

MAINE STATE LEGISLATURE

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1 (New Draft of S.P. 529, L.D.1552)

2 (EMERGENCY)

3 FIRST REGULAR SESSION
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE
6

7 Legislative Document

No. 1760

8
9 S.P. 622

In Senate, June 10, 1983

10 Reported by Senator Collins of Knox from the Committee on Judiciary
and printed under Joint Rule 2.

11 Original bill presented by Senator Trafton of Androscoggin. Cosponsored
12 by Representative Hobbins of Saco.

JOY J. O'BRIEN, Secretary of the Senate

13
14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-THREE
18

19 AN ACT to Make Corrections of Errors
20 and Inconsistencies in the Laws of Maine.
21

22 Emergency preamble. Whereas, Acts of the Legis-
23 lature do not become effective until 90 days after
24 adjournment unless enacted as emergencies; and

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

28 Whereas, these errors and inconsistencies create
29 uncertainties and confusion in interpreting legis-
30 lative intent; and

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

1 Whereas, in the judgment of the Legislature,
2 these facts create an emergency within the meaning of
3 the Constitution of Maine and require the following
4 legislation as immediately necessary for the preser-
5 vation of the public peace, health and safety; now,
6 therefore,

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

9 PART A

10 Sec. 1. 1 MRSA §120, as enacted by PL 1983, c.
11 76, is reallocated to 1 MRSA §121.

12 Sec. 2. 5 MRSA §89, sub-§2, ¶E, as enacted by PL
13 1981, c. 506, §1, is amended to read:

14 E. Provide that any license ~~or identification~~
15 ~~card~~ issued to persons under 20 years of age
16 shall be distinguished by a different color or
17 other means to make such distinction easily
18 observable.

19 Sec. 3. 5 MRSA §711, sub-§2, ¶A, as amended by
20 PL 1981, c. 708, §§1 to 3, is further amended to
21 read:

22 A. The following positions in the following
23 departments are major policy-influencing posi-
24 tions. These positions and their successor posi-
25 tions shall be subject to this subsection, not-
26 withstanding any other provision of law:

27 (1) Department of the Attorney General:

28 (a) Deputy Attorneys General; and

29 (b) Assistant Attorneys General;

30 (1-A) Department of Agriculture, Food and
31 Rural Resources:

32 (a) Deputy Commissioners;

33 (b) Associate Commissioner for Policy
34 Development;

- 1 (c) Director, Bureau of Agricultural
2 Productions;
- 3 (d) Director, Bureau of Agricultural
4 Marketing;
- 5 (e) Director, Bureau of Agricultural
6 and Rural Resources; and
- 7 (f) Director, Bureau of Public Ser-
8 vices-; i
- 9 (2) Department of Business Regulation:
- 10 (a) Superintendent, Bureau of Banking;
- 11 (b) Superintendent, Bureau of Consumer
12 Credit Protection; and
- 13 (c) Superintendent, Bureau of Insur-
14 ance-; i
- 15 (3) Department of Conservation:
- 16 (a) Director, Administrative Services;
- 17 (b) Director, Planning and Program
18 Services;
- 19 (c) Director, Bureau of Forestry;
- 20 (d) Director, Maine Geological Survey;
- 21 (e) Executive Director, Maine Land Use
22 Regulation Commission;
- 23 (f) Director, Bureau of Parks and
24 Recreation;
- 25 (g) Director, Bureau of Public Lands;
26 and
- 27 (h) Forest Insect Manager, Bureau of
28 Forestry-; i
- 29 (4) Department of Educational and Cultural
30 Services:

- 1 (a) Assistant to the Commissioner;
2 (b) Deputy Commissioner;
3 (c) Associate Commissioner, Bureau of
4 School Management;
5 (d) Associate Commissioner, Bureau of
6 Instruction; and
7 (e) Associate Commissioner, Bureau of
8 Vocational Education; i
- 9 (5) Department of Finance and Administra-
10 tion:
11 (a) State Controller;
12 (b) State Purchasing Agent;
13 (c) State Tax Assessor;
14 (d) Director, Bureau of Public
15 Improvements;
16 (e) Director, Bureau of Alcoholic Bev-
17 erages; and
18 (f) State Budget Officer; i
- 19 (6) Department of Human Services:
20 (a) Deputy Commissioners;
21 (b) Director, Bureau of Maine's
22 Elderly;
23 (c) Director, Bureau of Resource
24 Development;
25 (d) Director, Bureau of Health;
26 (e) Director, Bureau of Rehabilita-
27 tion;
28 (f) Director, Bureau of Income Mainte-
29 nance;

- 1 (g) Director, State Health Planning
2 and Development Agency; and
- 3 (h) Director, Bureau of Medical Ser-
4 vices-; i
- 5 (7) Maine Human Rights Commission:
6 (a) Executive Director; and
7 (b) Chief Compliance Officer-; i
- 8 ~~(8) Department of Indian Affairs-~~
9 ~~(a) Deputy Commissioner-~~
- 10 (9) Department of Inland Fisheries and
11 Wildlife:
12 (a) Deputy Commissioner-; i
- 13 (10) Maine State Lottery Commission:
14 (a) Deputy Director-; i
- 15 (11) Department of Labor:
16 (a) Director, Manpower Training Divi-
17 sion;
18 (b) Director, Bureau of Labor Stan-
19 dards; and
20 (c) Executive Director, Maine Labor
21 Relations Board-; i
- 22 (12) Department of Marine Resources:
23 (a) Deputy Commissioner-; i
- 24 (13) Department of Mental Health and Cor-
25 rections:
26 (a) Associate Commissioner;
27 (b) Director, Bureau of Mental Health;

- 1 (c) Superintendent, Augusta Mental
2 Health Institute;
- 3 (d) Superintendent, Bangor Mental
4 Health Institute;
- 5 (e) Director, Bureau of Mental Retar-
6 dation;
- 7 (f) Superintendent, Pineland Center;
8 and
- 9 (g) Director, Bureau of Corrections-; i
- 10 (14) Department of Defense and Veterans
11 Services:
- 12 (a) Deputy Adjutant General;
- 13 (b) Director, Bureau of Civil Emer-
14 gency Preparedness; and
- 15 (c) Director, Bureau of Veterans Ser-
16 vices-; i
- 17 (15) Department of Public Safety:
- 18 (a) Chief, Bureau of State Police;
- 19 (b) Director, Bureau of Liquor
20 Enforcement;
- 21 (c) Director, Office of State Fire
22 Marshal; and
- 23 (d) Director, Maine Criminal Justice
24 Academy-; i
- 25 (16) Department of Secretary of State:
- 26 (a) Deputy Secretaries of State; and
- 27 (b) State Archivist-; and
- 28 (17) Department of Transportation:
- 29 (a) Deputy Commissioners; and

1 (b) Chief Counsel, Bureau of Legal
2 Services.

3 Sec. 4. 5 MRSA §1092, sub-§15, as enacted by PL
4 1977, c. 580, §3, is amended to read:

5 15. Mandatory retirement age prohibited. Any
6 ~~participating~~ participating local district shall be
7 governed by section 1006, the provisions of which
8 prohibit the use of a mandatory retirement age.

9 Sec. 5. 5 MRSA §1121, sub-§1, ¶A, as amended by
10 PL 1981, c. 146, is repealed and the following
11 enacted in its place:

12 A. Any member, who at the attainment of age 60
13 years is in service, may retire at any time then
14 or thereafter on a service retirement allowance,
15 provided that the member has been in service for
16 a minimum of one year immediately prior to
17 retirement or has at least 10 years of creditable
18 service, upon written application to the board of
19 trustees setting forth at what time he desires to
20 be retired. Any member not in service may retire
21 at the age of 60 years or thereafter on a service
22 retirement allowance upon written application to
23 the board of trustees setting forth at what time
24 he desires to be retired, provided that he has at
25 least 10 years of creditable service or 5 full
26 terms as a Legislator, any part of which service
27 must have been rendered when he was, or could
28 have been under then existing law, a contributing
29 member to any publicly supported contributory
30 retirement system sponsored by the State and pro-
31 vided that, at the effective date of the retire-
32 ment allowance, his contributions are on deposit
33 in the Members' Contribution Fund.

34 Sec. 6. 5 MRSA §1121, sub-§4, ¶D, as amended by
35 PL 1977, c. 580, §10, is further amended to read:

36 D. Any member who is a liquor inspector, includ-
37 ing the chief inspector and who has completed at
38 least 25 years of creditable service in his
39 respective capacity, may retire at age 55 on a
40 service retirement allowance, which shall be
41 equal to 1/2 of his average final compensation

1 and an additional 2% of his average final compen-
2 sation for each year of membership service not
3 included in the age and service conditions for
4 retirement under this paragraph. Notwithstanding
5 the foregoing, the service of a chief inspector
6 who has attained the age of 65, and who desires
7 to remain in service, may be continued for
8 periods of one year, but not beyond the attain-
9 ment of age 70, if approved by the Governor.
10 Requests for extensions of service for state
11 employees shall be filed with the appointing
12 authority, who shall send it to the Commissioner
13 of Personnel for review and comment, who shall
14 then forward it to the Governor. In no instance
15 shall the power to extend the service of the
16 chief inspector be extended beyond the attained
17 age of 70. Notwithstanding the provisions of
18 this paragraph, any person employed as a liquor
19 inspector on or before September 3, 1965 who has
20 been employed continuously as such and who will
21 not attain the 25 years of creditable service at
22 age 65, shall be permitted to continue in his
23 employment as a liquor inspector in order to
24 obtain the 25 years of creditable service neces-
25 sary, at which time such liquor inspector must be
26 retired.

27 Sec. 7. 5 MRSA §1124, sub-§1, ¶B, as amended by
28 PL 1981, c. 519, §1, is further amended to read:

29 B. In lieu of accepting the payment provided in
30 paragraph A, the first of certain designated ben-
31 efiiciaries, if living at the death of the member
32 or former member, may elect to substitute the
33 benefits described below in this paragraph. Such
34 The designated beneficiary shall be a spouse,
35 child or children of the member or former member,
36 mother or father, mother and father, or if no
37 designation was made, the first of the following
38 listed persons, if any, alive at the death of the
39 member or former member, spouse, child or chil-
40 dren, parents or parent of the deceased.

41 (1) Benefits shall be as follows:

42 (a) A spouse alive and who has not
43 become the dependent of another person

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at the time of the death of the member or former member, shall be paid \$150 a month, commencing the first month after such that death occurs, and continuing until the date of his death or until he becomes the dependent of another person, whichever happens first, pre-
viding provided that either the deceased member or former member had 10 years of creditable service at the time of his death or that the surviving spouse is certified by the medical board, after a medical examination, to be mentally or physically incapacitated and that such the incapacity is likely to be permanent. Such The spouse may qualify for this benefit in addition to any payments received as provided by division (b), but shall not receive this benefit simultaneously with that provided by division (b).

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(b) A spouse, alive and who has not become the dependent of another person at the time of the death of the member or former member who has the care of unmarried children of the deceased member or former member under 18 years of age, or unmarried children of the deceased member under 22 years of age and a full-time student, or any other progeny of the deceased who is considered to be mentally incompetent under the general statutes pertaining thereto, or who is certified to be mentally incompetent by the medical board or who is certified by the medical board to be physically and permanently incapacitated, shall be paid \$150 a month, commencing the first month after such that death occurs and continuing during his lifetime for such time as such those children or progeny are in his care and he has not become the dependent of another person.

1 (c) The unmarried child or children
2 under 18 years, or unmarried children
3 of the deceased member or former member
4 under 22 years of age and a full-time
5 student, or any other progeny of the
6 deceased who is adjudged mentally
7 incompetent by a Probate Court in the
8 State of Maine or who is certified by
9 the medical board to be physically and
10 permanently incapacitated at the time
11 of the death of the member or former
12 member, shall receive benefits as fol-
13 lows:-

14 One child shall be paid \$150 per month.

15 Two children shall be paid \$225 per
16 month, which shall be divided equally
17 between them.

18 Three children or more shall be paid
19 \$300 per month, which shall be divided
20 equally among them.

21 The benefits shall commence the first
22 month after the death of the member or
23 former member and be payable to each
24 child until he reaches his 18th birth-
25 day, or until he reaches his 22nd
26 birthday if a full-time student, or
27 prior death until he dies, whichever
28 occurs first. In the event of the mar-
29 riage or death of any such child prior
30 to his 18th birthday, or to his 22nd
31 birthday if a full-time student, subse-
32 quent benefits to the other children,
33 if any, shall be payable as if he had
34 never lived. The board of trustees
35 shall adopt such rules as are found
36 necessary for a beneficiary to qualify
37 as a full-time student.

38 (d) A spouse living at the time of
39 death of the member or former member
40 and who has not become the dependent of
41 another person subsequent to the death
42 of the member shall be paid \$150 a

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month, commencing the first month after the attainment of 60 years of age and continuing until the date of his death. ~~Such~~ The spouse may qualify for this benefit in addition to any payments received as provided by division (b) but shall not receive this benefit simultaneously with that provided by division (a) or division (b).

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(e) A parent, if living at the time of the death of the member or former member, and at least 60 years of age or when that age is attained shall be paid \$150 per month. If both parents are eligible to benefits under this section, and the older parent elects benefits under this subsection, the younger parent shall receive \$105 per month if at least 60 years of age or when that age is attained. Upon the death of either parent, the survivor shall receive \$150 per month.

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~~Such~~ These payments to any parent shall commence the first month after the death of the member or former member occurs and continue until death. Benefits are only payable under this provision in the event no other benefits have been received in accordance with ~~divisions~~ division (a), (b), (c) or (d).

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(f) Any recipient of benefits under this section who, on or after attaining age 60, becomes the dependent of another person, shall be entitled to continuation of benefits under this section until his death.

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(3) If benefits are paid under this paragraph B, the amount of deceased member's accumulated contributions in the Members' Contribution Fund shall be transferred to the Survivors' Benefits Fund, and the amount of former member's accumulated contributions in

1 the Retirement Allowance Fund shall be
2 transferred to the Survivors' Benefits Fund.

3 (4) In the event that any person becomes
4 entitled to the payment of benefits under
5 this section and dies before either the
6 refund check or the initial survivor benefit
7 check shall be endorsed and presented to a
8 holder in due course then it shall be con-
9 sidered as if such that person had prede-
10 ceased the member or former member. Any ben-
11 efitary of this section shall have the
12 right to change his choice of payment at any
13 time up to the point of endorsement and pre-
14 sentation to a holder in due course of
15 either the refund check or the initial sur-
16 vivor benefit payment.

17 Sec. 8. 12 MRSA §1201, 4th ¶, as amended by PL
18 1981, c. 435, §§1 and 2, is further amended to read:

19 Hancock County. Townships N.D.: 3 and Strip
20 North; 4 and Strip North. Townships S.D.: 7, 8, 9,
21 10. Townships M.D.: 16, 22, 28, 32, 34, 35, 39, 40,
22 41. Islands: Beach, Bear, Bradbury's, Butter or
23 Dirigo, Eagle, Hog, Little Spruce, Marshall's,
24 Pickering's, Pond, Resolution, Spruce Head, Western.
25 Municipality:

26 Sec. 9. 14 MRSA §4423, as enacted by PL 1981, c.
27 431, §2, is amended to read:

28 §4423. Exempt property acquired within 90 days

29 Notwithstanding section 4402 4424, if within 90
30 days of the attachment, or, in a proceeding under the
31 United States Code, Title 11, the date of the filing
32 of the petition, the debtor transfers his nonexempt
33 property and as a result acquires, improves, or
34 increases in value property otherwise exempt under
35 section 4422, his interest shall not be exempt to the
36 extent that the acquisition, improvement or increase
37 in value exceeds the reasonable needs of the debtor
38 or his dependents.

39 Sec. 10. 14 MRSA §6024, as enacted by PL 1981,
40 c. 400, is reallocated to 14 MRSA §6027.

1 Sec. 11. 15 MRSA §3309-A, first ¶, as enacted by
2 PL 1981, c. 619, §4, is amended to read:

3 The court shall not order a juvenile to undergo a
4 diagnostic evaluation, as defined in section 3303
5 3003, subsection 4-A, except as follows:

6 Sec. 12. 17 MRSA §1093, as amended by PL 1975,
7 c. 497, §3, is further amended to read:

8 §1093. Shooting of pigeons and other birds; wild
9 game excepted

10 Whoever keeps or uses any live pigeon, fowl or
11 other bird for a target or to be shot at, either for
12 amusement or as a test of skill in marksmanship, and
13 whoever shoots at any such bird or is present as a
14 party, umpire or judge at such shooting, and whoever
15 rents any building, shed, room, yard, field or prem-
16 ises, or knowingly suffers the use of the same for
17 such purpose, shall be punished by a fine of not more
18 than \$50 or by imprisonment for not more than 30
19 days. Nothing in this section prohibits the shooting
20 of wild game in its wild state or the shooting of
21 birds at field trials under the supervision of the
22 Department of Inland Fisheries and Wildlife in accor-
23 dance with Title 7, ~~section~~ 3554 12, chapter 707,
24 subchapter IX.

25 Sec. 13. 17 MRSA §3204, 2nd ¶, as amended by PL
26 1981, c. 352, §5, is further amended to read:

27 This section shall not apply to: The operation or
28 maintenance of common, contract and private carriers;
29 taxicabs; airplanes; newspapers; radio and television
30 stations; hotels, motels, rooming houses, tourist and
31 trailer camps; restaurants; garages and motor vehicle
32 service stations; retail monument dealers; automatic
33 laundries; machines that vend anything of value,
34 including, but not limited to, a product, money or
35 service; a satellite facility approved by the Super-
36 intendent ~~of the Bureau~~ of Banking under Title 9-B;
37 or comparable facility approved by the appropriate
38 federal authority; pharmacies; greenhouses; seasonal
39 stands engaged in sale of farm produce, dairy prod-
40 ucts, sea food or Christmas trees; public utilities;
41 industries normally kept in continuous operations,

1 including, but not limited to, pulp and paper plants
2 and textile plants; processing plants handling agri-
3 cultural produce or products of the sea; ship
4 chandleries; marinas; establishments primarily
5 selling boats, boating equipment, sporting equipment,
6 souvenirs and novelties; motion picture theatres;
7 public dancing; sports and athletic events; bowling
8 alleys; displaying or exploding fireworks, under
9 Title 8, chapter 9; musical concerts; religious, edu-
10 cational, scientific or philosophical lectures;
11 scenic, historic, recreational and amusement facili-
12 ties; real estate brokers and real estate salesmen;
13 mobile home brokers and mobile home salesmen; pro-
14 vided that this section shall not exempt the busi-
15 nesses or facilities specified in sections 3205, 3206
16 and 3207 from closing in any municipality until the
17 requirements of those sections have been met; stores
18 wherein no more than 5 persons, including the propri-
19 etor, are employed in the usual and regular conduct
20 of business; stores which have no more than 5,000
21 square feet of interior customer selling space,
22 excluding back room storage, office and processing
23 space.

24 Sec. 14. 18-A MRSa §§2-402 and 2-405, as enacted
25 by PL 1979, c. 540, §1, are amended to read:

26 §2-402. Exempt property

27 In addition to the homestead allowance, the sur-
28 viving spouse of a decedent who was domiciled in this
29 State is entitled from the estate to value not
30 exceeding \$3,500 in excess of any security interests
31 therein in property exempt under Title 14, section
32 ~~4401~~ 4421 on the date of death of the decedent. If
33 there is no surviving spouse, children of the de-
34 cedent are entitled jointly to the same value. If
35 encumbered chattels are selected and if the value in
36 excess of security interests, plus that of other ex-
37 empt property, is less than \$3,500, or if there is
38 not \$3,500 worth of exempt property in the estate,
39 the spouse or children are entitled to other assets
40 of the estate, if any, to the extent necessary to
41 make up the \$3,500 value. Rights to exempt property
42 and assets needed to make up a deficiency of exempt
43 property have priority over all claims against the
44 estate, except that the right to any assets to make

1 up a deficiency of exempt property shall abate as
2 necessary to permit prior payment of homestead allow-
3 ance and family allowance. These rights are in addi-
4 tion to any benefit or share passing to the surviving
5 spouse or children by the will of the decedent unless
6 otherwise provided, by intestate succession, or by
7 way of elective share.

8 §2-405. Estate property exempt

9 Notwithstanding any provisions to the contrary,
10 any part of the decedent's estate which shall be ex-
11 empt under Title 14, section 440~~1~~ 4421, on the date
12 of decedent's death, shall not be liable for payment
13 of debts of the decedent or claims against his
14 estate; provided, ~~however,~~ that nothing in this
15 section ~~shall~~ may be deemed to affect the provisions
16 of sections 2-40~~1~~ through 2-404.

17 Sec. 15. 19 MRSA §752, first ¶, as amended by PL
18 1981, c. 174, §2, is further amended to read:

19 The court making an order of nullity or of
20 divorce may make an order concerning the care, cus-
21 tody and support of the minor children of the parties
22 and may decree which parent shall have exclusive care
23 and custody of any of the minor children, may appor-
24 tion the care and custody of any of the minor chil-
25 dren between the parents, may decree that the parents
26 shall have joint custody of any of the minor chil-
27 dren, or may grant the care and custody of those
28 children to a 3rd person or to some suitable society
29 or institution for the care and protection of chil-
30 dren or to the Department of Human Services. The
31 court shall not consider abandonment of the family
32 residence as a factor in determining custodial rights
33 when the abandoning party has been physically harmed
34 or seriously threatened with physical harm by his
35 spouse, when that harm or threat of harm by his
36 spouse was causally related to the abandonment. An
37 order for child support under this section may
38 include an order for the payment of part or all of
39 the medical expenses, hospital expenses and other
40 health care expenses of the children or an order to
41 provide a policy or contract for coverage of ~~such~~
42 those expenses. Availability of public welfare bene-
43 fits to the family shall not affect the decision of

1 the court as to the responsibility of a parent to
2 provide child support. It may alter its order con-
3 cerning the care, custody and support of the minor
4 children from time to time as circumstances require,
5 whether or not either parent be then living, upon
6 motion of either party, such society or institution
7 as aforesaid, the Department of Human Services, any
8 3rd person to whom care or custody has been granted,
9 any blood relative or any person standing in loco
10 parentis to ~~said~~ those minor children; change the
11 name of the wife, at her request; and in execution of
12 the powers given it under this Title may employ any
13 compulsory process which it deems proper, by execu-
14 tion, attachment or other effectual form, on which
15 costs shall be taxed as in other actions. The court
16 may enforce an order as provided under chapter ~~14~~
17 14-A.

18 Sec. 16. 20-A MRSA §1205, sub-§3, as enacted by
19 PL 1981, c. 693, §§5 and 8, is amended to read:

20 3. Transfer of school accounts. Notwithstanding
21 section ~~10004~~ 15004 or any charter of a community
22 school district or coterminous district, the balance
23 remaining in the school accounts of the municipali-
24 ties, community school district or coterminous school
25 districts within the school administrative district
26 shall be paid to the treasurer of the district in
27 equal monthly installments over the remainder of the
28 fiscal year in which the district is formed.

29 Sec. 17. 20-A MRSA §1253, sub-§1, as enacted by
30 PL 1981, c. 693, §§5 and 8, is amended to read:

31 1. Initial meeting on district formation. On
32 the election of the school directors, the clerk of
33 each municipality within the school administrative
34 district shall forward the names of the directors
35 elected for that municipality to the state board with
36 other data with regard to their election as the state
37 board may require. On receipt of the names of all of
38 the directors, the state board shall set a time,
39 place and date for the first meeting of the directors
40 and give notice to the directors in the manner set
41 forth in section ~~1203~~ 1202, subsection 3, paragraph
42 A.

1 Sec. 18. 20-A MRSA Pt. 4, sub-pt. 3, first 4
2 lines, as enacted by PL 1981, c. 693, §§5 and 8, are
3 repealed and the following enacted in their place:

4 SUBPART 3

5 OTHER PROGRAMS

6 CHAPTER 315

7 ADULT EDUCATION

8 Sec. 18-A. Effective date. Sections 16 to 18 of
9 this Part shall take effect on July 1, 1983.

10 Sec. 19. 21 MRSA §102-A, sub-§1, ¶A, as repealed
11 and replaced by PL 1975, c. 761, §9, is amended to
12 read:

13 A. First name, middle name or initial, and ~~sur-~~
14 ~~name~~ last name, or first name or initial and mid-
15 dle name, and ~~surname~~ last name;

16 Sec. 20. 21 MRSA §171, sub-§1, as amended by PL
17 1973, c. 414, §5-A, is further amended to read:

18 1. List prepared. He shall prepare a printed or
19 typewritten list, alphabetically by ~~sur-~~ last
20 name, of all the voters of the municipality. He
21 shall add the street address of each voter beside his
22 name and mailing address and proper zip code number.
23 In a municipality which has voting districts, he
24 shall make a separate list for each district.

25 Sec. 21. 21 MRSA §201, sub-§1, as amended by PL
26 1977, c. 564, §96-A, is further amended to read:

27 1. Content of general register. The general
28 register must contain the following information con-
29 cerning each person on the voting list on index cards
30 filed alphabetically by ~~sur-~~ last name:

31 A. First name, middle name or initial, and ~~sur-~~
32 ~~name~~ last name or first name or initial, middle
33 name and ~~surname~~ last name;

- 1 B. Legal address, including street, street
2 number, apartment number, town, county and zip
3 code;
- 4 C. Mailing address;
- 5 D. Date of birth;
- 6 E. Sex;
- 7 F. Most recent prior residence where registered
8 to vote, to include name under which registered,
9 if changed, legal address and mailing address;
- 10 G. Whether a citizen by birth or naturalization:
11 If by naturalization, the date, place and court
12 of naturalization;
- 13 H. Remarks concerning registration or enroll-
14 ment; and
- 15 I. Date of registration; and
- 16 J. Signature of registrant.

17 Sec. 22. 21 MRSA §701, sub-§2, ¶B, as amended by
18 PL 1973, c. 414, §30, is further amended to read:

19 B. The ballot must contain the name, without any
20 title, and place of residence of each candidate
21 arranged under the proper office designation
22 alphabetically with the surname last name first.
23 The name of each candidate may be printed on the
24 ballot in only one space.

25 Sec. 23. 21 MRSA §701, sub-§2, ¶D, as amended by
26 PL 1973, c. 414, §31, is further amended to read:

27 D. At the end of the list of candidates for nom-
28 ination to each office, there must be left as
29 many blank spaces as there are vacancies to be
30 filled, in which a voter may write or paste the
31 name, with the surname last name first or last,
32 without any title, of any person for whom he
33 desires to vote, in which event he shall write in
34 or paste in the residence of the person whose
35 name is written in, before his vote shall be
36 counted.

1 Sec. 24. 21 MRSA §701, sub-§2, ¶H, as repealed
2 and replaced by PL 1975, c. 761, §29, is amended to
3 read:

4 H. The name of each nominee shall appear on the
5 ballot as follows: Surname Last name first, in
6 block capital letters, followed by the first name
7 and middle name or initial; or surname last name
8 first in block capital letters, followed by the
9 first name or the first initial and the middle
10 name.

11 Sec. 25. 21 MRSA §702, sub-§1, as repealed and
12 replaced by PL 1973, c. 414, §32, is amended to read:

13 1. Arrangement. The ballot must contain the
14 name, without any title, and municipality of resi-
15 dence of each nominee, arranged under the proper
16 office designation alphabetically with the surname
17 last name first.

18 A. The names of Presidential Electors must not
19 appear on the ballot.

20 Sec. 26. 21 MRSA §702, sub-§2, ¶A, as repealed
21 and replaced by PL 1973, c. 414, §33, is amended to
22 read:

23 A. The names of all nominees for office shall as
24 far as possible be placed in one vertical column.
25 When the names to be printed on the ballot are
26 over 25, another column or columns may be added
27 in which the names of the additional nominees
28 shall be printed. When 2 or more columns are
29 used, the same number of names, so far as pos-
30 sible, shall be printed in each column. ~~However,~~
31 the The names of candidates for any one office
32 shall not be split into more than one column
33 regardless of number. The initial letter of the
34 surname last name of the several candidates in
35 each column shall be printed directly beneath
36 each other in a vertical line and the initial
37 letter of the respective party designations of
38 each nominee shall be printed directly beneath
39 each other in a vertical line.

40 Sec. 27. 21 MRSA §702, sub-§2, ¶F, as amended by
41 PL 1973, c. 414, §34, is further amended to read:

1 F. At the end of the list of nominees to each
2 office, there must be left as many blank spaces
3 as there are vacancies to be filled, in which a
4 voter may write the name, with the surname last
5 name first or last, without any title, of any
6 person for whom he desires to vote, in which
7 event he shall write in the residence of the
8 person whose name is written in before his vote
9 shall be counted.

10 Sec. 28. 21 MRSA §702, sub-§2, ¶I, as repealed
11 and replaced by PL 1975, c. 761, §30, is amended to
12 read:

13 I. The name of each nominee shall appear on the
14 ballot as follows: Surname Last name first, in
15 block capital letters, followed by the first name
16 and middle name or initial; or surname last name
17 first, in block capital letters, followed by the
18 first name or first initial and the middle name.
19

20 Sec. 29. 21 MRSA §921, sub-§2, as amended PL
21 1973, c. 414, §39, is further amended to read:

22 2. Write-in vote. If he wishes to vote for a
23 person whose name is not on the ballot, he shall
24 write the name and municipality of residence or paste
25 a sticker containing the name and municipality of
26 residence in the blank space provided at the end of
27 the list of candidates for nomination to the office
28 in question, with the surname last name first or
29 last. He shall then place the mark in the square at
30 the left of it.

31 Sec. 30. 21 MRSA §922, sub-§2, as amended by PL
32 1973, c. 414, §40, is further amended to read:

33 2. Write-in vote. If he wishes to vote for a
34 person whose name is not on the ballot, he shall
35 write the name and municipality of residence in the
36 blank space provided at the end of the list of nomi-
37 nees for the office in question, with the surname
38 last name first or last. He shall then place the mark
39 in the square at the left of it.

1 A. A sticker may not be used to vote for a
2 write-in candidate.

3 Sec. 31. 22 MRSA §2802, as amended by PL 1981,
4 c. 456, Pt. A, §70, is further amended to read:

5 §2802. Copy of record of marriages

6 Every person authorized to unite persons in mar-
7 riage shall make and keep a record of every marriage
8 solemnized by him in conformity with the forms and
9 instructions prescribed by the State Registrar of
10 Vital Statistics. That person shall return each
11 original certificate or certificates to the clerk who
12 issued the same within 7 working days following the
13 date on which a marriage is solemnized by him. If
14 the marriage was solemnized in a town other than the
15 place or places where the parties to the marriage
16 reside, that person shall return a copy of the cer-
17 tificate or of either certificate if 2 were issued,
18 to the clerk of the town where the marriage was
19 solemnized. Each certificate and copy so returned
20 shall contain a statement giving the names of the
21 parties united in marriage, place and date of the
22 marriage, the signature of the person by whom the
23 same was solemnized and the names of the 2 witnesses.
24 The person who solemnized the marriage shall add the
25 title of the office by virtue of which marriage was
26 solemnized and the date ordained or authorized by a
27 religious faith to perform marriages, the date a
28 notary public's commission expires or the date a law-
29 yer was admitted to the Maine Bar and his residence.
30 All certificates or copies so returned shall be
31 recorded by the clerk receiving them.

32 Sec. 32. 29 MRSA §1, sub-§7, as amended by PL
33 1969, c. 414, §2, is further amended to read:

34 7. Motor vehicle. "Motor vehicle" shall mean any
35 self-propelled vehicle not operated exclusively on
36 tracks, including motorcycles, but not including
37 snowmobiles as defined in Title 12, section ~~1971~~
38 7821.

39 Sec. 33. 29 MRSA §2241, sub-§1, ¶I, as repealed
40 and replaced by PL 1981, c. 689, §2 and as amended by
41 PL 1981, c. 698, §133, is repealed and the following
42 enacted in its place:

1 I. Has failed to appear in court on the day
2 specified, either in person or by counsel, after
3 being ordered to do so to answer any violation of
4 chapter 25 or Title 35, chapter 91 or 97;

5 Sec. 34. 29 MRSA §2301, as amended by PL 1981,
6 c. 468, §20, is further amended to read:

7 §2301. Arrested persons given immediate trial;
8 exceptions; bail

9 Whoever is arrested for violation of any provi-
10 sions of this Title, except those of sections 1312-A,
11 1312-B, 2181 and 2185, shall be given an immediate
12 trial if he shall so demand of the officer making the
13 arrest, but if for any reason it is impracticable to
14 do so, the officer making the arrest shall immedi-
15 ately take the prisoner before some bail commis-
16 sioner, who before admitting him to bail, shall re-
17 quire him to give his name, his place of residence,
18 the number of his license to operate a motor vehicle
19 and the registration number of the motor vehicle
20 operated at the time of his arrest, and shall make a
21 record thereof on the bail bond, and may take his
22 personal recognizance for his appearance in court on
23 a specified day, not less than 2 days thereafter if
24 requested by the person arrested; or ~~such~~ the officer
25 in like cases may accept the personal recognizance of
26 ~~such~~ that person for his appearance. If an indi-
27 vidual fails to appear in court on the day specified,
28 the court may immediately suspend his license or sus-
29 pend his right to operate motor vehicles in this
30 State. If a person who is not an individual fails to
31 appear, the court may suspend the registration of the
32 motor vehicle involved in the offense or that
33 person's right to operate that vehicle in the State.
34 On receipt of a copy of a court order suspending a
35 person's license, registration or right to operate in
36 this State, the Secretary of State shall immediately
37 notify that person of the suspension by regular mail
38 or personal service. A court ordered suspension
39 shall have the same force and effect as a suspension
40 by the Secretary of State. A suspension shall remain
41 in effect until the person appears, either in person
42 or by counsel. On appearance and on the condition of
43 payment of a ~~\$10~~ \$20 reinstatement fee to the Secre-
44 tary of State, the court shall rescind the suspension

1 and order the Secretary of State to delete any record
2 of the suspension from that person's driving record.

3 Sec. 35. 29 MRSA §2301-A, last ¶, as amended by
4 PL 1979, c. 620, §6, is further amended to read:

5 On receipt of a copy of a court order suspending
6 a person's license or right to operate in this State,
7 the Secretary of State shall immediately notify that
8 person of the suspension by regular mail or personal
9 service. A court ordered suspension shall have the
10 same force and effect as a suspension by the Secre-
11 tary of State. A suspension shall remain in effect
12 until the person appears, either in person or by
13 counsel, or pays the fine. On appearances or payment
14 of the fine, whichever was the basis for the suspen-
15 sion, and on the condition of payment of a ~~§10~~ §20
16 reinstatement fee to the Secretary of State, the
17 court shall rescind the suspension and order the
18 Secretary of State to delete any record of the sus-
19 pension from that person's driving record.

20 Sec. 36. 29 MRSA §2713, sub-§1, as enacted by PL
21 1981, c. 469, §2, is amended to read:

22 1. Deposit of funds. All revenues derived from
23 fees and fines, authorized by this chapter, and, for
24 carriers of passengers, by Title 35, chapters 91 and
25 97, shall be deposited with the Treasurer of State in
26 a separate account to be known as the Transportation
27 Safety Fund.

28 Sec. 37. 30 MRSA §2225, sub-§4, as enacted by PL
29 1973, c. 64, is amended to read:

30 4. Postaudit report. It shall contain the state-
31 ment that the complete postaudit report for the
32 ~~latest~~ last municipal year is on file at the munici-
33 pal office and the following excerpts from the
34 report:

35 A. Name and address of the auditor;

36 B. Auditor's comments and suggestions for
37 improving the financial administration;

38 C. Comparative balance sheet; and

1 D. Statement of departmental operations.

2 Sec. 38. 33 MRSA §1603-116, sub-§(b), as enacted
3 by PL 1981, c. 699, is amended to read:

4 (b) A lien under this section is prior to all
5 other liens and encumbrances on a unit except: (1)
6 Liens and encumbrances recorded before the recorda-
7 tion of the declaration; (2) A first mortgage
8 recorded before or after the date on which the
9 assessment sought to be enforced becomes delinquent;
10 and (3) Liens for real estate taxes and other gov-
11 ernmental assessments or charges against the unit.
12 This subsection does not affect the priority of
13 mechanics' or materialmen's liens, or the priority of
14 liens for other assessments made by the association.
15 The lien under this section is not subject to the
16 provisions of Title 14, section 4561 and Title 18-A,
17 ~~section 2-201 et seq.~~ Part 2, as they or their
18 equivalents may be amended or modified from time to
19 time.

20 Sec. 39. 36 MRSA §112, sub-§8, ¶C, as enacted by
21 PL 1981, c. 364, §7, is amended to read:

22 C. Administration of the spruce budworm excise
23 tax in accordance with Title 12, section 8406
24 8427.

25 Sec. 40. 36 MRSA §505, sub-§4, as amended by PL
26 1979, c. 541, Pt. A, §218, is further amended to
27 read:

28 4. When interest collected. The date or dates
29 from and after which interest shall accrue, which
30 shall also be the date or dates on which taxes shall
31 become delinquent. The rate of interest shall be
32 specified in the vote and shall apply to delinquent
33 taxes committed during the taxable year until those
34 taxes are paid in full. The rate of interest shall
35 not exceed the highest conventional rate of interest
36 charged for commercial unsecured loans by Maine bank-
37 ing institutions on the first business day of the
38 calendar year the vote is taken. The highest conven-
39 tional rate of interest charged for commercial unse-
40 cured loans by Maine banking institutions on the
41 first business day of each calendar year shall be

1 determined in his best judgment by the Treasurer of
2 State, who shall send a written notice of such rate
3 of interest on or before January 20th of each year to
4 the chief municipal officer of each municipality.
5 ~~Such~~ The interest shall be added to and become part
6 of the taxes.

7 Sec. 41. 36 MRSA §1962, first ¶, as repealed and
8 replaced by PL 1977, c. 165, §5, is amended to read:

9 The warrant shall have the force and effect of an
10 execution issued upon a judgment in a civil action
11 for taxes and may be directed to the sheriffs of the
12 respective counties, their deputies or to any agent
13 of the State Tax Assessor authorized ~~pursuant to~~
14 ~~section 1902~~ to collect any tax imposed under the
15 sales and use tax law.

16 Sec. 42. 36 MRSA §3038, as amended by PL 1981,
17 c. 689, §6, is further amended to read:

18 §3038. Failure to file statement; false statement

19 Any person who shall refuse or neglect to make
20 any statement, report, payment or return required by
21 this chapter, or who shall knowingly make, or shall
22 aid or assist any other person in making a false
23 statement in a return or report to the State Tax
24 Assessor, or in connection with an application for
25 refund of any tax, or who shall knowingly collect or
26 attempt to collect, or cause to be paid to him or to
27 any other person, either directly or indirectly, any
28 refund of that tax without being entitled to the
29 same, ~~shall be~~ is guilty of a Class E crime. Any
30 finest collected pursuant to this section are to be
31 credited to the Highway Fund.

32 Sec. 43. 36 MRSA §3039, as amended by PL 1981,
33 c. 689, §7, is further amended to read:

34 §3039. Additional violations

35 Any user, or any agent or employee of any user,
36 who shall consume any fuel in a motor vehicle on a
37 public highway or on a turnpike operated and main-
38 tained by the Maine Turnpike Authority, when that
39 user is not the holder of an uncanceled license as

1 required by this chapter, or when that user has
2 failed to file any report or pay tax, penalty or
3 interest as required by this chapter and chapter 7,
4 commits a Class E crime. Each day or part thereof
5 during which any person shall consume any fuel in a
6 motor vehicle on a public highway or on a turnpike
7 owned and maintained by the Maine Turnpike Authority,
8 when that user is not the holder of an uncanceled li-
9 cense as required by this chapter, or when that user
10 has failed to file any report or pay tax, interest or
11 penalty as required by this chapter and chapter 7,
12 shall constitute a separate violation within the
13 meaning of this section. Any fines collected pur-
14 suant to this section are to be credited to the High-
15 way Fund.

16 Sec. 44. 36 MRSA §3461, sub-§§2 and 3 are
17 amended to read:

18 2. Life insurance. All proceeds of life insur-
19 ance policies upon the life of a decedent payable to
20 his estate or to his ~~executors or administrators~~ per-
21 sonal representative except, if testate, such part
22 thereof as is bequeathed to a widow or widower, or
23 issue, or, if intestate, such part thereof as
24 descends under Title 18, section 853.

25 3. Proceeds of pension and profit sharing plans.
26 All proceeds of a trust forming a part of a stock
27 bonus, pension or profit sharing plan, or of a
28 nontrusted annuity plan purchased from an insurance
29 company, which constitutes a "qualified plan" or
30 "qualified trust" under the Internal Revenue Code, or
31 which plan was in existence on or before January 1,
32 1963, which become payable by reason of the death of
33 the decedent, except for such part thereof as is pay-
34 able to the widow or widower or issue of the dece-
35 dent, and except for such part thereof as is payable
36 to his estate or to his ~~executor or administrator~~
37 personal representative to the extent ~~such~~ that part,
38 if testate, is bequeathed to the widow, widower or
39 issue, or, if intestate, descends to the widow, wid-
40 ower or issue. As used in this subsection, the term
41 "proceeds" shall not be deemed or construed to
42 include or apply to the proceeds of any life insur-
43 ance policy payable upon the death of the person
44 insured thereunder.

1 Sec. 45. 36 MRSA §3467, sub-§5 is amended to
2 read:

3 5. Compensation of personal representative.
4 Reasonable compensation of ~~executors and administra-~~
5 ~~tors personal representatives~~ and their statutory
6 agents qualifying as such in the Maine Probate Court
7 and reasonable fees for Maine attorneys;

8 Sec. 46. 36 MRSA §3469, as amended by PL 1979,
9 c. 540, §46, is further amended to read:

10 §3469. Bequests to personal representatives or
11 trustees

12 Whenever a testator gives, bequeaths or devises
13 to his ~~executors personal representatives~~ or trustees
14 any property otherwise liable to the tax imposed by
15 chapters 551 to 567, in lieu of their compensation,
16 the value thereof in excess of reasonable compensa-
17 tion shall be subject to the tax imposed by chapters
18 551 to 567.

19 Sec. 47. 36 MRSA §3522, first ¶ is amended to
20 read:

21 The State Tax Assessor shall collect all taxes,
22 interest and penalties provided by chapters 551 to
23 567 and is given authority to institute proceedings
24 of any nature necessary or desirable for that pur-
25 pose, including such proceedings as may be necessary
26 or desirable for the removal of ~~executors, adminis-~~
27 ~~trators personal representatives~~ and trustees who
28 have failed to pay the taxes due from estates in
29 their hands.

30 Sec. 48. 36 MRSA §3523, as repealed and replaced
31 by PL 1977, c. 694, §709-A, is amended to read:

32 §3523. Value of property determined; appeal

33 The value of the property upon which the tax is
34 computed shall be determined by the State Tax Asses-
35 sor and certified by him to the persons by whom the
36 tax is payable. Any party interested in the succes-
37 sion or the ~~executor, administrator~~ personal repre-
38 sentative or trustee may appeal from the decision of

1 the State Tax Assessor in accordance with section
2 151.

3 Sec. 49. 36 MRSA §3524 is amended to read:

4 §3524. Amount of tax determined

5 The State Tax Assessor shall determine the amount
6 of tax due and payable upon any estate or part
7 thereof and shall certify the amount so due and pay-
8 able to the persons by whom the tax is payable. ~~Such~~
9 The determination and certification may be made upon
10 account of the tax payable upon the estate generally
11 or upon account or in full for any part thereof or
12 any interest therein. Payment of the amount so cer-
13 tified upon account shall be a discharge of the tax
14 to the extent of ~~said the~~ certification and upon
15 subsequent determination and certification of the
16 full amount of the tax payable upon the estate gener-
17 ally or upon any interest therein or part thereof,
18 payment of the full amount of ~~said the~~ tax shall,
19 except as otherwise provided, be a discharge of the
20 tax. In determining the amount of any tax payable
21 under chapters 551 to 567, the State Tax Assessor
22 shall not be required to consider any payments on ac-
23 count of debts, funeral expenses or expenses of
24 administration which have not been allowed by the
25 Probate Court having jurisdiction of ~~said the~~ estate.
26 The amount paid on account of federal estate taxes
27 shall be allowed as a deduction in resident estates.
28 If after determination and certification of the full
29 amount of the tax upon an estate or any interest
30 therein or part thereof the estate shall receive or
31 become entitled to property in addition to that shown
32 in the inventory or disclosed to the State Tax Asses-
33 sor, the ~~executor, administrator~~ personal representa-
34 tive, trustee or other fiduciary shall forthwith
35 notify the State Tax Assessor who shall upon being
36 thus or otherwise informed determine the amount of
37 additional tax, if any, due and payable thereon and
38 shall certify the ~~said~~ amount to the person by whom
39 ~~such~~ that tax is payable, which amount shall be due
40 and payable 30 days from the date of the certifica-
41 tion. A fiduciary shall be personally liable to pay
42 only so much of ~~said the~~ additional tax as is com-
43 puted on the additional property actually received by
44 him and a beneficiary receiving any part of ~~such~~ that

1 additional property shall be liable to pay so much of
2 the tax thereon as is not chargeable as ~~aforesaid~~ to
3 a fiduciary.

4 Sec. 50. 36 MRS §3527 is amended to read:

5 §3527. Appointment of personal representative on
6 probate delay

7 If, upon the decease of a person leaving an
8 estate which may be liable to pay an inheritance tax,
9 a will is not offered for probate or an application
10 for administration is not made within 6 months after
11 the date of death, or if the ~~executor or administra-~~
12 tor personal representative does not qualify within
13 said that period, the Probate Court, upon application
14 by the State Tax Assessor, may appoint an ~~administra-~~
15 tor a personal representative. ~~Nothing shall prevent~~
16 Notwithstanding this section, the State Tax Assessor
17 from petitioning may petition for appointment within
18 6 months after the date of death, if in the opinion
19 of the State Tax Assessor such that that action is neces-
20 sary.

21 Sec. 51. 36 MRS §3584, first ¶ is amended to
22 read:

23 Except as otherwise provided, no account of an
24 ~~executor, administrator~~ a personal representative or
25 trustee showing any payment except debts, funeral
26 expenses, expenses of administration and legacies or
27 distributive shares wholly exempt from inheritance
28 taxes ~~shall~~ may be allowed by the Probate Court,
29 unless with the consent of the State Tax Assessor or
30 unless ~~such~~ that account shows, and the judge of ~~said~~
31 that court finds, that all inheritance taxes already
32 payable have been paid and that all taxes which may
33 become due have been secured as provided. The certifi-
34 cate of the State Tax Assessor and his receipt for
35 the amount of the tax therein certified shall be con-
36 clusive as to the payment of the tax, to the extent
37 of ~~said~~ that certification.

38 Sec. 52. 36 MRS §3635 is amended to read:

39 §3635. Settlement where computation impossible or
40 persons unknown

1 In case it is impossible either to determine the
2 persons entitled to an interest or to compute the
3 present value of any interest, the State Tax Assessor
4 may and to promote the early settlement of taxes
5 shall endeavor to, with the approval of the Attorney
6 General, effect such settlement of the tax as he
7 shall deem reasonable in the best interests of the
8 State, and payment of the sum so agreed upon shall be
9 full satisfaction of such that tax. ~~Executors, admin-~~
10 ~~istrators~~ Personal representatives and trustees are
11 authorized and empowered to compromise the amount of
12 tax with the State Tax Assessor.

13 Sec. 53. 36 MRS §3636 is amended to read:

14 §3636. Lack of settlement

15 In case it is impossible to compute the present
16 value of any interest, and the tax thereon is not
17 compromised as provided in section 3635, ~~said the~~ tax
18 shall be assessed on the value of the property or
19 interest therein coming to the beneficiary at the
20 time when he becomes entitled to the same in posses-
21 sion or enjoyment and ~~said the~~ tax shall be due and
22 payable by the ~~executor, administrator~~ personal
23 representative or trustee in office when the right of
24 possession to such that interest accrues or, if there
25 is no such executor, administrator personal repre-
26 sentative or trustee, by the person so entitled
27 thereto at the expiration of 6 months ~~from~~ from the
28 date when the right of possession accrued to the
29 person so entitled.

30 In every such case the ~~executor, administrator~~
31 personal representative, trustee or grantee or any
32 person interested in the devise, bequest or grant
33 shall give to the judge of the Probate Court having
34 jurisdiction of the estate of the decedent a bond
35 payable to him or his successor, sufficient to secure
36 the payment of all taxes which may become due and
37 interest thereon conditioned in substance that he
38 will notify the State Tax Assessor when ~~said those~~
39 taxes become due and payable and will pay the same
40 with interest to the State. Upon notification by the
41 State Tax Assessor that a deposit has been made with
42 the Treasurer of State in accordance with section
43 3682 the judge of probate may, if the deposit is suf-

1 ficient, cancel or omit to require the bond which
2 this section otherwise requires, or may reduce the
3 amount thereof by the amount of such that deposit.

4 Sec. 54. 36 MRSA §3684 is amended to read:

5 §3684. Persons liable

6 ~~Administrators, executors~~ Personal representa-
7 tives, trustees or grantees or donees under convey-
8 ances or gifts made during the life of the grantor or
9 donor, and persons to whom beneficial interests shall
10 accrue by survivorship shall be liable for the taxes
11 imposed by chapters 551 to 567 with interest, as pro-
12 vided, until the same have been paid.

13 Sec. 55. 36 MRSA §3685 is amended to read:

14 §3685. Legacies chargeable to realty

15 If a legacy subject to ~~said~~ tax is charged upon
16 or payable out of real estate, the heir or devisee,
17 before paying ~~said the~~ legacy, shall deduct ~~said the~~
18 tax therefrom and pay it to the ~~executor, administra-~~
19 ~~tor~~ personal representative or trustee, and the tax
20 on ~~said the~~ legacy shall remain a lien upon ~~said the~~
21 real estate until it is paid. Payment thereof from
22 the heir or devisee may be enforced by the ~~executor,~~
23 ~~administrator~~ personal representative or trustee in
24 the same manner as the payment of the legacy itself
25 could be enforced.

26 Sec. 56. 36 MRSA §3742, as amended by PL 1981,
27 c. 364, §43, is further amended to read:

28 §3742. Due date

29 ~~Said~~ The estate tax shall become payable at the
30 expiration of 12 months from the date of death of the
31 decedent, and ~~executors, administrators~~ personal
32 representatives, trustees, grantees, donees, benefi-
33 ciaries and surviving joint owners shall be and
34 remain liable for the tax until it is paid. The
35 State Tax Assessor may, for cause, extend the time of
36 payment.

37 Sec. 57. 36 MRSA §3802 is amended to read:

1 §3802. Refunds

2 Whenever a devisee, legatee or heir refunds any
3 portion of the property on which a tax has been paid
4 by him or it is judicially determined that the whole
5 or any part of ~~such~~ that tax ought not to have been
6 paid, ~~said~~ that tax, or the due proportional part
7 thereof, shall be refunded to him by the ~~executor,~~
8 ~~administrator~~ personal representative or trustee.

9 Sec. 58. 36 MRSA §3852, as amended by PL 1979,
10 c. 127, §197, is further amended to read:

11 §3852. Registers of probate report to State Tax
12 Assessor

13 The registers of probate in the several counties
14 shall send to the State Tax Assessor, on forms to be
15 prescribed and furnished by him, a record of every
16 appointment of an ~~executor, administrator~~ a personal
17 representative or trustee made in his court, immedi-
18 ately following any ~~such~~ appointment. For failure to
19 make any ~~such~~ report any register of probate shall be
20 liable for a forfeiture of not more than \$50.

21 Sec. 59. 36 MRSA §3914 is amended to read:

22 §3914. Arbitration agreement

23 When the State Tax Assessor claims that a dece-
24 dent was domiciled in this State at the time of his
25 death and the taxing authorities of another state or
26 states make a like claim on behalf of their state or
27 states, the State Tax Assessor may with the approval
28 of the Attorney General make a written agreement with
29 the other taxing authorities and with the ~~executor or~~
30 ~~administrator~~ personal representative to submit the
31 controversy to the decision of a board consisting of
32 one or any uneven number of arbitrators. The ~~executor~~
33 ~~or administrator~~ is authorized to personal repre-
34 sentative may make the agreement. The parties to the
35 agreement shall select the arbitrator or arbitrators.

36 Sec. 60. 36 MRSA §3919 is amended to read:

37 §3919. Filing of determination of domicile and other
38 documents

1 The State Tax Assessor, the board or the ~~executor~~
2 ~~or administrator~~ personal representative shall file
3 the determination of the board as to domicile, the
4 record of the board's proceedings and the agreement,
5 or a duplicate, made pursuant to section 3914, with
6 the authority having jurisdiction to assess the death
7 taxes in the state determined to be the domicile and
8 shall file copies of all ~~such~~ those documents with
9 the authorities that would have been empowered to
10 assess the death taxes in each of the other states
11 involved.

12 Sec. 61. 36 MRS §3922 is amended to read:

13 §3922. Compensation and expenses

14 The compensation and expenses of the members of
15 the board and its employees may be agreed upon among
16 ~~such~~ the members and the ~~executor or administrator~~
17 personal representative and if they cannot agree
18 shall be fixed by the Probate Court of the state
19 determined by the board to be the domicile of the
20 decedent. The amounts so agreed upon or fixed shall
21 be deemed an administration expense and shall be pay-
22 able by the ~~executor or administrator~~ personal repre-
23 sentative.

24 Sec. 62. 36 MRS §3984 is amended to read:

25 §3984. Filing of compromise agreement; interest or
26 penalty for nonpayment

27 When the State Tax Assessor claims that a dece-
28 dent was domiciled in this State at the time of his
29 death and the taxing authorities of another state or
30 states make a like claim on behalf of their state or
31 states, the State Tax Assessor may, with the approval
32 of the Attorney General, make a written agreement of
33 compromise with the other taxing authorities and the
34 ~~executor or administrator~~ personal representative
35 that a certain sum shall be accepted in full satis-
36 faction of any and all death taxes imposed by this
37 State, including any interest or penalties to the
38 date of filing the agreement. The agreement shall
39 fix the amount to be accepted by the other states in
40 full satisfaction of death taxes. The ~~executor or~~
41 administrator is authorized to personal representa-

1 tive may make such that agreement. Either the State
2 Tax Assessor or the ~~executor or administrator~~ per-
3 sonal representative shall file the agreement or a
4 duplicate with the authority that would be empowered
5 to assess death taxes for this State if there had
6 been no agreement, and thereupon the tax shall be
7 deemed conclusively fixed as therein provided. Unless
8 the tax is paid within 30 days after filing the
9 agreement, interest shall thereafter accrue upon the
10 amount fixed in the agreement, but the time between
11 the decedent's death and the filing shall not be
12 included in computing the interest.

13 Sec. 63. 36 MRSA §4042 is amended to read:

14 §4042. Proof of payment filed in Probate Court

15 At any time before the expiration of 15 months
16 after the qualification in any Probate Court in this
17 State of an ~~executor~~ a personal representative of the
18 will of or ~~administrator~~ personal representative of
19 the estate of a nonresident decedent, the ~~executor or~~
20 ~~administrator~~ personal representative shall file with
21 the court proof that all death taxes, together with
22 interest or penalties thereon, due to the state of
23 domicile of ~~such~~ the decedent or to any political
24 subdivision thereof, have been paid or secured or
25 that no ~~such~~ taxes, interest or penalties are due, as
26 the case may be.

27 Sec. 64. 36 MRSA §4043 is amended to read:

28 §4043. Form of proof; failure to file

29 The proof required by section 4042 may be in the
30 form of a certificate issued by the official charged
31 with the administration of the death tax laws of the
32 state of domicile. If ~~such~~ proof is not filed as
33 therein provided, the register of probate shall
34 forthwith notify by mail the official of the state of
35 domicile so far as is known to him:

36 1. Name, date of death and domicile. The name,
37 date of death and last domicile of the decedent;

38 2. Name and address of representative. The name
39 and address of each ~~executor or administrator~~ per-
40 sonal representative;

1 3. Value of estate. An estimate of the value of
2 all the property of the estate; and

3 4. Fact proof not filed. The fact that the
4 ~~executor or administrator~~ personal representative has
5 not filed the proof required in section 4042.

6 The register shall attach to ~~such~~ that notice a
7 plain copy of the will and codicils of ~~such~~ the decedent,
8 if he died testate, or if he died intestate, a list of his heirs
9 and next of kin so far as is known to ~~such~~ the register. Within
10 60 days after the mailing of ~~such~~ the notice, the official of the
11 state of domicile may file with the Probate Court in this State
12 a petition for an accounting in ~~such~~ the estate. ~~Said~~ The
13 official shall, for the purposes of this chapter, be a party
14 interested for the purpose of petitioning for ~~such~~ the
15 accounting. If a petition is filed within ~~said~~ the period of
16 60 days, the Probate Court shall decree an accounting, and upon
17 ~~such~~ that accounting being filed and approved shall decree
18 the remission to the fiduciary appointed by the Probate Court
19 of the state of domicile of the balance of the intangible personalty
20 after the payment of creditors and expenses of administration in
21 this State.

24 Sec. 65. 36 MRS §4044 is amended to read:

25 §4044. Violations

26 Unless either section 4042 or 4043 shall have
27 been complied with, no ~~executor or administrator~~
28 ~~shall~~ personal representative may be entitled to a final
29 accounting or discharge in any Probate Court in this State.

31 Sec. 66. 36 MRS §5206-A, as enacted by PL 1981,
32 c. 704, §8, is amended to read:

33 §5206-A. Depreciation option

34 For its taxable year ending in 1982, a corporation
35 or association subject to tax under section 5206 may elect,
36 in lieu of the accelerated cost recovery deduction provided by
37 the United States Internal Revenue Code, Section 168, and the
38 18% add-back and 6% recovery of add-back provided by section
39 5206, sub-

1 section 1 ~~or~~ 2, to depreciate property placed in ser-
2 vice during that taxable year in accordance with the
3 United States Internal Revenue Code, Section 167, in
4 effect on December 31, 1980, provided that this elec-
5 tion is made with regard to all such property and
6 that the State Tax Assessor may refuse to allow any
7 such deduction if he deems the information provided
8 in substantiation of that deduction to be unsatisfac-
9 tory in relation to generally accepted accounting
10 procedures.

11 Sec. 67. 36 MRSA §5202-B, as enacted by PL 1981,
12 c. 704, §5, is amended to read:

13 §5202-B. Depreciation option

14 For its taxable year ending in 1982, a corpora-
15 tion may elect, in lieu of the accelerated cost
16 recovery deduction provided by the United States
17 Internal Revenue Code, Section 168, and the state
18 modifications provided by section 5200-A, subsection
19 1, paragraph D ~~or~~ E, and subsection 2, paragraph D,
20 to depreciate property placed in service during that
21 taxable year in accordance with the United States
22 Revenue Code, Section 167, in effect on December 31,
23 1980, provided that this election is made with regard
24 to all such property and that the State Tax Assessor
25 may refuse to allow any such deduction if he deems
26 the information provided in substantiation of that
27 deduction to be unsatisfactory in relation to gener-
28 ally accepted accounting procedures.

29 Sec. 68. 36 MRSA §5331, as repealed and replaced
30 by PL 1977, c. 696, §295, is amended to read:

31 §5331. Failure to collect or pay over

32 Any person required under this Part to collect,
33 truthfully account for and pay over any tax imposed
34 by this Part, who intentionally fails to collect or
35 truthfully account for any and pay over that tax
36 ~~shall~~ is, in addition to other penalties provided by
37 law, ~~be~~ guilty of a Class C crime.

38 Sec. 69. 38 MRSA §1252, sub-§5, as enacted by PL
39 1981, c. 466, §13, is amended to read:

1 5. Trustees' compensation. The trustees shall
2 receive compensation as recommended by them and
3 approved by majority vote of the municipal officer in
4 municipalities representing a majority of the popu-
5 lation within the district, including compensation
6 for any duties they perform as officers as well as
7 for their duties as trustees. Certification thereof
8 shall be recorded with the Secretary of State and
9 recorded in the bylaws. Their compensation for duties
10 as trustees shall be on the basis of such specified
11 amount as may be specified in the bylaws, for each
12 meeting actually attended and reimbursement for
13 travel and expenses, with the total not to exceed
14 such specific amount as may be specified in the
15 bylaws. Compensation schedules in effect on January
16 1, 1982, shall continue in effect until changed.

17

PART B

18 Sec. 1. 5 MRSA §1751, as enacted by PL 1983, c.
19 187, is amended to read:

20 §1751. Employment of a clerk-of-the-works

21 A clerk-of-the-works shall be employed to assist
22 in the inspection of the construction of a public
23 improvement when directed by the director. The clerk
24 shall report directly to the professional
25 architect-engineer of record for the project. The
26 budget for the public improvement shall include fund-
27 ing for the clerk. The clerk shall be hired through
28 an open advertising and interview process by the
29 architect-engineer. The clerk candidate recommended
30 by the architect-engineer shall be approved subject
31 to approval by both the owner and director before
32 being hired. The clerk shall possess qualifications
33 of education and experience in construction technol-
34 ogy and administration compatible with the needs of
35 the public improvement. The director may promulgate
36 rules relative to this section.

37 Sec. 2. Effective date. Section 1 of this Part
38 shall take effect 90 days after adjournment of the
39 Legislature.

40 Sec. 3. 5 MRSA §3516, as enacted by PL 1983, c.
41 176, §3, is amended to read:

1 §3516. Rules

2 With ~~input~~ and advice from the Community Services
3 Advisory Board, the division shall promulgate rules
4 to carry out all the programs it administers.

5 Sec. 4. 5 MRSA §3518, sub-§1, as enacted by PL
6 1983, c. 176, §3, is amended to read:

7 1. Federal funds. Through plans and contracts
8 developed with ~~input~~ and advice from the board, the
9 division shall obtain, distribute and administer fed-
10 eral community services' funds, including block
11 grants, energy assistance, weatherization and other
12 federal funds as may become available.

13 Sec. 5. 5 MRSA §3520, sub-§2, ¶A, as enacted by
14 PL 1983, c. 176, §3, is amended to read:

15 A. Overall ~~director~~ direction, oversight and
16 policies of the agency;

17 Sec. 6. 5 MRSA §3522, sub-§2, ¶B, as enacted by
18 PL 1983, c. 176, §3, is amended to read:

19 B. The balance of these funds shall be distrib-
20 uted according to rules as promulgated by the
21 division with ~~input~~ and advice from the board.

22 Sec. 7. 5 MRSA §3522, sub-§3, as enacted by PL
23 1983, c. 176, §3, is amended to read:

24 3. Block grant proposals. Proposals for commu-
25 nity services block grant funds submitted to the
26 Legislature by the division in accordance with ~~Title~~
27 57 section 1670, shall be developed with ~~input~~ and
28 advice from the board and shall:

29 A. Include a description of current usages of
30 community services block grant funds and how the
31 plan proposes to change that distribution;

32 B. Retain the absolute minimum necessary for
33 state administrative costs; and

34 C. Provide for maximum flexibility within commu-
35 nity action agencies for the usage of community
36 services block grant funds.

1 Sec. 8. Effective date. Sections 3 to 7 of this
2 Part shall be effective July 1, 1983.

3 Sec. 9. 9-B MRSA §316, sub-§2, ¶A, as repealed
4 and replaced by PL 1983, c. 63, §1, is repealed and
5 the following enacted in its place:

6 A. All corporate powers shall be exercised by
7 the board.

8 Sec. 10. Effective date. Section 9 of this Part
9 shall take effect 90 days after the adjournment of
10 the Legislature.

11 Sec. 11. 9-B MRSA §316, sub-§2, ¶B, as amended
12 by PL 1979, c. 663, §36, is repealed and the follow-
13 ing enacted in its place:

14 B. The directors shall hold at least 6 monthly
15 meetings each year, once at least quarterly, at a
16 time fixed in the bylaws. In any month in which
17 the directors do not meet, the executive commit-
18 tee shall meet and a record of the meeting of the
19 executive committee shall be ratified at the next
20 board meeting.

21 Sec. 12. 9-B MRSA §554, sub-§1, ¶A, as enacted
22 by PL 1975, c. 500, §1, is amended to read:

23 A. The debentures and certificates of deposit of
24 any financial institution authorized to do busi-
25 ness within this State, incorporated under the
26 laws of this State or the United States and of
27 any financial institution holding company; pro-
28 vided that such holding company is registered
29 under the Bank Holding Company Act of 1956, as
30 amended, or section 408 of the National Housing
31 Act, as amended. Stock in a financial institution
32 described in this subsection shall only be owned
33 or acquired pursuant to section 463 417 or chap-
34 ters 35 and 101.

35 Sec. 13. Effective date. Section 12 of this
36 Part shall take effect 90 days after adjournment of
37 the Legislature.

38 Sec. 14. 10 MRSA §1070, as enacted by PL 1981,
39 c. 476, §2, is amended to read:

1 §1070. Leasehold or other interests of lessee tax-
2 able

3 The interest of the lessee of any project is sub-
4 ject to taxation in the manner provided for fee
5 interests in real estate and personal property in
6 Title 36, sections ~~563~~ 551 and 602, subject to the
7 provisions of Title 36, sections 655 and 656.

8 Sec. 15. 15 MRSA §3308, sub-~~§4~~, as enacted by PL
9 1977, c. 520, §1, is amended to read:

10 4. Other persons. With the consent of the court,
11 records of court proceedings excluding the names of
12 the juvenile, his parents, guardian, legal custodian,
13 his attorney or any other parties may be ~~be~~ inspected
14 by persons having a legitimate interest in the pro-
15 ceedings or by persons conducting pertinent research
16 studies.

17 Sec. 16. 15 MRSA §3311, sub-~~§3~~, as enacted by PL
18 1977, c. 520, §1, is amended to read:

19 3. Requirement for dispositional hearing. Unless
20 waived by the court, the Department of ~~Mental Health~~
21 ~~and~~ Corrections shall make a social study and prepare
22 a written report on every juvenile adjudicated as
23 having committed a juvenile crime and shall present
24 that report to the juvenile court prior to that
25 juvenile's dispositional hearing. The person who pre-
26 pared the report may be ordered to appear, as pro-
27 vided in subsection 1.

28 Sec. 17. 15 MRSA §3314, sub-~~§1~~, ~~¶C~~, as amended
29 by PL 1981, c. 379, §1, is further amended to read:

30 C. The court may commit a juvenile to the
31 Department of ~~Mental Health and~~ Corrections for
32 placement in a group home or residential facility
33 or to the Department of Human Services for place-
34 ment in a foster home, group care home or resi-
35 dential facility, or to either department for the
36 provision of services to a juvenile in his own
37 home or for any other placement the department
38 deems appropriate.

1 Sec. 18. 15 MRSA §3314, sub-§1, ¶D, as amended
2 by PL 1981, c. 379, §2, is further amended to read:

3 D. The court may commit a person over the age of
4 18 years to the Department of ~~Mental Health and~~
5 ~~Corrections~~ if he is adjudicated as having com-
6 mitted a juvenile crime prior to attaining 18
7 years of age or upon revocation of probation for
8 placement in a group home or residential facil-
9 ity, or for the provision of services to that
10 person in his own home.

11 Sec. 19. 15 MRSA §3314, sub-§1, ¶H, as amended
12 by PL 1979, c. 681, §31, is further amended to read:

13 H. The court may commit the juvenile to the
14 Maine Youth Center and order that the sentence be
15 suspended except for a period of detention which
16 shall not exceed 30 days, which may be served
17 intermittently as the court may order and which
18 shall be ordered served in a county jail desig-
19 nated by the Department of ~~Mental Health and Cor-~~
20 ~~rections~~ as a place for the secure detention of
21 juveniles, or in a nonsecure group care home or
22 halfway house. The court may order such a sen-
23 tence to be served as a part of and with a period
24 of probation, which shall be subject to such
25 provisions of Title 17-A, section 1204 as the
26 court may order and which shall be administered
27 pursuant to Title 34, chapter 121, subchapter
28 V-A. Revocation of probation shall be governed
29 by the procedure contained in subsection 2.

30 Sec. 20. 15 MRSA §3315, sub-§1, as amended by PL
31 1977, c. 664, §40, is further amended to read:

32 1. Right to review. Every disposition pursuant
33 to section 3314, other than unconditional discharge,
34 and every disposition made pursuant to the law in
35 effect prior to July 1, 1978 shall be reviewed not
36 less than once in every 12 months until the juvenile
37 is discharged. The review shall be made by a repre-
38 sentative of the Department of ~~Mental Health and Cor-~~
39 ~~rections~~ unless the juvenile was committed to the
40 Department of Human Services, in which case such
41 review shall be made by a representative of the
42 Department of Human Services. A report of the review

1 shall be made in writing to the juvenile's parents,
2 guardian or legal custodian. A copy of the report
3 shall be forwarded to the program or programs which
4 were reviewed, and the department whose personnel
5 made the review shall retain a copy of the report in
6 their files. The written report shall be prepared in
7 accordance with subsection 2.

8 Sec. 21. 15 MRSA §3316, as amended by PL 1979,
9 c. 512, §7, is further amended to read:

10 §3316. Commitment to the Department of Corrections
11 or the Department of Human Services

12 1. Sharing of information about a committed
13 juvenile.

14 A. When a juvenile is committed to the Depart-
15 ment of ~~Mental Health and~~ Corrections or the
16 Department of Human Services, the court shall
17 transmit, with the commitment order, a copy of
18 the petition, the order of adjudication, copies
19 of the social study, any clinical or educational
20 reports and other information pertinent to the
21 care and treatment of the juvenile;

22 B. The Department of ~~Mental Health and~~ Correc-
23 tions or the Department of Human Services shall
24 provide the court with any information concerning
25 a juvenile committed to its care which the court
26 at any time may require.

27 2. Indeterminate sentence.

28 A. A commitment of a juvenile to the Department
29 of ~~Mental Health and~~ Corrections, including a
30 commitment to the Maine Youth Center, pursuant to
31 section 3314, shall be for an ~~in determinate~~
32 indeterminate period not to extend beyond the
33 juvenile's 18th birthday unless the court
34 expressly further limits or extends the inde-
35 terminate commitment, provided that the court
36 shall not limit the commitment to less than one
37 year nor extend the commitment beyond a
38 juvenile's 21st birthday. Nothing in this Part
39 ~~shall~~ may be construed to prohibit the provision
40 to a juvenile following the expiration of his

1 term of commitment of services voluntarily ac-
2 cepted by the juvenile and his parents, guardian
3 or legal custodian if the juvenile is not emanci-
4 pated; except that these services shall not be
5 extended beyond the juvenile's 21st birthday.

6 B. A commitment of a juvenile to the Department
7 of Human Services pursuant to section 3314 shall
8 be for an indeterminate period not to extend
9 beyond the juvenile's 18th birthday unless the
10 court expressly further limits the commitment.

11 3. Provision of services. Nothing in this chap-
12 ter shall may prevent juveniles in the custody of the
13 Department of ~~Mental Health and~~ Corrections from
14 receiving services from the Department of Human Ser-
15 vices.

16 Sec. 22. 15 MRSA §3317, as amended by PL 1981,
17 c. 379, §3, is further amended to read:

18 §3317. Disposition after return to juvenile court

19 In instances of commitment of a juvenile to the
20 Department of ~~Mental Health and~~ Corrections, the
21 Department of Human Services or the Maine Youth Cen-
22 ter, the commissioner of either department or the
23 superintendent of the youth center following the com-
24 mitment may for good cause petition the juvenile
25 court having original jurisdiction in the case for a
26 judicial review of the disposition, including exten-
27 sion of the period of commitment. In all cases in
28 which a juvenile is returned to a juvenile court, the
29 juvenile court may make any of the dispositions
30 otherwise provided in section 3314.

31 Sec. 23. 17-A MRSA §203, sub-§2, as repealed and
32 replaced by PL 1977, c. 510, §40, is repealed.

33 Sec. 24. 17-A MRSA §1151, sub-§8, as amended by
34 PL 1983, c. 152, is repealed and the following
35 enacted in its place:

36 8. To permit sentences which do not diminish the
37 gravity of offenses, with reference to the factor,
38 among others, of the age of the victim.

1 Sec. 25. Effective date. Section 24 of this
2 Part shall take effect 90 days after adjournment of
3 the Legislature.

4 Sec. 26. 19 MRSA §516, as enacted by PL 1975, c.
5 532, §3, is amended to read:

6 §516. Judicial review

7 Any person who is aggrieved by any final action
8 of the commissioner under this subchapter may file an
9 action under Rule 80B 80C of the Maine Rules of Civil
10 Procedure seeking review of that action. Administra-
11 tive remedies shall be exhausted prior to such
12 review.

13 Sec. 27. 22 MRSA §4036, sub-§1, ¶E, as enacted
14 by PL 1979, c. 733, §18, is amended to read:

15 E. Emancipation of the child, if the require-
16 ments of Title 15, section 3506 3506-A are met;
17

18 Sec. 28. 26 MRSA §2002, sub-§1, ¶A, as enacted
19 by PL 1983, c. 258, §1, is amended to read:

20 A. The fund shall consist of all moneys received
21 from the United States pursuant to the Federal
22 Job Training Partnership Act, except for allot-
23 ments provided for state public employment ser-
24 vices programs under the United States Code,
25 Title 29, Section 49e, and any moneys appropri-
26 ated by this State.

27 Sec. 29. 29 MRSA §1652, sub-§2, ¶B, as amended
28 by PL 1983, c. 94, Pt. B, §13 and PL 1983, c. 264, is
29 repealed and the following enacted in its place:

30 B. No vehicle may be operated, or cause to be
31 operated, with a gross weight exceeding 22,400
32 pounds on a single axle unit, 38,000 pounds on a
33 tandem axle unit or 48,000 pounds on a tri-axle
34 unit, specifically excepting the Interstate High-
35 way System as defined in the Federal Aid Highway
36 Act of 1956, where the gross weight on a single
37 axle unit shall not exceed 22,000 pounds when the
38 gross weight of the vehicle is 73,280 pounds or

1 less nor 20,000 pounds when the gross weight of
2 the vehicle is in excess of 73,280 pounds, the
3 gross weight on a tandem axle unit shall not
4 exceed 34,000 pounds and the gross weight on a
5 tri-axle unit shall not exceed the gross weight
6 as determined by the formula set out in subsec-
7 tion 1, paragraph A; and provided that:

8 (1) Nothing contained in section 1655 may
9 permit an axle or tandem axle weight on the
10 Interstate Highway System as defined in the
11 Federal Aid Highway Act of 1956 in excess of
12 the limits established for the system in
13 this section;

14 (2) No single axle of a tandem axle unit
15 may support more than 60% of the total
16 weight supported by that tandem axle unit.
17 It shall not be deemed a violation of this
18 subparagraph if neither axle of a tandem
19 axle unit exceeds the weight legally allowed
20 on a single axle unit of that vehicle;

21 (3) No single axle of a tri-axle unit may
22 support more than 40% of the total weight
23 supported by that tri-axle unit; and

24 (4) The gross weight of a vehicle shall not
25 be increased by the addition of a trailing
26 axle, so called, unless that axle supports
27 at least 50% of the added weight permitted
28 by the addition of that trailing axle.

29 Sec. 30. 33 MRSA §1209, last ¶, as repealed and
30 replaced by PL 1975, c. 509, §8, is amended to read:

31 Appeals from the final determination of the
32 director under this section shall be taken in accor-
33 dance with Rule 80B 80C of the Maine Rules of Civil
34 Procedure.

35 Sec. 31. 34 MRSA §41, as amended by PL 1977, c.
36 564, §127, is further amended to read:

37 §41. Membership; rights and recommendations

1 A board of 5 visitors, as heretofore established,
2 shall be appointed by the Governor, in connection
3 with each state institution under the department and
4 the Governor Baxter School for the Deaf within the
5 Department of Educational and Cultural Services.
6 These visitors shall be appointed for a term of one
7 year and shall be eligible for reappointment. No
8 member of the Legislature shall may serve on any
9 Board of Visitors. The members of the Boards of Visi-
10 tors shall receive no compensation. Each Board of
11 Visitors shall have the right to inspect the institu-
12 tion to which it is assigned and to make recommenda-
13 tions relative to the management of ~~said the~~ institu-
14 tion to the commissioner. Copies of all recommenda-
15 tions shall be sent to the members of the joint
16 standing committee of the Legislature having juris-
17 isdiction over health and institutional services Com-
18 mittee of the Legislature and each Board of Visitors
19 shall appear before the joint standing committee ~~on~~
20 of the Legislature having jurisdiction over health
21 and institutional services upon request. This
22 section shall not apply to the Military and Naval
23 Children's Home.

24 Sec. 32. PL 1983, c. 94, Pt. B, §21 is amended
25 to read:

26 Sec. 21. Report required. The Commissioner of
27 Transportation shall report to the ~~First~~ Second
28 Regular Session of the ~~112th~~ 111th Legislature such
29 activities and progress as may have occurred in the
30 formation of registration, operating authority and
31 fuel use compacts with other states and provinces.

32 **Emergency clause.** In view of the emergency cited
33 in the preamble, this Act shall take effect when
34 approved, except as otherwise indicated.

35 STATEMENT OF FACT

36 The purposes of this new draft are as follows.

37 PART A

- 38 1. This section reallocates a section which was
39 assigned the same section number as a bill
40 enacted earlier in the last session.

- 1 2. This section corrects an inconsistency covering the issuance of nondriver identification cards.
- 2
- 3
- 4 3. This section corrects technical errors.
- 5 4. This section corrects a spelling error.
- 6 5. This section corrects compounding errors in an amending clause and corrects an inconsistency within the paragraph.
- 7
- 8
- 9 6. This section deletes the language requiring mandatory retirement for liquor inspectors.
- 10
- 11 7. This section corrects an error in grammar.
- 12 8. This section removes an unnecessary word.
- 13 9. This section corrects a reference to a statutory provision which has been repealed.
- 14
- 15 10. This section reallocates a section which was assigned the same section number.
- 16
- 17 11. This section amends a typographical error in a cross reference.
- 18
- 19 12. This section corrects a reference to a statutory provision which has been repealed.
- 20
- 21 13. This section eliminates reference to a repealed section.
- 22
- 23 14. This section corrects a reference to a statutory provision which has been repealed.
- 24
- 25 15. This section corrects an incorrect cross reference.
- 26
- 27 16-17. These sections correct a typographical error in a cross reference.
- 28
- 29 18. This section corrects a subpart heading.
- 30 19-30. These sections change "surname" to "last name." "Surname" is no longer in common use.
- 31
- 32

- 1 31. This section corrects an error in sentence
2 structure and corrects an inconsistency
3 between state and federal law.
- 4 32. This section corrects an inaccurate cross
5 reference to the definition "snowmobile."
- 6 33. This section repeals and replaces 2
7 conflictive paragraphs and reenacts the one
8 enacted later in time.
- 9 34-35. These sections correct an oversight by ad-
10 justing the reinstatement fee of a license
11 suspension ordered by a court consistent
12 with the general reinstatement fee provi-
13 sions.
- 14 36. This section adds 2 words to Title 29,
15 section 2713, to make it clear that fines
16 are collected for violations of the Maine
17 Highway Transportation Safety Fund.
- 18 37. This section corrects a spelling error.
- 19 38. This section corrects a statutory reference.
- 20 39. This section corrects a reference to a stat-
21 utory provision which has been repealed.
- 22 40. This section changes statutory language to
23 make it consistent with Title 36, section
24 505, subsection 2.
- 25 41. This section removes a reference to a
26 section that has been repealed.
- 27 42-43. These sections clarify the language to Title
28 36, sections 3038 and 3039 regarding the
29 disposition of fines collected for viola-
30 tions of the Use Fuel Tax Act, to make it
31 clear those fines are to be paid into the
32 Highway Fund.
- 33 44-65. These sections provide consistency between
34 Title 36, Part 6, and the Maine Probate Code
35 by replacing the words "administrator,
36 administrators, executor and executors" with
37 the term "personal representative."

- 1 66-67. These sections remove a cross reference to a
2 subsection that was repealed in 1981.
- 3 68. This section corrects a typographical error.
- 4 69. This section makes a correction in grammar.
- 5
- PART B
- 6 1-2. These sections correct grammar in bill
7 enacted this year and adds an effective
8 date.
- 9 3-8. These sections remove unnecessary words,
10 corrects a typographical error and adds an
11 effective date.
- 12 9-11. These sections correct an erroneous repeal
13 and replacement of current law and adds an
14 effective date.
- 15 12-13. These sections correct a reference that was
16 repealed and adds an effective date.
- 17 14. This section corrects an incorrect refer-
18 ence.
- 19 15. This section deletes a repeated word.
- 20 16-22. These sections correct references to the
21 Department of Mental Health and Corrections.
- 22 23. This section repeals a section which should
23 have been repealed in Public Law 1983, but
24 was inadvertently not repealed.
- 25 24-25. This section corrects an error in the new
26 draft of Public Law 1983, chapter 152 and
27 adds an effective date.
- 28 26. This section corrects a reference to court
29 rules.
- 30 27. This section corrects a reference that was
31 repealed.
- 32 28. This section corrects an inconsistency.

- 1 29. This section resolves inconsistencies in 2
2 laws.
- 3 30. This section corrects a reference to court
4 rules.
- 5 31. This section resolves a conflict between
6 current law and Public Law 1983, chapter
7 176.
- 8 32. This section corrects reference to which
9 Legislature the Commissioner of Transporta-
10 tion will report to on certain interstate
11 compacts.

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