

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (New Draft of S.P. 877, L.D. 2382)

3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND ELEVENTH LEGISLATURE
6

7 Legislative Document

No. 2462

9 S.P. 911

In Senate, April 11, 1984

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

12 Original bill presented by Senator Trafton of Androscoggin. Cosponsored
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-FOUR
18

19 AN ACT to Make Corrections of Errors and
20 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 Legislature
26 have resulted in certain technical errors and
27 inconsistencies in the laws of Maine; and

28 Whereas, it is vitally necessary that these un-
29 certainties and this confusion be resolved in order
30 to prevent any injustice or hardship to the citizens
31 of Maine; and

32 Whereas, in the judgment of the Legislature,
33 these facts create an emergency within the meaning of
34 the Constitution of Maine and require the following

1 legislation as immediately necessary for the preser-
2 vation of the public peace, health and safety; now,
3 therefore,

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

6 PART A

7 Sec. 1. 7 MRSA §3155, first ¶, as enacted by PL
8 1983, c. 573, §4, is amended to read:

9 Any person who fails to furnish reports required
10 by the commissioner pursuant to section ~~3155~~ 3154 in
11 a timely fashion shall be subject to the following
12 civil penalties, to be collected by the commissioner
13 in a civil action:

14 Sec. 2. 9 MRSA §4052, sub-§2, as enacted by PL
15 1975, c. 429, §1, is amended to read:

16 2. Finance charge. "~~Credit~~ Finance charge" means
17 that amount by which the balance payable by the in-
18 sured exceeds the principal balance.

19 Sec. 3. 9 MRSA §4064, sub-§1, ¶C, as amended by
20 PL 1981, c. 470, §14, is further amended to read:

21 C. Set forth the following items where applica-
22 ble;

- 23 (1) The total amount of the premiums;
- 24 (2) The amount of the down payment;
- 25 (3) The principal balance, the difference
26 between subparagraphs (1) and (2);
- 27 (4) The amount of the ~~credit~~ finance
28 charge;
- 29 (5) The balance payable by the insured, the
30 sum of subparagraphs (3) and (4); and
- 31 (6) The number of installments required,
32 the amount of each installment expressed in

1 dollars and the due date or period thereof.

2 Sec. 4. 9 MRSA §4066, as enacted by PL 1975, c.
3 429, §1, is amended to read:

4 §4066. Finance charge

5 The ~~credit~~ finance charge, calculated according
6 to the actuarial method, may not exceed the equiva-
7 lent of 18% per year on the unpaid balances of the
8 amount financed or a charge of \$15 per insured premi-
9 um finance agreement, whichever is greater.

10 This section does not limit or restrict the man-
11 ner of calculating the ~~credit~~ finance charge whether
12 by way of add-on, discount or otherwise, so long as
13 the rate of the ~~credit~~ finance charge does not exceed
14 that permitted by this section.

15 Sec. 5. 14 MRSA §7552, as amended by PL 1983,
16 cc. 362, §2 and 507, §7, is repealed and the follow-
17 ing enacted in its place:

18 §7552. Injury to lands or property

19 Whoever cuts down, destroys, injures or carries
20 away any ornamental or fruit tree, Christmas tree,
21 evergreen boughs, agricultural product, timber, wood,
22 underwood, stones, gravel, ore, goods or property of
23 any kind from land not his own, without license of
24 the owner, or injures or throws down any fences, bars
25 or gates, or leaves such gates open, or breaks glass
26 in any building is liable in damages to the owner in
27 a civil action. If such an act or such acts are com-
28 mitted willfully or knowingly, the defendant is lia-
29 ble to the owner in treble damages and, in addition,
30 for the cost of any professional services necessary
31 for the determination of damages, for attorney's
32 fees, and for court costs. For purposes of this sec-
33 tion, Christmas trees and evergreen boughs are def-
34 ined in Title 12, section 8841, and agricultural
35 product is defined in section 7551-A.

36 Sec. 6. 17-A MRSA §1252, sub-§3, as amended by
37 PL 1977, c. 510, §77, is further amended to read:

1 3. The court may add to the sentence of impris-
2 onment a restitution order as is provided for in
3 chapter 49, section 1204, subsection 2-A, paragraph
4 B. In such cases, it shall be the responsibility of
5 the Department of ~~Mental Health~~ and Corrections to
6 determine whether the order has been complied with
7 and consideration shall be given in the department's
8 administrative decisions concerning the imprisoned
9 person as to whether the order has been complied
10 with.

11 Sec. 7. 18-A MRSA §2-514, sub-§(a), Maine Statu-
12 tory Will, Article 2, 2.4, ¶B, as enacted by PL 1983,
13 c. 376, is amended to read:

14 B. I leave the following stated amount to my
15 spouse _____ and the remainder in equal
16 shares to my children and the descendants of any de-
17 ceased child. If my ~~wife~~ spouse is not living, ~~her~~
18 that share shall be distributed in equal shares to my
19 children and the descendants of any deceased child.
20 _____

21 (signature)

22 Sec. 8. 18-A MRSA §5-303, sub-§(b), as amended
23 by PL 1983, cc. 176, Pt. A, §7 and 241, §1, is re-
24 pealed and the following enacted in its place:

25 (b) Upon the filing of a petition, the court
26 shall set a date for hearing on the issues of inca-
27 capacity and unless the allegedly incapacitated person
28 has counsel of his own choice, it may appoint an ap-
29 propriate official or attorney to represent him in
30 the proceeding, who shall have the powers and duties
31 of a guardian ad litem. The person alleged to be in-
32 capacitated shall be examined by a physician or by a
33 licensed psychologist acceptable to the court who
34 shall submit his report in writing to the court. The
35 court may appoint a visitor who shall interview the
36 allegedly incapacitated person and the person who is
37 seeking appointment as guardian, and visit the
38 present place of abode of the person alleged to be
39 incapacitated and the place it is proposed that he
40 will be detained or reside if the requested appoint-
41 ment is made, and submit his report in writing to the
42 court. The person alleged to be incapacitated is en-
43 titled to be present at the hearing in person, and to

1 see and hear all evidence bearing upon his condition.
2 He is entitled to be represented by counsel, to
3 present evidence, to cross-examine witnesses, includ-
4 ing the physician and the visitor. The issue may be
5 determined at a closed hearing if the person alleged
6 to be incapacitated or his counsel so requests.

7 Sec. 9. 20 MRSA §2273, sub-§§1-B and 1-C, as en-
8 acted by PL 1981, c. 705, Pt. D, §1, are repealed.

9 Sec. 10. 20-A MRSA §1051, sub-§1, as amended by
10 PL 1983, cc. 39, §1 and 485, §5, is repealed and the
11 following enacted in its place:

12 1. Eligibility requirements. Only those persons
13 who hold a state certificate of superintendence
14 grade, issued in accordance with chapter 501, may be
15 eligible to become superintendents. Members of the
16 school board may not be eligible to become superin-
17 tendent in the school administrative unit which they
18 represent. Superintendents' certificates may be re-
19 voked in accordance with section 13001. Grounds for
20 revocation shall include, but not be limited to, the
21 employment or retention of uncertified personnel in a
22 school administrative unit in violation of this Title
23 or of any rules adopted pursuant to this Title.

24 Sec. 11. 20-A MRSA §1405, as repealed and re-
25 placed by PL 1983, c. 422, §11, is repealed.

26 Sec. 12. 20-A MRSA §2301, as amended by PL 1983,
27 c. 422, §13, is repealed.

28 Sec. 13. 20-A MRSA §11804, as enacted by PL
29 1981, c. 693, §§5 and 8, is repealed and the follow-
30 ing enacted in its place:

31 §11804. Agreement for contract students after July
32 1, 1981

33 1. Agreement. Any state contract student commenc-
34 ing professional education on or after July 1, 1981,
35 shall, as a condition precedent to the commencement
36 of the education, enter into an agreement with the
37 State under which the student shall agree:

1 A. To pay tuition to the institution; and

2 B. Upon the conclusion of professional educa-
3 tion, including internship, residency and oblig-
4 ated public health service, to pay the State an
5 amount of money equal to the state capitation
6 payment expended by the State in purchasing the
7 state contracted position which the student occu-
8 pled.

9 (1) This amount shall be payable at 9% sim-
10 ple annual interest in not more than 10 an-
11 annual equal installments.

12 (2) These installment payments shall com-
13 mence upon conclusion of the state contract
14 student's professional education under rules
15 promulgated by the commissioner.

16 3. Forgiveness. Any student who, upon the con-
17 clusion of his professional education, including, if
18 applicable, internship, residency and obligated pub-
19 lic health service, elects to serve as a general,
20 family, pediatric or veterinary practitioner in an
21 underserved rural geographic area in the State shall
22 be forgiven 20% of the indebtedness, as determined in
23 subsection 4, for each of the first 5 years of that
24 service.

25 4. Determination. The Commissioner of Human
26 Services shall determine underserved rural areas for
27 general, family or pediatric services. The Commis-
28 sioner of Agriculture, Food and Rural Resources shall
29 determine underserved rural areas for veterinary ser-
30 vices.

31 Sec. 14. 21 MRSA §103-A, as amended by PL 1983,
32 cc. 169, §4, and 425, §3, is repealed and the follow-
33 ing enacted in its place:

34 §103-A. Overseas registration

35 1. Application. A person qualified to register
36 as provided in section 241, subsections 1 to 3, who
37 is outside the United States may register and enroll
38 in a political party by filing a federal postcard ap-
39 plication or an application designed by the Secretary

1 of State and provided by the registrar, containing
2 the following information:

3 A. First name, middle name or initial and last
4 name, or first name or initial, middle name and
5 last name;

6 B. Legal address, including street, street num-
7 ber, apartment number, town, county and zip code;

8 C. Mailing address;

9 D. Date of birth;

10 E. Last domicile immediately prior to departure
11 from the United States;

12 F. Voting precinct or election district of last
13 domicile within the United States;

14 G. Whether a citizen by birth or naturalization;
15 if by naturalization, the date, place and court
16 of naturalization;

17 H. Notification that failure to complete the en-
18 tire application may prevent registration;

19 I. Passport or card of identity registration
20 number;

21 J. Signature;

22 K. Certification that all information is cor-
23 rect, sworn before a diplomatic or consular offi-
24 cial of the United States or before the master of
25 a United States vessel of 1,000 tons or more;

26 L. Date of application;

27 M. Date of registration; and

28 N. Choice of political party.

29 Sec. 15. 22 MRSA §1579, as enacted by PL 1983,
30 c. 226, is reallocated to be 22 MRSA §1580.

1 Sec. 16. 22 MRSA c. 405-B, as enacted by PL
2 1983, c. 459, §3, is reallocated to be 22 MRSA c.
3 405-C.

4 Sec. 17. 22 MRSA §3759, as enacted by PL 1983,
5 c. 525, §1, is reallocated to be 22 MRSA §3760.

6 Sec. 18. 26 MRSA §834, as reallocated by PL
7 1983, c. 583, §15, is amended to read:

8 §834. Civil actions for injunctive relief or other
9 remedies

10 An employee who alleges a violation of his rights
11 under section ~~823~~ 833 and who has first made a rea-
12 sonable effort to maintain or restore his rights
13 through any grievance procedure or similar process
14 which may be available at his place of employment may
15 bring a civil action for appropriate injunctive re-
16 lief and other remedies provided in section ~~825~~ 835
17 within 90 days after the occurrence of that alleged
18 violation or, if a grievance procedure or similar
19 process is used, within 60 days after the grievance
20 procedure or similar process terminates without reso-
21 lution. The action may be brought in the Superior
22 Court for the county where the alleged violation oc-
23 curred, the county where the complainant resides or
24 the county where the person against whom the civil
25 complaint is filed resides or has his principal place
26 of business.

27 An employee shall establish each and every ele-
28 ment of his case, as set out in section ~~823~~ 833, by a
29 preponderance of the evidence.

30 Sec. 19. 26 MRSA §836, as reallocated by PL
31 1983, c. 583, §15, is amended to read:

32 §836. Penalties for violations

33 A person who violates section ~~829~~ 839 is liable
34 for a civil fine of \$10 for each day of willful vio-
35 lation which shall not be suspended. Any civil fine
36 imposed under this section shall be submitted to the
37 Treasurer of State for deposit to the General Fund.

38 Sec. 20. 26 MRSA §838, as reallocated by PL
39 1983, c. 583, §15, is amended to read:

1 §838. Compensation for employee participation in in-
2 vestigation, hearing or inquiry

3 This subchapter shall not be construed to require
4 an employer to compensate an employee for participa-
5 tion in an investigation, hearing or inquiry held by
6 a public body in accordance with section 823 833.

7 Sec. 21. 26 MRSA §1082, sub-§1, as amended by PL
8 1983, cc. 351, §8 and 489 §14, is repealed and the
9 following enacted in its place:

10 1. Powers and duties of the commissioner. Ex-
11 cept as otherwise provided, it shall be the duty of
12 the Commissioner of Labor to administer this chapter,
13 through an organization to be known as the Bureau of
14 Employment Security. The commissioner shall appoint
15 a Director of Employment Security to serve at his
16 pleasure. The commissioner may employ such persons,
17 make such expenditures, require such reports, make
18 such investigations and take such other actions as he
19 deems necessary or suitable to that end. The commis-
20 sioner shall be responsible and shall possess the
21 necessary authority for the operation and management
22 of the Bureau of Employment Security. The commis-
23 sioner shall determine methods of operational proced-
24 ures in accordance with the provisions of this chap-
25 ter. The commissioner may adopt rules in accordance
26 with the Maine Administrative Procedure Act, Title 5,
27 chapter 375, to achieve this purpose, except rules
28 pertaining to unemployment insurance as provided in
29 subsection 2. The commissioner shall determine meth-
30 ods of operational procedures in accordance with the
31 provisions of this chapter and by the Maine Adminis-
32 trative Procedure Act, Title 5, chapter 375. The
33 commissioner shall make such recommendations for
34 amendments to this chapter as he deems proper. When-
35 ever the commissioner believes that a change in con-
36 tribution or benefit rates will become necessary to
37 protect the solvency of the fund, he shall promptly
38 so inform the Governor and the Legislature and make
39 recommendations with respect thereto.

40 Sec. 22. 26 MRSA §1192, sub-§3, as amended by PL
41 1983, cc. 257, §1 and 351, §16, is repealed and the
42 following enacted in its place:

1 3. Is able and available for work. He is able to
2 work and is available for full-time work at his usual
3 or customary trade, occupation, profession or busi-
4 ness or in such other trade, occupation, profession
5 or business for which his prior training or experi-
6 ence shows him to be fitted or qualified; and in ad-
7 dition to having complied with subsection 2 is him-
8 self actively seeking work in accordance with the
9 regulations of the commission; provided that no inel-
10 igibility may be found solely because the claimant is
11 unable to accept employment on a shift, the greater
12 part of which falls between the hours of midnight to
13 5 a.m., and is unavailable for that employment be-
14 cause of parental obligation, the need to care for an
15 immediate family member, or the unavailability of a
16 personal care attendant required to assist the unem-
17 ployed individual who is a handicapped person; and
18 provided that an unemployed individual who is neither
19 able nor available for work due to good cause as de-
20 termined by the deputy shall be eligible to receive
21 prorated benefits for that portion of the week during
22 which he was able and available;

23 Sec. 23. 26 MRSA §1194, sub-§2, as amended by PL
24 1983, cc. 246 and 351, §19, is repealed and the fol-
25 lowing enacted in its place:

26 2. Determination. A representative designated by
27 the commissioner, and in this chapter referred to as
28 a deputy, shall promptly examine the first claim
29 filed by a claimant in each benefit year and shall
30 determine the weekly benefit amount and maximum bene-
31 fit amount potentially payable to the claimant during
32 that benefit year in accordance with section 1192,
33 subsection 5.

34 The deputy shall promptly examine all subsequent
35 claims filed and, on the basis of the facts found by
36 him, shall determine whether or not that claim is
37 valid with respect to sections 1192 and 1193, other
38 than section 1192, subsection 5, or shall refer that
39 claim or any question involved therein to an appeal
40 tribunal or to the commission, which shall make a de-
41 termination with respect thereto in accordance with
42 the procedure described in subsection 3, except that
43 in any case in which the payment or denial of bene-
44 fits will be subject to section 1193, subsection 4,

1 the deputy shall promptly transmit a report with re-
2 spect to that subsection to the Director of Unemploy-
3 ment Compensation upon the basis of which the direc-
4 tor shall notify its appropriate deputies as to the
5 applicability of that subsection.

6 The deputy shall determine in accordance with section
7 1221, subsection 3, paragraph A, the proper employ-
8 er's experience rating record, if any, against which
9 benefits of an eligible individual shall be charged,
10 if and when paid.

11 The deputy shall promptly notify the claimant and any
12 other interested party of the determinations and rea-
13 sons therefor. Subject to subsection 11, unless the
14 claimant or any such interested party, within 15 cal-
15 endar days after that notification was mailed to his
16 last known address, files an appeal from that deter-
17 mination, that determination shall be final, provided
18 that the period within which an appeal may be filed
19 may be extended, for a period not to exceed an addi-
20 tional 15 calendar days, for good cause shown. If
21 new evidence or pertinent facts that would alter that
22 determination become known to the deputy prior to the
23 date that determination becomes final, a redetermina-
24 tion is authorized, but that redetermination must be
25 mailed before the original determination becomes fi-
26 nal.

27 If an employer's separation report for an employee is
28 not received by the office specified thereon within
29 10 days after that report was requested, the claim
30 shall be adjudicated on the basis of information at
31 hand. If the employer's separation report containing
32 possible disqualifying information is received after
33 the 10-day period and the claimant is denied benefits
34 by a revised deputy's decision, benefits paid prior
35 to the date of the revised decision shall not consti-
36 tute an overpayment of benefits. Any benefits paid
37 after the date of the revised decision shall consti-
38 tute an overpayment.

39 If an employer files an amended separation report or
40 otherwise raises a new issue as to the employee's el-
41 igibility or changes the wages or weeks used in de-
42 termining benefits which results in a denial of bene-
43 fits or a reduction of the weekly benefit amount, the

1 benefits paid prior to the date the determination is
2 mailed shall not constitute an overpayment. Any ben-
3 efits received after that date to which the claimant
4 is not entitled pursuant to a new determination based
5 on that new employer information shall constitute an
6 overpayment.

7 If, during the period a claimant is receiving bene-
8 fits, new information or a new issue arises concern-
9 ing the claimant's eligibility for benefits or which
10 affects the claimant's weekly benefit amount, no ben-
11 efits may be withheld until a determination is made
12 on the issue, unless authorized by the claimant. Be-
13 fore a determination is made, written notice shall be
14 mailed to the claimant and other interested parties,
15 which shall include the issue to be decided, the law
16 upon which it is based, any factual allegations known
17 to the bureau, the right to a fact-finding interview,
18 the date and location of the scheduled interview, and
19 the claimant's rights regarding the continuation of
20 benefits, conduct of the interview and appeal. The
21 fact-finding interview shall be scheduled not less
22 than 5 days nor more than 14 days after the notice is
23 mailed. The bureau shall include with the notice a
24 preprinted form, which the claimant may sign and re-
25 turn to the bureau after indicating thereon whether
26 he wishes to continue to receive benefits until a de-
27 termination is made, acknowledging an understanding
28 that any benefits paid prior to the determination may
29 be an overpayment under applicable law and recover-
30 able by the bureau if it is later determined that the
31 claimant was not entitled to the benefits. If the
32 claimant does not appear for the scheduled interview,
33 the deputy shall make a determination on the basis of
34 available evidence. The deputy shall make a prompt
35 determination of the issue based solely on any writ-
36 ten statements of interested parties filed with the
37 bureau before the interview, together with the evi-
38 dence presented by interested parties who personally
39 appeared at the interview. Upon request and notice
40 to all parties at the interview, the deputy may ac-
41 cept corroborative documentary evidence after the in-
42 terview. In no other case may the deputy base his
43 decision on evidence received after the interview has
44 been held.

1 Sec. 24. 26 MRSA §1401, 2nd ¶ as amended by PL
2 1983, c. 305, §8 and c. 351, §37, is repealed and the
3 following enacted in its place:

4 The Commissioner of Labor shall receive a fixed
5 weekly salary in accordance with Title 2, section 6,
6 and shall be paid from the administrative funds of
7 the Bureau of Employment Security, the Bureau of La-
8 bor Standards and from other program administrative
9 funds which he is authorized by statute or Executive
10 Order to administer. The commissioner may establish
11 an Office of the Commissioner, consisting of such
12 personnel as deemed necessary to carry out the duties
13 and responsibilities of the commissioner, and paid
14 from administrative funds from programs which the
15 commissioner is authorized to administer.

16 Sec. 25. 29 MRSA §1, sub-§7, as amended by PL
17 1983, c. 455, §2 and c. 480, Pt. A, §32, is repealed
18 and the following enacted in its place:

19 7. Motor vehicle. "Motor vehicle" means any
20 self-propelled vehicle not operated exclusively on
21 tracks, but not including snowmobiles as defined in
22 Title 12, section 7821.

23 Sec. 26. 29 MRSA §244, 5th ¶, as amended by PL
24 1983, c. 94, Pt. B, §4 and c. 282, §1, is repealed
25 and the following enacted in its place:

26 Only one trailer or semitrailer shall be drawn by
27 a motor vehicle; except that combinations of truck
28 tractor, semitrailer and full trailer may be operated
29 on the Interstate Highway System and those qualifying
30 federal aid primary system highways designated by the
31 Secretary of the United States Department of Trans-
32 portation, pursuant to the United States Surface
33 Transportation Assistance Act of 1982, Public Law
34 97-424, Section 411; provided that driveaway, towaway
35 operations, as defined by the Bureau of State Police,
36 may include a combination of saddlemount vehicles not
37 to exceed 3 units in contact with surface of the
38 highway.

39 Sec. 27. 29 MRSA §531-B, as amended by PL 1975,
40 c. 731, §34, is further amended to read:

1 §531-B. License or permit to be carried and exhib-
2 ited on demand

3 Every licensee, including persons to whom a tem-
4 porary driver's license has been issued, and every
5 person to whom an instruction permit has been issued
6 shall have his operator's license or instruction per-
7 mit in his immediate possession at all times when op-
8 erating a motor vehicle and shall hand over for in-
9 spection the same upon demand of a police officer. No
10 person charged with violating this section shall be
11 adjudicated to have committed a traffic infraction if
12 he produces in court an operator's license or in-
13 struction permit theretofore issued to him and valid
14 at the time of the issuance of a the Uniform Traffic
15 Ticket and Complaint. If the person charged shall ex-
16 hibit to a law enforcement officer designated by the
17 issuing officer such an operator's license or in-
18 struction permit, not later than 24 hours before the
19 time set for the court appearance, then the traffic
20 infraction proceeding shall be dismissed.

21 Sec. 28. 29 MRSA §1655, 2nd ¶, as enacted by PL
22 1983, c. 94, Pt. B, §16, is amended to read:

23 Notwithstanding the first paragraph, the tandem
24 axle unit limit for 5 or more axle combination vehi-
25 cles shall not exceed 44,000 pounds and a 6-axle com-
26 bination vehicle, as defined in section 1652, subsec-
27 tion 1, paragraph E, may be operated, or caused to be
28 operated, with a maximum gross weight of 100,000
29 pounds, provided that the maximum gross weight per-
30 mitted on a tandem axle unit shall be 44,000 pounds
31 and the maximum gross weight permitted on a tri-axle
32 unit shall be 54,000 pounds, and provided that the
33 distance between the extreme axles, excluding the
34 steering ~~axle~~ axle, is at least 32 feet.

35 Sec. 29. 29 MRSA §2362, sub-§13, as enacted by
36 PL 1981, c. 110, §6, is reallocated to be 29 MRSA
37 §2362, sub-§14.

38 Sec. 30. 29 MRSA §2518, sub-§1, as amended by PL
39 1981, c. 370, §13 and c. 445, is repealed and the
40 following enacted in its place:

1 1. Disposition of stickers. All inspection
2 stickers and materials issued to inspection stations
3 by the Chief of the State Police shall remain the
4 property of the State. Each official inspection sta-
5 tion shall stock a sufficient number of stickers to
6 meet their demands at all times. These shall be fur-
7 nished by the Chief of the State Police at 50¢ each.
8 The stickers shall be made of such material and qual-
9 ity of adhesive as prescribed by the Chief of the
10 State Police. At the end of the calendar year, or if
11 the station license is suspended, any unused or ex-
12 pired stickers shall, within 20 working days, be re-
13 turned to the Chief of the State Police and the pur-
14 chase price refunded or exchanged for current year
15 stickers, except that refunds or exchanges shall not
16 be made for other than full sheets of unused stick-
17 ers.

18 Sec. 31. 30 MRSA §5607, as amended by PL 1983,
19 c. 601, §2 and c. 615, is repealed and the following
20 enacted in its place:

21 §5607. Annual meeting

22 Organized plantations shall hold an annual meet-
23 ing and choose a clerk, 3 assessors, treasurer, col-
24 lector of taxes, school committee, one or more sur-
25 veyors of lumber and 2 or more fence-viewers. The
26 provisions of section 2060, subsection 5, relating to
27 the terms of office and election of assessors, shall
28 apply to the terms of office and election of asses-
29 sors of organized plantations. When money is raised
30 for repair of ways and bridges, the assessors of the
31 plantation shall choose one or more road commission-
32 ers as selectmen of towns do.

33 Sec. 32. 32 MRSA §1501, first ¶, as amended by
34 PL 1983, c. 413, §61 and c. 468, §5, is repealed and
35 the following enacted in its place:

36 The State Board of Funeral Service may determine
37 the qualifications necessary to enable any person to
38 lawfully engage in the funeral service profession and
39 operate a funeral establishment. The board shall ex-
40 amine all applicants for licenses for the practice of
41 funeral service and shall issue a license to all per-
42 sons who successfully pass that examination. To be

1 licensed for the practice of funeral service under
2 this chapter, a person must be at least 18 years of
3 age, a resident of this State, have successfully com-
4 pleted a prescribed course at a school or schools ap-
5 proved by the State Board of Funeral Service and must
6 have served as a practitioner trainee for not less
7 than 12 months under the personal supervision of a
8 person licensed for the practice of funeral service
9 and approved by the board. Each applicant shall dem-
10 onstrate that he is trustworthy and competent to en-
11 gage in the profession of funeral service in such a
12 manner as to safeguard the interests of the public.

13 Sec. 33. 32 MRSa §1504, 2nd ¶, as amended by PL
14 1983, c. 553, §34, is further amended to read:

15 All licenses and certificates of registration
16 which have been issued by the board shall expire on
17 December 31st, annually. Any person holding a li-
18 cense or registration under this law may have the li-
19 cense renewed by making and filing with the board an
20 application therefor within 30 days preceding the ex-
21 piration of his license or certificate of registra-
22 tion, upon blanks prescribed by the board and upon
23 payment of the established renewal fee. The board
24 shall establish the initial and renewal fees, which
25 shall not exceed \$40 for an embalmer's license, fu-
26 neral director's license and funeral home registra-
27 tion. The license for the practitioner of funeral
28 services shall not exceed \$50 and the fee for a resi-
29 dent trainee shall not exceed \$10. A license may be
30 renewed up to 90 days after the date of its expira-
31 tion upon payment of a late fee of \$10 in addition to
32 the renewal fee. Any person who submits an applica-
33 tion for renewal more than 90 days after the license
34 expiration date shall be subject to all require-
35 ments governing new applicants under this chapter,
36 except that the board may in its discretion, giving
37 due consideration to the protection of the public,
38 waive examination if the renewal application is made
39 within 2 years from the date of the expiration.

40 Sec. 34. 32 MRSa §3831, as amended by PL 1983,
41 c. 413, §152 and c. 468, §22, is repealed and the
42 following enacted in its place:

43 §3831. Registration; qualifications

1 1. Psychological examiner. Any person wishing to
2 obtain the right to practice as a psychological exam-
3 iner, who has not been licensed to do so, shall, be-
4 fore it shall be lawful for him to practice as a psy-
5 chological examiner, make application to the State
6 Board of Examiners of Psychologists, upon such form
7 and in such manner as prescribed by the board, and
8 obtain from the board a license to do so. Unless such
9 a person has obtained a license, it shall be unlawful
10 for him to practice and, if he shall practice as a
11 psychological examiner without first having obtained
12 such a license, he shall be deemed to have violated
13 this chapter. A candidate for this license shall fur-
14 nish the board with satisfactory evidence that he is
15 trustworthy and competent to practice as a psycholog-
16 ical examiner in such manner as to safeguard the in-
17 terests of the public; has had a master's degree re-
18 fecting comprehensive training in psychology from an
19 accredited educational institution recognized by the
20 board as maintaining satisfactory standards; has had
21 at least one year of full-time supervised experience
22 in psychology of a type considered by the board to be
23 qualifying in nature; is competent as a psychological
24 examiner as shown by passing such examinations, writ-
25 ten or oral, or both, as the board deems necessary;
26 is not considered by the board to be engaged in un-
27 ethical practice; and has not within the preceding 6
28 months failed an examination given by the board.

29 2. Psychologist. Any person wishing to obtain
30 the right to practice as a psychologist, who has not
31 been licensed to do so, shall, before it shall be
32 lawful for him to practice psychology, make applica-
33 tion to the State Board of Examiners of Psycholo-
34 gists, upon such form and in such manner as pre-
35 scribed by the board, and obtain from the board a li-
36 cence to do so. Unless such a person has obtained a
37 license, it shall be unlawful for him to practice
38 and, if he shall practice psychology without first
39 having obtained a license, he shall be deemed to have
40 violated this chapter. A candidate for this license
41 shall furnish the board with satisfactory evidence
42 that he is trustworthy and competent to practice as a
43 psychologist in such manner as to safeguard the in-
44 terest of the public; has received a doctorate degree
45 reflecting comprehensive training in psychology from
46 an accredited institution recognized by the board as

1 maintaining satisfactory standards, at the time the
2 degree was granted; has had at least 2 years of experi-
3 ence in psychology of a type considered by the
4 board to be qualifying in nature; is competent in
5 psychology, as shown by passing such examinations,
6 written or oral, or both, as the board deems neces-
7 sary; is not considered by the board to be engaged in
8 unethical practice; and has not within the preceding
9 6 months failed an examination given by the board.

10 Sec. 35. 32 MRSA §3836, as amended by PL 1983,
11 c. 413, §156 and c. 468, §24, is repealed and the
12 following enacted in its place:

13 §3836. Licensure under special conditions

14 The board may, at any time at its discretion,
15 grant a license without an assembled examination to
16 any person who at the time of application is licensed
17 or certified by a similar board of another state
18 whose standards, in the opinion of the board, are
19 equivalent to those required by this chapter. The
20 board, at its discretion, may issue a temporary li-
21 cence, at the appropriate level, to applicants for a
22 permanent license upon payment of a fee, to be estab-
23 lished by the board, and successful completion of an
24 oral examination, that license to be valid until re-
25 sults are received from the next written examination.
26 Failure to pass the written examination will termi-
27 nate the temporary license.

28 Sec. 36. 32 MRSA §4902, sub-§7, as enacted by PL
29 1973, c. 558, §1, is amended to read:

30 7. Practice of geology. "Practice of geology"
31 means the performance of geological work or service
32 for the public, including, but not limited to, con-
33 sultation, investigation, surveys, evaluation, plan-
34 ning, mapping or inspection of geological work,
35 wherein the performance is related to the public wel-
36 fare ~~of~~ or the safeguarding of life, health, property and
37 the environment.

38 Sec. 37. 32 MRSA §6030, as amended by PL 1983,
39 c. 413, §208, is further amended to read:

40 §6030. Continuing professional education

1 The board shall require the applicant for license
2 renewal to present evidence of his ~~the~~ satisfactory
3 completion of continuing professional education in
4 accordance with rules adopted by the board.

5 Sec. 38. 32 MRSA §9608, 2nd ¶, as enacted by PL
6 1983, c. 413, §239, is amended to read:

7 The State may bring an action in Superior Court
8 to enjoin any person ~~from~~ from violating this chap-
9 ter, regardless of whether proceedings have been or
10 may be instituted in the Administrative Court or
11 whether criminal proceedings have been or may be in-
12 stituted.

13 Sec. 39. 32 MRSA §9856, as enacted by PL 1983,
14 c. 524, is repealed and the following enacted in its
15 place:

16 §9856. Application; fees

17 1. Application for license. To apply for a li-
18 cence as a radiographer, nuclear medicine
19 technologist, radiation therapy technologist or for a
20 limited license, an applicant shall:

21 A. Submit a written application with supporting
22 documents to the board on forms provided by the
23 board;

24 B. Pay an application fee which shall not exceed
25 \$70; and

26 C. Pay an examination fee which shall not exceed
27 \$50.

28 2. Denial of application. In case the applica-
29 tion is denied and permission to take the examination
30 is refused, the examination fee only shall be re-
31 turned to the applicant. Any applicant who fails to
32 pass the examination shall be entitled to reexamina-
33 tion within 6 months upon repayment of the examina-
34 tion fee only. Pursuant to section 9858, the board
35 may issue a temporary license to an applicant who has
36 failed an examination and is awaiting reexamination;
37 the temporary license shall expire at such time as
38 the board may by rule direct.

1 The superintendent shall report to the Legisla-
2 ture by January 15th of each year the applications
3 received and any actions taken pursuant to chapters
4 35 and 101. The report shall include, but not be
5 limited to, detailed information on the number, types
6 and legal structures of all regulated financial in-
7 stitutions in the State, the locations of all offices
8 and total deposits held by these institutions, the
9 steps taken or planned by nonstate financial institu-
10 tion holding companies that have received approval
11 under chapter 101 for acquisition or establishment to
12 meet the credit needs of consumers and small busi-
13 nesses and an analysis of the impact of applications
14 approved under chapters 35 and 101 on the banking
15 structure of the State and the credit needs of the
16 state's citizens and businesses.

17 Sec. 3. 9-B MRSA §1020, as enacted by PL 1983,
18 c. 597, §5, is repealed.

19 Sec. 4. 15 MRSA §2123, sub-§2, as amended by PL
20 1983, c. 235, §3, is further amended to read:

21 2. Venue. Venue shall be in the county in which
22 the criminal judgment ~~took place~~ was entered. Venue
23 may be transferred by the assigned justice at his
24 discretion.

25 Sec. 5. 21 MRSA §1558, sub-§6, as enacted by PL
26 1983, c. 365, is amended to read:

27 6. Identification of contributions. Names and
28 mailing addresses of contributors to the political
29 action committee, the amount contributed by each do-
30 nor and the date of the ~~following~~ contribution fol-
31 lowing registration of the committee under section
32 1553. The information required in this subsection
33 shall be kept separate from the information required
34 in section 1553, subsection 7.

35 Sec. 6. 21 MRSA §1565, sub-§3, as enacted by PL
36 1983, c. 365, is amended to read:

37 3. Registration. No political action committee
38 may function in this State, unless it is registered
39 in accordance with section 1553 or unless it is
40 ~~accepted~~ excepted by the provisions thereof.

1 Sec. 7. 24-A MRSA §2843, sub-§3, ¶E, as enacted
2 by PL 1983, c. 515, §6, is amended to read:

3 E. "Provider" means individuals included in ~~Fi-~~
4 ~~tle 247, section 2303, subsection 2~~ section 2835,
5 and a licensed physician with 3 years approved
6 residency in psychiatry, an accredited public
7 hospital or psychiatric hospital or a community
8 agency licensed at the comprehensive service lev-
9 el by the Department of Mental Health and Mental
10 Retardation. All agency or institutional
11 providers named in this paragraph shall assure
12 that services are supervised by a psychiatrist or
13 licensed psychologist.

14 Sec. 8. 32 MRSA §9607, first ¶, as amended by PL
15 1983, cc. 204, § 15 and 468, §25, is repealed and the
16 following enacted in its place:

17 Every commercial driver education school shall be
18 assessed for the actual expenses incurred by the
19 board or its agents for inspections, or special in-
20 vestigations or enforcement activities undertaken un-
21 der this chapter.

22 Sec. 9. 37-A MRSA §56-A, as enacted by PL 1983,
23 c. 516, §1, is reallocated to be 37-B MRSA §706.

24 Sec. 10. 37-A MRSA §62, 3rd ¶, as amended by PL
25 1983, c. 516, §2, is repealed.

26 Sec. 11. 37-A MRSA §124, sub-§1, as repealed and
27 replaced by PL 1983, c. 472, §1, is repealed.

28 Sec. 12. 37-A MRSA §124, sub-§2, as amended by
29 PL 1983, c. 472, §2, is repealed.

30 Sec. 13. 37-A MRSA §124, sub-§§4 and 5, as en-
31 acted by PL 1983, c. 472, §3, are reallocated to be
32 37-B MRSA §954, sub-§§4 and 5.

33 Sec. 14. 37-A MRSA §130, as enacted by PL 1983,
34 c. 472, §4, is reallocated to be 37-B MRSA §960.

35 Sec. 15. 37-A MRSA §131, as enacted by PL 1983,
36 c. 472, §5, is reallocated to be 37-B MRSA §961.

1 Sec. 16. 37-B MRSA c. 9, as enacted by PL 1983,
2 c. 460, §3, is repealed.

3 Sec. 17. 37-B MRSA §704, as enacted by PL 1983,
4 c. 460, §3, is amended by adding at the end a new
5 paragraph to read:

6 The director shall not require any political sub-
7 division to participate in any program of nuclear
8 civil protection planning.

9 Sec. 18. 37-B MRSA §826, as enacted by PL 1983,
10 c. 460, §3, is amended to read:

11 §826. Transfer of equipment

12 Subject to the approval of the Governor, the di-
13 rector may convey equipment, supplies, materials or
14 funds by sale, lease or grant to any political subdivi-
15 sion of the State for civil emergency preparedness
16 purposes. The conveyance shall be subject to the
17 terms of the offer and any the applicable state rules
18 or and federal regulations of the State. These rules
19 and regulations are not rules within the meaning of
20 the Maine Administrative Procedure Act, Title 5, sec-
21 tion 8002, subsection 9-

22 Sec. 19. 37-B MRSA §954, sub-§1, as enacted by
23 PL 1983, c. 460, §3, is repealed and the following
24 enacted in its place:

25 1. Created. There is created a Radiological
26 Emergency Preparedness Committee composed of 7 voting
27 members as listed in this subsection. The duties of
28 the committee shall be purely advisory. Members from
29 state agencies shall serve ex officio. The committee
30 shall consist of:

31 A. The Director of Civil Emergency Preparedness,
32 or his designee, who shall act as chairman;

33 B. The Director of Health Engineering, or his
34 designee;

35 C. The Commissioner of Public Safety, or his
36 designee;

1 D. Three public members, one designated by the
2 Governor, one designated by the President of the
3 Senate and one designated by the Speaker of the
4 House of Representatives; and

5 E. The license holder for a particular nuclear
6 power plant, or his designee, who shall serve on
7 the committee for matters relating to emergency
8 planning for that plant.

9 Sec. 20. 37-B MRSA §954, sub-§2, as enacted by
10 PL 1983, c. 460, §3, is repealed and the following
11 enacted in its place:

12 2. Annual review of plan. The committee shall,
13 in conjunction with all municipalities and state
14 agencies it requires to provide assistance, prepare
15 an Emergency Radiological Response Plan deemed neces-
16 sary to protect the public and property in the State
17 from hazards or dangers from radiation, radioactive
18 materials, nuclear materials or the occurrence of a
19 radiological incident as a result of the presence of,
20 release of or emissions from radioactive materials,
21 radioactivity or nuclear materials in this State. The
22 committee shall review and annually determine the ad-
23 equacy of the plan. The plan shall include, but not
24 be limited to, evacuation plans and the requirements
25 for such programs as established by the Federal Emer-
26 gency Management Agency and the United States Nuclear
27 Regulatory Commission. Any agency of state, county or
28 local government may make requests and recommenda-
29 tions under this program to meet differing needs.
30 This plan shall only apply to those hazards or dan-
31 gers which arise from the peaceful use of nuclear ma-
32 terials.

33 The committee shall recommend to the Legislature on
34 or before January 31, 1985, and annually thereafter,
35 any appropriate legislative action relative to the
36 plan. In the event of a division of opinions, all re-
37 ports shall be submitted to the Legislature.

38 Sec. 21. 38 MRSA §1303-A, sub-§1, as amended by
39 PL 1983, c. 432, §4 and as repealed and replaced by
40 PL 1983, c. 467, §1, is repealed and the following
41 enacted in its place:

1 1. Identification of hazardous waste. The
2 board may adopt and amend rules identifying hazardous
3 waste. It is the intent of the Legislature that the
4 board shall identify as hazardous waste those sub-
5 stances which are so identified by the United States
6 Environmental Protection Agency in proposed or final
7 regulations. The Legislature also intends that the
8 board may identify as hazardous waste, in accordance
9 with paragraph B, other substances in addition to
10 those identified by the United States Environmental
11 Protection Agency. Further, the Legislature intends
12 that a substance which has been identified as a haz-
13 ardous waste by the board shall be removed from iden-
14 tification only by further rulemaking by the board.

15 Hazardous waste may be identified as follows.

16 A. The board may identify any substance as a
17 hazardous waste if that substance is identified
18 as hazardous by particular substance, by charac-
19 teristic, by chemical class or as a waste product
20 of a specific industrial activity in proposed or
21 final rules of the United States Environmental
22 Protection Agency.

23 B. The board may identify any substance as a
24 hazardous waste if the board, after evaluation
25 based on existing data or data reasonably
26 extrapolated from previously conducted studies
27 using similar classes of substances or compounds
28 under similar circumstances, has determined that
29 the substance is an acute or chronic toxin caus-
30 ing significant potential adverse public health
31 or environmental effects. An acute or chronic
32 toxin may include the characteristics of:

33 (1) Carcinogenicity;

34 (2) Mutagenicity;

35 (3) Teratogenicity; or

36 (4) Infectiousness.

37 Rules adopted under this paragraph shall be sub-
38 mitted to the joint standing committee of the

1 Legislature having jurisdiction over natural re-
2 sources for review. These rules shall remain in
3 effect until 90 days after adjournment of the
4 next regular session of the Legislature unless
5 adopted by legislative enactment.

6 C. Whenever the board proposes to adopt or amend
7 rules identifying hazardous waste or removing
8 hazardous waste from identification, it shall
9 hold a public hearing.

10 Sec. 22. 39 MRSA §22, as repealed by PL 1983, c.
11 509, §1 and as amended by PL 1983, c. 551, §§3 and 4,
12 is repealed.

13 Sec. 23. 39 MRSA §22-B, as enacted by PL 1983,
14 c. 509, §2, is reallocated to be 39 MRSA §22-C.

15 Sec. 24. 39 MRSA §103-B, sub-§1, as amended by
16 PL 1983, c. 643, §1, is further amended to read:

17 1. Procedure. An appeal shall be taken from the
18 commission decision by filing a copy of the decision,
19 order or agreement, with the division within 20 days
20 after receipt of notice of the filing of the decision
21 by the commission or commissioner.

22 Any party in interest may present copies of any or-
23 der, decision or agreement to the clerk of the divi-
24 sion.

25 The failure of an appellant who timely notifies the
26 division of his desire to appeal to provide a copy of
27 the decision, order or agreement appealed from shall
28 not affect the jurisdiction of the division to deter-
29 mine the appeal on its merits unless the appellee
30 shows substantial prejudice from that failure.

31 This section shall apply to cases now pending before
32 the appellate division and to cases hereafter filed.

33 Sec. 25. **Effective date.** Section 24 of this
34 Part shall take effect 90 days after adjournment of
35 the Legislature.

36 Sec. 26. PL 1983, c. 632, Pt. B, §7 is amended
37 to read:

1 Sec. 7. Effective date. ~~This~~ Sections 1 to 6 of
2 this Part shall take effect on March 31, 1985, unless
3 by that date the Governor has proclaimed that the
4 Constitution of Maine has been amended to require
5 that: Beginning with the property tax year 1984, all
6 watercraft, as defined by the Legislature, shall be
7 exempt from taxation as personal property; provided
8 however, that certain watercraft, as defined by the
9 Legislature, shall be subject to an excise tax to be
10 collected and retained by the municipalities. If the
11 Governor has not so proclaimed that date, ~~this~~ sec-
12 tions 1 to 6 of this Part ~~is~~ are repealed on March
13 31, 1985.

14 Emergency clause. In view of the emergency cited
15 in the preamble, this Act shall take effect when ap-
16 proved.

1 STATEMENT OF FACT

2 PART A

3 Section 1 corrects an internal reference.

4 Sections 2 to 4 change out-dated terminology to
5 conform to the Consumer Credit Code.

6 Section 5 corrects a conflict between Public Law
7 1983, chapter 362, section 2 and chapter 507, section
8 7.

9 Section 6 corrects an internal reference to the
10 Department of Corrections.

11 Section 7 makes a word change to render this
12 subpart consistent with the remainder of the Revised
13 Statutes, Title 18-A, section 2-514.

14 Section 8 corrects a minor inconsistency between
15 Public Law 1983, chapter 176 and chapter 241.

16 Section 9 corrects an inconsistency between Pub-
17 lic Law 1981, chapter 705, Part D, section 1 and
18 chapter 693, sections 5 and 8.

19 Section 10 incorporates the language of Public
20 Law 1983, chapter 485, section 5 and chapter 39, sec-
21 tion 1, thereby correcting any inconsistencies.

22 Section 11 repeals Public Law 1983, chapter 422,
23 section 11, to correct any conflict with Public Law
24 1983, chapter 364, section 3.

25 Section 12 corrects a possible inconsistency be-
26 tween Public Law 1983, chapter 315 and chapter 422,
27 section 13.

28 Section 13 corrects an inconsistency between Pub-
29 lic Law 1981, chapter 705, Part D, section 1 and
30 chapter 693, sections 5 and 8.

31 Section 14 incorporates the language of Public
32 Law 1983, chapter 169, section 4 and chapter 425,
33 section 3, thereby correcting potential conflicts.

1 Section 15 reallocates provisions to correct a
2 conflict.

3 Section 16 reallocates provisions in Public Law
4 1983, chapter 459, section 3, to correct
5 inconsistencies with Public Law 1983, chapter 473.

6 Section 17 reallocates provisions to correct a
7 conflict.

8 Sections 18 to 20 correct internal references in
9 the Revised Statutes, Title 26, chapter 7, subchapter
10 V-B.

11 Section 21 incorporates the language of Public
12 Law 1983, chapter 489, section 14 and chapter 351,
13 section 8, thereby correcting any conflict.

14 Section 22 incorporates the language of Public
15 Law 1983, chapter 257, section 1 and chapter 351,
16 section 16, thereby correcting any conflict.

17 Section 23 incorporates the language of Public
18 Law 1983, chapter 246 and chapter 351, section 19,
19 thereby correcting any potential conflicts.

20 Section 24 incorporates the language of Public
21 Law 1983, chapter 305, section 8, chapter 489, sec-
22 tion 15 and chapter 351, section 37, thereby correct-
23 ing any potential conflicts.

24 Section 25 incorporates the language of Public
25 Law 1983, chapter 480, Part A, section 32 and chapter
26 455, section 2, thereby correcting any potential con-
27 flicts.

28 Section 26 incorporates the language of Public
29 Law 1983, chapter 94, Part B, section 4 and chapter
30 282, section 1, thereby correcting any potential con-
31 flicts.

32 Section 27 corrects an error in grammar.

33 Section 28 corrects a typographical error.

34 Section 29 reallocates one provision of the Re-
35 vised Statutes, Title 29, section 2355, to rectify a

1 conflict.

2 Section 30 incorporates the language of Public
3 Law 1983, chapter 445 and chapter 370, section 13,
4 thereby correcting any conflicts.

5 Section 31 corrects possible conflicts between
6 Public Law 1983, chapter 601 and chapter 615.

7 Section 32 incorporates language of Public Law
8 1983, chapter 413, section 61 and chapter 468, sec-
9 tion 5, to avoid conflicts.

10 Section 33 corrects an error in grammar.

11 Section 34 incorporates the amendments made by
12 Public Law 1983, chapter 413, section 152 and chapter
13 468, section 22, to correct conflicts.

14 Section 35 incorporates changes made by Public
15 Law 1983, chapter 413, section 156 and chapter 468,
16 section 24, to avoid conflicts.

17 Section 36 corrects 2 typographical errors.

18 Section 37 corrects an error in grammar.

19 Section 38 corrects a typographical error.

20 Section 39 corrects the format of the section.

21 Section 40 incorporates the language of Public
22 Law 1983, chapter 78, section 3 and chapter 480, Part
23 A, section 38, to correct any conflict.

24 Section 41 corrects an error in syntax.

25 Section 42 reallocates a provision to correct a
26 conflict between 2 subsections given the same number.

27 Section 43 removes an inconsistency between Pub-
28 lic Law 1983, chapter 11 and chapter 380, section 2.

29 **PART B**

30 Section 1 corrects an inconsistency with Public
31 Law 1983, chapter 349 which repealed the Maine Insur-

1 ance Advisory Board and established the Risk Manage-
2 ment Division.

3 Sections 2 and 3 reallocate a provision regarding
4 reports by the Superintendent of Banking to a more
5 appropriate place. This reallocation maintains con-
6 sistency in the numbering system of the Banking Code.
7 Also, to the extent that the provision is designed to
8 provide reports covering the wide variety of depository
9 institutions in Maine, its previous placement
10 excluded credit unions. By virtue of the Revised
11 Statutes, Title 9-B, section 131, subsection 17,
12 placing this provision in the Revised Statutes, Title
13 9-B, chapter 21, will remedy this oversight.

14 Section 4 replaces the inartful phrase "took
15 place" with the proper phrase "was entered."

16 Sections 5 and 6 are necessary to make technical
17 corrections in the PAC law.

18 Section 7 corrects a statutory reference.

19 Section 8 corrects an inconsistency.

20 Section 16 repeals the provisions of the Maine
21 Veterans' Small Business Loan Act which has been
22 recodified in Title 37-B. Public Law 1983, chapter
23 519, AN ACT to Create the Finance Authority of Maine,
24 also repealed that Act and incorporated its provi-
25 sions in the FAM law. The repeal accomplished by
26 this section will avoid a conflict between the recod-
27 ification and FAM law.

28 Sections 9, 10, 17 and 18 are necessary to incor-
29 porate the provisions of Public Law 1983, c. 516, AN
30 ACT to Assure Public Awareness of Nuclear Civil Pro-
31 tection Plans for Maine, into the new Title 37-B as
32 enacted by Public Law 1983, c. 460.

33 Sections 11, 12, 13, 14, 15, 19 and 20 are neces-
34 sary to incorporate the provisions of Public Law
35 1983, chapter 472, AN ACT Relating to Emergency Plan-
36 ning for the Area Around Nuclear Power Plants, in
37 the new Title 37-B which was enacted by Public Law
38 1983, chapter 460.

