

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
SECOND REGULAR SESSION

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ONE HUNDRED AND NINTH LEGISLATURE

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**Legislative Document**

**No. 1964**

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S. P. 770

In Senate, February 26, 1980

Reported by Senator Trafton of Androscoggin from the Committee on Judiciary and printed under Joint Rules No. 2.

MAY M. ROSS, Secretary of the Senate

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STATE OF MAINE

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IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY

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**AN ACT to Make 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 create uncertainties and confusion in interpreting legislative intent; and

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

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

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

**Sec. 1. 1 MRSA § 353, first sentence**, as last amended by PL 1979, c. 534, § 1 and PL 1979, c. 541, Pt. A, § 2, is repealed and the following enacted in its place:

**The Attorney General shall prepare a brief explanatory statement which shall fairly describe the intent and content of each constitutional resolution or**

statewide referendum that may be presented to the people and which shall include any information prepared under Title 5, section 152.

**Sec. 2.** 1 MRSA § 2501, sub-§ 30, ¶ A, as enacted by PL 1979, c. 570, § 1, is amended to read:

A. Title 30, sections 4786, 4787, sub-§ 2-A and 4789 and 4799 shall be repealed on July 1, 1980.

**Sec. 3.** 2 MRSA § 6, sub-§ 5, as last amended by PL 1979, c. 127, § 3 and c. 501, § 1, is repealed and the following enacted in its place:

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

**Adjutant General;**

**Director of Labor;**

**General Counsel of the Public Utilities Commission;**

**Deputy Chief of the State Police;**

**Director of Transportation of the Public Utilities Commission;**

**Director of State Lotteries;**

**State Archivist;**

**Director of Maine Geological Survey;**

**Executive Director, Land Use Regulation Commission;**

**Director of Finance of the Public Utilities Commission; and**

**Executive Director of the Maine Labor Relations Board.**

**Sec. 4.** 3 MRSA § 505, sub-§ 1, as repealed and replaced by PL 1977, c. 683, § 1, is amended to read:

**1. Objectives.** For each department and independent agency which has submitted a justification report, the Joint Standing Committee on **Performance Audit and Program Review** shall evaluate the analysis in the report and may conduct its own analysis which shall include, but shall not be limited to, an analysis to the extent to which the objectives of the department or independent agency have been reached. The Legislative Finance Office shall provide the Joint Standing Committee on **Performance Audit and Program Review** with whatever assistance is requested for the purposes of this subsection.

**Sec. 5.** 4 MRSA § 4, first sentence, as amended by PL 1979, c. 127, § 7 and PL 1979, c. 544, § 5, is repealed and the following enacted in its place:

**Each Justice of the Supreme Judicial Court shall receive an annual salary of \$34,240 until June 30, 1980, and an annual salary of \$36,637 thereafter; and the Chief Justice of the Supreme Judicial Court shall receive an annual salary of \$33,500**

until June 30, 1979, and an annual salary of \$35,845 until June 30, 1980, and an annual salary of \$38,354 thereafter.

**Sec. 6. 4 MRSA § 102, first sentence**, as amended by PL 1979, c. 127, § 10 and as repealed and replaced by PL 1979, c. 544, § 6, is repealed and the following enacted in its place:

**Each Justice of the Superior Court shall receive an annual salary of \$33,705 until June 30, 1980, and an annual salary of \$36,064 thereafter.**

**Sec. 7. 4 MRSA § 152, first sentence**, as last amended by PL 1979, c. 540, § 4, is further amended to read:

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

**Sec. 8. 4 MRSA § 153, sub-§ 30** is amended to read:

**30. Southern York.** Southern York consists of the municipalities of Eliot, Kittery, **Ogunquit**, South Berwick and York. The District Court for Southern York shall be held at Kittery.

**Sec. 8-A. Effective date.** Section 8 of this Act shall take effect July 6, 1980.

**Sec. 9. 4 MRSA § 171**, as last amended by PL 1979, c. 127, § 14, is repealed and the following enacted in its place:

#### **§ 171. Duty on receipt of complaints**

**When complaint is made to the proper officer of the District Court charging a person with the commission of a criminal offense, he shall issue a warrant for his arrest or a summons in such form and under such circumstances as the Supreme Judicial Court shall by rule provide.**

**He may, and on complaint shall, cause to be arrested persons found within his county or in an adjoining county under the conditions specified in the first paragraph of section 161 charged with offenses; and those having committed**

offenses therein or in an adjoining county who have escaped therefrom or from an adjoining county; and all persons charged with offenses and crimes, and all affrayers, rioters, breakers of the peace and violators of the law, and may require such offenders to find sureties for keeping the peace. When the offense upon examination is found to be one not within the jurisdiction of the District Court, the district judge may admit the offender to bail to appear before the Superior Court, and, in default thereof, shall commit him.

A district judge may try those brought before him for offenses within his jurisdiction, although the penalty or fine accrues wholly or partly to his town.

Warrants issued by the proper officer of the District Court in criminal cases shall be signed by that officer at the time they are issued.

Sec. 10. 4 MRSA § 555, as repealed and replaced by PL 1979, c. 425, § 2 and as amended by PL 1979, c. 541, Pt. A, § 13, is repealed and the following enacted in its place:

**§ 555. Fee schedule**

The Supreme Judicial Court shall have the authority to prescribe rules establishing the fees of clerks of the judicial courts.

Sec. 11. 5 MRSA § 321, as enacted by PL 1979, c. 536, § 1, is amended to read:

**§ 321. Declaration of policy**

The Legislature, in view of the continuing importance which the Statehouse and the Blaine House have for the people of Maine, declares that it is the policy of the State of ~~Maine~~ to ~~preserve~~ preserve and develop the aesthetic and historical integrity of the Statehouse and the Blaine House.

Sec. 12. 5 MRSA § 1062, sub-§ 5, 2nd sentence, as amended by PL 1973, c. 369, § 2, is repealed.

Sec. 13. 5 MRSA § 1062, sub-§ 5, 3rd sentence, as amended by PL 1979, c. 541, Pt. A, § 30, is repealed and the following enacted in its place:

For state employees, 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 and which shall be credited to the appropriate funds as listed in subsection 1. For state employees, percentage rates to be predetermined by the actuary and approved by the board of trustees shall be applied to the total gross salaries of members appearing on those payrolls and the resultant charges shall be periodically credited to the corresponding retirement fund. For public school teachers, percentage rates to be predetermined by the actuary and approved by the board of trustees shall be applied to the total gross salaries of members covering the most recent school year preceding the preparation of the biennial budget. The resultant amount shall be appropriated and credited to the corresponding retirement fund.

**Sec. 14. 5 MRSA § 1062, sub-§ 5, last sentence**, as repealed and replaced by PL 1973, c. 369, § 2, is repealed.

**Sec. 15. 5 MRSA § 1094, sub-§ 17**, as enacted by PL 1977, c. 584, § 31, is amended to read:

**17. Members of the Legislature; retirement purposes.** In the event that the Legislature convenes on the first Wednesday in December, for the purposes of eligibility to participate in and receive benefits from the Maine State Retirement System, any person who is a member of the Legislature on the 2nd day next preceding the first Wednesday in December, ~~1978 1980~~, shall be deemed to be a member of the Legislature through the day next preceding the first Wednesday after the first Tuesday in January, ~~1979 1981~~.

**Sec. 16. 5 MRSA § 1123, 4th sentence**, as amended by PL 1979, c. 92, is repealed.

**Sec. 17. 5 MRSA § 1123, 4th sentence**, as repealed and replaced by PL 1979, c. 200, is repealed and the following enacted in its place:

**Should any recipient of benefits other than disability benefits be restored to service, and should the total of his monthly retirement allowance for any year and his total earnable compensation for that year exceed his average final compensation at retirement, subject to such percentage adjustments, if any, that may apply to the amount of retirement allowance of the beneficiary under section 1128, the excess shall be deducted from the service retirement allowance payments during the next calendar year, those deductions to be prorated on a monthly basis in an equitable manner prescribed by the board of trustees over the year or part thereof for which benefits are received.**

**Sec. 18. 5 MRSA § 1124, sub-§ 4, 2nd ¶**, as amended by PL 1975, c. 622, § 55, is repealed.

**Sec. 19. 5 MRSA § 1128, sub-§ 1, ¶ C, last sentence**, as enacted by PL 1977, c. 573, § 3, is amended to read:

Beneficiaries of deceased retirees shall be eligible for the cost-of-living adjustment at the same time the ~~deceased~~ **deceased** retiree would have become eligible.

**Sec. 20. 7 MRSA § 489** is amended to read:

#### **§ 489. Exceptions**

No person shall be prosecuted under chapter 401, and sections 481 to 488, 640 to 643, 791 to 795, ~~871~~ 911 to 913 and 1081 to 1085, when he can establish proof of purchase, and a guaranty signed by the person residing in the United States from whom the purchase was made, to the effect that the article in question is not adulterated or misbranded within the meaning of this Title.

**Sec. 21. 7 MRSA § 3406, 2nd, 3rd and 4th sentences**, as amended by PL 1979, c. 492, §§ 1 and 2, are repealed.

**Sec. 22. 7 MRSA § 3406, sub-§ 1, 2nd sentence**, as enacted by PL 1979, c. 121, is amended to read:

Any licensed veterinarian, humane society or shelter accepting a sick, stray, injured or abandoned dog shall keep that dog for a period of 10 days and shall be entitled to receive from the State the sum of ~~\$1.50~~ **\$2.50** per day for the period or part thereof for which food and shelter are furnished for that dog, provided that the licensed veterinarian, humane society or shelter ~~shall notify~~ **notifies** the clerk of the respective municipality within 24 hours after accepting the dog.

**Sec. 23. 7 MRSA § 3451, 2nd ¶**, as last amended by PL 1979, c. 492, § 3, is further amended by adding after the 2nd sentence a new sentence to read:

**If neither a certificate nor a previous registration is available, the owner may substitute his sworn affidavit that the dog is not capable of producing young.**

**Sec. 24. 7 MRSA § 3451, 2nd ¶, 3rd sentence**, as repealed and replaced by PL 1979, c. 492, § 3, is amended to read:

When that certificate, **registration or affidavit** accompanies the application, a fee of ~~\$2.00~~ **\$2** shall be paid for each license.

**Sec. 25. 7 MRSA § 3452, first sentence**, as amended by PL 1979, c. 492, § 5, is further amended to read:

The clerks of cities and towns shall issue the licenses, receive the money therefor and pay each fee received for dogs capable of producing young and all money received for kennel ~~pet shop or boarding kennel~~ license fees to the commissioner.

**Sec. 26. 7 MRSA § 3452-A**, as enacted by PL 1979, c. 492, § 8, is amended to read:

#### **§ 3452-A. Animal control officer**

Each municipality shall have one or more animal control officers who shall be a person appointed by the ~~municipality~~ **municipal officers** whose duties shall be enforcement of sections 3454 to 3458 and 3701 to 3704 and other duties to control animals as may be required by the municipality.

**Sec. 27. 8 MRSA § 135, 2nd sentence**, as enacted by PL 1977, c. 13, is amended to read:

The license may be revoked or suspended by the Administrative Court Judge as designated in **the Maine Administrative Procedure Act, Title 5, chapters 301 and 307 chapter 375**, upon hearing and proof that the holder of the license has violated any of the provisions of this chapter or of any rule, regulation or order of the commission.

**Sec. 28. 9-B MRSA § 131, first ¶**, as enacted by PL 1975, c. 500, § 1, is amended to read:

In addition to the definitions set forth elsewhere in this Title, and subject to such definitions as the superintendent may promulgate pursuant to regulations hereafter, for purposes of this Title, **the following terms have the following meanings.**

**Sec. 29. 9-B MRSA § 131, sub-§ 20**, as enacted by PL 1975, c. 500, § 1, is amended to read:

**20. His.** "His," as used in this Title, ~~shall mean~~ **means** "his or her;" while "he" ~~shall mean~~ **means** "he or she."

**Sec. 30. 9-B MRSA § 211, sub-§ 1, first sentence**, as amended by PL 1975, c. 771, § 110, is further amended to read:

The activities of the bureau shall be directed by a superintendent who shall be appointed by the Commissioner of ~~the Department of~~ Business Regulation with the advice and consent of the Governor and subject to review by the Joint Standing Committee on Business Legislation and to confirmation by the Legislature.

**Sec. 31. 9-B MRSA § 213, sub-§ 2, ¶ A, last sentence**, as enacted by PL 1975, c. 500, § 1, is amended to read:

If the superintendent is the borrower, such written disclosure shall be made to the Commissioner of ~~the Department of~~ Business Regulation.

**Sec. 32. 9-B MRSA § 231, sub-§ 2, ¶ B**, as enacted by PL 1975, c. 500, § 1, is amended to read:

**B.** Upon petition of any interested party, a hearing ~~conducted pursuant to section 254 in conformity with the Maine Administrative Procedure Act, Title 5, chapter 375~~ shall be provided prior to the effective date of any order issued pursuant to subsection 1, except as provided in subsection 3.

**Sec. 33. 9-B MRSA § 243, sub-§ 1, ¶ D**, as enacted by PL 1975, c. 500, § 1, is amended to read:

**D.** That the customer provide some additional or other credit, property or service to a subsidiary of such financial institution, a financial institution holding company of such financial institution, or from any other subsidiary of such financial institution holding company; **or**

**Sec. 34. 9-B MRSA § 312, sub-§ 2, ¶ F**, as enacted by PL 1975, c. 500, § 1, is amended to read:

**F.** Subscription agreements for at least 1/3 of the capital stock set forth in paragraph D, such subscriptions to contain the name, address and occupation of the subscriber, and the amount of such subscription. Each subscriber shall sign the subscription agreement if he is not an incorporator; **and**

**Sec. 35. 9-B MRSA § 312, sub-§ 4, ¶ A**, as enacted by PL 1975, c. 500, § 1, is amended to read:



**A.** Within 10 days after the first publication of the notice required in subsection 3, the incorporators shall apply to the superintendent for a certificate that public convenience and advantage will be promoted by the establishment of a financial institution of the type set forth in their application; and such request shall be deemed as completing the application for purposes of section 252, subsection-7 2.

**Sec. 36.** 9-B MRSA § 315, sub-§ 4, ¶I, sub-¶ (4), as enacted by PL 1975, c. 500, § 1, is amended to read:

(4) After paying the requisition and costs from the proceeds of such sale, the balance, if any, shall be returned to the delinquent stockholder or stockholders; **and**

**Sec. 37.** 9-B MRSA § 316, sub-§ 2, ¶B, as enacted by PL 1975, c. 500, § 1, is amended to read:

**B.** Directors shall hold regular meetings at least once each month; ~~and~~.

**Sec. 38.** 9-B MRSA § 317, sub-§ 3, ¶C, first ¶, as enacted by PL 1975, c. 500, § 1, is repealed and the following enacted in its place:

**C. The clerk or secretary shall exercise the following powers.**

**Sec. 39.** 9-B MRSA § 327, sub-§ 3, ¶C, first ¶, as enacted by PL 1975, c. 500, § 1, is repealed and the following enacted in its place:

**C. The clerk or secretary shall exercise the following powers.**

**Sec. 40.** 9-B MRSA § 342, sub-§ 1, ¶E, last sentence, as enacted by PL 1975, c. 500, § 1, is amended to read:

Each director shall sign and acknowledge the articles, as a subscriber thereto; ~~and~~.

**Sec. 41.** 9-B MRSA § 355, sub-§ 1, ¶E, as enacted by PL 1975, c. 500, § 1, is amended to read:

**E.** If a stock institution is the transferring institution and the proposed sale is not to be for cash, a clear and concise statement that stockholders of said institution voting against the proposed sale are entitled to rights set forth in section 352, subsection 5; **and**

**Sec. 42.** 9-B MRSA § 427, sub-§ 9, ¶A, sub-¶ (1), as enacted by PL 1975, c. 500, § 1, is amended to read:

(1) If the evidence of deposit or account was issued to a single depositor, then by him, an officer in the event of a corporation, or by a guardian, conservator, trustee, executor or administrator; **or**

**Sec. 43.** 9-B MRSA § 463, sub-§ 2, ¶B, 2nd sentence, as enacted by PL 1975, c. 500, § 1, is amended to read:

Upon receipt of a petition the superintendent shall hold a hearing pursuant to section ~~254~~ 252, subsection 5.

**Sec. 44. 9-B MRSA § 514, sub-§ 2, ¶D**, as enacted by PL 1975, c. 500, § 1, is amended to read:

**D.** The book value of investments in obligations of the United States; **and**

**Sec. 45. 9-B MRSA § 536, sub-§ 2, ¶B**, as enacted by PL 1975, c. 500, § 1, is amended to read:

**B.** Purchase of loan participations in which the United States or any instrumentality thereof participates which qualify as legal loans for savings banks under any provision or combination of provisions of this Title; **and**

**Sec. 46. 9-B MRSA § 542, sub-§ 1**, as enacted by PL 1975, c. 500, § 1, is amended to read:

**1. Limitations.** In addition to real estate owned for offices and facilities pursuant to section 337, a savings bank may invest in or otherwise hold real estate located anywhere within the State of ~~Maine~~ the book value of which, together with real estate invested in pursuant to section 337, shall not exceed ~~50%~~ 60% of its total capital and reserves in the case of a bank organized pursuant to chapter 31, or ~~50%~~ 60% of its surplus account in a bank organized pursuant to chapter 32; provided that the superintendent may approve in writing an additional percentage.

**Sec. 47. 9-B MRSA § 552, sub-§ 3**, as enacted by PL 1975, c. 500, § 1, is amended to read:

**3. Maine.** The bonds and other obligations issued or guaranteed by this State, or issued by any instrumentality or agency of this State, or any political subdivision thereof which is not in default on any of its outstanding funded obligations; **and**

**Sec. 48. 9-B MRSA § 553, sub-§ 2, last sentence**, as enacted by PL 1975, c. 500, § 1, is amended to read:

Not more than 20% of the deposits of an institution shall be invested in such securities of Maine corporations; and not more than 2% of such deposits in the securities of any single corporation; **and**

**Sec. 49. 9-B MRSA § 554, sub-§ 1, ¶C, last sentence**, as enacted by PL 1975, c. 500, § 1, is amended to read:

Not more than 1% of the deposits of an institution shall be so invested; **and**

**Sec. 50. 9-B MRSA § 613, sub-§ 2, ¶D**, as enacted by PL 1975, c. 500, § 1, is amended to read:

**D.** The book value of investments in obligations of the United States; **and**

**Sec. 51. 9-B MRSA § 623, sub-§ 2, ¶E**, as enacted by PL 1975, c. 500, § 1, is amended to read:

**E.** Any cash, whether principal or income, or both, may be deposited in its commercial department in an account, either time or demand, specifically stating the trust to which the same belongs; **and**

**Sec. 52. 9-B MRSA § 714, sub-§ 2, ¶ D**, as enacted by PL 1975, c. 500, § 1, is amended to read:

**D.** The book value of investments in obligations of the United States; **and**

**Sec. 53. 9-B MRSA § 736, sub-§ 2, ¶ B**, as enacted by PL 1975, c. 500, § 1, is amended to read:

**B.** Purchase of loan participations in which the United States or any instrumentality thereof participates which qualify as legal loans for savings and loan associations under any provision or combination of provisions of this Title; **and**

**Sec. 54. 9-B MRSA § 738, sub-§ 2**, as enacted by PL 1975, c. 500, § 1, is amended to read:

**2. National Housing Act.** Loans to an amount within the discretion of the board of directors; provided that the loan is eligible for insurance under the National Housing Act and seasonable application is made under Title 1 of that Act; **and**

**Sec. 55. 9-B MRSA § 832, sub-§ 2, ¶¶ A and B**, as repealed and replaced by PL 1979, c. 134, § 1, are repealed and the following enacted in their place:

**A.** For credit unions in operation less than 4 years or having assets of less than \$500,000, 10% of gross income until the guaranty fund shall equal 7% of the total outstanding loans and risk assets of the credit union and then 5% of the gross income until the guaranty fund shall equal 10% of the total outstanding loans and risk assets; or

**B.** For credit unions in operation more than 4 years and having assets of \$500,000 or more, 10% of gross income until the guaranty fund shall equal 4% of the total outstanding loans and risk assets of the credit union and then 5% of the gross income until the guaranty fund shall equal 6% of the total outstanding loans and risk assets.

**Sec. 56. 9-B MRSA § 913, sub-§§ 3 and 4**, as enacted by PL 1975, c. 500, § 1, are amended to read:

**3. FHA insured loans.** Make such loans as are eligible for insurance pursuant to Title I of the National Housing Act, as amended, and to apply for and obtain insurance on said loans pursuant to said Act; ~~and~~.

**4. Certificates of investment.** Sell certificates of investment, either of fixed or of uncertain term; **and**

**Sec. 57. 9-B MRSA § 918, sub-§ 2**, as enacted by PL 1975, c. 500, § 1, is amended to read:

**2. Deposit of funds in other financial institutions.** Deposit any of its funds with any other financial institution, unless such institution has been designated as such depository by a vote of a majority of the directors or of the executive committee, exclusive of any director who is an officer, director or trustee of the depository so designated; or

**Sec. 58. 9-B MRSA § 1011, first ¶**, as enacted by PL 1975, c. 500, § 1, is repealed and the following enacted in its place:

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

**Sec. 59. 10 MRSA § 2202, first ¶**, as enacted by PL 1979, c. 541, Pt. A, § 95, is repealed.

**Sec. 60. 10 MRSA § 2205, sub-§ 2, last sentence**, as repealed by PL 1979, c. 466, § 5 and as amended by PL 1979, c. 541, Pt. A, § 96, is repealed.

**Sec. 61. 12 MRSA § 501**, as repealed by PL 1979, c. 545, § 11 and as amended by PL 1979, c. 556, § 1, is repealed.

**Sec. 62. 12 MRSA § 1027**, as amended by PL 1979, c. 556, § 4 and as repealed by PL 1979, c. 545, § 13, is repealed.

**Sec. 63. 12 MRSA § 1402-A**, as repealed by PL 1979, c. 545, § 14 and as amended by PL 1979, c. 556, § 5, is repealed.

**Sec. 64. 12 MRSA § 1653**, as repealed by PL 1979, c. 545, § 14 and repealed and replaced by PL 1979, c. 556, § 6, is repealed.

**Sec. 65. 12 MRSA § 2355**, as amended by PL 1979, c. 237, § 1 and PL 1979, c. 352 and as repealed by PL 1979, c. 420, § 5, is repealed.

**Sec. 66. 12 MRSA § 7101, sub-§ 5, ¶ A**, as enacted by PL 1979, c. 420, § 1, is amended to read:

- A. Resident junior hunting license ..... ~~\$150~~ **\$1.50**  
(10 years of age or older and under 16)

**Sec. 67. 12 MRSA § 7432, sub-§ 14**, as enacted by PL 1979, c. 543, § 37, is reallocated to 12 MRSA, section 7432, subsection 15.

**Sec. 68. 12 MRSA Pt. 11, c. 801, first 2 lines**, as enacted by PL 1979, c. 545, § 3, are repealed and the following enacted in their place:

**PART 11  
FORESTRY  
CHAPTER 801  
BUREAU OF FORESTRY**

**Sec. 69. 12 MRSA § 8003, sub-§ 3, ¶ M, first sentence**, as enacted by PL 1979, c. 545, § 3, is repealed and the following enacted in its place:

**The director is authorized, with the consent of the commissioner, to sell, grant, lease, transfer or otherwise convey any real or personal property under the jurisdiction of the bureau.**

**Sec. 70. 12 MRSA § 8701, sub-§ 1, last sentence,** as enacted by PL 1979, c. 545, § 3, is amended to read:

The object of these nurseries is to furnish at cost forest tree seedlings, transplants and shrub material for use in ~~planing~~ **planting** the present and potential forest lands within the State.

**Sec. 71. 12 MRSA § 9322, sub-§ 3, first sentence,** as enacted by PL 1979, c. 545, § 3, is amended to read:

On application to the director a **statewide** yearly permit for out-of-door fires shall be issued to resident guides licensed by the Department of Inland Fisheries and Wildlife.

**Sec. 72. 13-B MRSA § 301, sub-§ 3, first sentence,** as amended by PL 1979, c. 127, § 95 and PL 1979, c. 572, § 13, is repealed and the following enacted in its place:

**Any corporation may grant to any domestic business or nonprofit corporation or any foreign business or nonprofit corporation authorized to carry on activities in this State, or to any person, by executing and filing with the Secretary of State as provided in sections 104 and 106 proof of a resolution of its board of directors making such grant, the exclusive right thereafter to authorize the use of a name similar to that of the granting corporation by any other corporation or corporations, or person for use as a name or as a trade mark or service mark as defined in Title 10, chapter 301-A.**

**Sec. 73. 13-B MRSA § 1212, sub-§ 1, ¶ B,** as enacted by PL 1977, c. 525, § 13, is amended to read:

**B.** A registered agent, which agent may be either an individual resident in this State, whose office is identical with the corporation's registered office, or a domestic or foreign corporation, **whether for profit or not for profit**, authorized to carry on activities in this State and having an office identical with such registered office.

**Sec. 74. 14 MRSA § 153, last sentence** is amended to read:

He may prove in mitigation of damages that the plaintiff has already recovered or has brought action for damages for, or has received or has agreed to receive compensation for, substantially the same libel ~~as that for which said action was brought.~~

**Sec. 75. 14 MRSA § 159-A, sub-§ 1, ¶ B, first sentence,** as amended by PL 1979, c. 514, § 1, is further amended to read:

“Recreational or harvesting activities” shall mean recreational activities conducted out of doors, including hunting, fishing, trapping, camping, hiking,

sight-seeing, operation of snow-traveling vehicles, skiing, hang-gliding, boating, sailing, canoeing, ~~rafting~~ **rafting** or swimming or activities that involve harvesting or gathering forest products.

**Sec. 76. 14 MRSA § 251, sub-§ 3, first sentence** is amended to read:

Upon demand, the right to a speedy and public trial by an impartial jury of the county wherein the contempt ~~shall have been~~ **was allegedly** committed.

**Sec. 77. 14 MRSA § 551, first sentence** is amended to read:

Clerks of judicial courts, judges and registers of the probate courts, ~~Judges~~ **judges** and clerks of the District Court shall not sell or deliver any blank writs or precepts bearing the seal of said courts and the signature of said judges and registers to any person, except one who has been admitted as an attorney ~~and counselor at law and solicitor and counselor in chancery~~ in accordance with the laws of this State.

**Sec. 78. 14 MRSA § 653, last sentence** is repealed and the following enacted in its place:

**Whoever violates this section commits a civil violation for which a forfeiture not to exceed \$100 may be adjudged.**

**Sec. 79. 14 MRSA § 1217, last sentence**, as enacted by PL 1971, c. 391, § 1, is amended to read:

~~If he fails~~ **Notwithstanding Title 17-A, section 4-A, any person failing** to show good cause for noncompliance with the summons ~~he is guilty of criminal contempt and may, upon conviction may for violation of this section,~~ be punished by a fine of not more than \$100 and by imprisonment for not more than 3 days, or by both.

**Sec. 80. 14 MRSA § 1218, 2nd ¶**, as amended by PL 1979, c. 541, Pt. A, § 139, is further 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~~ **a Class E crime.**

**Sec. 81. 14 MRSA § 5544, last sentence**, as enacted by PL 1971, c. 291, is amended to read:

Any person who violates this section ~~shall be punished by a fine of not more than \$500 or by imprisonment for not more than 6 months, or by both~~ **is guilty of a Class E crime.**

**Sec. 82. 14 MRSA § 8104, sub-§ 5**, as enacted by PL 1979, c. 68, § 1, is amended to read:

**5. Wrongful death action.** Actions for the death of a person brought by the personal representatives of the deceased person shall be brought in the same manner that is provided for similar actions in ~~Title 18, sections 2551 to 2553~~ **Title**

**18-A, section 2-804**, and amounts recovered shall be disposed of as required in ~~Title 18, section 2552 that section~~; provided that the limitations of section 8105 shall apply.

**Sec. 82-A. Effective date.** Section 82 of this Act shall become effective on January 1, 1981.

**Sec. 83.** 15 MRSA c. 13, first 2 lines, are repealed as follows:

~~CHAPTER 13~~

~~ACCESSORIES~~

**Sec. 84.** 15 MRSA § 101, last ¶, as enacted by PL 1975, c. 230, § 1, is amended to read:

Any individual responsible for or permitting the release of a respondent from the examining institution who has been committed pursuant to this section ~~shall be punished by a fine of not more than \$1,000~~ **commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged.**

**Sec. 85.** 15 MRSA § 104, as last amended by PL 1977, c. 114, § 25, is repealed.

**Sec. 86.** 15 MRSA § 104-A is enacted to read:

**§ 104-A. Release and discharge, hearing, payment of fees**

**1. Release and discharge.** The head of the institution in which a person is placed under section 103 shall, annually, forward to the Commissioner of Mental Health and Corrections a report containing the opinion of a staff psychiatrist as to the mental condition of that person, stating specifically whether he may be released or discharged without likelihood that he will cause injury to himself or to others due to mental disease or mental defect. The report shall also contain a brief statement of the reasons for the opinion. The commissioner shall forthwith file the report in the Superior Court for the county in which the person is hospitalized. The court shall review each report and, if it is made to appear by the report that any person may be ready for release or discharge, the court shall set a date for and hold a hearing on the issue of the person's readiness for release or discharge. At the hearing, the court shall receive the testimony of at least one psychiatrist who has observed or treated that person and any other relevant testimony. If, after hearing, the court finds that the person may be released or discharged without likelihood that he will cause injury to himself or to others due to mental disease or mental defect, the court shall order, as applicable:

**A. Release from the institution, subject to conditions deemed appropriate by the court which conditions:**

- (1) May include, but are not limited to, out-patient treatment;
- (2) Continue until terminated by the court;
- (3) Are subject to annual review by the court; and

(4) May include supervision by the State Division of Probation and Parole for one year, which period may be extended for an additional year by the court upon review after the expiration of the first year; or

B. Discharge from the custody of the Commissioner of Mental Health and Corrections.

2. Modified release treatment. Any individual hospitalized pursuant to section 103 may petition the Superior Court for the county in which that person is hospitalized for a release treatment program allowing the individual to be off institutional grounds for a period of time, not to exceed 14 days at any one time. The petition shall contain a report from the institutional staff including at least one psychiatrist, and the report shall define the patient's present condition; the planned treatment program involving absence from the institution; the duration of the absence from the institution; the amount of supervision during the absence; the expectation of results from the program change and the estimated duration of the treatment program before further change. This petition shall be forwarded to the court no later than 60 days prior to the beginning of the modified treatment program. If the court considers that the individual being off the grounds as described in the treatment plan is inappropriate, it shall notify the hospital that the plan is not approved and shall schedule a hearing on the matter. The clerk of courts upon receipt of the proposed treatment program shall give notice thereof by mailing a copy to the district attorney and Attorney General, who may file objections and request hearing on the matter. If the court does not respond within 90 days to the proposed treatment plan and no objections and request for hearing are filed by the district attorney or Attorney General, it may then be put into effect by the administrator of the hospital on the assumption that the court approved the treatment plan.

The term "release" as used in this section means termination of institutional in-patient residency and return to permanent residency in the community.

A report shall be forwarded and filed and hearings shall be held in accordance with the first paragraph of subsection 1 without unnecessary delay when, at any time, it is the opinion of a staff psychiatrist that a patient hospitalized under section 103 may be released or discharged without likelihood that he will cause injury to himself or to others due to mental disease or mental defect.

A person hospitalized under section 103, or his spouse or next of kin, may petition the Superior Court for the county in which that person is hospitalized for a hearing under this section. Upon receiving the petition, the court shall request and be furnished by the Commissioner of Mental Health and Corrections a report on the mental condition of that person, as described in the first paragraph of subsection 1. A hearing shall be held on each petition, and release or discharge, if ordered, shall be in accordance with the first paragraph of subsection 1. If release or discharge is not ordered, a petition shall not be filed again for the release or discharge of that person for 6 months. Any person released under this section or his spouse or next of kin may at any time after 6 months from the release petition



the Superior Court for the county in which he was hospitalized for his discharge under this section. If discharge is not ordered, a petition for discharge may not be filed again for 6 months.

Any person released under subsection 1, paragraph A, who fails to comply with the conditions of release ordered by the court or whose rehospitalization, due to the likelihood that he will cause injury to himself or others due to mental disease or mental defect, is considered necessary, upon the verified petition of any interested person, may be brought before any Justice of the Superior Court upon his order. In each case, hearing shall be held for the purpose of reviewing the mental condition of the person and the order for release. The court may order the person detained for observation and treatment, if appropriate, at the hospital from which he was released pending the hearing, which detention shall not exceed 14 days. The psychiatrist responsible for the observation and treatment, if any, shall report to the court prior to the hearing as to the mental condition of the person, indicating specifically whether the person can remain in the community without likelihood that he will cause injury to himself or others due to mental disease or mental defect. The court shall receive the testimony of a psychiatrist who observed or treated the person during the period of detention and any other relevant testimony. Following hearing, the court may reissue, modify or rescind the previous order of release. Any person released under subsection 1, paragraph A may be admitted to a hospital under any provisions of Title 34, chapter 191 while the order for release is in effect.

Notice of any hearing under this section shall be given to the district attorney and Attorney General at least 7 days before the hearing date.

Whenever a hearing is to be held under this section, the court shall determine whether the person whose release or discharge is in issue, is indigent. If the court finds that the person is indigent, it shall appoint counsel to represent the person in connection with the hearing. Fees for court-appointed counsel for services rendered in connection with any hearing held under this section, or appeal from a decision therein, and the fees of any expert witnesses called by the district attorney, Attorney General or on behalf of the person whose release or discharge is in issue, if indigent, shall be paid by the State. Any such fee to be in order for payment shall be first approved by the justice presiding at the hearing held under this section.

Sec. 87. 15 MRSA § 152, first 2 sentences are repealed and the following enacted in their place:

The term "fresh pursuit" as used in this chapter includes fresh pursuit as defined by the common law, and the pursuit of a person who has committed a crime punishable by a maximum term of imprisonment equal to or exceeding one year or who is reasonably suspected of having committed such a crime. It shall include the pursuit of a person suspected of having committed a supposed crime punishable by a maximum term of imprisonment equal to or exceeding one year, though no such crime has actually been committed, if there is reasonable ground for believing that such a crime has been committed.

Sec. 88. 15 MRSA § 154, first sentence is repealed and the following enacted in its place:

**Any member of a duly organized state, county or municipal police unit of another state of the United States, who enters this State in fresh pursuit and continues within this State in such fresh pursuit of a person in order to arrest him on the ground that he is believed to have committed, in such other state, a crime punishable by a maximum term of imprisonment equal to or exceeding one year, shall have the same authority to arrest and hold such person in custody as has any member of any duly organized state, county or municipal police unit of this State to arrest and hold in custody a person on the ground that he is believed to have committed such a crime in this State.**

Sec. 89. 15 MRSA § 211 is amended to read:

**§ 211. Disobedience of officer**

Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the Governor's warrant in disobedience of section 210 ~~shall be punished by a fine of not more than \$1,000 or by imprisonment for not more than 6 months, or by both is guilty of a Class E crime.~~

Sec. 90. 15 MRSA § 223, sub-§ 4, first sentence, as enacted by PL 1977, c. 671, § 18, is amended to read:

As used in this section ~~only~~, the term "prosecuting attorney" ~~shall mean means~~:

Sec. 91. 15 MRSA § 454, as repealed and replaced by PL 1977, c. 114, § 26, is amended to read:

**§ 454. Murder or felony murder; filing copies of proceedings; expenses**

Whenever any person is convicted of ~~first or 2nd degree homicide murder or felony murder~~, a copy of the Maine Rules of Criminal Procedure, Rule 11, if applicable, trial testimony and charge of the presiding justice, certified by the Official Court Reporter, shall be filed with the clerk of the court where that trial is held, and the expense thereof shall be paid by the State. A copy of the Maine Rules of Criminal Procedure, Rule 11, if applicable, trial testimony and charge of the presiding justice, certified by the Official Court Reporter, shall be furnished by the clerk of court to the Secretary of State at no charge for use in any pardon hearing before the Governor, when the individual is indigent.

Sec. 92. 15 MRSA § 455, 3rd and 4th sentences are repealed and the following enacted in their place:

**Any dealer who fails to keep that record or refuses to show it to any officer listed in this section commits a civil violation for which a forfeiture not to exceed \$50 may be adjudged. Whoever gives a false or fictitious name to the dealer commits a civil violation for which a forfeiture not to exceed \$50 may be adjudged.**

Sec. 93. 15 MRSA § 456, last 2 sentences, as repealed and replaced by PL 1973, c. 357, are repealed and the following enacted in their place:

**Any dealer who fails to keep that record or fails to require reasonable proof of identification of the seller or refuses to show the same to any law enforcement officer or prosecuting attorney commits a civil violation for which a forfeiture not to exceed \$500 may be adjudged. Whoever gives a false or fictitious name to the dealer is guilty of a Class E crime.**

**Sec. 94. 15 MRSA § 701, sub-§ 1, as amended by PL 1971, c. 544, § 49, is further amended to read:**

**1. Information.** When prosecutions by information are expressly authorized by rule of court; or

**Sec. 95. 15 MRSA § 710, sub-§ 1, as enacted by PL 1973, c. 561, is repealed and the following enacted in its place:**

**1. Interception, oral communications prohibited.** Any person, other than an employee of a common carrier as defined in this chapter or a law enforcement officer carrying out practices otherwise permitted by this chapter, who intentionally or knowingly intercepts, attempts to intercept or procures any other person to intercept or attempt to intercept, any wire or oral communication is guilty of a Class C crime.

**Sec. 96. 15 MRSA § 710, sub-§ 2, as enacted by PL 1973, c. 561, is amended to read:**

**2. Editing of tape recordings in judicial proceedings prohibited.** Any person who willfully knowingly or intentionally edits, alters or tampers with any tape, transcription or other sound recording, or knows of such editing, altering or tampering, and presents such that recording in any judicial proceeding or proceeding under oath, without fully indicating the nature of the changes made and the original state of the recording, ~~shall be punished by a fine of not more than \$10,000 or by imprisonment for not more than 5 years, or by both~~ is guilty of a Class C crime.

**Sec. 97. 15 MRSA § 710, sub-§ 3, as enacted by PL 1973, c. 561, is repealed and the following enacted in its place:**

**3. Disclosure, or use of wire or oral communications prohibited.** A person is guilty of a Class C crime if he:

**A. Intentionally or knowingly discloses or attempts to disclose to any person the contents of any wire or oral communication, knowing that the information was obtained through interception; or**

**B. Intentionally or knowingly uses or attempts to use the contents of any wire or oral communication, knowing that the information was obtained through interception.**

**Sec. 98. 15 MRSA § 710, sub-§ 4, last sentence, as enacted by PL 1973, c. 561, is repealed and the following enacted in its place:**

**Any person violating this subsection shall be subject to a civil penalty not to exceed \$5,000, payable to the State, to be recovered in a civil action.**

**Sec. 99. 15 MRSA § 710, sub-§ 5**, as enacted by PL 1973, c. 561, is amended to read:

**5. Possession of interception devices prohibited.** A person, other than an employee of a common carrier as defined in this chapter or a law enforcement officer carrying out practices permitted by this chapter, who has in his possession any device, contrivance, machine or apparatus designed or commonly used for intercepting wire or oral communications defined in this chapter, ~~shall be punished by imprisonment for not more than 2 years or by a fine of not more than \$5,000, or by both~~ is guilty of a Class C crime.

**Sec. 100. 15 MRSA § 710, sub-§ 6**, as enacted by PL 1973, c. 561, is repealed and the following enacted in its place:

**6. Sale of interception devices prohibited.** A person who sells, exchanges, delivers, barter, gives or furnishes or possesses with an intent to sell any device, contrivance, machine or apparatus designed or commonly used for the interception of wire or oral communications as defined in this chapter is guilty of a Class B crime. This subsection shall not include devices manufactured under written contract for sale to common carriers and law enforcement agencies, provided that the production of any such device shall not have commenced prior to the signing of the contract by both parties.

**Sec. 101. 15 MRSA § 711, sub-§ 1**, as enacted by PL 1973, c. 561, is amended to read:

**1. Damages.** Actual damages, but not less than liquidated damages, computed at the rate of \$100 per day for each day of violation; and

**Sec. 102. 15 MRSA § 891**, as amended by PL 1965, c. 356, § 38, is further amended to read:

**§ 891. Dismissal on satisfaction of private injury; discharge of bail**

When a person has been admitted to bail or is committed by a judge, or is indicted, or held upon a complaint and warrant for an assault ~~and battery~~ or other ~~misdemeanor~~ **Class D or E crime as defined by Title 17-A, section 4-A**, for which the party injured has a remedy by civil action, except ~~felonious~~ **aggravated** assaults, assaults upon or resistance of ~~an~~ **a law enforcement officer as defined by Title 17-A** of justice in the execution of his duty, and assaults ~~and batteries~~ of such officers, if the injured party appears before the judge or court, and in writing acknowledges satisfaction for the injury, the court, on payment of all costs, may stay further proceedings and discharge the defendant. The judge may exonerate the bail and release the obligors, supersede the commitment by his written order and exonerate the bail of the witnesses.

**Sec. 103. 15 MRSA § 942, sub-§ 1, ¶ I**, as enacted by PL 1975, c. 143, § 1, is amended to read:

I. The fact that the offense is alleged to have been committed while the person charged was on probation or parole from a previous sentence as a reason for requiring more stringent bail; and

**Sec. 104.** 15 MRSA § 942, sub-§ 4, as amended by PL 1977, c. 696, § 167, is repealed and the following enacted in its place:

**4. Failure to appeal; penalty.** Any person charged with an offense who has been ordered released pending trial on his personal recognizance, or on execution of an unsecured or secured appearance bond, who fails without just cause to appear before any court or judicial officer as required is guilty of a Class E crime if the offense charged was punishable by a maximum period of imprisonment of less than one year, or is guilty of a Class C crime if the offense charged was punishable by a maximum period of imprisonment of one year or more.

**Sec. 105.** 15 MRSA § 1313, as amended by PL 1965, c. 356, § 51, is further amended to read:

**§ 1313. Punishment of state witness for nonattendance**

Whoever, having been subpoenaed as a witness in behalf of the State before any court or grand jury, without reasonable cause fails to appear at the time and place designated in the subpoena, if he is not punished therefor as for contempt, ~~shall be punished, on indictment, by a fine of not more than \$100 or by imprisonment for less than one year is guilty of a Class E crime.~~

**Sec. 106.** 15 MRSA § 1318, first ¶, as enacted by PL 1975, c. 775, § 1, is amended to read:

For purposes of this chapter, the term "prosecuting attorney" ~~shall mean means:~~

**Sec. 107.** 15 MRSA § 1741, as reenacted by PL 1975, c. 740, § 2, is repealed.

**Sec. 108.** 15 MRSA § 1943, as amended by PL 1975, c. 383, § 16, and as repealed and replaced by PL 1975, c. 408, § 31, is further amended to read:

**§ 1943. Fines, costs and forfeitures in Superior Court**

Every clerk of a Superior Court shall render under oath a detailed account of all fines, costs and forfeitures upon convictions and sentences before him, on forms prescribed by the State Department of Audit, and shall pay them into the State Treasury on or before the 15th day of the month following the collection of such fines, costs and forfeitures. Any person who fails to make such payments into the State Treasury shall forfeit, in each instance, double the amount so neglected to be paid over, to be recovered by indictment for the persons entitled to such fines, costs and forfeitures, and in default of payment, ~~according to the sentence of the court, such persons shall be punished by imprisonment for not more than 6 months that person is guilty of a Class E crime.~~

**Sec. 109.** 15 MRSA § 2114, first sentence, as repealed and replaced by PL 1975, c. 139, is amended to read:

In all ~~misdemeanor~~ any criminal proceedings before the District Court, in which the crime alleged is punishable by a maximum term of imprisonment of less than one year, the defendant may plead not guilty and may seasonably request that the case be transferred without trial to the Superior Court in which event the District Court shall forthwith transfer the case to the Superior Court for disposition as if an appeal under section 2111 of this chapter.

**Sec. 110.** 15 MRSA § 2115-A, sub-§ 8, as enacted by PL 1979, c. 343, § 2, is amended to read:

**8. Fees and costs.** The ~~Supreme Judicial Court~~ Law Court shall allow reasonable counsel fees and costs for the defense of appeals under this section.

**Sec. 111.** 15 MRSA § 2304, sub-§ 3, 2nd sentence, as enacted by PL 1979, c. 303, is amended to read:

Such contracts may provide for such training to take place at any facility being operated or to be operated for the care and treatment of mentally disordered offenders; at any institution or facility having resources suitable for the offering of such training; or may provide for the separate establishment of training facilities, provided that no such separate establishment shall be undertaken, unless it is determined that an appropriate existing facility or institution cannot be found at which to conduct the ~~contemplated~~ contemplated program.

**Sec. 112.** 15 MRSA c. 409, first 2 lines, are repealed and the following enacted in their place:

#### CHAPTER 409

#### MAINE YOUTH CENTER

**Sec. 113.** 15 MRSA § 3002, sub-§ 1, ¶ D, as enacted by PL 1977, c. 520, § 1, is amended to read:

**D.** To secure for any juvenile removed from the custody of his parents the necessary treatment, care, guidance and discipline to assist him in becoming a responsible and productive member of society; and

**Sec. 114.** 15 MRSA § 3004, as enacted by PL 1977, c. 520, § 1, is repealed as follows:

#### ~~§ 3004. Severability~~

~~—If any provision of this Part or the application thereof to any person or circumstance is held unconstitutional, the remainder of the Part and the application of such provision to other persons or circumstances shall not be affected thereby, and to this end the provisions of this Part are declared to be severable~~

**Sec. 115.** 15 MRSA § 3101, sub-§ 4, ¶ D, sub-¶ (1), as enacted by PL 1977, c. 520, § 1, is amended to read:

(1) The record and previous history of the juvenile; ~~and~~

**Sec. 116.** 15 MRSA § 3103, sub-§ 1, ¶ E, as enacted by PL 1977, c. 664, § 11, is further amended to read:

E. Offenses involving the operation or attempted operation of any motor vehicle, snowmobile or watercraft while under the influence of intoxicating liquor or drugs, as defined in Title 29, section 1312, and in Title 12, ~~section 1978, subsection 2 and~~ section 2073, subsection 2, **and section 7827, subsection 9**, respectively.

**Sec. 117.** 15 MRSA § 3310, sub-§ 2, ¶ B, sub-¶ (1), as enacted by PL 1977, c. 520, § 1, is amended to read:

(1) Order that the petition be amended to conform to the evidence; ~~or~~

**Sec. 118.** 15 MRSA § 3313, sub-§ 1, ¶ A, as enacted by PL 1977, c. 520, § 1, is amended to read:

A. There is undue risk that, during the period of a suspended sentence or probation, the juvenile will commit another crime; ~~or~~

**Sec. 119.** 15 MRSA § 3313, sub-§ 2, ¶ J, as enacted by PL 1977, c. 520, § 1, is amended to read:

J. The juvenile is particularly likely to respond affirmatively to probation; **and**

**Sec. 120.** 17 MRSA c. 3, first 2 lines are repealed as follows:

#### ~~CHAPTER 3~~

#### ~~ABORTION; CONCEALMENT OF BIRTH~~

**Sec. 121.** 17-A MRSA § 106, sub-§ 5, as amended by PL 1979, c. 127, § 127 and c. 512, § 22, is repealed and the following enacted in its place:

5. A person required by law to enforce rules and regulations, or to maintain decorum or safety, in a vessel, aircraft, vehicle, train or other carrier, or in a place where others are assembled, may use nondeadly force when and to the extent that he reasonably believes it necessary for such purposes.

**Sec. 122.** 17-A MRSA § 1203, sub-§ 1, as amended by PL 1979, c. 379, § 1 and c. 512, § 38, is repealed and the following enacted in its place:

1. Subject to the limitation in subsection 2, the court may sentence a person to a term of imprisonment, not to exceed the maximum term authorized for the crime, an initial portion of which shall be served and the remainder of which shall be suspended. The imprisonment for the initial unsuspended portion of the term may be at a different institution from that specified for the suspended portion. The period of probation shall commence on the date the person is released from his initial unsuspended portion of the term of imprisonment, unless the court orders that it shall commence on an earlier date. If the period of probation is to

commence upon release from the initial unsuspended portion of the term of imprisonment, the court may nonetheless revoke probation for any criminal conduct committed during that initial period of imprisonment.

Sec. 123. 18-A MRSA § 1-201, ¶ (26-A), as enacted by PL 1979, c. 540, § 1, is amended to read:

(26-A) "Oath" means an oath of or affirmation.

Sec. 123-A. **Effective date.** Section 123 of this Act shall take effect January 1, 1981.

Sec. 124. 18-A MRSA § 3-603, 3rd sentence, as enacted by PL 1979, c. 540, § 1, is amended to read:

Bond required ~~may~~ by any will or under this section may be dispensed with in formal proceedings upon determination by the court that it is not necessary.

Sec. 125. 19 MRSA § 499, as repealed and replaced by PL 1979, c. 259, § 3 and as amended by PL 1979, c. 309, § 5, is repealed and the following enacted in its place:

**§ 499. Right of support enforcement when court order exists**

1. **Subrogation of support rights.** If a court order of support exists, the department shall be subrogated to the right of any dependent child or person having custody of the child named in the court order to pursue any support action or any administrative remedy to secure payment of the debt accrued or accruing under section 495, subsection 1 and to enforce the court order. The department shall not be required to seek an amendment to the court order of support in order to subrogate itself to the rights of the payee.

2. **Limits on subrogation.** When payment of public assistance for the benefit of a dependent child has ceased, he, or a person having the custody of the child named in the court order, may pursue any support action or any administrative remedy to secure payment of any support arrearage which accrued before or after the period of receiving public assistance and which is not part of the debt under section 495. The department shall not be subrogated to this right.

Sec. 126. 19 MRSA § 500, sub-§ 1, ¶ D, as amended by PL 1979, c. 259, § 4 and as repealed and replaced by PL 1979, c. 309, § 7, is repealed and the following enacted in its place.

**D. A demand for payment of the support debt within 20 days of receipt of the notice of debt;**

Sec. 127. 19 MRSA § 500, sub-§ 1, ¶ G, last ¶, as enacted by PL 1979, c. 259, § 5, is amended to read:

A statement that any other issues regarding the accrued debt or the current child support order shall not be considered at the administrative hearing and must be addressed to a court of proper jurisdiction; ~~and~~



**Sec. 128.** 19 MRSA § 725, as last amended by PL 1979, c. 72, § 2, is further amended by adding after the first sentence a new sentence to read:

**The failure of a party to record the decree or an abstract within any time period formerly prescribed by this section shall not affect the rights of that party as against the other party, his heirs and devisees.**

**Sec. 129.** 21 MRSA § 1397, sub-§ 7, as last amended by PL 1979, c. 434, § 5 and c. 479, §§ 2 and 3, is repealed and the following enacted in its place:

**7. Forms.** Reports required by this chapter shall be on forms prescribed by the commission, prepared by the Secretary of State and sent by the commission to the candidate at least 7 days prior to the filing date for the report. Persons filing such reports may use additional pages if necessary, but the pages shall be of the same size as the pages of the form. Although the commission mails the forms for required reports, failure to receive forms by mail does not excuse committees, candidates and other persons who must file reports from otherwise obtaining the forms.

**Sec. 130.** 22 MRSA § 9, sub-§ 3, ¶ C is enacted to read:

**C.** The department shall review the day care fee scale at least annually and adjust the fee as the median income used as a basis in determining eligibility for services is adjusted. Fees shall be charged those persons between 60% and 115% of the state medium income. The sliding fee scale for child day care shall be a progressive fee schedule and positively relate to the person's ability to pay.

**Sec. 131.** 22 MRSA § 9, sub-§ 4, as enacted by PL 1979, c. 254, § 7, is repealed.

**Sec. 132.** 22 MRSA § 14, sub-§ 1, first ¶, last sentence, as enacted by PL 1979, c. 145, is amended to read:

The Attorney General, or counsel for any fiscal intermediary with the permission of the Attorney General, may, to enforce this right, institute and prosecute legal proceedings against the 3rd person who is liable for the injury in the appropriate court, either in the name of the ~~commission~~ commissioner or in the name of the injured person, his guardian, personal representative, estate or survivor.

**Sec. 133.** 22 MRSA § 1598, as enacted by PL 1979, c. 360 is reallocated to 22 MRSA, § 1599.

**Sec. 134.** 22 MRSA § 1823, first sentence, as amended by PL 1979, c. 96, § 1 and c. 127, § 142, is repealed and the following enacted in its place:

**Any hospital licensed under this chapter or alcohol or drug treatment facility licensed pursuant to section 7801 which provides facilities to a minor in connection with the treatment of that minor for venereal disease or abuse of drugs or alcohol is under no obligation to obtain the consent of that minor's parent or guardian or to inform that parent or guardian of the provision of such facilities so long as such facilities have been provided at the direction of the person or persons referred to in Title 32, sections 2595, 3292, 3817, 6221 or 7004.**

**Sec. 135.** 22 MRSA § 3097, first ¶, as enacted by PL 1979, c. 550, § 2, is repealed.

**Sec. 136.** 22 MRSA § 3097, sub-§§ 1 and 2 are enacted to read:

1. **Legislative committee.** This chapter is subject to repeal under Title 1, section 2501. The legislative committee having jurisdiction over the review provided for in Title 1, section 2502, is the Joint Standing Committee on Health and Institutional Services.

2. **Contents of report.** In addition to the contents required by Title 1, section 2503, the report prepared under that section shall also include:

**Sec. 137.** 22 MRSA c. 961, as enacted by PL 1979, c. 546, § 1 is reallocated to 22 MRSA, c. 963.

**Sec. 138.** 23 MRSA § 3655, 5th sentence, as amended by PL 1979, c. 68, § 3, is further amended to read:

In any action against a town for damages for loss of life permitted under this section, the claim for and award of damages, including costs, against a town and its employees shall be disposed of as provided under ~~Title 18, section 2552~~ **Title 18-A, section 2-804**, but shall not exceed \$25,000 for each claim and \$300,000 for any and all claims arising out of a single occurrence.

**Sec. 138-A. Effective date.** Section 138 of this Act shall take effect January 1, 1981.

**Sec. 139.** 24 MRSA § 2325, sub-§ 1, as enacted by PL 1979, c. 419, § 1, is amended to read:

1. **Coverage required to be made available.** Every nonprofit hospital and medical service organization which issues group health care contracts providing coverage for hospital care to residents of this State shall make available coverage for **outpatient** mental health services provided by community mental health centers licensed by the Department of Mental Health and Corrections, provided the community mental health center providing the services has contracted with the nonprofit hospital or medical service organization under terms and conditions which the organization deems satisfactory to its membership.

**Sec. 140.** 24-A MRSA § 925, 2nd ¶, as repealed and replaced by PL 1979, c. 453, § 1, is repealed.

**Sec. 141.** 24-A MRSA § 925, last ¶, as repealed and replaced by PL 1979, c. 453, § 1, is amended to read:

For all ~~such these~~ health insurance policies, the insurer shall establish and maintain ~~thereon~~ a reserve which shall place a sound value on its liabilities under ~~such these~~ policies and ~~in~~ shall not be less than the reserve according to appropriate standards set forth in regulations issued by the superintendent and, in no event, less in the aggregate than the pro rata gross unearned premiums for ~~such these~~ policies.

**Sec. 142.** 24-A MRSA § 2159-A, first sentence, as last amended by PL 1979, c. 127, § 156, is further amended to read:

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

**Sec. 143.** 24-A MRSA § 2164-B, as enacted by PL 1979, c. 471, is reallocated to 24-A MRSA, § 2164-C.

**Sec. 144.** 24-A MRSA § 2427, as enacted by PL 1969, c. 132, § 1, is repealed.

**Sec. 145.** 24-A MRSA § 2746, as enacted by PL 1979, c. 335, § 2, is reallocated to 24-A MRSA § 2840.

**Sec. 146.** 24-A MRSA § 2832, as enacted by PL 1975, c. 276, § 3, is amended to read:

**§ 2832. Maternity benefits for unmarried women certificate holders and the minor dependents of certificate holders with dependent or family coverage required**

All group or blanket health insurance policies and plans shall provide the same maternity benefits for unmarried women ~~policyholders~~ **certificate holders**, and the minor dependents of ~~policyholders~~ **certificate holders** with dependent or family coverage, as is provided married ~~policyholders~~ **certificate holders** with maternity coverage and the wives of ~~policyholders~~ **certificate holders** with maternity coverage. This requirement shall apply to all group or blanket insurance written or renewed after the effective date of this Act, and shall include, but not be limited to, all types and forms of group insurance issued by individual companies or corporations.

**Sec. 147.** 24-A MRSA § 2833, as enacted by PL 1975, c. 276, § 3, is amended to read:

**§ 2833. Optional coverage of children required**

All group or blanket health insurance plans issued in accordance with the requirements of section 2832 shall provide unmarried women ~~policyholders~~ **certificate holders** with the option of coverage, from the date of birth, of their children. This optional coverage shall be the same as provided the children of a married ~~policyholder~~ **certificate holder** with family or dependent **coverage**.

**Sec. 148.** 24-A MRSA § 2838, sub-§ 1, as enacted by PL 1979, c. 419, § 2, is amended to read:

**1. Coverage required to be made available.** Every insurer which issues, for delivery in this State, group and blanket health insurance policies which provide

coverage for hospital care to residents of this State shall make available coverage for **out-patient** mental health services provided by community mental health centers licensed by the Department of Mental Health and Corrections.

**Sec. 149.** 24-A MRSA § 2838, as enacted by PL 1979, c. 558, § 10 is reallocated to 24-A MRSA § 2839.

**Sec. 150.** 24-A MRSA § 3049, 2nd ¶, first sentence, as last amended by PL 1979, c. 347, § 9 and repealed and replaced by PL 1979, c. 411, § 2, is repealed and the following enacted in its place:

**This section shall not apply to any policy or coverage which has been in effect less than 60 days at the time notice of cancellation is received by the named insured, or 90 days in the case of residential property which is expected to be continuously unoccupied for 3 months in any 12-month period and which is other than the insured's primary residence, unless it is a renewal policy.**

**Sec. 151.** 24-A MRSA § 3049, 2nd ¶, 2nd sentence, as enacted by PL 1977, c. 414, § 1, is amended to read:

An insured shall not have the right to a hearing before the Superintendent of Insurance for the purpose of contesting cancellation of a new policy that has been in force less than 60 days or **90 days in the case of residential property other than the insured's primary residence which is expected to be continuously unoccupied for 3 months in any 12-month period.**

**Sec. 152.** 25 MRSA § 2436-A, first sentence, as enacted by PL 1965, c. 365, § 5, is amended to read:

For the purposes of this section "debris" shall be defined as any manufactured product, household rubbish, hay or other vegetative accumulations or materials not included in Title 12, section ~~4551~~ 9323.

**Sec. 153.** 25 MRSA § 2439, as amended by PL 1979, c. 541, Pt. A, § 166 and c. 545, § 4, is repealed and the following enacted in its place:

**§ 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 313 to 321.**

**Sec. 154.** 25 MRSA § 2440, as amended by PL 1979, c. 127, § 157; repealed and replaced by PL 1979, c. 545, § 5 and amended by PL 1979, c. 556, § 7, is repealed and the following enacted in its place:

**§ 2440. Penalties; recovery and appropriation**

**Penalties provided in sections 2432, 2433, 2436-A and 2439 may be recovered by complaint, indictment or civil action, ½ to the municipality where the offense is committed and ½ to the State.**

**Sec. 155.** 25 MRSA § 2501, as amended by PL 1979, c. 541, Pt. A, § 167 and as repealed by PL 1979, c. 545, § 19, is repealed.

**Sec. 156.** 26 MRSA § 625-A, as enacted by PL 1975, c. 512, § 3 and as amended by PL 1975, c. 717, § 4, is repealed.

**Sec. 157.** 26 MRSA § 625-B is enacted to read:

**§ 625-B. Severance pay**

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

**A. "Covered establishment"** means any industrial or commercial facility or part thereof which employs or has employed at any time in the preceding 12-month period 100 or more persons.

**B. "Director"** means the Director of the Bureau of Labor.

**C. "Employer"** means any person who directly or indirectly owns and operates a covered establishment.

**D. "Person"** means any individual, group of individuals, partnership, corporation, association or any other entity.

**E. "Physical calamity"** means any calamity such as fire, flood or other natural disaster, or the final order of any federal, state or local governmental agency including adjudicated bankruptcy.

**F. "Relocation"** means the removal of all or substantially all of industrial or commercial operations in a covered establishment to a new location, within or without the State of Maine, 100 or more miles distant from its original location.

**G. "Termination"** means the substantial cessation of industrial or commercial operations in a covered establishment.

**H. "Week's pay"** means an amount equal to 1/52nd part of the gross wages paid to an employee during the 12 months prior to relocation or termination.

**2. Severance pay.** Any employer who relocates or terminates a covered establishment shall be liable to his employees for severance pay at the rate of one week's pay for each year of employment by the employee in that establishment. The severance pay to eligible employees shall be in addition to any final wage payment to the employee and shall be paid within one regular pay period after the employee's last full day of work, notwithstanding any other provisions of law.

**3. Mitigation of severance pay liability.** There shall be no liability for severance pay to an eligible employee if:

**A.** Relocation or termination of a covered establishment is necessitated by a physical calamity;

**B.** The employee is covered by an express contract providing for severance pay;

- C. That employee accepts employment at the new location; or
- D. That employee has been employed by the employer for less than 3 years.

4. Suits by employees. Any employer who violates the provisions of this section shall be liable to the employee or employees affected in the amount of their unpaid severance pay. Action to recover the liability may be maintained against any employer in any state or federal court of competent jurisdiction by any one or more employees for and on behalf of himself or themselves and any other employees similarly situated. Any labor organization may also maintain an action on behalf of its members. The court in such action shall, in addition to any judgment awarded to the plaintiff or plaintiffs, allow a reasonable attorney's fee to be paid by the defendant and costs of the action.

5. Suits by the director. The director is authorized to supervise the payment of the unpaid severance pay owing to any employee under this section. The director may bring an action in any court of competent jurisdiction to recover the amount of any unpaid severance pay. The right provided by subsection 4 to bring an action by or on behalf of any employee, and of any employee to become a party plaintiff to any such action, shall terminate upon the filing of a complaint by the director in an action under this subsection, unless the action is dismissed without prejudice by the director. Any sums recovered by the director on behalf of an employee pursuant to this subsection shall be held in a special deposit account and shall be paid, on order of the director, directly to the employee affected. Any sums thus recovered not paid to an employee because of inability to do so within a period of 3 years shall be paid over to the State of Maine.

6. Notice of director. Any person proposing to relocate or terminate a covered establishment shall notify the director in writing not less than 60 days prior to the relocation.

7. Powers of director. In any investigation or proceeding under this section, the director shall have, in addition to all other powers granted by law, the authority to examine books and records of any employer affected by this section as set out in section 665, subsection 1.

Sec. 158. 26 MRSA § 632, as enacted by PL 1979, c. 287 is reallocated to 26 MRSA, § 633.

Sec. 159. 26 MRSA § 772, first sentence, as amended by PL 1971, c. 620, § 13, is further amended to read:

No minor under 18 years of age shall be employed in, about or in connection with any manufacturing or mechanical establishment, laundry, dry cleaning establishment or bakery in any capacity that the director determines to be hazardous, dangerous to ~~their~~ **his** life or limbs, injurious to morals or where ~~their~~ **his** health will be injured.

Sec. 160. 26 MRSA § 968, sub-§ 2, last ¶, first sentence, as enacted by PL 1977, c. 553, § 3, is repealed.

Sec. 161. 26 MRSA § 1193, sub-§ 3, first ¶, as amended by PL 1979, c. 98 and c. 428, § 4, is repealed and the following enacted in its place:

**For the duration of his unemployment subsequent to his having refused to accept an offer of suitable work for which he is reasonably fitted, or having refused to accept a referral to a suitable job opportunity when directed to do so by a local employment office of this State or another state or if an employer is unable to contact a former employee at last known or given address, for the purpose of recall to suitable employment; or the individual fails to respond to a request to report to the local office for the purpose of a referral to a suitable job, and the disqualification shall continue until claimant has earned 8 times his weekly benefit amount in employment by an employer. If the commission determines that refusal has occurred for cause of necessitous and compelling nature, the individual shall be ineligible while such inability or unavailability continues, but shall be eligible to receive prorated benefits for that portion of the week during which he was able and available.**

Sec. 162. 28 MRSA § 54, sub-§ 2, as enacted by PL 1975, c. 741, § 4, is amended to read:

**2. Pamphlet of regulations. ¶ The commission shall publish at least annually on or before August 31st, or 90 days after becoming law, in a convenient pamphlet form all regulations then in force and to furnish copies of such pamphlets to every licensee authorized by law to sell liquor.**

Sec. 163. 28 MRSA § 54, sub-§ 4, as amended by PL 1979, c. 319, § 3, is further amended to read:

**4. Annual report. ¶ The commission shall make an annual report to the Governor of their activities and of the amount of liquor license fees collected together with such other information as they deem advisable or as the Governor may require.**

Sec. 164. 28 MRSA § 452, last 2 sentences, as amended by PL 1979, c. 149, § 2 and PL 1979, c. 319, § 5, are repealed and the following enacted in their place:

**A credit shall be granted for the excise tax imposed by this State on malt beverages or table wines sold to any ship chandlers, provided the malt beverages and table wines are resold to vessels of foreign registry for consumption after that vessel has left port. Any wholesaler selling to such an instrumentality, training site or ship chandlers for resale to vessels of foreign registry shall present proof of that sale to the commission and shall thereupon receive from the commission a credit of all state excise taxes paid in connection with that sale.**

Sec. 165. 28 MRSA § 801, first sentence, as amended by PL 1979, c. 319, § 11 and c. 432, § 7, is repealed and the following enacted in its place:

**Licenses for the sale of spirituous and vinous liquor and malt liquor to be consumed on the premises where sold may be issued to clubs and to bona fide qualified catering services, hotels, restaurants, vessels, railroad dining cars,**

airlines, to incorporated civic organizations pursuant to section 801-B, civic auditoriums and performing arts centers on payment of the fees provided; subject to the provisions of section 252 and to the condition that the initial application therefor be approved by the municipal officers of the town or city in which that intended licensee, if operating a qualified catering service, club, restaurant, hotel or civic auditorium is operating the same, and if that qualified catering service, hotel, restaurant or club is located in an unorganized place, that application shall be approved by the county commissioners of the county, within which that unorganized place is located, and subject to the further condition that licenses issued to restaurants, except class A restaurants, shall be limited to malt liquor or wine, or both.

**Sec. 166.** 29 MRSA § 55-B, first ¶, last sentence, as amended by PL 1977, c. 694, § 491, is further amended to read:

If the person fails to pay the required amount within 5 days after actual receipt of the notice, the Secretary of State shall, pursuant to chapter 17, forthwith suspend any license, permit, certificate or plates issued for such dishonored instrument or the registration certificate and plates issued for the vehicle in respect to which the use tax remains unpaid.

**Sec. 167.** 29 MRSA § 55-B, last ¶, last sentence, as amended by PL 1977, c. 694, § 492, is further amended to read:

If such the person fails to pay the required amount within 5 days after actual receipt of such the notice, the Secretary of State shall, pursuant to chapter 17, forthwith suspend the registration certificate and plates issued for the vehicle in respect to which the tax remains unpaid.

**Sec. 168.** 29 MRSA § 342, last ¶, as amended by PL 1975, c. 731, § 30, is repealed and the following enacted in its place:

**Failure to obtain such a license or to comply with provisions of sections 347 or 348-A is a Class E crime.**

**Sec. 169.** 29 MRSA § 344, sub-§ 2, ¶ A, as enacted by PL 1973, c. 529, § 1, is amended to read:

A. The applicant's form name, type of business organization and place of organization;

**Sec. 170.** 29 MRSA § 355, as last amended by PL 1977, c. 78, § 167, is further amended by adding at the end a new paragraph to read:

**Any violation of this section is a Class E crime.**

**Sec. 171.** 29 MRSA § 1312, sub-§ 8, 2nd ¶, last sentence, as enacted by PL 1979, c. 422, § 1, is amended to read:

It shall be prima facie evidence that the percentage by weight of alcohol in the blood of the defendant was, at the time the blood or breath was taken, as stated in



the certificate, unless ~~within~~ **with** 10-days written notice to the prosecution, the defendant requests that a qualified witness testify as to the results of the chemical analysis.

**Sec. 172. 29 MRSA § 2121**, as amended by PL 1979, c. 33 and PL 1979, c. 195, §§ 1 and 2 and as repealed by PL 1979, c. 464, § 3, is repealed.

**Sec. 173. 29 MRSA § 2122, 6th ¶**, as repealed and replaced by PL 1979, c. 364, § 4 and as repealed by PL 1979, c. 464, § 3, is repealed.

**Sec. 174. 29 MRSA § 2123, sub-§ 1**, as amended by PL 1979, c. 127, § 168 and as repealed by PL 1979, c. 464, § 3, is repealed.

**Sec. 175. 29 MRSA § 2124, 8th ¶**, as repealed by PL 1979, c. 464, § 3 and as amended by PL 1979, c. 541, Pt. A, § 192, is repealed.

**Sec. 176. 29 MRSA § 2189, last ¶**, as enacted by PL 1979, c. 464, § 4, is amended to read:

Unless otherwise ordered by the Superior Court upon appeal, the suspension shall remain in full force and effect until the Secretary of State has received notice from an official inspection station that all parts and equipment ~~contributing~~ **constituting** the operational elements of the air pollution control system of that vehicle have been restored, replaced or repaired and are in good working order.

**Sec. 177. 29 MRSA § 2241, sub-§ 1, first ¶, last sentence**, as repealed and replaced by PL 1971, c. 292, § 1, is amended to read:

He is also authorized to suspend any certificate of registration, **certificate of title**, or any license issued to any person ~~to operate a motor vehicle and privilege to operate a motor vehicle~~ without preliminary hearing upon showing by his records or other sufficient evidence that the driver:

**Sec. 178. 29 MRSA § 2241, sub-§ 1, ¶ G**, as enacted by PL 1971, c. 292, § 1, is amended to read:

G. Has been convicted of failing to stop for a police officer; ~~or~~

**Sec. 179. 29 MRSA § 2241, sub-§ 1, ¶¶ J and K** are enacted to read:

**J. Has failed to provide sufficient proof of ownership or other documentation in support of his title claim; or**

**K. Is subject to action of the Secretary of State pursuant to section 2378, subsection 1.**

**Sec. 180. 29 MRSA § 2241, sub-§ 1**, as last amended by PL 1977, c. 694, §§ 521 and 522, is further amended by adding at the end a new paragraph to read:

**He is also authorized to suspend any certificate of registration, certificate of title or any license issued to any person without preliminary hearing upon showing by his records or other sufficient evidence that the owner of a vehicle or holder of a**

**title certificate fails to deliver or assign the certificate of title upon the request of the Secretary of State.**

**Sec. 181.** 29 MRSA § 2241, sub-§ 3, first 2 paragraphs, as repealed and replaced by PL 1977, c. 694, § 523, are amended to read:

Upon suspending or revoking a motor vehicle license, permit or privilege to operate, ~~or certificate of registration, or certificate of title~~ of any person without preliminary hearing, the Secretary of State shall notify that person as provided in Title 5, section 9052, subsection 1, that an opportunity for hearing shall be provided without undue delay, after receipt of a request, except where the suspension rests solely upon a conviction in court of any offense which by statute is expressly made grounds for that suspension or revocation.

If a hearing is held to determine whether a person's motor vehicle operator's license, permit or privilege to operate, ~~or certificate of registration, or certificate of title~~ should be restored, the hearing shall be conducted as provided in Title 5, chapter 375, subchapter IV. Upon the hearing, the Secretary of State shall either rescind his order of suspension or, for good cause, may continue, modify or extend the suspension of the license and ~~privilege to operate motor vehicles, permit or privilege to operate, registration or certificate of title.~~

**Sec. 182.** 29 MRSA § 2241, sub-§ 3, last ¶, as repealed and replaced by PL 1977, c. 694, § 523, is amended to read:

Any person who, after notice of suspension or revocation, fails or refuses to obey any order of the Secretary of State under this section or fails or refuses to surrender to the Secretary of State upon demand any ~~operator's motor vehicle license, permit, registration or certificate of title~~, issued in this State or any other state which has been suspended, canceled or revoked by proper authority in this State or any other state, as provided by law shall be guilty of a ~~misdemeanor~~ **Class E crime.**

**Sec. 183.** 29 MRSA § 2378, sub-§ 1, ¶ C, as repealed and replaced by PL 1977, c. 294, § 13, is amended to read:

C. A person fails to mail or deliver a **certificate of title** or an application for certificate of title within 10 days after the time required by this chapter.

**Sec. 184.** 29 MRSA § 2442, sub-§ 1, as amended by PL 1977, c. 294, § 16, is further amended to read:

1. **Penalty.** A person who, with fraudulent intent:

A. Alters, forges or counterfeits a certificate of title;

B. Alters or forges an assignment of a certificate of title, or an assignment or release of a security interest, on a certificate of title or a form the Secretary of State prescribes;

C. Has possession of or uses a certificate of title knowing it to have been altered, forged or counterfeited; ~~or~~

D. Uses a false or fictitious name or address, or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact, in an application for a certificate of title; **or**

E. Sells or exchanges, offers to sell or exchange or gives away any certificate of title or any manufacturer's vehicle identification number plate of any vehicle;

~~shall be punished by a fine of not less than \$500, nor more than \$1,000, or by imprisonment for not less than one year nor more than 5 years, or by both is guilty of a Class D crime.~~

Sec. 185. 29 MRSA § 2443, as enacted by PL 1973, c. 586, § 1, is amended to read:

**§ 2443. Other offenses**

1. **Penalty.** A person who:

A. With fraudulent intent, permits another, not entitled thereto, to use or have possession of a certificate of title;

B. Willfully fails to mail or deliver a certificate of title or application thereof to the Secretary of State within 10 days after the time required by this chapter;

C. Willfully fails to deliver to his transferee a certificate of title within 10 days after the time required by this chapter; **or**

D. Willfully violates any provision of this chapter, except as provided in section 2442;

~~shall be punished by a fine of not more than \$500, or by imprisonment of not more than 6 months, or by both is guilty of a Class E crime.~~

Sec. 186. 29 MRSA § 2501, 2nd paragraph, as enacted by PL 1979, c. 464, § 5, is repealed.

Sec. 187. 29 MRSA § 2501-A is enacted to read:

**§ 2501-A. Refusing to stop for an officer**

1. **Definition.** For the purposes of this section, the term "signal" may include the use of a hand signal, siren or flashing emergency lights.

2. **Failure to stop.** It is unlawful for the operator of any motor vehicle to fail to refuse to stop that vehicle upon request or signal of any officer. Failure to comply with this subsection is a Class E crime.

3. **Eluding an officer.** Whoever, after being requested or signaled to stop, attempts to elude the officer by driving a vehicle at a reckless rate of speed which results in a high-speed chase between the operator's vehicle and any law enforcement vehicle using a blue light or siren is guilty of a Class D crime.

**Sec. 188. 29 MRSA § 2506, sub-§ 4**, as enacted by PL 1979, c. 464, § 5, is repealed and the following enacted in its place:

**4. Antique autos. Antique autos registered under section 114.**

**Sec. 189. 30 MRSA § 2, sub-§ 1, ¶ E, sub-¶ (3)**, as amended by PL 1979, c. 82, § 3 and c. 173, § 1, is repealed and the following enacted in its place:

**(3) Sheriff**

**\$13,300**

**Sec. 189-A. Retroactivity.** Section 189 of this Act is retroactive to January 1, 1979.

**Sec. 190. 30 MRSA § 105-O, 3rd ¶**, as enacted by PL 1973, c. 498, § 1, is amended to read:

Commissioner District number 2, consisting of the municipalities of Arundel, Biddeford, Kennebunk, Kennebunkport, **Ogunquit**, Wells and York;

**Sec. 191. 30 MRSA § 554-A, sub-§ 5**, as repealed and replaced by PL 1979, c. 67, § 2 and by PL 1979, c. 542, Pt. C, § 2, is repealed and the following enacted in its place:

**5. Compensation for assistant district attorneys. Each district attorney shall include in the budget he submits to the State an amount for the salaries of his assistant district attorneys. The Attorney General shall not alter these estimates. The appropriations act shall indicate the amount approved for assistant district attorneys in each prosecutorial district.**

**Sec. 192. 30 MRSA § 1913, sub-§ 1, ¶ A, last ¶, first sentence**, as repealed and replaced by PL 1977, c. 79, § 2, is amended to read:

Election of voter members may be held at the same municipal election as the referendum for the charter commission, but shall be held within **60 90** days of such referendum election.

**Sec. 193. 30 MRSA § 2061, first 2 paragraphs**, as amended by PL 1969, c. 114, § 4, are further amended to read:

When any town accepts this section at a meeting held at least **60 90** days before the annual meeting, the following provisions apply to the election of all town officials required by section 2055 to be elected by ballot, except the moderator, who shall be elected as provided in section 2054, subsection 2.

The provisions of this section relating to nomination of town officials by political caucus shall apply only when any town accepts such provisions at a meeting held at least **60 90** days before the annual meeting. If any town accepts such provisions, they shall remain effective until the town shall vote otherwise.

**Sec. 194. 30 MRSA § 2061, sub-§ 1, ¶ A**, as amended by PL 1969, c. 114, § 5, is further amended to read:

**A.** No change may be made thereafter in the designation, number or terms of

town officials, except at a meeting held at least ~~60~~ 90 days before the annual meeting.

**Sec. 195.** 30 MRSA § 2225, sub-§ 5, as enacted by PL 1973, c. 64, is repealed.

**Sec. 196.** 30 MRSA § 3703, sub-§ 1, as amended by PL 1979, c. 541, Pt. A, § 194 and repealed by PL 1979, c. 545, § 20, is repealed.

**Sec. 197.** 30 MRSA § 4522, sub-§ 2, as enacted by PL 1973, c. 534, § 4, is amended to read:

**2. Planning review of federal program grant application.** All applications for federal program grants affecting regional planning, coordination and development, including programs pursuant to Section 204 of the Federal Demonstration Cities and Metropolitan Development Act of 1966 and the Federal Intergovernmental Cooperation Act of 1968 and the objectives set forth in the Federal Office of Management and Budget Circular A-95, shall be submitted to the commission for review and comment and ~~the provisions of~~ subsection 5 shall apply.

**Sec. 198.** 30 MRSA § 4787, sub-§ 2-A, as enacted by PL 1979, c. 570, § 3, is amended to read:

**2-A. Limitation.** Notwithstanding sections 4786 and 4789 and ~~4790~~ the Maine State Housing Authority shall not make any contract or commitment of mortgage insurance without the approval of a majority of the Indian Housing Mortgage Insurance Committee.

**Sec. 199.** 30 MRSA § 4962, sub-§ 1, first sentence, as enacted by PL 1971, c. 455, § 2, is amended to read:

Any zoning ordinance, or provision thereof, adopted pursuant to the home rule power granted to all municipalities under the Constitution, ~~Article VIII-A~~ **Article VIII, Part Second** and chapter 201-A, specifically section 1917, shall be subject to the following.

**Sec. 200.** 30 MRSA § 4981, first ¶, as last amended by PL 1979, c. 505, § 7, is further amended by adding at the end a new sentence to read:

**The director of a regional transportation corporation shall not fix any rates of fare to be charged for mass transportation other than that specifically provided for under the conditions of any license granted the corporation by the Public Utilities Commission.**

**Sec. 201.** 30 MRSA § 4984, as repealed and replaced by PL 1979, c. 505, § 8, is amended by adding at the end the following:

**Any municipality before becoming a member of the transit district shall, in addition to having its application accepted by the board of directors, obtain the prior approval of the Public Utilities Commission.**

**Sec. 202.** 30 MRSA § 4986, 6th sentence, as enacted by PL 1965, c. 488, is amended to read:

All securities issued by ~~said~~ the district shall be legal obligations of the district which is declared to be a quasi-municipal corporation within the meaning of ~~Title 30~~, section 5053, and all provisions of ~~said~~ the section shall be applicable thereto.

**Sec. 203.** 30 MRSA § 5326, sub-§ 3, last sentence, as enacted by PL 1979, c. 530, is repealed.

**Sec. 204.** 30 MRSA § 5326, sub-§ 3-A, as amended by PL 1979, c. 324, § 6, is further amended by adding at the end a new sentence to read:

**“Combined project” also means the combination of an industrial-commercial project with a residential rental housing project when the housing is being provided in existing structures and is incidental to the industrial or commercial project within the existing structure.**

**Sec. 205.** 30 MRSA § 5622, sub-§ 2, first sentence, as enacted by PL 1977, c. 390, § 4, is amended to read:

The provisions of this subsection apply to ~~subsections~~ **subsection 1**.

**Sec. 206.** 32 MRSA § 251, 6th sentence, as repealed by PL 1979, c. 478, § 1 and as amended by PL 1979, c. 562, § 16, is repealed.

**Sec. 207.** 32 MRSA § 255, 3rd sentence, as repealed by PL 1979, c. 478, § 1 and as repealed and replaced by PL 1979, c. 562, § 17, is repealed.

**Sec. 208.** 32 MRSA § 255, last ¶, as repealed by PL 1979, c. 478, § 1 and as amended by PL 1979, c. 562, § 18, is repealed.

**Sec. 209.** 32 MRSA § 503, sub-§ 3, ¶L, as enacted by PL 1973, c. 405, § 4, is amended to read:

**L.** Failure to report to the secretary of the board treatment of a chiropractor licensed under this chapter for addiction to alcohol or drugs or for mental illness in accordance with section ~~3285~~ **3286**.

**Sec. 210.** 32 MRSA § 4408, as amended by PL 1979, c. 541, Pt. A, § 207 and as repealed by PL 1979, c. 545, § 22, is repealed.

**Sec. 211.** 32 MRSA § 4908, sub-§ 4, as repealed and replaced by PL 1979, c. 300, § 3, is amended to read:

**4. Liaison.** The board shall establish relations with bodies which regulate the practice of geology and the practice of soil science, or closely related ~~disciplines~~ **disciplines**, or which certify geologists or soil scientists in other states, and may establish relations with such bodies in other countries for the purposes of achieving uniformly high professional standards and mutual recognition of certification.

**Sec. 212.** 32 MRSA c. 85, as enacted by PL 1979, c. 277, § 2, is reallocated to be 32 MRSA, c. 87.

**Sec. 213.** 32 MRSA c. 87, as enacted by PL 1979, c. 209, § 2, is reallocated to be 32 MRSA, c. 85.

**Sec. 214.** 33 MRSA § 1002, sub-§ 4, as enacted by PL 1973, c. 107, is amended to read:

**4. Custodian.** An adult person may provide by will or in an instrument **creating a trust or** designating the beneficiary of a life insurance policy or annuity contract that, if a legatee or beneficiary is a minor at the time for distribution or payment, any property defined as custodial property in this chapter given to such minor shall be delivered or paid to a person or trust company as custodian for the legatee or beneficiary under the Maine Uniform Gifts to Minors Act.

**Sec. 215.** 34 MRSA § 1-B, sub-§ 2, as amended by PL 1979, c. 553, § 3, is further amended to read:

**2. Necessity.** As disclosure may be necessary to carry out any of the statutory functions of the department, or the hospitalization provisions of chapter 191 or the ~~purposes~~ **purposes** of Title 22, section 3554, the investigatory function of the Protection and Advocacy Agency for the Developmentally Disabled in Maine; or

**Sec. 216.** 34 MRSA § 1-C, first sentence, as enacted by PL 1975, c. 718, § 3, is amended to read:

Persons engaged in statistical compilation or research may have access to treatment records of persons receiving services ~~pursuant to chapters 184-A, 184-B, 187 and~~ from any facility licensed by the department pursuant to section 2052-A, when needed for research, provided such access is approved by the director of the mental health facility or his designee and provided such communications and records shall not be removed from the health facility which prepared them.

**Sec. 217.** 34 MRSA § 1501, sub-§ 5, as amended by PL 1971, c. 172, § 1, is further amended to read:

**5. Parole.** "Parole" is a release procedure by which a person may be released from a state penal or correctional institution by the State Parole Board prior to the expiration of his maximum term; **that parole status being in effect under Title 17-A, section 1254, subsection 3, with all provisions of prior laws continuing in effect.**

**Sec. 218.** 35 MRSA § 17, sub-§ 4, as enacted by PL 1979, c. 427, is amended to read:

**4. Use of funds.** The Public Utilities Commission is authorized to hire 4 employees to be funded from the revenues provided in this section to defray the costs incurred by the commission pursuant to ~~Title 35~~ **this Title** and to include administrative expenses, general regulatory expenses, consulting fees and all

other reasonable costs incurred to administer ~~Title 35, chapters 1 to 17~~ **this chapter and chapters 2 to 17.**

**Sec. 219.** 35 MRSA § 2601, as enacted by PL 1979, c. 323, is reallocated to be 35 MRSA, § 2701.

**Sec. 220.** 36 MRSA § 582, sub-§ 5, as enacted by PL 1977, c. 720, § 5, is repealed.

**Sec. 221.** 36 MRSA § 582-A is enacted to read:

**§ 582-A. Payment required notwithstanding appeal**

**Any person who petitions for reconsideration of an order of the State Tax Assessor under section 576 or 576-B, or appeals to the Superior Court, shall pay on or before the due date taxes assessed on land subject to taxation under this subchapter, notwithstanding the pendency of a petition for reconsideration or appeal to the Superior Court.**

**Sec. 222.** 36 MRSA § 1760, sub-§ 6, ¶A, as enacted by PL 1979, c. 513, § 2, is amended to read:

**A. Served** by public or private schools, school districts, student organizations and parent-teacher associations to the students or teachers of a school;

**Sec. 223.** 36 MRSA § 1760, sub-§ 39, as enacted by PL 1977, c. 716, § 1, is reallocated to 36 MRSA, § 1760, sub-§ 40.

**Sec. 224.** 36 MRSA § 3581, as amended by PL 1979, c. 520, § 6 and PL 1979, c. 540, § 48, is repealed and the following enacted in its place:

**§ 3581. Inventory of estate**

**Every personal representative or trustee, in addition to any inventory otherwise required, shall within 3 months of the date of his appointment or acceptance of the trust file with the State Tax Assessor on blanks to be furnished by the State Tax Assessor, an inventory upon oath containing a complete list of all the property of the estate or trust within his knowledge except that the State Tax Assessor may, for cause, extend the time for filing the inventory. If he neglects or refuses to file the inventory, he shall be liable to a penalty of not more than \$500, and, on complaint of the State Tax Assessor, the judge of probate may remove him from his trust.**

**Sec. 224-A. Effective date.** Section 224 of this Act shall take effect January 1, 1981.

**Sec. 225.** 36 MRSA § 4375, as amended by PL 1979, c. 378, § 30 and PL 1979, c. 508, § 5, is repealed and the following enacted in its place:

**§ 4375. Records; examinations by State Tax Assessor**

**The State Tax Assessor and his authorized agents may examine the books,**



papers and records of any distributor or licensed dealer in this State for the purpose of determining whether the tax imposed by this chapter has been fully paid, and may investigate and examine the stock of cigarettes in or upon any premises where the cigarettes are possessed, stored or sold for the purpose of determining whether this chapter is being obeyed.

**Sec. 226.** 36 MRSA § 5302, as repealed and replaced by PL 1979, c. 127, § 202 and as repealed by PL 1979, c. 378, § 45, is repealed.

**Sec. 227.** 37-A, c. 2, first 2 lines, as enacted by PL 1971, c. 580, § 1, are repealed and the following enacted in their place:

## CHAPTER 2

### BUREAU OF VETERANS' SERVICES

#### SUBCHAPTER I

#### GENERAL PROVISIONS

**Sec. 228.** 38 MRSA § 349, sub-§ 4, ¶ F, as repealed and replaced by PL 1977, c. 510, § 91, is repealed.

**Sec. 229.** 38 MRSA § 394, first ¶, last sentence, as enacted by PL 1977, c. 123, § 2, is amended to read:

The board shall promulgate such regulations within 90 days of the effective date of this Act ~~October 24, 1977~~ and may thereafter amend them as it deems necessary.

**Sec. 230.** 38 MRSA § 396, as enacted by PL 1977, c. 123, § 2, is amended to read:

#### § 396. Enforcement

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

**Sec. 231.** 38 MRSA § 413, sub-§ 2-A, as repealed by PL 1979, c. 281, § 3, amended by PL 1979, c. 296, § 2 and reenacted by PL 1979, c. 541, Pt. B, § 69, is repealed.

**Sec. 232.** 38 MRSA § 414-A, sub-§ 2, as amended by PL 1979, c. 127, § 209, is repealed.

**Sec. 233.** 38 MRSA § 451, first, 3rd and 4th paragraphs, as repealed and replaced by PL 1979, c. 127, § 211 and as amended by PL 1979, c. 444, §§ 11 and 12, are repealed and the following enacted in their place:

After adoption of any classification by the Legislature for surface waters or tidal flats or sections thereof, it shall be unlawful for any person, firm, corporation, municipality, association, partnership, quasi-municipal body, state agency or other legal entity to dispose of any pollutants, either alone or in

conjunction with another or others, in such manner as will, after reasonable opportunity for dilution, diffusion or mixture with the receiving waters or heat transfer to the atmosphere, lower the quality of those waters below the minimum requirements of such classifications, or where mixing zones have been established by the board, so lower the quality of those waters outside such zones, notwithstanding any exemptions or licenses which may have been granted or issued under sections 413 to 414-B.

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

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

Sec. 234. 38 MRSA § 582, sub-§ 9-B, as enacted by PL 1979, c. 381, § 5, is reallocated to 38 MRSA, § 582, sub-§ 9-C.

Sec. 235. 38 MRSA § 956, as enacted by PL 1979, c. 459, § 1, is repealed and the following enacted in its place:

**§ 956. The comprehensive plan**

1. Guide for boundaries. The comprehensive plan submitted to the 106th Legislature by the Saco River Environmental Advisory Committee shall be used as a guide by the planning boards of the municipalities within the corridor in making recommendations for district boundaries and by the commission in establishing final boundaries. The comprehensive plan shall not be regarded as a final and complete design for the future of the land and water areas within the corridor, but as the basis of a continuing planning process to be carried out by the

commission in conjunction with local officials, regional planning districts, councils of government and the State Planning Office.

2. Prerequisites to amendment or revision. The commission shall not amend or revise the comprehensive plan, unless:

A. The proposed amendment or revision has been submitted to the Southern Maine Regional Planning Commission, the Greater Portland Council of Governments and other appropriate agencies, which shall forward their comments and recommendations, if any, to the commission within 30 days;

B. The proposed amendment or revision has been submitted to the State Planning Office, pursuant to Title 5, section 3305, subsection 1, paragraph G, which shall forward its comments and recommendations, if any, to the commission within 30 days; and

C. The commission has considered all the comments.

3. Basis for amendment or revision. The commission shall have the authority, after notice and public hearing, to revise, expand or amend the comprehensive plan on the basis of new information, improved professional techniques or changing conditions in the corridor.

Sec. 236. 38 MRSA § 1303, sub-§ 7, as repealed and replaced by PL 1979, c. 383, § 2, is amended to read:

7. **Resource conservation.** "Resource conservation" means the reduction of the amounts of solid waste ~~waste is~~ **which are** generated, the reduction of overall resource consumption and ~~the~~ utilization of recovered resources.

Sec. 237. 38 MRSA § 1303, sub-§ 14, as enacted by PL 1979, c. 383, § 2, is amended to read:

14. **Waste facility.** "Waste facility" means ~~any dump or another~~ land area or structure, or combination of land area and structures, ~~including dumps~~ used for storing, transferring, salvaging, processing, reducing, recovering, incinerating, treating or disposing of hazardous or solid wastes, sludge or septage.

Sec. 238. 38 MRSA § 1304, sub-§ 1, as amended by PL 1979, c. 472, § 16, and as repealed and replaced by PL 1979, c. 383, § 3, is repealed and the following enacted in its place:

1. **Rules.** Subject to the Maine Administrative Procedure Act, Title 5, chapter 375, the board may adopt, amend and enforce rules as it deems necessary to govern waste management, including the location, establishment, construction and alteration of waste facilities. The rules shall be designed to encourage logical utilization of recoverable resources, minimize pollution of the state's air, land and surface and ground water resources, prevent the spread of disease or other health hazards, prevent contamination of drinking water supplies and protect public health and safety. In adopting these rules, the board shall also consider economic

impact, technical feasibility and such differences as are created by population, hazardous or solid waste, sludge or septage volume and geographic location.

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

**Sec. 239.** 38 MRSA § 1306, sub-§ 2, as enacted by PL 1979, c. 383, § 10, is amended to read:

2. **Time schedules.** The board may establish reasonable time schedules for compliance with this chapter and ~~regulations~~ rules promulgated by the board.

**Sec. 240.** 38 MRSA § 1311, as enacted by PL 1979, c. 383, § 11, is reallocated to 38 MRSA, § 1310-A.

**Sec. 241.** 39 MRSA § 2, sub-§ 1, ¶ E, as repealed and replaced by PL 1975, c. 749, § 1, is amended to read:

E. Towns; ~~and~~

**Sec. 242.** 39 MRSA § 2, sub-§ 1 ¶¶ G and H are enacted to read:

G. Municipal school committees; and

H. Union school committees.

**Sec. 243.** 39 MRSA § 2, sub-§ 6, as amended by PL 1979, c. 63 and as repealed by PL 1979, c. 541, Pt. A, § 278, is repealed.

**Sec. 244.** 39 MRSA § 3, sub-§ 2 is amended to read:

2. **Fellow employee negligent.** That the injury was caused by the negligence of a fellow employee; or

**Sec. 245.** 39 MRSA § 4, 5th sentence, as amended by PL 1979, c. 68, § 4, is further amended to read:

Such employers shall be exempt from civil actions because of such injuries either at common law or under ~~section~~ sections 141 to 148, under Title 14, sections 8101 to 8118 or under ~~Title 18, sections 2551 to 2553~~ Title 18-A, section 2-804.

**Sec. 245-A. Effective date.** Section 245 of this Act shall take effect January 1, 1981.

**Sec. 246.** PL 1977, c. 578, Emergency Clause; effective date, 2nd sentence, is repealed as follows:

~~Sections 1 through 5 shall remain effective until February 1, 1979~~

**Sec. 247.** PL 1979, c. 541, Pt. A., § 159-A is amended to read:

**Sec. 159-A. Effective date.** Section ~~188~~ 159 of this Act shall become effective when reimbursements are made for the 1979-80 winter season.

**Sec. 248. P&SL 1979, c. 19, Sec. 1, ¶ B** is amended to read:

**B.** That governmental policies may have profound, direct ~~affects~~ **effects** on families;

**Sec. 249. P&SL 1979, c. 45, § 4,** is amended to read:

**Sec. 4. First town meeting.** ~~After the effective date of this Act and after approval of the same by the voters of Ogunquit Village Corporation June 1, 1980,~~ **the overseers of the Ogunquit Village Corporation shall notify** any justice of the peace or notary public in the County of York ~~may~~ **and the justice of the peace or notary public shall issue his a warrant** to any legal voter in the ~~Town of Ogunquit Village Corporation,~~ directing ~~him~~ **the voter** to notify the inhabitants thereof ~~to that the voters of the Town of Ogunquit will meet at a time and place specified in the warrant, giving at least 7 15 days' notice thereof, for the choice to of town officers, and to transact such business as towns are authorized to do.~~

**That meeting shall be on or after July 1, 1980. In addition, the clerk of the Ogunquit Village Corporation shall provide written notice to those voters, at least 15 days before the first town meeting of the Town of Ogunquit.**

**The voters of the Ogunquit Village Corporation may, at its annual meeting in 1980, determine the designation, manner of choice and terms of office of the town officials of the Town of Ogunquit, as authorized by the Maine Revised Statutes, Title 30, sections 2060 and 2061, as if they were a town. The first year of the terms of office of these officials shall expire on the date of the annual meeting of the town in 1981.**

**This section shall take effect April 1, 1980.**

**Sec. 250. P&SL 1979, c. 45, §§ 7-A, 7-B and 7-C** are enacted to read:

**Sec. 7-A. Ordinances.** All ordinances and regulations legally adopted by the Ogunquit Village Corporation shall become ordinances and regulations of the Town of Ogunquit on July 1, 1980, and shall remain in full force until amended or repealed by the Town of Ogunquit.

**Sec. 7-B. Budget.** The budget adopted by the Ogunquit Village Corporation for fiscal year 1980 shall become the budget of the Town of Ogunquit on July 1, 1980.

**Sec. 7-C. Voters.** All persons residing within the limits of the Town of Ogunquit on July 1, 1980, who on the previous day were registered voters in the Town of Wells shall become registered voters in the Town of Ogunquit and shall be dropped from the voting list of the Town of Wells on July 1, 1980.

**Until the next legislative apportionment of representatives, the Town of Ogunquit shall remain in the same legislative district in which the Town of Wells is classed.**

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

## STATEMENT OF FACT

1. Corrects a conflict between the second errors bill of the first regular session and a substantive bill.
2. Removes a reference to a statutory section which has been repealed.
3. Corrects a conflict between the first errors bill of the first regular session and a substantive bill. It also adds Director of Maine Labor Relations Board to the list since he is now in salary range 86. (see section 160)
4. Corrects a reference to the Joint Standing Committee on Audit and Program Review.
- 5 - 6. Correct a conflict between the first errors bill of the first regular session and a substantive bill. It also removes obsolete language.
7. Reinserts words omitted from the statutes in the printing of a bill passed last session.
- 8 - 8-A. Designate the judicial district in which the new Town of Ogunquit will be placed.
9. Reinserts language in a section which was omitted when the statutes were published.
10. Corrects a conflict between the second errors bill of the last session and a substantive bill.
11. Corrects a spelling error.
- 12,13,14. Clarify the method of calculating employer contributions for teachers.
15. Amends the retirement law for Legislators to correct a reference to the year in which the Legislature first convened in December.
- 16 - 17. Amend the retirement law to correct a conflict between PL 1979, chapter 92, and PL 1979, chapter 200.
18. Removes a sentence that appears twice in the same section of the statutes.
19. Corrects a spelling error.
20. Removes a reference to a statutory section which has been repealed.

- 21 - 22. Correct a conflict between PL 1979, chapter 121, and PL 1979, chapter 492.
- 23 - 24. Insert language which was omitted concerning affidavits of spaying, in dog licensing statutes during the last legislative session.
25. Removes references to pet shop and boarding kennel fees from dog licensing statutes, since there is no provision for municipal clerks to receive such fees.
26. Changes a reference from "municipality" to "municipal officers."
27. Corrects a reference to the Maine Administrative Procedure Act.
28. Inserts standard language used in definition sections of the statutes.
29. Converts language in a statutory definition section to standard language.
- 30 - 31. Correct a reference to the "Commissioner of Business Regulation."
32. Conforms a statute to the Maine Administrative Procedure Act.
33. Inserts an "or" to clearly indicate that terms in a series are disjunctive.
34. Inserts an "and" to clearly indicate that items in a series are conjunctive.
35. Corrects a reference to a statutory subsection which has been relocated.
36. Inserts an "and" to clearly indicate that items in a series are conjunctive.
37. Removes an unnecessary "and" at the end of a complete sentence.
38. - 39. Insert standardized introductory language in a paragraph of the statutory section.
40. Removes an unnecessary "; and" at the end of a complete sentence.
41. Inserts an "and" to clearly indicate that items in a series are conjunctive.

42. Inserts an "or" to clearly indicate that items in a series are disjunctive.
43. Corrects a reference to a statutory section which has been relocated.
44. Inserts an "and" to clearly indicate that items in a series are conjunctive.
45. Inserts an "and" to clearly indicate that items in a series are conjunctive.
46. Increases the percent of bank reserves which may be invested in real estate to correspond with the increase enacted by PL 1979, c. 429, § 7.
- 47 - 54. Insert "and" in several statutes to clearly indicate that items in a series are conjunctive.
55. Rewords 2 paragraphs and inserts an "or" to clearly indicate that the items are disjunctive.
56. Moves the location of the word "and" in a series of items.
57. Inserts an "or" to clearly indicate that items in a series are disjunctive.
58. Inserts standardized language in a statutory definition section.
- 59 - 60. Correct a conflict between the second errors bill of last session and a substantive bill, PL 1979, c. 466.
- 61 - 65. Correct a conflict between PL 1979, c. 556, and PL 1979, c. 545. These statutory provisions are now located in other parts of Title 12.
66. Inserts a decimal point in a license fee statute which was omitted from a bill enacted last session.
67. Reallocates a subsection which has the same subsection number as another subsection enacted during the last session.
68. Inserts a Part and chapter title in Title 12, chapter 801, which was omitted from a bill passed last session.
69. Inserts in Title 12, section 8003, language which was omitted when that provision was relocated by the forestry revision bill.
70. Corrects a spelling error.



71. Clarifies that outdoor fire permits to guides are statewide permits.
72. Corrects a conflict between the first errors bill of last session and a substantive bill, PL 1979, c. 572.
73. Clarifies that a foreign profit corporation can act as the registered agent of a foreign nonprofit corporation.
74. Deletes redundant language.
75. Corrects a spelling error.
76. Corrects an incorrect verb tense.
77. Corrects an error in capitalization and removes redundant language.
78. Conforms the language of a monetary fine provision to the language for civil violations adopted by the Maine Criminal Code.
79. Clearly indicates that a criminal provision should be exempted from the classification system adopted by the Maine Criminal Code.
80. Conforms a criminal provision to the classification system adopted by the Maine Criminal Code.
81. Conforms a criminal provision to the classification system adopted by the Maine Criminal Code.
- 82 - 82-A. Correct a reference to a statutory provision which has been removed from Title 18 to Title 18-A.
83. Removes chapter heading from a chapter in which all sections have been repealed.
84. Conforms the language of a monetary fine provision to the language for civil violations adopted by the Maine Criminal Code.
- 85 - 86. Statutory section rewritten to make all subsections complete sentences.
- 87 - 88. Replace references to "felony" with language adopted by the Maine Criminal Code.
89. Conforms a criminal provision to the classification system adopted by the Maine Criminal Code.
90. Replaces language in a statutory definition section with standard definitional language.

91. Replaces reference to “first or 2nd degree homicide” with “murder or felony murder” since these are the terms currently used by the Maine Criminal Code.
- 92 - 93. Conform the language of a monetary fine provision to the language for civil violations adopted by the Maine Criminal Code and conforms criminal provision to the classification system adopted by the Code.
94. Inserts an “or” to clearly indicate that items in a series are disjunctive.
- 95 - 97. Conform a criminal provision to the classification system adopted by the Maine Criminal Code.
98. Conforms the language of a monetary fine provision to the language for civil violations adopted by the Maine Criminal Code.
- 99 - 100. Conform criminal provisions to the classification system adopted by the Maine Criminal Code.
101. Inserts an “and” to clearly indicate that items in a series are conjunctive.
102. Conforms reference to “felony” and “misdemeanor” to language adopted by the Maine Criminal Code.
103. Inserts an “and” to clearly indicate that items in a series are conjunctive.
- 104 - 105. Conform criminal provisions to the classification system adopted by the Maine Criminal Code.
106. Replaces language in a statutory definition section with standard definitional language.
107. Repeals a general penalty provision which conflicts with the general penalty provisions of the Maine Criminal Code.
108. Conforms a criminal provision to the classification system adopted by the Maine Criminal Code.
109. Conforms reference to “misdemeanor” to language adopted by the Maine Criminal Code. It also removes redundant language.
110. Corrects a reference to the “Law Court.”
111. Corrects a spelling error.
112. Changes a reference in a chapter heading from “Training Center” to “Maine Youth Center.”

113. Inserts an “and” to clearly indicate that items in a series are conjunctive.
114. Removes a severability provision since this is covered by the general severability provision in Title 1, section 71.
115. Delete an unnecessary “and” in a series.
116. Corrects a reference to a statutory section which has been relocated.
- 117 - 118. Delete an unnecessary “or” in a series.
119. Inserts an “and” to clearly indicate that items in a series are conjunctive.
120. Removes the chapter heading from a chapter in which all sections have been repealed.
121. Corrects a conflict between the first errors bill of last session and a substantive bill, PL 1979, c. 512.
122. Corrects a conflict between PL 1979, c. 379, § 1, and PL 1979, c. 512, § 38.
- 123 - 124-A. Correct a printing error in a law enacted last session.
- 125 - 126. Correct a conflict between PL 1979, c. 259 and PL 1979, c. 309.
127. Inserts an “and” to clearly indicate that items in a series are conjunctive.
128. Clarifies the statutory provision concerning descent of real estate in divorce.
129. Corrects a conflict between PL 1979, c. 434, § 5, and PL 1979, c. 479, § 2.
- 130 - 131. Reallocate a statutory provision which was allocated the same subsection number as a provision enacted by another bill.
132. Corrects a reference to the Commissioner of Human Services.
133. Reallocates a statutory section that was assigned the same section number as a section enacted by another bill.
134. Corrects a conflict between the first errors bill of last session and a substantive bill, PL 1979, c. 96.

- 135 - 136. Restructure the form of a statutory section to break it into subsections.
137. Reallocates a chapter of the statutes which was assigned the same chapter number as a chapter enacted by another bill.
- 138 - 138-A. Correct a reference to a statutory section which has been reallocated from Title 18 to Title 18-A.
139. Corrects a reference to "outpatient mental health services."
- 140 - 141. Remove a paragraph that appears twice in the same statutory section and clarifies the language of that paragraph.
142. Corrects a printing error in the statutes referring to "deaf."
143. Reallocates a statutory section that was assigned the same section number as a section enacted by another bill.
144. Repeals a statutory provision which is in direct conflict with Title 1, section 72.
145. Reallocates a statutory section that was assigned the same section number as a section enacted by another bill.
- 146 - 147. Correct a reference to group health insurance "certificate holders."
148. Corrects a reference to "outpatient mental health services."
149. Reallocates a statutory section that was assigned the same section number as a section enacted by another bill.
- 150 - 151. Correct a conflict between PL 1979, c. 411, and PL 1979, c. 347, and clarifies the language of the paragraph.
152. Corrects a reference to a statutory section that has been relocated in Title 12.
153. Corrects a conflict between the second errors bill of last session and a substantive bill, PL 1979, c. 545.
154. Corrects a conflict between the first errors bill of last session and 2 substantive bills, PL 1979, c. 545, and PL 1979, c. 556.

155. Corrects a conflict between the 2nd errors bill of last session and a substantive bill, PL 1979, c. 545, which intended to repeal the section.
- 156 - 157. Correct a conflict between PL 1975, c. 512, and PL 1975, c. 717, and restructures the section for clarity.
158. Reallocates a statutory section that was assigned the same section number as a section enacted by another bill.
159. Corrects an error in the use of a pronoun.
160. Deletes a sentence which conflicts with another sentence in the same section.
161. Corrects a conflict between PL 1979, c. 98, and PL 1979, c. 428.
- 162 - 163. Correct language to make subsections into complete sentences.
164. Corrects a conflict between PL 1979, c. 149, and PL 1979, c. 319, and corrects a reference to the Liquor Commission.
165. Corrects a conflict between PL 1979, c. 319, and PL 1979, c. 432.
- 166 - 167. Clarify the language concerning receipt of notice of nonpayment under the provisions of Title 29.
168. Conforms a criminal provision to the classification system adopted by the Maine Criminal Code.
169. Corrects a spelling error and clarifies the language of a statute.
170. Conforms a criminal provision to the classification system adopted by the Maine Criminal Code.
171. Changes the word "within" to "with" for clarity.
- 172 - 175. Repeal statutory sections that were relocated in Title 29 by PL 1979, c. 464.
176. Corrects an error in printing.
- 177 - 183. Clarify language in provisions relating to certificates of title.
- 184 - 185. Conform criminal provisions to the classification system adopted by the Maine Criminal Code.

- 186 - 187. Reallocate the provisions for failure to stop for an officer and eluding police.
188. Clarifies the language as to what constitutes an "antique auto" for motor vehicle inspection purposes.
- 189 - 189-A. Correct a conflict between PL 1979, c. 82, § 3, and PL 1979, c. 173, § 1.
190. Designates the county commissioner's district in which the new Town of Ogunquit is to be included.
191. Corrects a conflict between PL 1979, c. 67, and PL 1979, c. 542.
- 192 - 194. Change time limitations in certain provisions relating to municipalities to coincide with changes made by PL 1979, c. 150.
195. Repeals a statute which is inconsistent with the provisions of Title 22, section 4508.
196. Corrects a conflict between the second errors bill of last session and a substantive bill, PL 1979, c. 545.
197. Removes redundant language from a statute.
198. Removes a reference to a statutory section which does not exist.
199. Corrects a reference to a statutory provision which has been relocated.
- 200 - 201. Reinsert language in statute which was deleted in error when the statute was last repealed and replaced.
202. Deletes unnecessary language in a statute.
- 203 - 204. Relocate a sentence which was added to the wrong subsection by PL 1979, c. 530.
205. Corrects the improper use of a plural modifier.
- 206 - 208. Correct a conflict between PL 1979, c. 478, and PL 1979, c. 562.
209. Corrects an incorrect reference to a statutory section.
210. Corrects a conflict between the second error bill of last session and a substantive bill, PL 1979, c. 545.
211. Corrects a spelling error.
- 212 - 213. Reallocate a statutory chapter which was assigned the same chapter number as a chapter enacted by another bill.

214. Clarifies statutory language to allow property coming from a trust to be delivered to a custodian.
215. Corrects an error in spelling.
216. Removes a reference to statutory chapters which have been repealed.
217. Conforms a statute to the provisions of the Maine Criminal Code.
218. Corrects an incorrect internal reference in a statute.
219. Reallocates a statutory section which was assigned the same section number as a section enacted by another bill.
- 220 - 221. Correct a conflict between PL 1977, c. 694, and PL 1977, c. 720, and removes a reference to subsections which have been repealed.
222. Corrects an error in spelling.
223. Reallocates a statutory section which was assigned the same section number as a section enacted by another bill.
- 224 - 224-A. Correct a conflict between PL 1979, c. 520, and PL 1979, c. 540.
225. Corrects a conflict between PL 1979, c. 378, and PL 1979, c. 508.
226. Corrects a conflict between the first errors bill of last session and a substantive bill, PL 1979, c. 378.
227. Inserts a subchapter heading in a subchapter which was enacted without such a heading.
228. Removes a reference to a statutory provision which has been repealed.
229. Inserts the correct date for the effective date of an Act.
230. Corrects a reference to a statutory provision which has been relocated in Title 12.
231. Corrects a conflict between the second errors bill of last session and 2 substantive bills, PL 1979, c. 281, and PL 1979, c. 296.
232. Corrects a conflict between the first errors bill of last session and a substantive bill, PL 1979, c. 444.

233. Corrects a conflict between the first errors bill of last session and a substantive bill, PL 1979, c. 444.
234. Reallocates a subsection which was assigned the same subsection number as a subsection enacted by another bill.
235. Restructures a statutory section breaking it into subsections.
- 236 - 237. Correct the sentence structure and grammar of a statute.
238. Corrects a conflict between PL 1979, c. 383, and PL 1979, c. 472.
239. Changes a reference from "regulations" to "rules."
240. Reallocates a statutory section which was assigned the same section number as a section enacted by another bill.
- 241 - 243. Correct a conflict between the second errors bill of last session and a substantive bill, PL 1979, c. 63.
244. Inserts an "or" to clearly indicate that words in a series are disjunctive.
- 245 - 245-A. Correct a reference to a statutory provision which has been moved from Title 18 to Title 18-A.
246. Removes a sunset provision in the Maine Torts Claim Act which was overlooked when the other sunset provision was repealed. It was the intent of the Legislature to repeal all sunset provisions in that Act. However, this particular provision was inadvertently left in place through a clerical error.
247. Corrects a reference in an effective date section of the second errors bill of last session.
248. Corrects an error in spelling.
- 249 - 250. Amend the law authorizing the separation of Ogunquit from Wells to provide Ogunquit with sufficient time for an orderly transition to its status as a town.