. 290. 36 MRSA § 5340, sub-§ 1, first sentence**, as enacted by P&SL 1969, c. 154, Sec. F, is amended to read:

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

**Sec. 291. 36 MRSA § 6103, first ¶**, as enacted by PL 1971, c. 503, § 1, is amended to read:

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

**Sec. 292. 36 MRSA § 6103, sub-§ 5-A, last sentence**, as enacted by PL 1975, c. 634, § 2, is amended to read:

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

**Sec. 293. 36 MRSA § 6103, sub-§ 5-B**, as enacted by PL 1973, c. 634, § 2, is amended to read:

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

**Sec. 294.** 36 MRSA § 6106, as enacted by PL 1971, c. 503, § 1, is amended to read:

**§ 6106. Filing date**

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

**Sec. 295.** 36 MRSA § 6144, sub-§ 4, as reallocated by PL 1979, c. 127, § 207, is amended to read:

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

**Sec. 296.** 37-A MRSA § 28, sub-§§ 1 and 2, as enacted by PL 1971, c. 580, § 1, are amended to read:

**1. Child.** The term "~~child~~" "**Child**" shall be construed to mean a child under the age of 18, or over age 18 and under age 20 if found by the bureau to be regularly attending school, or over 18 and not attending school if, prior to reaching age 18, the child becomes or has become permanently incapable of self-support by reason of mental or physical defect, and shall include a foster child, a legitimate or legally adopted child of the veteran or a stepchild if a member of the veteran's household either at the time of application, or in the event of the veteran's death, at time of death, and who continues a member of the household, or an illegitimate child, provided that the veteran has been judicially ordered or decreed by the court to contribute to the child's support, or has been judicially decreed to be the putative father or has acknowledged under oath in writing that he is the father of such child.

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

**Sec. 297.** 37-A MRSA § 28, sub-§ 3, first sentence, as enacted by PL 1971, c. 580, § 1, is amended to read:

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

**Sec. 298.** 37-A MRSA § 28, sub-§ 4, as repealed and replaced by PL 1975, c. 701, § 19, is amended to read:

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

**Sec. 299.** 37-A MRSA § 28, sub-§ 5, as amended by PL 1975, c. 432, § 5, is further amended to read:

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

**Sec. 300.** 37-A MRSA § 164, first ¶, as enacted by PL 1971, c. 580, § 1, is amended to read:

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

**Sec. 301.** 37-A MRSA § 183, 2nd ¶, as enacted by PL 1973, c. 787, § 2, is amended to read:

In carrying out the provisions of this chapter, the bureau shall consult with other state agencies, including the Soil and Water Conservation Commission, the State Planning Office, the Departments of Environmental Protection, Conservation, Transportation and Public Safety on matters pertaining to the technical aspects of the administration of this chapter and in emergency situations may require the aid and assistance of such agencies.

**Sec. 302.** 37-A MRSA § 1302, first ¶, as reallocated by PL 1971, c. 580, § 3, is amended to read:

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

**Sec. 303.** 37-A MRSA § 1326, sub-§ 1, first sentence, as reallocated by PL 1971, c. 580, § 3, is amended to read:

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

**Sec. 304.** 37-A MRSA § 1326, sub-§ 1, ¶ B, as reallocated by PL 1971, c. 580, § 3, is amended to read:

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

**Sec. 305.** 38 MRSA § 321-A, sub-§ 6, last sentence, as enacted by PL 1967, c. 103, § 2, is amended to read:

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

**Sec. 306.** 38 MRSA § 482, first ¶, as enacted by PL 1969, c. 571, § 2, is amended to read:

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

**Sec. 307. 38 MRSA § 541, 3rd ¶**, as enacted by PL 1969, c. 572, § 1, is amended to read:

The Legislature further finds and declares that the transfer of oil, petroleum products and their by-products between vessels and vessels and onshore facilities and vessels within the jurisdiction of the State and state waters is a hazardous undertaking; that spills, discharges and escape of oil, petroleum products and their by-products occurring as a result of procedures involved in the transfer and storage of such products pose threats of great danger and damage to the marine, estuarine and adjacent terrestrial environment of the State; to owners and users of shorefront property; to public and private recreation; to citizens of the State and other interests deriving livelihood from marine-related activities; and to the beauty of the Maine coast; that such hazards have frequently occurred in the past, are occurring now and present future threats of potentially catastrophic proportions, all of which are expressly declared to be inimical to the paramount interests of the State as ~~herein~~ set forth **in this subchapter** and that such state interests outweigh any economic burdens imposed by the Legislature upon those engaged in transferring oil, petroleum products and their by-products and related activities.

**Sec. 308. 38 MRSA § 541, last ¶**, as enacted by PL 1969, c. 572, § 1, is amended to read:

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

**Sec. 309. 38 MRSA § 548, 2nd ¶, last sentence**, as amended by PL 1971, c. 618, § 12, is further amended to read:

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

**Sec. 310. 38 MRSA § 549, first sentence**, as amended by PL 1971, c. 618, § 12, is further amended to read:

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

**Sec. 311. 38 MRSA § 551, sub-§ 1, last sentence**, as enacted by PL 1969, c. 572, § 1, is amended to read:

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

**Sec. 312. 38 MRSA § 555, first sentence**, as amended by PL 1971, c. 618, § 12, is further amended to read:

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

**Sec. 313. 38 MRSA § 556**, as amended by PL 1971, c. 618, § 12, is further amended to read:

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

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

**Sec. 314. 38 MRSA § 582, first ¶**, as enacted by PL 1969, c. 474, § 1, is amended to read:

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

**Sec. 315. 38 MRSA § 584, first ¶, first sentence**, as amended by PL 1971, c. 618, § 12, is further amended to read:

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

**Sec. 316. 38 MRSA § 1159**, as enacted by PL 1965, c. 310, is amended to read:

**§ 1159. Inspection of sewers**

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

**Sec. 317. 38 MRSA § 1205, first sentence**, as enacted by PL 1965, c. 310, is amended to read:

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

**Sec. 318.** 38 MRSA § 1206, as enacted by PL 1965, c. 310, is amended to read:

**§ 1206. Civil action for unpaid assessments**

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

**Sec. 319.** 38 MRSA § 1208, last ¶, as enacted by PL 1965, c. 310, is amended to read:

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

**Sec. 320.** 38 MRSA § 1305, sub-§ 2, as enacted by PL 1973, c. 387, is amended to read:

**2. Ordinances.** This chapter shall not be construed as limiting the authority of



any municipality to enact ordinances for the regulation of solid waste disposal, provided that such ordinances are not less stringent than or inconsistent with the ~~provisions of this chapter or the regulations adopted thereunder.~~

**Sec. 321. 39 MRSA § 2, sub-§ 6**, as amended by PL 1973, c. 746, § 2. is repealed.

**Sec. 322. 39 MRSA § 56, first sentence**, as amended by PL 1965, c. 489, § 6. is further amended to read:

In addition to the benefits provided for in sections 54 and 55, when an employee sustains an injury which is included in the following schedule, the incapacity in each case shall be deemed to be total for the period specified and the injured employee shall receive a lump sum payment for said injury which shall be determined by multiplying the amount to which he would be entitled weekly for total incapacity as determined under section 54, by the period of presumed total incapacity ~~hereinafter~~ set forth **in this section**.

**Sec. 323. 39 MRSA § 56, 2nd sentence**, as repealed and replaced by PL 1965, c. 408, § 5, is amended to read:

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

**Sec. 324. 39 MRSA § 93, sub-§ 5, first sentence**, as repealed and replaced by PL 1977, c. 612, § 13, is amended to read:

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

**Sec. 325. 39 MRSA § 95, 2nd sentence**, as repealed and replaced by PL 1965, c. 408, § 9, is amended to read:

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

**Sec. 326. 39 MRSA § 106-A**, as enacted by PL 1979, c. 142, § 2, is amended to read:

**§ 106-A. Notice by the commission**

Within 90 days of receipt of an employer's notice of injury, as required by section 106, unless it has received a petition for award or approved an agreement for compensation relating to the injured employee, the commission shall take reasonable steps to notify the employee that a petition for award may be filed; section 110 of the Act provides for the payment of attorney's fees under certain

circumstances; and rights under the Act may **not** be protected unless a petition of award or approved agreement is on file with the commission within 2 years of the injury.

**Sec. 327.** P&SL 1941, c. 69, § 4, (a), (3), as amended by PL 1977, c. 694, § 761, is further amended to read:

(3) to adopt from time to time and amend by-laws covering its procedure, rules and regulations governing use of the turnpike and any of the other services made available in connection with said turnpike in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter 4 II;

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

#### STATEMENT OF FACT

Sec. 1.	Corrects spelling.
Sec. 2.	Corrects spelling.
Sec. 3.	Corrects spelling.
Sec. 4.	Corrects internal reference.
Sec. 5.	Corrects internal reference.
Sec. 6.	Corrects chapter title (name change)
Sec. 7.	Corrects reference to an official's title.
Sec. 8.	Corrects spelling.
Sec. 9.	Corrects reference to an official's title.
Sec. 10.	Corrects spelling.
Sec. 11.	Corrects title.
Sec. 12.	Corrects wording of subsection in reference to first paragraph of section.
Sec. 13.	Corrects grammar.
Sec. 14.	Corrects fee.
Sec. 15.	Corrects reference.
Sec. 16.	Deletes unnecessary wording.
Sec. 17.	Deletes unnecessary wording.
Sec. 18.	Deletes unnecessary wording.

- Sec. 19. Corrects spelling.
- Sec. 20. Corrects reference to an official's title.
- Sec. 21. Corrects grammar.
- Sec. 22. Corrects internal reference.
- Sec. 23. Removes confusing words.
- Sec. 24. Corrects reference to an official's title.
- Sec. 25. Corrects spelling.
- Sec. 26. Corrects spelling
- Sec. 27. Adds subchapter heading.
- Sec. 28. Corrects internal reference.
- Sec. 29. Corrects internal reference.
- Sec. 30. Corrects internal reference.
- Sec. 31. Corrects internal reference.
- Sec. 32. Clarifies wording.
- Sec. 33. Inconsistency in the law.
- Sec. 34. Inconsistency in the law.
- Sec. 35. Corrects internal reference.
- Sec. 36. Corrects spelling.
- Sec. 37. Repeals chapter heading (sections already repealed)
- Sec. 38. Deletes unnecessary word. Corrects grammar.
- Sec. 39. Deletes unnecessary wording.
- Sec. 40. Corrects internal reference.
- Sec. 41. Corrects subparagraph to conform to style of the Revised Statutes.
- Sec. 42. Changes language to conform to style of Revised Statutes for definitions.
- Sec. 43. Form of reference corrected.
- Sec. 44. Corrects internal reference.
- Sec. 45. Corrects internal reference.
- Sec. 46. Corrects internal reference.

- Sec. 47. Corrects internal reference.
- Sec. 48. Corrects internal reference.
- Sec. 49. Corrects department title.
- Sec. 50. Corrects internal reference.
- Sec. 51. Deletes unnecessary wording.
- Sec. 52. Corrects internal reference.
- Sec. 53. Corrects internal reference to conform to style of Revised Statutes.
- Sec. 54. Form changed to conform to style of Revised Statutes.
- Sec. 55. Figure changed to conform to style of Revised Statutes.
- Sec. 56. Corrects reference to an official's title.
- Sec. 57. Corrects reference to an official's title.
- Sec. 58. Replaces language of paragraph to conform to style of Revised Statutes for definition.
- Sec. 59. Wording changed to conform to first paragraph.
- Sec. 60. Corrects reference to a department.
- Sec. 61. Corrects reference to a department.
- Sec. 62. Language changed to conform to style of Revised Statutes for definitions.
- Sec. 63. Language added to conform to style of Revised Statutes for definitions.
- Sec. 64. Corrects internal reference.
- Sec. 65. Corrects grammar.
- Sec. 66. Language added to conform to style of Revised Statutes for definitions.
- Sec. 67. Corrects reference to an official's title.
- Sec. 68. Language added to conform to style of Revised Statutes for definitions.
- Sec. 69. Corrects reference to an official's title.
- Sec. 70. Corrects grammar.

- Sec. 71. Corrects internal reference.
- Sec. 72. Corrects internal reference and official's title.
- Sec. 73. Removes duplicate sentence.
- Sec. 74. Language added to conform to style of Revised Statutes for definitions.
- Sec. 75. Corrects reference and official's title.
- Sec. 76. Corrects internal reference.
- Sec. 77. Wording changed to conform to style of Revised Statutes.
- Sec. 78. Unnecessary wording deleted. Combines 2 sentences for clarification.
- Sec. 79. Language added to conform to style of Revised Statutes for definitions.
- Sec. 80. Language added to conform to style of Revised Statutes for definitions.
- Sec. 81. Language added to conform to style of Revised Statutes for definitions.
- Sec. 82. Corrects word.
- Sec. 83. Language changed to conform to style of Revised Statutes for definitions.
- Sec. 84. Corrects internal reference.
- Sec. 85. Corrects agency reference.
- Sec. 86. Language changed to conform to style of Revised Statutes for definitions.
- Sec. 87. Corrects internal reference.
- Sec. 88. Sentence added to conform to style of Revised Statutes for definitions.
- Sec. 89. Corrects reference to an official's title.
- Sec. 90. Corrects reference to an official's title.
- Sec. 91. Repeals inconsistent sentence.
- Sec. 92. Corrects spelling.
- Sec. 93. Deletes unnecessary wording.

- Sec. 94. Corrects reference to an official's title.
- Sec. 95. Corrects title.
- Sec. 96. Adds language to conform to style of Revised Statutes for definitions.
- Sec. 97. Corrects internal reference and deletes unnecessary word.
- Sec. 98. Language changed to conform to style of Revised Statutes for definitions.
- Sec. 99. Unnecessary word deleted.
- Sec. 100. Corrects language.
- Sec. 101. Subsection repealed and added as paragraph of section.
- Sec. 102. Same as Sec. 101.
- Sec. 103. Same as Sec. 101.
- Sec. 104. Same as Sec. 101.
- Sec. 105. Deletes unnecessary wording.
- Sec. 106. Figure substituted for word to conform to style of Revised Statutes.
- Sec. 107. Deletes unnecessary word.
- Sec. 108. Adds paragraph to conform to style of Revised Statutes for definitions.
- Sec. 109. Adds language to conform to style of Revised Statutes for definitions.
- Sec. 110. Language changed to conform to style of Revised Statutes.
- Sec. 111. Language added to conform to style of Revised Statutes for definitions.
- Sec. 112. Deletes unnecessary word.
- Sec. 113. Language added to conform to style of Revised Statutes for definitions.
- Sec. 114. Word substituted for letter to conform to style of Revised Statutes.
- Sec. 115. Corrects spelling.
- Sec. 116. Corrects spelling.

- Sec. 117. Corrects spelling.
- Sec. 118. Corrects spelling.
- Sec. 119. Corrects spelling.
- Sec. 120. Corrects spelling.
- Sec. 121. Corrects spelling.
- Sec. 122. Corrects spelling.
- Sec. 123. Corrects spelling.
- Sec. 124. Corrects form to conform with style of Revised Statutes.
- Sec. 125. Corrects spelling.
- Sec. 126. Corrects spelling.
- Sec. 127. Corrects spelling.
- Sec. 128. Corrects spelling.
- Sec. 129. Corrects spelling.
- Sec. 130. Adds language to conform to style of Revised Statutes for definitions.
- Sec. 131. Corrects spelling.
- Sec. 132. Corrects agency name.
- Sec. 133. Adds language to conform to style of Revised Statutes for definitions, corrects grammar and spelling.
- Sec. 134. Same as Sec. 133.
- Sec. 135. Same as Sec. 133.
- Sec. 136. Same as Sec. 133.
- Sec. 137. Replaces language to conform to style of Revised Statutes for definitions.
- Sec. 138. Deletes unnecessary word.
- Sec. 139. Adds wording for clarification purposes.
- Sec. 140. Deletes unnecessary language.
- Sec. 141. Deletes unnecessary wording. Long sentence broken into 2 sentences.
- Sec. 142. Deletes unnecessary wording.

- Sec. 143. Deletes unnecessary reference.
- Sec. 144. Language added to conform to style of Revised Statutes for definitions.
- Sec. 145. Unnecessary language deleted.
- Sec. 146. Corrects spelling.
- Sec. 147. Corrects word to conform to style of Revised Statutes.
- Sec. 148. Corrects language to conform to style of Revised Statutes.
- Sec. 149. Long sentence divided into 2 sentences.
- Sec. 150. Language changed to conform to style of Revised Statutes for definitions.
- Sec. 151. Language changed to conform to style of Revised Statutes for definitions.
- Sec. 152. Corrects internal reference.
- Sec. 153. Corrects reference to official's title.
- Sec. 154. Corrects reference to official's title.
- Sec. 155. Corrects reference to official's title.
- Sec. 156. Corrects reference to official's title.
- Sec. 157. Deletes unnecessary word.
- Sec. 158. Corrects spelling.
- Sec. 159. Corrects internal reference.
- Sec. 160. Corrects internal reference.
- Sec. 161. Language added to conform to style of Revised Statutes for definitions.
- Sec. 162. Language added to conform to style of Revised Statutes for definitions.
- Sec. 163. Deletes "stockholders or" as there are no stockholders in nonprofit corporations.
- Sec. 164. Should be "biennial report" rather than "annual report." Corrects an inconsistency.
- Sec. 165. Subchapter I and headnote added to conform to style of Revised Statutes.



- Sec. 166. Language changed to conform to style of Revised Statutes.
- Sec. 167. Unnecessary language deleted.
- Sec. 168. Word added for clarification.
- Sec. 169. Name corrected.
- Sec. 170. Corrects an internal reference.
- Sec. 171. Chapter and headnote added to conform to Style of Revised Statutes.
- Sec. 172. Language changed to conform to style to Revised Statutes for definitions.
- Sec. 173. Language added to conform to style of Revised Statutes for definitions.
- Sec. 174. Language changed to conform to style of Revised Statutes for definitions.
- Sec. 175. Language added to conform to style of Revised Statutes for definitions.
- Sec. 176. Words deleted to conform to style of Revised Statutes. Corrects reference to State agency.
- Sec. 177. Language changed to conform to style of Revised Statutes. Corrects reference to state agency.
- Sec. 178. Language added to conform to style of Revised Statutes for definitions.
- Sec. 179. Corrects grammar.
- Sec. 180. Language changed to conform to style of Revised Statutes.
- Sec. 181. Language changed to conform to style of Revised Statutes.
- Sec. 182. Language changed to conform to style of Revised Statutes.
- Sec. 183. Language changed to conform to style of Revised Statutes. Spelling error.
- Sec. 184. Language changed to conform to style of Revised Statutes.

- Sec. 185. Language changed to conform to style of Revised Statutes.
- Sec. 186. Name change.
- Sec. 187. Language added to conform to style of Revised Statutes for definitions.
- Sec. 188. 2 inconsistent laws.
- Sec. 188-A. Effective date for Sec. 188.
- Sec. 189. 2 inconsistent laws.
- Sec. 190. Corrects internal reference.
- Sec. 191. Deletes unnecessary word.
- Sec. 192. Language changed to conform to style of Revised Statutes.
- Sec. 193. Internal reference omitted in original law.
- Sec. 194. Adds effective date.
- Sec. 195. Replaces chapter headnote in order to put into correct sequence.
- Sec. 196. Corrects internal reference.
- Sec. 197. Reference changed to conform to style of Revised Statutes.
- Sec. 198. Language changed to conform to style of Revised Statutes for definitions.
- Sec. 199. Deletes reference which has been repealed.
- Sec. 200. Repeals obsolete reference.
- Sec. 201. Corrects spelling.
- Sec. 202. 2 inconsistent laws. Repeals one section and enacts another section to clear up a conflict.
- Sec. 202-A. Same as Sec. 202.
- Sec. 203. Corrects form to conform with style of Revised Statutes.
- Sec. 204. Corrects form to conform with style of Revised Statutes.
- Sec. 205. Removes obsolete paragraph.
- Sec. 206. Removes obsolete date.

- Sec. 207. Deletes unnecessary word.
- Sec. 208. Adds "or" at end of paragraph to conform to style of Revised Statutes.
- Sec. 209. Deletes unnecessary word and adds "or" at end to conform to style of the Revised Statutes.
- Sec. 210. Deletes unnecessary word.
- Sec. 211. Changes "it" to "he" to correct language.
- Sec. 212. Resolves a conflict.
- Sec. 213. Changes "or" to "of"
- Sec. 214. Changes "its" to "his"
- Sec. 215. Paragraph rewritten for clarification.
- Sec. 216. Corrects internal reference to conform style of Revised Statutes.
- Sec. 217. Corrects grammar.
- Sec. 218. Corrects internal reference.
- Sec. 219. Repeals obsolete Article I and Article 2 captions.
- Sec. 220. Repeals obsolete reference.
- Sec. 221. Deletes unnecessary internal reference.
- Sec. 222. Corrects internal reference.
- Sec. 223. Includes "camping areas" in list of places where managers are permitted to eject disruptive or destructive persons from premises.
- Sec. 224. Name change correction.
- Sec. 225. Reference changed to conform to style of Revised Statutes.
- Sec. 226. Reference changed to conform to style of Revised Statutes.
- Sec. 227. Wording changed to conform to style of Revised Statutes.
- Sec. 228. Wording changed to conform to style of Revised Statutes.
- Sec. 229. Language changed to conform to style of Revised Statutes.

- Sec. 230. Word changed to conform to style of Revised Statutes.
- Sec. 231. Word changed to conform to style of Revised Statutes.
- Sec. 232. Unnecessary words deleted.
- Sec. 233. Corrects reference to conform to style of Revised Statutes.
- Sec. 234. Language added to conform to style of Revised Statutes.
- Sec. 235. Reference changed to conform to style of Revised Statutes.
- Sec. 236. Reinstates section which was deleted in error.
- Sec. 237. Corrects agency title.
- Sec. 238. Language added for clarification.
- Sec. 239. Repeals obsolete subsection. Nonprofit organizations no longer filed with register of deeds.
- Sec. 240. Name changed to conform to present law.
- Sec. 241. Name change.
- Sec. 242. Deletes unnecessary language.
- Sec. 243. Language added to conform to style of Revised Statutes for definitions.
- Sec. 244. Form changed to conform to style of Revised Statutes.
- Sec. 245. Deletes unnecessary word.
- Sec. 246. Corrects internal reference.
- Sec. 247. Corrects internal reference.
- Sec. 248. Paragraph of section follows subsection 2 but should come at end of section.
- Sec. 249. Adds language to clarify the subsection.
- Sec. 250. Repeals sentence to eliminate conflict.
- Sec. 251. Corrects grammar.

- Sec. 252. Adds language omitted in error when amendment was made by chapter 696 which changed "misdemeanor to Class E crime."
- Sec. 253. Corrects grammar.
- Sec. 254. Corrects official's title.
- Sec. 255. Corrects internal reference.
- Sec. 256. Repeals chapter now established in Title 12.
- Sec. 257. Corrects internal reference.
- Sec. 258. Deletes unnecessary words.
- Sec. 259. Deletes unnecessary words.
- Sec. 260. Language added to conform to style of Revised Statutes for definitions.
- Sec. 261. Language added to conform to style of Revised Statutes for definitions.
- Sec. 262. Inserts effective date.
- Sec. 263. Eliminates unnecessary wording.
- Sec. 264. Unnecessary words deleted.
- Sec. 265. Figure inserted to conform to style of Revised Statutes.
- Sec. 266. Deletes unnecessary words.
- Sec. 267. Language corrected to conform to style of Revised Statutes.
- Sec. 268. Language changed to conform to style of Revised Statutes.
- Sec. 269. Language added to conform to style of Revised Statutes for definitions.
- Sec. 270. Repeals section.
- Sec. 271. Deletes reference.
- Sec. 272. Enacts subsection.
- Sec. 273. Eliminates unnecessary wording and enacts new sentence.
- Sec. 274. Figure inserted to conform to style of Revised Statutes.

- Sec. 275. Figures inserted to conform to style of Revised Statutes.
- Sec. 276. Figure substituted to conform to style of Revised Statutes
- Sec. 277. Figure substituted to conform to style of Revised Statutes.
- Sec. 278. Figure substituted to conform to style of Revised Statutes.
- Sec. 279. Words deleted to conform to style of Revised Statutes.
- Sec. 280. Figure substituted for word to conform to style of Revised Statutes.
- Sec. 281. Deletes unnecessary words.
- Sec. 282. Figure substituted to conform to style of Revised Statutes.
- Sec. 283. Corrects internal reference.
- Sec. 284. Corrects reference to conform to style of Revised Statutes.
- Sec. 285. Corrects internal reference.
- Sec. 286. Language deleted and form changed to conform to style of Revised Statutes.
- Sec. 287. Deletes unnecessary words and changes form to comply with style of Revised Statutes.
- Sec. 288. Deletes unnecessary words.
- Sec. 289. Language changed to conform to style of Revised Statutes.
- Sec. 290. Deletes unnecessary words.
- Sec. 291. Language added to conform to style of Revised Statutes for definitions.
- Sec. 292. Corrects internal reference.
- Sec. 293. Corrects internal reference.
- Sec. 294. Dates corrected to conform to style of Revised Statutes.
- Sec. 295. Replaces word inadvertently deleted in printing of the tax rebate bill.

- Sec. 296. Unnecessary words deleted to conform to style of Revised Statutes.
- Sec. 297. Same as Sec. 296.
- Sec. 298. Same as Sec. 296.
- Sec. 299. Same as Sec. 296.
- Sec. 300. Language added to conform to style of Revised Statutes for definitions.
- Sec. 301. Deletes unnecessary words.
- Sec. 302. Language added to conform to style of Revised Statutes for definitions.
- Sec. 303. Adds wording for clarification and corrects spelling error.
- Sec. 304. Same as Sec. 303.
- Sec. 305. Corrects fund title.
- Sec. 306. Language added to conform to style of Revised Statutes for definitions.
- Sec. 307. Corrects internal reference.
- Sec. 308. Reference corrected to conform to style of Revised Statutes.
- Sec. 309. Deletes unnecessary words.
- Sec. 310. Deletes unnecessary words.
- Sec. 311. Deletes unnecessary words.
- Sec. 312. Deletes unnecessary words.
- Sec. 313. Corrects internal reference and deletes unnecessary words.
- Sec. 314. Language added to conform to style of Revised Statutes for definitions.
- Sec. 315. Deletes unnecessary words.
- Sec. 316. Deletes unnecessary words.
- Sec. 317. Long sentence divided into 3 sentences for clarification.
- Sec. 318. Corrects word.
- Sec. 319. Deletes unnecessary words.

- Sec. 320. Deletes unnecessary words.
- Sec. 321. Repeals obsolete subsection.
- Sec. 322. Corrects internal reference.
- Sec. 323. Corrects internal reference.
- Sec. 324. Punctuation changed to clarify sentence.
- Sec. 325. Corrects internal reference.
- Sec. 326. Word added for clarification.
- Sec. 327. Corrects internal reference.