

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)

2 THIRD SPECIAL SESSION  
3

4 ONE HUNDRED AND ELEVENTH LEGISLATURE  
5

6 Legislative Document

No. 2489

7  
8 S.P. 931

Senate of Maine, September 7, 1984

9 Reported by Senator Trafton of Androscoggin from the Committee on  
10 Judiciary pursuant to Joint Order S.P. 925 and ordered printed under Joint  
Rule 2.

11 JOY J. O'BRIEN, Secretary of the Senate

12  
13 STATE OF MAINE  
14

15 IN THE YEAR OF OUR LORD  
16 NINETEEN HUNDRED AND EIGHTY-FOUR  
17

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

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

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

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

31 Whereas, in the judgment of the Legislature,  
32 these facts create an emergency within the meaning of  
33 the Constitution of Maine and require the following  
34 legislation as immediately necessary for the preser-

1 vation of the public peace, health and safety; now,  
2 therefore,

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

5 Sec. 1. 2 MRSA §6-A, sub-§2, as enacted by PL  
6 1983, c. 853, Pt. C, §2, is reallocated to be 2 MRSA  
7 §6-A, sub-§1-A.

8 Sec. 2. 3 MRSA §162-A, first ¶, as amended by PL  
9 1983, c. 853, Pt. A, §3, is further amended to read:

10 Notwithstanding any other provisions of law, the  
11 Legislative Council is authorized to adjust the sala-  
12 ries of the following state officials within the sala-  
13 rary ranges indicated in this section. The adjustment  
14 may be at the time of appointment of the official and  
15 subsequently as provided by law. The salary ranges  
16 shall be as provided by law. No other state salary  
17 may be paid to these officials. Where salary sched-  
18 ules differ among employee groups or bargaining  
19 units, the salary schedule for confidential employees  
20 shall be used. ~~The Legislative Council shall adjust~~  
21 ~~the salaries of the Secretary of State, Treasurer of~~  
22 ~~State, State Auditor and Attorney General to the~~  
23 ~~first step of their respective ranges upon their ini-~~  
24 ~~tial appointments to office.~~

25 Sec. 3. Effective date. Section 2 shall take  
26 effect on December 1, 1984.

27 Sec. 4. 3 MRSA §162-A, sub-§§3, 4 and 5, as en-  
28 acted by PL 1983, c. 853, Pt. A, §4, are repealed.

29 Sec. 5. 3 MRSA § 162-B is enacted to read:

30 §162-B. Salaries of constitutional officers

31 Notwithstanding any other provisions of law, the  
32 salaries of the following state officials shall be at  
33 the salary ranges indicated in this section. At the  
34 time of initial appointment the salary of the Secre-  
35 tary of State, the State Auditor and the Treasurer of  
36 State shall be set at the first step of the  
37 official's respective range. At the time of initial

1 appointment, the salary of the Attorney General shall  
2 be set at Step E of his salary range. The Legisla-  
3 tive Council may adjust the salary of each official  
4 by one step for each year of continuous service after  
5 the initial appointment to office.

6 The salary ranges shall be as provided by law for  
7 confidential employees who take the salary increase  
8 option instead of state payment of retirement contri-  
9 bution. No other state salary may be paid. These  
10 officials are not eligible for state payment of em-  
11 ployee retirement contributions.

12 1. Range 87. The salary of the following state  
13 officials and employees shall be within salary range  
14 87, but shall not exceed Step G in that range:

15 A. Secretary of State; and

16 B. Treasurer of State.

17 2. Range 88. The salary of the State Auditor  
18 shall be within salary range 88, but shall not exceed  
19 Step G in that range.

20 3. Range 90. The salary of the Attorney General  
21 shall be within salary range 90, but shall not be  
22 less than Step E and shall not exceed Step G in that  
23 range.

24 Sec. 6. Effective date; officials. Section 5 of  
25 this Act shall take effect on December 1, 1984. Of-  
26 officials who hold the offices of Secretary of State,  
27 Treasurer of State, State Auditor or Attorney General  
28 on the effective date of this section shall be placed  
29 on that date in their respective statutory pay ranges  
30 on that date at the appropriate step for their ini-  
31 tial appointment.

32 Sec. 7. 5 MRSA §711, sub-§1, ¶H, as amended by  
33 PL 1983, c. 139; c. 477, Pt. E, sub-pt. 10; and c.  
34 579, §3, is repealed.

35 Sec. 8. 5 MRSA §711, sub-§2, ¶A, as repealed and  
36 replaced by PL 1983, c. 819, §7, and PL 1983, c. 829,  
37 §1, is repealed.

1           Sec. 9. 5 MRSA §711, sub-§2, ¶A, sub-¶(8), as  
2 repealed and replaced by PL 1983, c. 807, Pt. K, is  
3 repealed.

4           Sec. 10. 5 MRSA §931, sub-§1, ¶H, as enacted by  
5 PL 1983, c. 729; §4, is repealed and the following  
6 enacted in its place:

7           H. Officers and employees of the unorganized  
8 territory school system; the teachers, adminis-  
9 trators and professional employees of the state  
10 vocational-technical institutes and the Governor  
11 Baxter School for the Deaf; and the teachers, ad-  
12 ministrators and professional employees of school  
13 systems in other state institutions; and

14           Sec. 11. 5 MRSA §933, sub-§1, as enacted by PL  
15 1983, c. 729, §4, is amended to read:

16           1. Major policy-influencing positions. The fol-  
17 lowing positions are major policy-influencing posi-  
18 tions within the Department of Agriculture, Food and  
19 Rural Resources. Notwithstanding any other provision  
20 of law, these positions and their successor positions  
21 shall be subject to this chapter:

22           A. Deputy Commissioner;

23           B. Associate Commissioner for Policy Develop-  
24 ment;

25           C. Director, Bureau of Agricultural Productions;

26           D. Director, Bureau of Agricultural Marketing;

27           E. Director, Bureau of Agriculture and Rural Re-  
28 sources;

29           F. Director, Bureau of Public Services; ~~and~~

30           G. Assistant to the Commissioner for Public In-  
31 formation- ; and

32           H. Assistant to the Commissioner for Potato Mar-  
33 keting.

1           Sec. 12. 5 MRSA §935, sub-§1, ¶B, as enacted by  
2 PL 1983, c. 729, §4, is repealed and the following  
3 enacted in its place:

4           B. Deputy Commissioner;

5           Sec. 13. 5 MRSA §938, sub-§1, ¶¶A and B, as en-  
6 acted by PL 1983, c. 729, §4, are amended to read:

7           A. Deputy Commissioner; ~~and .~~

8           ~~B. Assistant to the Commissioner.~~

9           Sec. 14. 5 MRSA §942, as enacted by PL 1983, c.  
10 729, §4, is amended to read:

11           §942. Department of Inland Fisheries and Wildlife

12           1. Major policy-influencing positions. The fol-  
13 lowing positions are major policy-influencing posi-  
14 tions within the Department of Inland Fisheries and  
15 Wildlife. Notwithstanding any other provision of  
16 law, these positions and their successor positions  
17 shall be subject to this chapter:

18           A. Deputy Commissioner;

19           B. Game Warden Colonel; and

20           C. Assistant to the Commissioner for Public In-  
21 formation; ~~and .~~

22           ~~D. Assistant to the Commissioner.~~

23           Sec. 15. 5 MRSA §943, sub-§1, ¶E, as enacted by  
24 PL 1983, c. 729, §4, is amended to read:

25           E. Assistant to the Commissioner for Public  
26 Information Affairs;

27           Sec. 16. 5 MRSA §12002, sub-§1, as enacted by PL  
28 1983, c. 812, §39, is amended to read:

29           1. Board. "Board" means any authority, board,  
30 commission, committee, council and similar organiza-  
31 tion, including ~~quasi-independent~~ independent organi-  
32 zations, established or authorized by the Legislature

1 to fulfill specific functions and which does not  
2 serve as a full-time state agency. "Board" does not  
3 include:

4 A. Any informal advisory organization estab-  
5 lished exclusively by a state agency to advise  
6 the commissioner or director of that agency on an  
7 informal basis;

8 B. Any authority, board, commission, committee,  
9 council and similar organization organized or ap-  
10 pointed exclusively by a political subdivision of  
11 the State to include regional, county and local  
12 planning boards, economic development boards or  
13 district, or educational, cultural or recreation-  
14 al boards;

15 C. Any authority, board, commission, committee,  
16 council and similar organization organized exclu-  
17 sively pursuant to federal law and which does not  
18 require authorization by the State; and

19 D. Any authority, board, commission, committee,  
20 council and similar organization organized or au-  
21 thorized exclusively by Executive Order; and

22 E. Special study organizations as defined in  
23 subsection 4.

24 Sec. 17. 5 MRSA §12004, sub-§1, ¶A, sub-¶(23),  
25 as enacted by PL 1983, c. 812, §39, is amended to  
26 read:

27 (23) Board of Registration \$1,250/Year- 32 MRSA §3263  
28 in Medicine Member  
29 \$1,500/Year-  
30 Chairman  
31 ~~\$1,500/Year-~~ \$7,500/Year  
32 Secretary

33 Sec. 18. 5 MRSA §12004, sub-§1, ¶A, sub-¶(24-A)  
34 is enacted to read:

35 (24-A) Board of Occupational Expenses 32 MRSA §2273  
36 Therapy Practice Only

1           Sec. 19. 5 MRSA §12004, sub-§1, ¶A, sub-¶(34),  
2 as enacted by PL 1983, c. 812, §39, is amended to  
3 read:

4           (34) State Board of       Net Expenses       32 MRSA §7026  
5                Social Worker       Authorized Only  
6                Registration

7           Sec. 20. 5 MRSA, §12004, sub-§8, ¶A, sub-¶(1),  
8 as enacted by PL 1983, c. 812, §39, is amended to  
9 read:

10          (1) Agriculture   Animal        ~~§35/Day~~ Leg-   17 MRSA  
11                            Welfare        islative Per   §1051-A  
12                            Board         Diem

13           Sec. 21. 5 MRSA §12004, sub-§8, ¶A, sub-¶(8), as  
14 enacted by PL 1983, c. 812, §39, is repealed.

15           Sec. 22. 5 MRSA §12004, sub-§10, ¶A, sub-¶(13),  
16 as enacted by PL 1983, c. 812, §39, is repealed.

17           Sec. 23. 5 MRSA §12004, sub-§10, ¶A, sub-¶(33-A)  
18 is enacted to read:

19          (33-A) Human Services: Scientific Expenses 22 MRSA  
20                    Environmental Advisory Only §1693-A  
21                    Health Panel

22           Sec. 24. 5 MRSA §12004, sub-§10, ¶A, sub-¶(53),  
23 as enacted by PL 1983, c. 812, §39, is repealed.

24           Sec. 25. 5 MRSA §12004, sub-§10, ¶A, sub-¶(64-A)  
25 is enacted to read:

26          (64-A) Public Advisory Committee Expenses Resolves,  
27                    Advocate to the Public Only 1983, c. 48  
28                    Office Advocate

29           Sec. 26. 5 MRSA §12004, sub-§12, ¶A, sub-¶(5),  
30 as enacted by PL 1983, c. 812, §39, is amended to  
31 read:

32          (5) Marine        Atlantic States   Net        12 MRSA §4603  
33                Resources   Marine Fisher-   Authorized  
34                            ies Commission   Expenses  
35    only



1           Sec. 27. 7 MRSA, §1008-C, sub-§2 as enacted by  
2 PL 1983, c. 829, §9, is amended to read:

3           2. Daily fair market value. Based on guidelines  
4 established in subsection 1, determine a daily fair  
5 market value to first handlers for round white pota-  
6 toes offered F.O.B., Presque Isle, for United States  
7 number 1, size A, 2-inch minimum, packed in 50-pound  
8 containers. Upon request of the board, the commis-  
9 sioner shall provide to the board and other inter-  
10 ested parties a written explanation of the basis for  
11 the fair market value as it is determined on any  
12 given day; and

13           Sec. 28. 7 MRSA §1008-C, sub-§4, as repealed by  
14 PL 1983, c. 829, §11, is reenacted to read:

15           4. Rules. After notice and opportunity for  
16 hearing in a manner consistent with the Maine Admin-  
17 istrative Procedure Act, Title 5, chapter 375, estab-  
18 lish rules to carry out the purposes of this Article.

19           Sec. 29. 8 MRSA, §152, first ¶, as amended by PL  
20 1983, c. 553, §8, is further amended to read:

21           The promoter or promoters of all boxing contests  
22 or exhibitions and all professional wrestling  
23 matches, shows or exhibitions held under this chapter  
24 shall pay to the Treasurer of State, for credit to  
25 the Athletic Commission Fund, a tax of 5% of the  
26 gross receipts from the contest or exhibition up to a  
27 maximum tax of \$2,500. This section shall apply to  
28 all boxing contests or exhibitions which are shown  
29 over closed circuit television.

30           Sec. 30. 10 MRSA §1001, sub-§7, as amended by PL  
31 1983, c. 648, §1, and as repealed and replaced by PL  
32 1983, c. 699, §1, is repealed and the following en-  
33 acted in its place:

34           7. Eligible project, subchapters III and  
35 IV. "Eligible project," as used in subchapters III  
36 and IV means any type of project for which the pro-  
37 ceeds of the revenue obligation securities may be ex-  
38 pended without causing the interest on the securities  
39 to lose its exemption from federal income taxation  
40 under the United States Internal Revenue Code, Sec-

1 tion 103 and as provided in section 1041, subsection  
2 1 and section 1061, subsection 1, except:

3 A. Retail stores;

4 B. Professional office buildings;

5 C. Office building or space of less than 5,000  
6 square feet and, at the time of application, as  
7 determined according to rules adopted by the au-  
8 thority:

9 (1) Less than 20% of the employees in the  
10 existing office building represent new jobs  
11 over a 3-year period immediately prior to  
12 the time of application;

13 (2) Less than 20% of the employees who oc-  
14 cupy the new office building represent new  
15 jobs within the first year following occupa-  
16 tion of the new office building; or

17 (3) That the increase in the number of new  
18 jobs in the municipality represented by the  
19 occupants in the proposed office building is  
20 not expected to be a significant increase,  
21 as determined by the authority, and would  
22 not make an important contribution to the  
23 economy of the municipality for which the  
24 project is proposed.

25 D. Any office building or space proposed by an  
26 applicant who, as determined by the authority is  
27 able to compete successfully in the normal com-  
28 mercial lending market and to pay the rates which  
29 private financial institutions are charging for  
30 similar projects; and

31 E. Any office building or space proposed by an  
32 applicant who or which does not meet the require-  
33 ments prescribed in rules by the authority per-  
34 taining to individual net worth, affect of the  
35 proposed project on similar, existing projects,  
36 affect of the proposed project on the general ar-  
37 ea in which it is located and any other standards  
38 deemed necessary by the authority to determine  
39 the potential affect of the proposed project and

1 the ability of the applicant to undertake the  
2 project with resources of conventional financing  
3 institutions.

4 No approval may be granted under this chapter for any  
5 eligible project whose primary use is the operation  
6 of one or more retail stores, unless the application  
7 for approval thereof under prior section 864 or under  
8 prior section 1043 or 1063 or under prior Title 30,  
9 section 5328 was received by the Maine Guarantee Au-  
10 thority prior to October 1, 1981; or except in the  
11 case of the reconstruction of an existing building  
12 project as defined in subsection 26, and satisfying  
13 the criteria set forth in section 1063, subsection 2,  
14 paragraph G.

15 Sec. 31. 10 MRSA §1041, sub-§1, as amended by PL  
16 1983, c. 648, §3 and as repealed and replaced by PL  
17 1983, c. 699, §3, is repealed and the following en-  
18 acted in its place:

19 1. Kinds of projects. Acquire, construct, re-  
20 construct, maintain, renew and replace eligible  
21 projects within the State, as defined in section  
22 1001, subsection 7, whether or not now in existence,  
23 or assist a user to acquire, construct, reconstruct,  
24 renew and replace these projects provided that no ap-  
25 proval may be granted under this chapter for any  
26 project whose primary use is the operation of one or  
27 more retail stores, unless the application for ap-  
28 proval thereof under prior section 864 or under prior  
29 section 1043 or 1063 or under prior Title 30, section  
30 5328 was received by the Maine Guarantee Authority  
31 prior to October 1, 1981; or except in the case of  
32 the reconstruction of an existing building project as  
33 defined in section 1001, subsection 26, and satisfy-  
34 ing the criteria set forth in section 1063, subsec-  
35 tion 2, paragraph G;

36 Sec. 32. 10 MRSA §1061, sub-§1, as amended by PL  
37 1983, c. 648, §4 and as repealed and replaced by PL  
38 1983, c. 699, §4, is repealed and the following en-  
39 acted in its place:

40 1. Kinds of projects. Acquire, construct, re-  
41 construct, renew and replace or provide financing  
42 for, within the corporate limits of the municipality,

1 eligible projects, as defined in section 1001, sub-  
2 section 7.

3 A. For the purposes of this subchapter only, a  
4 municipality may undertake or provide for the fi-  
5 nancing of reconstruction of an existing building  
6 project as defined in section 1001, subsection 26  
7 and section 1063, subsection 2, paragraph G.

8 B. No approval may be granted under this chapter  
9 for any project whose primary use is the opera-  
10 tion of one or more retail stores, unless the ap-  
11 plication for approval thereof under prior sec-  
12 tion 864 or under prior section 1043 or 1063 or  
13 under prior Title 30, section 5328 was received  
14 by the Maine Guarantee Authority prior to October  
15 1, 1981; or except in the case of the reconstruc-  
16 tion of an existing building project as defined  
17 in section 1001, subsection 26, and satisfying  
18 the criteria set forth in section 1063, subsec-  
19 tion 2, paragraph G.

20 **Sec. 33. 10 MRSA, §2366-A, as enacted by PL**  
21 **1983, c. 804, §10, is amended to read:**

22 §2366-A. Disputed wood

23 In case a dispute arises as to whether wood was  
24 accurately scaled or measured, the person aggrieved  
25 may file a complaint with the state sealer. Any com-  
26 plaint shall be initiated within 15 days of discovery  
27 of the alleged grievance. The state sealer shall in-  
28 vestigate the complaint. As part of the investiga-  
29 tion, the state sealer or deputy state sealer may  
30 subpoena such witnesses and documents as may be nec-  
31 essary to determine the matter, and may cause the  
32 disputed wood to be impounded and check measured if  
33 it may be separately identified. In the event that  
34 an aggrieved party fails to file a complaint within  
35 15 days from discovery of the alleged grievance, the  
36 aggrieved party is barred from seeking a remedy under  
37 section 2368, subsection ~~1~~ 2.

38 **Sec. 34. 12 MRSA §685-A, sub-§4, as amended by**  
39 **PL 1983, c. 827, §1, is further amended to read:**

40 4. Land use standards considered as minimum re-

1 quirements. Land use standards shall be interpreted  
2 and applied by the commission as minimum require-  
3 ments, adopted to reasonably and effectively promote  
4 health, safety and general welfare and insure compli-  
5 ance with state plans and policies.

6 Whenever the requirements of the adopted land use  
7 standards are at variance with the requirements of  
8 any other lawfully adopted rules, regulations, stan-  
9 dards, ordinances, deed restrictions or covenants,  
10 the more protective of existing natural, recreation  
11 and historic resources shall govern.

12 Any portion of a land use district which subsequently  
13 becomes an organized municipality or part of an or-  
14 ganized municipality or any plantation which adopts  
15 planning, zoning and subdivision control as provided  
16 in Title 30, section 5621, shall continue to be regu-  
17 lated by the Maine Land Use Regulation Commission  
18 pursuant to this chapter until such time as the mu-  
19 nicipality or plantation of which the regulated dis-  
20 trict is then a part, shall adopt land use plans and  
21 regulations not less protective of the existing natu-  
22 ral, recreational or historic resources than those  
23 adopted by the commission.

24 Any municipality organized after September 23, 1971,  
25 or any plantation which adopts planning, zoning and  
26 subdivision control as provided in Title 30, section  
27 5621, may submit to the commission and receive the  
28 approval of the commission of the following:

29 A. A comprehensive land use plan for such  
30 plantation or proposed city or town;

31 B. Standards for determining land use district  
32 boundaries and uses permitted within such dis-  
33 tricts in such plantation or proposed city or  
34 town;

35 C. A land use district boundary map for such  
36 plantation or proposed city or town;

37 D. Such other proposed regulations or standards  
38 as the commission deems to be necessary to  
39 achieve the purpose, intent and provisions of  
40 this chapter; and

1 E. Upon request of the municipality or  
2 plantation, the commission shall prepare such  
3 plans, maps, regulations and standards as it may  
4 deem necessary to meet minimum planning and zon-  
5 ing standards for its approval thereof.

6 Upon obtaining the foregoing approval, the  
7 plantation, city or town shall thereafter adopt, ad-  
8 minister and enforce such approved plans, maps, regu-  
9 lations and standards.

10 From time to time, the commission may review the ad-  
11 ministration and enforcement of local land use plans  
12 and regulations by plantations and municipalities  
13 which have adopted land use plans, maps, regulations  
14 and standards approved by the commission. If, fol-  
15 lowing the review, the commission finds that any of  
16 the following have ~~accrued~~ occurred, the commission  
17 may reestablish its jurisdiction over that plantation  
18 or municipality:

19 A. A plantation or municipality has repealed the  
20 land use plan, maps, standards or regulations  
21 necessary to satisfy the requirements of this  
22 subsection or has substantially modified the land  
23 use plan, maps, standards or regulations so that  
24 the resources of the plantation or municipality  
25 are not reasonably protected;

26 B. A plantation or municipality has abolished or  
27 does not have functioning the administrative  
28 bodies and officers necessary to implement the  
29 land use program as approved by the commission,  
30 normally a planning board, board of appeals and  
31 code enforcement officer are included, but this  
32 may vary depending on the local program; or

33 C. A plantation or municipality has not adminis-  
34 tered or enforced its land use plan, maps, stan-  
35 dards or regulations in a manner which reasonably  
36 protects the resources in the plantation or mu-  
37 nicipality involved.

38 The action by the commission shall conform with the  
39 provisions for rulemaking of the Maine Administrative  
40 Procedure Act, Title 5, chapter 375.

1 Action taken by the commission to reestablish its ju-  
2 risdiction over a plantation or municipality shall be  
3 effective immediately, but shall be submitted to the  
4 current or next regular session of the Legislature  
5 for approval. If the Legislature fails to act, the  
6 action shall continue in effect.

7 Sec. 35. 12 MRSA §1701, first ¶, as amended by  
8 PL 1983, c. 812, §78, is repealed.

9 Sec. 36. 12 MRSA c. 702, as enacted by PL 1983,  
10 c. 807, Pt. Q, §1 is repealed.

11 Sec. 37. 12 MRSA c. 702-A, as enacted by PL  
12 1983, c. 797, §2, is repealed.

13 Sec. 38. 12 MRSA §7072, sub-§3, as repealed and  
14 replaced by PL 1983, c. 819, Pt. A, §23, is amended  
15 to read:

16 3. Agents for the purpose of selling licenses to  
17 nonresidents. Agents, other than clerks of towns,  
18 for the purpose of selling licenses to nonresidents  
19 shall be appointed as follows:

20 A. The commissioner shall designate as an agent  
21 for the purpose of selling nonresident licenses  
22 any business which submits a complete applica-  
23 tion, is credit worthy and has not violated any  
24 provision of this Part. A business, the agency of  
25 which is revoked, may reapply for an agency for  
26 the 2nd year following the last year it held an  
27 agency.

28 B. An applicant for an agency shall submit a  
29 nonrefundable \$30 application fee with the appli-  
30 cation and a \$30 fee each year thereafter for re-  
31 newable.

32 C. The commissioner may waive the \$30 fee for an  
33 agency selling 50 licenses or less annually, lo-  
34 cated in a geographical area where no other agen-  
35 cy exists and where the commissioner determines  
36 that an agency is necessary to serve the needs of  
37 nonresident hunters and fishermen.

38 Sec. 39. 12 MRSA §7108, as enacted by PL 1983,

1 c. 807, Pt. L, §2, is reallocated to be 12 MRSA  
2 §7109.

3 Sec. 40. 12 MRSA §7407, as enacted by PL 1983,  
4 c. 807, Pt. L, §3, is amended to read:

5 §7407. Migratory waterfowl hunting

6 Migratory waterfowl hunting is governed by the  
7 license and permit provisions of sections 7105 and  
8 7108 and 7109.

9 Sec. 41. 12 MRSA §7901, sub-§7 is enacted to  
10 read:

11 7. Violation of terms or conditions. A viola-  
12 tion of section 7776 or a violation of any of the  
13 terms or conditions of a permit issued pursuant to  
14 section 7777, in addition to being a Class E crime,  
15 is a civil violation for which a forfeiture of not  
16 less than \$100 nor more than \$10,000 may be adjudged.

17 Sec. 42. 15 MRSA §224-A, sub-§2, as enacted by  
18 PL 1983, c. 843, §11, is amended to read:

19 2. Funding. The Extradition Account in each  
20 prosecutorial district shall be funded by bail for-  
21 feited to and recovered by the State pursuant to the  
22 Maine Rules of Criminal Procedure, Rule 46D or Dis-  
23 trict Court Criminal Rules, Rule 40. Whenever bail  
24 is so forfeited and recovered by the State, the dis-  
25 trict attorney shall determine whether it or a por-  
26 tion of it shall be deposited in the Extradition Ac-  
27 count for his prosecutorial district, but in no event  
28 may the account exceed \$10,000. Any bail so forfeit-  
29 ed and recovered and not deposited in the Extradition  
30 Account shall be deposited in the General Fund. Any  
31 unexpended balance in the Extradition Account of a  
32 prosecutorial district established by this section  
33 shall not lapse but shall be carried forward into  
34 the next year.

35 Sec. 43. 15 MRSA §813, as enacted by PL 1983, c.  
36 795, §1, is repealed and the following enacted in its  
37 place:

38 §813. State's attorney present at certain proceed-



1           ings

2           An attorney for the State shall be present in  
3 District Court at all proceedings governed by Rule 5,  
4 Maine District Court Rules of Criminal Procedure; and  
5 Rule 5, Maine Rules of Criminal Procedure, at which  
6 bail is being set, except when the offense charged is  
7 a Class D or E crime.

8           Sec. 44. 15 MRSA §814, as enacted by PL 1983, c.  
9 795, §1, is amended to read:

10       §814. Opportunity for State to present relevant  
11 information

12           A Judge of the District Court or Justice of the  
13 Supreme Judicial or Superior Courts or bail commis-  
14 sioner, before making a determination as to whether  
15 or not to admit a person accused of murder or a Class  
16 A, Class B or Class C crime to bail, shall afford the  
17 attorney for the State or a law enforcement officer  
18 familiar with the charges to present any ~~evidence~~  
19 information relevant to bail considerations.

20           Sec. 45. 15 MRSA §851, last ¶, as enacted by PL  
21 1983, c. 795, §2, is amended to read:

22           Any person who offers real estate as surety for  
23 the appearance before a court of a person accused of  
24 murder or a Class A, Class B or Class C crime shall  
25 be required to file a bail lien with the register of  
26 deeds in the county where the real estate lies. If  
27 the accused is to be bailed prior to his appearance  
28 in a court for the first time, the person offering  
29 ~~that~~ the real estate shall file with that court a  
30 copy of the lien attested by the register of deeds,  
31 stating the date of recording and the book and page  
32 number at which the lien is recorded, on the next  
33 business day after which the real estate is so of-  
34 fered. If the accused is bailed after having ap-  
35 peared in court for the first time, the ~~suspect~~  
36 accused shall not be released from custody until the  
37 person so offering his real estate has filed with the  
38 court, with ~~whom~~ which the bail is posted, a copy of  
39 the lien attested by the register of deeds, stating  
40 the date of recording and the book and page number at  
41 which the lien is recorded. If a ~~suspect~~ an accused

1 is released from custody prior to his first appear-  
2 ance in court upon a person offering real estate as  
3 surety and that person fails to file with the court a  
4 duly attested copy of the lien required by this sec-  
5 tion within the prescribed time limits, the suspect  
6 accused may be taken into custody without the issu-  
7 ance of further process and shall be held as though  
8 the surety had not offered his real estate as surety.  
9 The person filing the lien is responsible for a fee  
10 to be paid to the register of deeds for receiving,  
11 recording and indexing the bail lien and for dis-  
12 charge of the bail lien as provided in Title 33,  
13 chapter 11, subchapter IV. A bail lien shall not be  
14 required if bail is posted through a non-profit bail  
15 assistance project.

16 Sec. 46. 15 MRSA §942, sub-§1-A, as amended by  
17 PL 1983, c. 795, §3, is further amended to read:

18 1-A. Denial of release on personal recognizance  
19 or unsecured bond; statement required. If the ac-  
20 cused is not released on his personal recognizance or  
21 on execution of an unsecured bond, the justice, judge  
22 or bail commissioner admitting the accused to bail,  
23 shall state on the record or in writing why release  
24 on personal recognizance or on execution of an unse-  
25 secured bond is not appropriate. If a person accused  
26 of murder or a Class A, Class B or Class C crime is  
27 released on his personal recognizance or on execution  
28 of an unsecured bond, the justice, judge or bail com-  
29 missioner shall state on the record or in writing why  
30 release on personal recognizance or unsecured bond  
31 was appropriate.

32 Sec. 47. 17-A MRSA §15, sub-§1, ¶A, as amended  
33 by PL 1983, c. 735, §1, and PL 1983, c. 795, §5, is  
34 repealed and the following enacted in its place:

35 A. Any person who he has probable cause to be-  
36 lieve has committed or is committing:

37 (1) Murder;

38 (2) Any Class A, Class B or Class C crime;

39 (3) Assault while hunting;

1                   (4) Any offense defined in chapter 45;

2                   (5) Assault, if the officer reasonably be-  
3                   lieves that the person may cause injury to  
4                   others unless immediately arrested;

5                   (5-A) Assault, criminal threatening,  
6                   terrorizing or reckless conduct, if the of-  
7                   ficer reasonably believes that the person  
8                   and the victim are family or household mem-  
9                   bers, as defined in Title 15, section 301;

10                   (6) Theft as defined in section 357, when  
11                   the value of the services is \$1,000 or less,  
12                   if the officer reasonably believes that the  
13                   person will not be apprehended unless imme-  
14                   diately arrested;

15                   (7) Forgery, if the officer reasonably be-  
16                   lieves that the person will not be appre-  
17                   hended unless immediately arrested;

18                   (8) Negotiating a worthless instrument, if  
19                   the officer reasonably believes that the  
20                   person will not be apprehended unless imme-  
21                   diately arrested;

22                   (9) A violation of a condition of his pro-  
23                   bation when requested by an official of the  
24                   Division of Probation and Parole; or

25                   (10) Violation of a condition of release in  
26                   violation of Title 15, section 942, subsec-  
27                   tion 5; and

28                   Sec. 48. 19 MRSA §214, sub-§4, as enacted by PL  
29                   1983, c. 813, §1, is amended to read:

30                   4. Mediation. Prior to a contested hearing un-  
31                   der this section where there are minor children of  
32                   the parties, the court shall refer the parties to me-  
33                   diation; except that, the court, for good cause  
34                   shown, may hear contested motions on issues of paren-  
35                   tal rights and responsibilities, child support or  
36                   possession of the family residence pending a final  
37                   order under this section and prior to referring the  
38                   parties to mediation. Any agreement reached by the

1 parties through mediation on any issues shall be re-  
2 duced to writing, signed by the parties and presented  
3 to the court for approval as a court order. When  
4 agreement through mediation is not reached on any is-  
5 sue, the court must determine that the parties made a  
6 good faith effort to mediate the issue before pro-  
7 ceeding with a hearing. If the court finds that ei-  
8 ther party failed to make a good faith effort to me-  
9 diate, the court may refer the parties back to media-  
10 tion.

11 Sec. 49. 19 MRSA §581, sub-§4, as enacted by PL  
12 1983, c. 813, §2, is amended to read:

13 4. Mediation. Prior to a contested hearing un-  
14 der this section where there are minor children of  
15 the parties, the court shall refer the parties to me-  
16 diation; except that, the court, for good cause  
17 shown, may hear contested motions on issues of paren-  
18 tal rights and responsibilities, child support or  
19 possession of the family residence pending a final  
20 order under this section and prior to referring the  
21 parties to mediation. Any agreement reached by the  
22 parties through mediation on any issues shall be re-  
23 duced to writing, signed by the parties and presented  
24 to the court for approval as a court order. When  
25 agreement through mediation is not reached on any is-  
26 sue, the court must determine that the parties made a  
27 good faith effort to mediate the issue before pro-  
28 ceeding with a hearing, if the court finds that ei-  
29 ther party failed to make a good faith effort to me-  
30 diate, the court may refer the parties back to media-  
31 tion.

32 Sec. 50. 19 MRSA §752, sub-§4, as enacted by PL  
33 1983, c. 813, §5, is amended to read:

34 4. Mediation. Prior to a contested hearing un-  
35 der this chapter where there are minor children of  
36 the parties, the court shall refer the parties to me-  
37 diation; except that, the court for good cause shown,  
38 may hear contested motions on issues of parental  
39 rights and responsibilities, child support or posses-  
40 sion of the family residence pending a final order  
41 under this section and prior to referring the parties  
42 to mediation. Any agreement reached by the parties  
43 through mediation on any issues shall be reduced to

1 writing, signed by the parties and presented to the  
2 court for approval as a court order. When agreement  
3 through mediation is not reached on any issue, the  
4 court must determine that the parties made a good  
5 faith effort to mediate the issue before proceeding  
6 with a hearing. If the court finds that either part  
7 failed to make a good faith effort to mediate, the  
8 court may refer the parties back to mediation.

9           Sec. 51. 20-A MRSA §255, sub-§4, as amended by  
10 PL 1983, c. 806, §1, is further amended to read:

11           4. Maintaining records. The commissioner shall  
12 preserve all school reports of this State and of other  
13 states which the ~~commissioner~~ commissioner may re-  
14 ceive, the returns from the various municipalities  
15 and institutions of learning and books, apparatus,  
16 maps, charts, works on education, plans for school  
17 buildings, models and other articles of interest to  
18 school officers and teachers as may be obtained with-  
19 out expense to the State.

20           Sec. 52. 20-A MRSA §1001, sub-§11, as repealed  
21 by PL 1983, c. 661, §1 and as amended by PL 1983, c.  
22 806, §10 is repealed.

23           Sec. 53. 20-A MRSA §4204, sub-§3, as amended by  
24 PL 1983, c. 806, § 43, is further amended to read:

25           3. Advisory committee. The commissioner shall  
26 appoint a committee of professional and lay people to  
27 ~~give advice~~ advise the commissioner in the adoption  
28 of standards.

29           Sec. 54. 20-A MRSA §4406, as amended by PL 1983,  
30 c. 806, §45, is further amended to read:

31           §4406. Junior high school defined

32           A junior high school means a school which main-  
33 tains a diversified program of studies approved by  
34 the commissioner, for a combination of 2 or more con-  
35 secutive grades 6 to 9, as the commissioner may pre-  
36 scribe, throughout the school year. A junior high  
37 school may be maintained in connection with or as a  
38 part of an approved or accredited secondary school.

1           Sec. 55. 20-A MRSA §4601, sub-§6, as amended by  
2 PL 1983, c. 806, sub-§46, is further amended to read:

3           6. Exception. A student who has satisfactorily  
4 completed the freshman year in a degree-granting in-  
5 stitution may receive a secondary school diploma from  
6 the school ~~he~~ the student last attended. These stu-  
7 dents do not need to meet the graduation requirements  
8 in subsection 1, paragraph A and subsection 2.

9           Sec. 56. 20-A MRSA §5001-A, sub-§3, ¶B, as en-  
10 acted by PL 1983, c. 806, §49, is amended to read:

11           B. A person may be excused to attend an alter-  
12 nate program under section 5002 or ~~5051~~ 5104 or  
13 an adult education program under section 8605.

14           Sec. 57. 20-A MRSA §6004, sub-§2, ¶A, as amended  
15 by PL 1983, c. 806, §59, is further amended to read:

16           A. A student residing in the school administra-  
17 tive unit may be considered in attendance on  
18 April 1st only if the student:

19                   (1) Attended school at least 75% of the  
20 time between October 1st and April 1st, if  
21 enrolled by October 1st; or

22                   (2) Attended school at least 75% of the  
23 time between the date of the ~~students~~  
24 student's first enrollment and April 1st, if  
25 not enrolled by October 1st.

26           Excused absences and absences due to illness  
27 shall not be considered absences under this sub-  
28 section.

29           Sec. 58. 20-A MRSA § 6101, sub-§3, as amended by  
30 PL 1983, c. 806, § 60, is further amended to read:

31           3. Commissioner's review. The commissioner  
32 shall have access to any of the records or documents  
33 designated as confidential in this section for carry-  
34 ing out the commissioner's duties pursuant to sec-  
35 tions 13001 to 13003 and chapter 502.

36           Sec. 59. 20-A MRSA §6351, sub-§3, as repealed by

1 PL 1983, c. 661, sub-§7 and as amended by PL 1983, c.  
2 806, §61, is repealed.

3 Sec. 60. 20-A MRSA §7206, sub-§5, ¶A, as amended  
4 by PL 1983, c. 806, §66, is further amended to read:

5 A. May withhold financial aid from the school  
6 administrative unit until it complies with the  
7 commissioner's order; and

8 Sec. 61. 20-A MRSA §8462, sub-§2, ¶H, as amended  
9 by PL 1983, c. 806, §69, is further amended to read:

10 H. The secretary of the cooperative board, or,  
11 if the secretary is absent, the secretary's des-  
12 ignee, shall record accurately all the votes of  
13 the meeting.

14 Sec. 62. 20-A MRSA §9502, as amended by PL 1983,  
15 c. 651, §2 and c. 841, §3, is repealed and the fol-  
16 lowing enacted in its place:

17 §9502. Application form; fee; bond

18 1. Application requirements; licensing; bonding  
19 and revocation of license. The application for a li-  
20 cence required by this chapter shall be made on forms  
21 furnished by the commissioner and shall be accompa-  
22 nied by a fee of \$100, except as provided in section  
23 9505 for schools of barbering and cosmetology, and a  
24 surety bond in the penal sum of \$10,000.

25 A. A license is valid for the calendar year in  
26 which it is issued.

27 B. The bond shall be continous and shall provide  
28 indemnification to any student suffering loss as  
29 a result of any fraud or misrepresentation. The  
30 bond shall provide for written notification by  
31 the surety to the commissioner in the event of  
32 cancellation. Cancellation of the bond by the  
33 surety shall result in the revocation of the li-  
34 cence.

35 2. Renewal fee. A fee of \$50 shall be charged  
36 for the renewal of a license, except as otherwise  
37 provided in section 9505 for schools of barbering and

1       cosmetology.

2           3. General Fund. All fees collected for the is-  
3 suance or renewal of a license shall be deposited in  
4 the State Treasury.

5           Sec. 63. 20-A MRSA §10301, as amended by PL  
6 1983, c. 812, §108, is repealed.

7           Sec. 64. 20-A MRSA §10304, sub-§§1 and 5, as  
8 amended by PL 1983, c. 812, §109, are repealed.

9           Sec. 65. 20-A MRSA §10905, as amended by PL  
10 1983, c. 806, §81, is further amended to read:

11       §10905. Treasurer; compensation

12           The trustees shall appoint a full-time treasurer  
13 of the university. The treasurer shall give bond for  
14 the faithful performance of the duties of the office  
15 in an amount and with such conditions and sureties as  
16 the trustees may determine. The compensation of the  
17 treasurer shall be set by the trustees.

18           Sec. 66. 20-A MRSA §11804, as repealed and re-  
19 placed by PL 1983, c. 816, §13, is repealed.

20           Sec. 67. 20-A MRSA §11804-A is enacted to read:

21       §11804-A. Agreement for contract students after July  
22 1, 1981

23           1. Agreement. Any state contract student com-  
24 mencing professional education on or after July 1,  
25 1981, shall, as a condition precedent to the com-  
26 mencement of the education, enter into an agreement  
27 with the State under which the student shall agree:

28           A. To pay tuition to the institution; and

29           B. Upon the conclusion of professional educa-  
30 tion, including internship, residency and obli-  
31 gated public health service, to pay the State an  
32 amount of money equal to the state capitation  
33 payment expended by the State in purchasing the  
34 state contracted position which the student occu-  
35 pied.



1           (1) This amount shall be payable at 9% simple  
2           annual interest in not more than 10 annual  
3           equal installments.

4           (2) These installment payments shall commence  
5           upon conclusion of the state contract  
6           student's professional education under rules  
7           promulgated by the commissioner.

8           2. Forgiveness. Any student who, upon the con-  
9           clusion of his professional education, including, if  
10           applicable, internship, residency and obligated public  
11           health service, elects to serve as a general,  
12           family, pediatric or veterinary practitioner in an  
13           underserved rural geographic area in the State shall  
14           be forgiven 20% of the indebtedness, as determined in  
15           subsection 4, for each of the first 5 years of that  
16           service.

17           3. Determination. The Commissioner of Human  
18           Services shall determine underserved rural areas for  
19           general, family or pediatric services. The Commis-  
20           sioner of Agriculture, Food and Rural Resources shall  
21           determine underserved rural areas for veterinary ser-  
22           vices.

23           Sec. 68. 21 MRSA §1571-B, sub-§5, in that part  
24           relating to "District Number 132, as amended by PL  
25           1983, c. 583, §12, is further amended to read:

26           District Number 132, consisting of the municipalities  
27           of Burlington, Carroll Plantation, Edinburg, Enfield,  
28           Greenbush, Howland, Lagrange, Lakeville, Lee, Lowell,  
29           Passadumkeag, Springfield, and the unorganized town-  
30           ships of Argyle Township, Summit Township and the un-  
31           organized territory of, Grand Falls Plantation, T 3,  
32           R 1 and T 5, R 1 in Penobscot County.

33           Sec. 69. 22 MRSA §1693-A, sub-§1, as enacted by  
34           PL 1983, c. 835, §1, is amended to read:

35           1. Created. The department shall establish a  
36           7-member Scientific Advisory Panel as authorized by  
37           Title 5, section 12004, subsection 10 within the Bu-  
38           reau of Health. The commissioner shall appoint mem-  
39           bers of the panel from academic, medical, industrial  
40           or governmental occupations, who shall serve for

1 3-year terms, except that initially 3 members shall  
2 be appointed for 3 years, 2 members for 2 years and 2  
3 members for one year. The commissioner shall consult  
4 with the Commissioner of Environmental Protection and  
5 may consult with other departments on the selection  
6 of panel members. Each member shall have profession-  
7 al expertise in a scientific discipline directly re-  
8 lated to the study ~~or~~ of health effects of hazardous  
9 pollutants, such as: Epidemiology, toxicology, ge-  
10 netic toxicology, biostatistics, oncology, respirato-  
11 ry medicine, industrial hygiene, occupational medi-  
12 cine and atmospheric chemistry. The commissioner  
13 shall determine the term of each appointee with the  
14 restrictions provided by this section. The commis-  
15 sioner shall appoint the chairman of the panel who  
16 shall service for a one-year term.

17 Panel members shall ~~serve without pay, but shall be~~  
18 ~~compensated for expenses incurred in carrying out~~  
19 ~~their duties~~ according to the provisions of Title 5,  
20 chapter 379.

21 Sec. 70. 22 MRSA §1693-A, sub-§2, as enacted by  
22 PL 1983, c. 835, §1, is amended to read:

23 2. Purpose and duties. The purpose of this sec-  
24 tion is to establish a Scientific Advisory Panel as  
25 authorized by Title 5, section 12004, subsection 10  
26 within the Department of Human Services, Bureau of  
27 Health, which provides professional scientific peer  
28 review and advice in order to assist the Environmen-  
29 tal Health Unit in carrying out its responsibilities  
30 in the Hazardous Air Pollution Program and other re-  
31 lated duties regarding the public health impact of  
32 chemical hazards in the environment.

33 The panel may review and evaluate potential health  
34 risks associated with pollutants other than those in  
35 the air. Requests for such a review shall be made to  
36 the Director of the Bureau of Health. If the direc-  
37 tor determines that the request is justified, the re-  
38 quest shall be forwarded to the panel. The director  
39 may assess any reasonable costs to the party making  
40 the request.

41 Sec. 71. 22 MRSA §4041, sub-§2, ¶C, as repealed  
42 and replaced by PL 1983, c. 772, §6, is amended to

1 read:

2 C. If the department discontinues efforts to re-  
3 turn the child to a parent, but does not seek  
4 termination of parental rights, then subsection  
5 1, paragraphs A and B paragraph A, subparagraph  
6 (1), division (e) and subsection 1, paragraph A,  
7 subparagraph (2), shall still apply.

8 Sec. 72. 22 MRSA §5108, as amended by PL 1983,  
9 c. 812, §132, is further amended to read:

10 §5108. Committee

11 The Maine Committee on Aging established by Title  
12 5, section 12004, subsection 11, is an independent  
13 agency outside of the Department of Human Services  
14 and shall consist of 15 members, who shall be ap-  
15 pointed by the Governor.

16 Sec. 73. 25 MRSA §2106-A, as enacted by PL 1983,  
17 c. 736, §10, is amended to read:

18 §2106-A. Penalties

19 Violation of ~~section 2104-A~~ this chapter or of  
20 any rule authorized by this chapter is a Class D  
21 crime.

22 Sec. 74. 26 MRSA §172, as repealed and replaced  
23 by PL 1983, c. 812, §156, is amended to read:

24 §172. Expenses of board members

25 The 4 6 appointed members of the Board of Boiler  
26 Rules shall be compensated according to the provi-  
27 sions of Title 5, chapter 379, and not to exceed 20  
28 meetings per year. The chairman of the board shall  
29 countersign all vouchers for expenditures under this  
30 section.

31 Sec. 75. 26 MRSA §1191, sub-§2, as amended by PL  
32 1983, c. 13, §3 and PL 1983, c. 305, §2, is repealed  
33 and the following enacted in its place:

34 2. Weekly benefit amount for total unemploy-  
35 ment. Each eligible individual establishing a bene-

1 fit year on and after October 1, 1983, who is totally  
2 unemployed in any week shall be paid with respect to  
3 that week, benefits equal to 1/22 of the wages,  
4 rounded to the nearest lower full dollar amount, paid  
5 to him in the high quarter of his base period, but  
6 not less than \$12. The maximum weekly benefit amount  
7 for claimants requesting insured status determination  
8 beginning October 1, 1983, and thereafter from June  
9 1st of a calendar year to May 31st of the next calen-  
10 dar year shall not exceed 52% of the annual average  
11 weekly wage, rounded to the nearest lower full dollar  
12 amount, paid in the calendar year preceding June 1st  
13 of that calendar year.

14           Sec. 76. 32 MRSA §2273, sub-§1, as enacted by PL  
15 1983, c. 746, §2, is amended to read:

16           1. Establishment and membership. There is es-  
17 tablished with the Department of Business Occupation-  
18 al and Professional Regulation, in accordance with  
19 Title 5, section 12004, subsection 1, a Board of Oc-  
20 cupational Therapy Practice. The board shall consist  
21 of 5 members appointed by the Governor. The persons  
22 appointed to the board, other than the public member,  
23 must have been engaged in rendering occupational  
24 thereapy services to the public, teaching or research  
25 in occupational thereapy for at least 2 years immedi-  
26 ately preceding their appointments. At least 3 board  
27 members shall be occupational therapists. The 4th  
28 member shall be either an occupational therapist or  
29 an occupational therapy assistant, if available.  
30 These members shall at all times be holders of valid  
31 licenses for the practice of occupational therapy in  
32 the State, except for the members of the first board,  
33 all of whom shall fulfill the requirements for licen-  
34 sure of this chapter. The remaining member shall be  
35 a representative of the public.

36           Sec. 77. 32 MRSA §2273, sub-§4, as enacted by PL  
37 1983, c. 746, §2, is repealed and the following en-  
38 acted to read:

39           4. Compensation. Members of the board shall be  
40 compensated in accordance with the provisions of Ti-  
41 tle 5, chapter 379.

42           Sec. 78. 35 MRSA §18, as enacted by PL 1983, c.

1 229, is reallocated to be 35 MRSA §19.

2 Sec. 79. 35 MRSA §74, as enacted by PL 1983, c.  
3 771, is amended to read:

4 §74. Rates to ensure universal telephone service

5 The Legislature declares and finds that the  
6 50-year effort to bring affordable, universally  
7 available telephone service to the public has serve  
8 the State well; universal telephone service has con-  
9 tributed to the state's economic, social and politi-  
10 cal integration and development; the public benefits  
11 from universal telephone service because each tele-  
12 phone subscriber receives a more valuable service  
13 when virtually anyone else in the State can be  
14 called; significant rate ~~increase~~ increases may  
15 threaten universal service by forcing some Maine peo-  
16 ple to discontinue their telephone service. It is  
17 the policy of the State that telephone service shall  
18 continue to be universally available, especially to  
19 the poor, at affordable rates.

20 Sec. 80. 35 MRSA c. 269, first 4 lines, are re-  
21 pealed and the following enacted in their place:

22 PART 7-A

23 NUCLEAR POWER PLANTS

24 CHAPTER 269

25 NUCLEAR POWER GENERATING FACILITIES

26 SUBCHAPTER I

27 EMISSIONS REPORTING

28 Sec. 81. 35 MRSA c. 301, is amended by inserting  
29 before §3366, the following:

30 SUBCHAPTER IV

31 SPENT FUEL AND HIGH LEVEL WASTE

32 Sec. 82. 36 MRSA §584, as amended by PL 1983, c.  
33 812, §270, is repealed.

1           Sec. 83. 36 MRSA c. 109-A, as enacted by PL  
2 1983, c. 92, Pt. A, §2, is repealed.

3           Sec. 84. 36 MRSA §1504, sub-§4, ¶B, as enacted  
4 by PL 1983, c. 92, Pt. B, §9, is amended to read:

5           B. Watercraft held by registered retailers as  
6 demonstrators ~~of~~ or stock-in-trade;

7           Sec. 85. 36 MRSA §2711, sub-§1-A, as enacted by  
8 PL 1983, c. 855, §9, is amended to read:

9           1-A. Exemption. Each person owning protected  
10 land shall be entitled to an exemption of 500 acres  
11 of protected land with regard to each municipality or  
12 the unorganized territory where protected land is  
13 owned. Cotenants of property, whether joint tenants  
14 or tenants in common, shall be treated as one person  
15 and shall collectively be entitled to only one exemp-  
16 tion.

17           Sec. 86. 36 MRSA §2711, sub-§2, ¶B, as enacted  
18 by PL 1983, c. 855, §10, is amended to read:

19           B. ~~By September 1st, annually~~ Annually, the  
20 State Tax Assessor shall add the amount appropri-  
21 ated by the Legislature for administration of the  
22 forest fire suppression tax to the amount deter-  
23 mined under paragraph A and divide the total in  
24 half. The resulting amount shall be divided by  
25 the number of acres subject to the excise tax, as  
26 determined under section 2712, and rounded to the  
27 nearest 1/10th of a cent to determine the amount  
28 of the tax per acre. The cents per acre tax  
29 shall be multiplied by the number of protected  
30 nonexempt acres owned by each person to determine  
31 the amount of the excise tax to be ~~assessed~~  
32 assessed against each owner.

33           Sec. 87. 36 MRSA §2906, first ¶, as amended by  
34 PL 1983, c. 94, Pt. C, §13, is further amended to  
35 read:

36           Every distributor, importer, or exporter, holding  
37 a valid certificate as such, shall on or before the  
38 last day of each month render a report to the State  
39 Tax Assessor stating the number of gallons of inter-

1       nal combustion engine fuel received, sold and used in  
2       the State by him during the preceding calendar month,  
3       on forms to be furnished by the State Tax Assessor.  
4       Such reports shall contain such further information  
5       pertinent thereto as the State Tax Assessor shall  
6       prescribe and the State Tax Assessor may make such  
7       other reasonable rules and regulations regarding the  
8       administration and enforcement of the Gasoline Tax  
9       Act as he may deem necessary or expedient, copies of  
10      which shall be sent to such certificate holders. He  
11      or his duly authorized agent shall have access during  
12      reasonable business hours to the books, invoices and  
13      vouchers of such certificate holders which may show  
14      the fuel handled by the certificate holder. At the  
15      time of the filing of the report, each distributor  
16      and importer shall pay to the State Tax Assessor a  
17      tax at the rate set forth in section 2903 upon each  
18      gallon so reported as sold, distributed or used. An  
19      allowance of not more than 1% from the amount of fuel  
20      received by the distributor, plus 1% on all transfers  
21      in vessels, tank cars or full tank truck loads by a  
22      distributor in the regular course of his business  
23      from one of his places of business to another within  
24      the State, may be allowed by the State Tax Assessor  
25      to cover the loss through shrinkage, evaporation or  
26      handling sustained by the distributor. The total al-  
27      lowance for such losses shall not exceed 2% of the  
28      receipts by such distributor and no further deduction  
29      shall be allowed unless the State Tax Assessor is  
30      satisfied on definite proof submitted to him that a  
31      further deduction should be allowed by him for a loss  
32      sustained through fire, accident or some unavoidable  
33      calamity.

34           Sec. 88. 36 MRSA §3202, sub-§9, as repealed and  
35      replaced by PL 1983, c. 817, §6 and as amended by PL  
36      1983, c. 828, §7, is repealed and the following en-  
37      acted in its place:

38           9. User. "User" means any person who is the  
39      registered owner of a motor vehicle, registered for  
40      7,000 pounds or over or designed to carry 20 passen-  
41      gers or more for hire, who uses and consumes special  
42      fuel within this State in an internal combustion en-  
43      gine for the generation of power to propel vehicles  
44      of any kind or character, except recreational vehi-  
45      cles.

1 If the registered owner of a motor vehicle which uses  
2 and consumes special fuel within this State fails to  
3 secure a user's license, or report or pay the tax  
4 due, any person who operates or causes to be operated  
5 that vehicle in this State shall be deemed to be a  
6 "user" and shall be required to be licensed, report  
7 and pay the tax due.

8 Sec. 89. 36 MRSA §5206, sub-§3, ¶¶C and D, as  
9 amended by PL 1983, c. 855, §23, are repealed.

10 Sec. 90. 36 MRSA §5206, sub-§3, ¶¶E and F, as  
11 enacted by PL 1983, c. 855, §24, are repealed.

12 Sec. 91. 38 MRSA §1474, as enacted by PL 1983,  
13 c. 381, §9, and reallocated by PL 1983, c. 500, §1,  
14 is repealed and the following enacted in its place:

15 §1474. Regional compacts

16 The Governor may negotiate on behalf of the  
17 State, with other states and the Federal Government  
18 with respect to the siting, licensing, operation and  
19 use of low-level waste disposal facilities within and  
20 outside this State. The Governor may recommend re-  
21 gional compacts with states that have identified  
22 their annual low-level radioactive waste generation,  
23 and identified areas within their state that meet  
24 preliminary site criteria.

25 Any regional compact for low-level waste disposal  
26 shall be ratified by Legislative Act.

27 Sec. 92. PL 1983, c. 632, Pt. B, §7, last sen-  
28 tence, is repealed and the following enacted in its  
29 place:

30 If the Governor has so proclaimed by that date, this  
31 Part is repealed.

32 Sec. 93. PL 1983, c. 766, §3, first sentence is  
33 amended to read:

34 The Maine Potato Commission shall work with the  
35 Maine Potato Council, the Maine Potato Sales Associa-  
36 tion and the Agricultural Bargaining Council to pre-  
37 pare an evaluation of the ~~organizational~~ organizations



1 currently representing the potato industry and to  
2 make recommendations for consolidating these organi-  
3 zations.

4 Sec. 94. Resolve 1983, c. 48, §3, first sen-  
5 tence, is amended to read:

6 That there is established a special advisory commit-  
7 tee as authorized by the Revised Statutes, Title 5,  
8 section 12004, subsection 10 to advise the Public Ad-  
9 vocate in participating as an intervenor in the rate  
10 filing.

11 Sec. 95. Resolve 1983, c. 48, §3, 3rd ¶, is re-  
12 pealed and the following enacted in its place:

13 The advisory committee shall be compensated in  
14 accordance with the provisions of the Revised Stat-  
15 utes, Title 5, chapter 379.

16 Sec. 96. Resolve 1983, c. 51, that part relating  
17 to "Finance", subsection 1, is amended to read:

18 1. Ensure the availability, accessibility and  
19 affordability of equity and long-term credit to agri-  
20 cultural and fisheries enterprises that will contrib-  
21 ute positively to the state's agricultural and fish-  
22 eries economies, that contribute to the development  
23 of commodities which meet the criteria defined by  
24 this Act resolve and that possess the skills neces-  
25 sary to conduct a sound business operation;

26 Sec. 97. Resolve 1983, c. 73, §1, 2nd line from  
27 the end, is amended to read:

28 \$1,505,696 \$1,485,032

29 Sec. 98. Resolve 1983, c. 73, §2, in that part  
30 relating to "1050 - Jail - Support of Prisoners" is  
31 amended by striking out all of the last line as fol-  
32 lows:

33 Capital Expenditures 5,000

34 Sec. 99. Resolve 1983, c. 73, §2, that part re-  
35 lating to "2045 - Program Grants" is repealed and the  
36 following enacted in its place:



1 ries. These sections also make a substantive change,  
2 caused by a drafting error and requiring immediate  
3 correction. The drafting error inadvertently reduced  
4 the salaries of some constitutional officers. This  
5 implements the original legislative intent to give  
6 constitutional officers a 3.5% pay increase.

7 Sections 7 to 15 correct conflicts which arose  
8 when one public law repealed and reallocated the pro-  
9 visions of a section concerning policy influencing  
10 positions within State departments, while other pub-  
11 lic laws made substantive changes in the repealed  
12 section. These sections retain the substantive  
13 changes but place them in the correct part of the  
14 statutes.

15 Sections 16 to 26, 35, 63, 64, 69, 70, 74, 76,  
16 77, 82, 94 and 95 correct conflicts and make clarifi-  
17 cations necessitated by Public Law 1983, chapter 812.  
18 Chapter 812 gathered together in one place in the  
19 statutes information on all boards and commissions  
20 created elsewhere in statute. Since the enactment of  
21 chapter 812, some of the board's listed therein have  
22 been abolished, new ones have been established and  
23 some mistakes in chapter 812's enactment of informa-  
24 tion concerning some boards have been discovered.  
25 These corrections bring chapter 812 into conformity  
26 with other provisions of the statutes.

27 Sections 27 to 28 correct the inadvertent repeal,  
28 in a potato price stabilization bill of the authority  
29 of the Commissioner of the Department of Agriculture,  
30 Food and Rural Resources to establish rules to imple-  
31 ment the Maine Potato Prices Article.

32 Section 29 makes a substantive correction neces-  
33 sitated by an inadvertent omission. A committee  
34 amendment to Legislative Document 1580, now Public  
35 Law 1983, chapter 553, mistakenly dropped the ceiling  
36 the bill placed on the tax on receipts from boxing  
37 and wrestling contests or exhibitions. This replaces  
38 the ceiling.

39 Sections 30 to 32 make a substantive correction  
40 necessitated by the inadvertent repeal of a paragraph  
41 in the Maine Guarantee Authority (MGA) statutes when  
42 those statutes were incorporated into the new Finance

1 Authority of Maine (FAME) statutes. The MGA law con-  
2 tained a paragraph grandfathering applications con-  
3 cerning certain retail projects filed prior to Octo-  
4 ber 1, 1981. When FAME was created in 1983, the Leg-  
5 islature did not intend to repeal this grandfathering  
6 clause, but did inadvertently. This repeal adversely  
7 affects only one project which applied for financing  
8 prior to October 1, 1981. This correction places the  
9 grandfathering clause back into the statutes.

10 Section 33 corrects a statutory reference.

11 Section 34 corrects a typographical error.

12 Section 36 and 37 repeal redundant provisions of  
13 the Inland Fishiers and Wildlife laws. The same pro-  
14 visions were also enacted in Title 12, sections 7011  
15 to 7017 by Public Law 1983, chapter 819, section 17  
16 and those are left in place.

17 Section 38 is a substantive but emergency change  
18 to the laws concerning selling of hunting and fishing  
19 licenses. As amended by Public Law 1983, chapter 819  
20 the laws can be interpreted to either not permit town  
21 clerks to sell hunting and fishing licenses to non-  
22 residents, or to require town clerks to pay a \$30 fee  
23 to do so. This section makes it clear that town  
24 clerks may sell licenses to nonresidents without pay-  
25 ing a fee. This section also remedies the problem of  
26 no businesses in rural areas being willing to become  
27 agents for the sale of licenses to nonresidents be-  
28 cause they cannot sell enough licenses to compensate  
29 them for the \$30 agency fee. This permits the com-  
30 missioner to waive the fee where less than 50 li-  
31 censes are sold annually by an agent.

32 Sections 39 and 40 reallocate a section and cor-  
33 rect a cross reference to the section.

34 Section 41 reallocates a subsection that con-  
35 flicts with the numbering of another subsection.

36 Section 42 inserts an omitted reference to the  
37 District Court Criminal Rules in the statutes dealing  
38 with the placement of forfeited bail in an Extradition  
39 Account.

1 Section 43 corrects the form of reference to Dis-  
2 trict Court Criminal Rules and the Rules of Criminal  
3 Procedure.

4 Section 44 corrects the misuse of a term.

5 Section 45 corrects a statute concerning the use  
6 of real estate as surety for appearance at court of a  
7 criminal defendant.

8 Section 46 clarifies and corrects the wording of  
9 a statute concerning denial of bail.

10 Section 47 corrects an error in duplicate number-  
11 ing of different subdivisions.

12 Sections 48 to 50 make a substantive change in  
13 Maine's domestic relations law. Public Law 1983,  
14 chapter 813 requires parents with minor children to  
15 attempt to reach a divorce, separation or annulment  
16 agreement through mediation prior to having a con-  
17 tested court hearing. These sections amend chapter  
18 813 to permit the court, in effect, to waive the me-  
19 diation requirement when the court is shown a good  
20 cause to have a contested court hearing on a motion  
21 for parental rights and responsibilities, child sup-  
22 port or possession of the family residence pending  
23 the final determination of divorce, separation or an-  
24 nulment. Under this amendment of chapter 813 the  
25 court, though hearing a motion pending prior to medi-  
26 ation, must still refer parties with minor children  
27 to mediation prior to a contested court hearing seek-  
28 ing a final order of divorce, separation or annul-  
29 ment.

30 Sections 51 to 61 and 65 correct errors created  
31 in the Education Errors Bill, Public Law 1983, chap-  
32 ter 806.

33 Section 62 repeals and replaces a section amended  
34 by 2 separate public laws, maintaining the amendments  
35 made in each public law.

36 Sections 66 and 67 repeal and replace section  
37 11804 with section 11804-A to simply correct the sub-  
38 section numbering so that the subsections will read  
39 consecutively.

1 Section 68 is a substantive change, necessitated  
2 by an oversight in the reapportionment of legislative  
3 districts. This emergency amendment adds 2 unorga-  
4 nized townships to House District Nubmer 132. These  
5 townships were not allocated to any district in the  
6 reapportionment.

7 Section 71 corrects a statutory cross reference.

8 Section 72 makes it clear as evidenced in other  
9 portions of Maine law, that the Maine Committee on  
10 Aging is independent of the Department of Human Ser-  
11 vices.

12 Section 73 is a substantive change that is neces-  
13 sitated by a drafting error and requires immediate  
14 enactment. A house amendment to a bill concerning  
15 the Hazardous Materials Control chapter inadvertently  
16 repealed the penalty provision. This replaces that  
17 provision.

18 Section 75 repeals and replaces a section amended  
19 by 2 public laws. It retains the amendments made by  
20 each public law.

21 Section 78 reallocates a section.

22 Section 79 corrects a typographical error.

23 Sections 80 and 81 correct misplacements of sub-  
24 chapters within Title 35.

25 Section 83 repeals again for clarity a part of  
26 the boat tax bill repealed in the bill's emergency  
27 clause on March 1, 1984.

28 Section 84 corrects a typographical error.

29 Section 85 is a substantive but emergency change.  
30 In the enactment of new provisions concerning the  
31 forest fire suppression tax the issue of exemptions  
32 where acreage is owned by more than one tenant was  
33 not addressed. In order for the tax to be assessed,  
34 as required, by October 15 this issue must be clar-  
35 ified. This section makes it clear that joint tenants  
36 or tenants in common shall be treated as one tenant  
37 and entitled to one exemption.

1 Section 86 corrects a typographical error and  
2 changes the date by which the forest fire suppression  
3 tax must be calculated. This last change is necessi-  
4 tated because of delay caused by the confusion clar-  
5 ified in section 85.

6 Section 87 clarifies a reference to the State Tax  
7 Assessor.

8 Section 88 incorporates changes made in 2 public  
9 laws to avoid a conflict.

10 Sections 89 and 90 repeal provisions as amended  
11 and enacted by one public law. It retains the provi-  
12 sions as replaced by another public law.

13 Section 91 corrects an inconsistency between Pub-  
14 lic Law 1983, chapter 381 and chapter 500 by replac-  
15 ing a paragraph inadvertently omitted when the sec-  
16 tion was repealed and reenacted by chapter 381, but  
17 which was retained when the section was reallocated  
18 by chapter 500.

19 Section 92 corrects an effective date provision.

20 Sections 93 and 96 correct typographical errors.

21 Sections 97 to 102 are substantive but emergency  
22 changes, necessitated by an error when the Kennebec  
23 County budget was finally passed in the Second Regu-  
24 lar Session of the 111th Legislature. The wrong ver-  
25 sion of the budget was inadvertently engrossed and  
26 voted on. This deletes funds that did not appear in  
27 the correct version of the budget.

28 7258090484