

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34

(EMERGENCY)

FIRST REGULAR SESSION

ONE HUNDRED AND ELEVENTH LEGISLATURE

Legislative Document

No. 1792

S.P. 635

In Senate, June 24, 1983

Submitted by the Joint Standing Committee on Judiciary, pursuant to S.P. 628.

Reported by Senator Trafton of Androscoggin from the Committee on Judiciary and printed under Joint Rule 2.

JOY J. O'BRIEN, Secretary of the Senate

STATE OF MAINE

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

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

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

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

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens 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9 Sec. 1. 4 MRSA §110, 2nd ¶, as repealed and
10 replaced by PL 1975, c. 408, §9, is amended to read:

11 The ~~regional presiding justices~~ Chief Justice of
12 the Superior Court shall establish the times and
13 places for holding court within ~~their respective~~
14 ~~regions~~ each region, shall schedule the business to
15 be conducted and shall specify when the grand jury
16 shall be summoned. A grand jury may be specially
17 summoned at any time by order of a Justice of the
18 Superior Court.

19 Sec. 2. Effective date. Section 1 of this Act
20 shall take effect January 1, 1984.

21 Sec. 3. 5 MRSA §1151-A, sub-§2, as enacted by PL
22 1983, c. 461, §2, is amended to read:

23 2. Eligibility. This insurance shall be made
24 available to elective and appointive officers and
25 employees of the State and teachers eligible for
26 membership in the Maine State Retirement System, Jus-
27 tices of the Supreme Judicial Court and the Superior
28 Court and Judges of the District Court, Judges of the
29 Administrative Court, workers' compensation commis-
30 sioners and employees of any local district, as pro-
31 vided in paragraph B.

32 A. The board of trustees by rule may provide for
33 the exclusion of employees on the basis of nature
34 and type of employment or conditions, such as,
35 but not limited to, temporary or project employ-
36 ment. No employee or group of employees may be
37 excluded solely on the basis of the hazardous
38 nature of employment.

1 B. A local district may participate in this life
2 insurance program, provided that the executive
3 body or the voters of a town with a town meeting
4 form of government approve the participation and
5 those portions of the program which apply, and
6 file with the board of trustees a copy of the
7 resolution of the executive body or a record of
8 the vote of the town voters certified by the
9 clerk. The beginning date of participation of a
10 local district shall be not more than 6 months
11 following receipt of the certified copy of the
12 vote.

13 Sec. 4. 5 MRSA §1151-A, sub-§8, ¶A, as enacted
14 by PL 1983, c. 461, §2, is amended to read

15 A. On retirement for reasons other than disabil-
16 ity, the average amount of basic insurance in
17 force for the last 3 years prior to retirement
18 shall be continued in force at no cost to the
19 participant, provided that he has participated in
20 the group life insurance program for a minimum of
21 10 years immediately prior to retirement. The
22 average amount shall be reduced at the rate of
23 15% per year to a minimum of 40% of the average
24 amount or \$2,500, whichever is greater. In
25 determining benefits under this section, the
26 reductions shall become effective at 12:01 a.m.
27 of the day following the first year anniversary
28 of the date of retirement and each succeeding
29 retirement anniversary thereafter until the mini-
30 mum has been reached.

31 The reduction on retirement at the rate of 15% a
32 year of the average amount of insurance for the
33 last 3 years prior to retirement shall not apply
34 to any Justice of the Supreme Judicial Court or
35 Superior Court, ~~or~~ to any Judge of the District
36 Court or Administrative Court or to any workers'
37 compensation commissioner nor to any retired jus-
38 tice or judge who was insured and who is living
39 on September 14, 1979. The average amount of
40 insurance referred to in this paragraph for any
41 justice or judge shall be continued in force at
42 no cost to the justice or judge until 70 years of
43 age. At the age of 70 years, the amount of insur-
44 ance in force will become 25% of the average
45 amount of insurance.

1 Sec. 5. 12 MRSA §403, sub-§5, as enacted by PL
2 1983, c. 458, §1, is amended to read:

3 5. East Machias River. The East Machias River,
4 including the Maine River, from the Route 191 ~~bridge~~
5 Mill Memorial Bridge in East Machias to the outlet of
6 Pocomoonshine Lake, excluding Hadley Lake, Second
7 Lake, Round Lake, Crawford Lake, Lower Mud Lake and
8 Upper Mud Lake;

9 Sec. 6. 12 MRSA §403, sub-§12, as enacted by PL
10 1983, c. 458, §1, is amended to read:

11 12. Penobscot River. The Penobscot River,
12 including the Eastern Channel, from Sandy Point in
13 Stockton Springs up to, but not including, the Veazie
14 Dam, including its tributaries the West Branch of the
15 Penobscot from its inlet into Ambajejus Lake to the
16 western boundary of T.3, R.10, and from its inlet
17 into Chesuncook Lake up to, but not including, the
18 dam at Seboomook Lake; the East Branch Penobscot
19 River from the Penobscot River up to, but not includ-
20 ing, the dam at the outlet of Grand Lake Matagamon;
21 the Wassataquoik Stream from the East Branch of the
22 Penobscot River to Annis Brook in T.4, R.9, W.E.L.S.;
23 the Webster Brook from its inlet into Grand Lake
24 Matagamon up to, but not including, Telos Dam in T.6,
25 R.11, W.E.L.S.; the Seboeis River from the East
26 Branch of the Penobscot River to the outlet of
27 Snowshoe Lake; and the Sawtelle Brook from the
28 Seboeis River up to, but not including, the dam at
29 the outlet of Sawtelle Deadwater, excluding
30 Passamagamet Lake, Webster Lake ~~and~~, White Horse
31 Lake, and Snowshoe Lake;

32 Sec. 7. Effective date. Sections 5 and 6 of
33 this Act shall take effect 90 days after adjournment
34 of the Legislature.

35 Sec. 8. 33 MRSA §651-A, as enacted by PL 1983,
36 c. 57, is amended to read:

37 §651-A. Grantor, grantee names; form of indexing

38 No instrument executed on or after ~~September 17~~
39 1983 October 1, 1983, may be accepted by a register
40 of deeds for recording unless beneath the signature

1 of the grantor, grantee, if it appears on the instru-
2 ment, and the person taking the acknowledgement the
3 name of each signer is typed or printed. Names used
4 for indexing shall be indexed as typed or printed
5 under each signature. A name may be typed or printed
6 under a signature at the registry of deeds by the
7 person bringing the instrument to the registry, pro-
8 vided the name is typed or printed on the instrument
9 prior to the certification on the instrument under
10 section 653 of the time when the instrument was
11 received.

12 Sec. 9. Effective date. Section 8 of this Act
13 shall take effect 90 days after adjournment of the
14 Legislature.

15 Sec. 10. 36 MRSA §1442, sub-§2, as enacted by PL
16 1983, c. 92, Pt. A, §2, is amended to read:

17 2. Amount. The amount of the tax is \$10 per
18 foot for vessels which are less than 15 net tons and
19 \$20 per foot for vessels which are 15 or more net
20 tons, based on the registered length of the vessel as
21 set forth in the document issued to its owner by the
22 United States Coast Guard.

23 Sec. 11. Effective date. Section 10 of this Act
24 is retroactive to April 1, 1983.

25 Sec. 12. 39 MRSA §91, sub-§3, as repealed and
26 replaced by PL 1983, c. 479, §14, is amended to read:

27 3. Salary; expenses; retirement. Salaries of
28 commissioners are as provided in Title 2, section 7,
29 subsection 2. Members of the commission shall
30 receive their actual, necessary, cash expenses while
31 away from their offices on official business of the
32 commission. Commissioners shall not be members of
33 the Maine State Retirement System. Accumulated con-
34 tributions, as defined in Title 5, section 1001, sub-
35 section 1, which have been paid by commissioners as
36 state employees shall be refunded. Title 4, section
37 103, providing for compensation upon retirement of
38 Justices of the Superior Court and to benefits for
39 their spouses and surviving minor children, is made
40 applicable to workers' compensation commissioners,
41 except that the state's contribution shall be taken

1 from the Workers' Compensation Fund. Prior service
2 by full-time commissioners holding office on July 1,
3 1983, shall be included for purposes of this section.
4 Service on any court of this State and, service on
5 the commission and other service as a member of the
6 Maine State Retirement System shall all be credited
7 to the retiree.

8 Sec. 13. Resolve 1983, c. 21, §3, in that part
9 relating to "2045 - Program Grants," last blocked ¶
10 is repealed and the following enacted in its place:

11 Notwithstanding any
12 other provision of
13 law, federal grants
14 under the United
15 States Jobs Part-
16 nership Training
17 Act, Public Law
18 97-300, or other
19 federal job train-
20 ing programs which
21 require York County
22 to assume liability
23 for disallowed
24 expenditures as
25 grant recipient,
26 subrecipient or
27 entity to adminis-
28 ter the program,
29 shall not be ac-
30 cepted by the York
31 County Commission-
32 ers without prior
33 legislative
34 approval.

35 Sec. 14. PL 1983, c. 479, Emergency clause is
36 amended to read:

37 Emergency clause. In view of the emergency cited
38 in the preamble, sections 3, 5, 6, 9 to 14, 23, 25,
39 32 and 33 of this Act shall take effect when
40 approved. Sections 1, 2, 4 and 15 to 17 shall take
41 effect on July 1, 1983. The remaining sections shall
42 take effect on January 1, 1984, but shall only apply
43 as to injuries occurring on and after that day.

1 ity. Also, they should be exempted from a reduction
2 in coverage upon retirement as judges are.

3 Section 5. This section corrects an inadequate
4 description in the rivers bill, Public Law 1983,
5 chapter 458. This description is to mark the lower
6 limit of a river segment, but, in the bill as passed,
7 is inadequate because Route 191 crosses the river in
8 more than one location.

9 Section 6. This section corrects an
10 inappropriately worded listing in the rivers bill.

11 Section 7. This section adds an effective date
12 to sections 5 and 6

13 Section 8. Public Law 1983, chapter 57, requires
14 names to be typewritten or printed under signatures
15 on deeds executed after a certain date. The state-
16 ment of fact of L.D. 863 indicates that the September
17 1, 1983 date was placed in the law with the belief
18 that that date would occur after the effective date
19 of the law. Since this law will not go into effect
20 until the end of September, 1983, a date of October
21 1, 1983 in the law will prevent possible clouds on
22 property titles.

23 Section 9. This section adds an effective date
24 to section 8.

25 Section 10. Public Law 1983, chapter 92, the
26 boat tax bill, inadvertently omitted the words "per
27 foot" in a line of the subsection concerning the
28 amount of the tax. These words are added to avoid
29 any possible interpretation that the total tax on
30 vessels of 15 or more net tons is only \$20.

31 Section 11. This section adds an effective date
32 to section 10.

33 Section 12. Under Public Law 1983, chapter 479,
34 workers' compensation commissioners are placed under
35 the judicial retirement plan. The changes in this
36 section are necessary to clarify the status of those
37 commissioners who have been members of the Maine
38 State Retirement System.

1 Section 13. This change in the York County bud-
2 get is necessary because the broad language in the
3 original resolve effectively limited the county com-
4 missioners' authority to accept any federal money for
5 any purpose, including revenue sharing.

6 Section 14. This change in Public Law 1983,
7 chapter 479, clarifies the effective date clause of
8 the workers' compensation reform bill. The change
9 expresses the intent of that effective date provi-
10 sion.

11 Section 15. Public Law 1983, chapter 370, pro-
12 vides for annual motor vehicle inspection to begin 90
13 days after adjournment of the Legislature. The Joint
14 Standing Committee on Transportation intended this
15 law to be effective instead on January 1, 1984.
16 Senate and House debates also refer to the bill as if
17 this were its effective date. The effective date
18 provision was inadvertently omitted from the bill.

19 Section 16. This section adds an effective date
20 to section 15.

21 Section 17. This section clarifies the legis-
22 lation by inserting a carrying clause for all unex-
23 pended money.

24

4668062383