

MAINE STATE LEGISLATURE

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L.D. 1646

(Filing No. S-318)

STATE OF MAINE
SENATE
112TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 627, L.D. 1646, Bill, "AN ACT to Make Corrections of Errors and Inconsistencies in the Laws of Maine."

Amend the Bill by striking out everything after the enacting clause and inserting in its place the following:

'PART A

Sec. 1. 2 MRSA §6, sub-§5, as repealed and replaced by PL 1983, c. 349, §1; and as amended by PL 1983, c. 351, §§1 and 41, is repealed and the following enacted in its place:

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

- Director of Labor Standards;
- Deputy Chief of the State Police;
- Director of State Lotteries;
- State Archivist;
- Director of Maine Geological Survey;
- Executive Director, Maine Land Use Regulation Commission;
- Director of the Risk Management Division; and
- Chairman, Maine Unemployment Insurance Commission.

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1 Sec. 1-A. 4 MRSA §451, as amended by PL 1983, c.
2 631 and c. 812, §10, is repealed and the following
3 enacted in its place:

4 §451. Establishment

5 A Judicial Council, as established by Title 5,
6 section 12004, subsection 10, shall make a continuous
7 study of the organization, rules and methods of pro-
8 cedure and practice of the judicial system of the
9 State, the work accomplished and the results produced
10 by that system and its various parts. The council
11 shall be composed of the Chief Justice of the Supreme
12 Judicial Court, who shall also serve as chairman, the
13 Attorney General, the Chief Justice of the Superior
14 Court, the Chief Judge of the District Court, and the
15 Dean of the University of Maine School of Law, each
16 to serve ex officio, and an Active or Retired Justice
17 of the Supreme Judicial Court, one Justice of the Su-
18 perior Court, one Judge of the District Court, one
19 Judge of a Probate Court, one clerk of the judicial
20 courts, 2 members of the bar and 6 laymen, to be ap-
21 pointed by the Governor. The appointments by the
22 Governor shall be for such periods, not exceeding 4
23 years, as he shall determine.

24 Sec. 2. 5 MRSA §8052, sub-§7, as amended by PL
25 1985, c. 39, §1, is further amended to read:

26 7. Adoption of rule. The agency shall, in adopt-
27 ing rules, be consistent with the terms of the pro-
28 posed rule, except to the extent it determines neces-
29 sary to address concerns raised in comments and makes
30 specific findings supporting such changes. No rule
31 may become effective unless:

32 A. The agency adopts it within 120 days of the
33 final date by which data, views or arguments may
34 be submitted to the agency for consideration in
35 adopting the rule; and

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1 B. This adopted rule is approved by the Attorney
2 General as to form and legality, as required by
3 section 8056, within 150 days of the final date
4 by which those comments may be submitted.

5 The final date for comments may be extended if notice
6 of doing so is published before that final date, in
7 the consolidated notice referred to in section 8053.

8 Sec. 3. Effective date. Section 2 shall take
9 effect 91 days after adjournment of the Legislature.

10 Sec. 4. 5 MRSa §8055, sub-§3, as amended by PL
11 1981, c. 280, §§1 and 2, is further amended to read:

12 3. Receipt of petition. Within 60 days after re-
13 ceipt of a petition, the agency shall either notify
14 the petitioner in writing of its denial, stating the
15 reasons therefor, or initiate appropriate rule-making
16 proceedings. Whenever a petition to adopt or modify
17 a rule is submitted by 150 or more registered voters
18 of the State, the agency shall initiate appropriate
19 rulemaking proceedings within 60 days after receipt
20 of the petition. The petition must be verified and
21 certified in the same manner provided in Title 21
22 21-A, section 494 354, subsection 7, prior to its
23 presentation to the agency.

24 Sec. 5. 5 MRSa §9055, sub-§1, as amended by PL
25 1979, c. 425, §11, is further amended to read:

26 1. Communication prohibited. In any adjudicatory
27 proceeding, no agency members authorized to take fi-
28 nal action or presiding officers designated by the
29 agency to make findings of fact and conclusions of
30 law ~~shall~~ may communicate directly or indirectly in
31 connection with any issue of fact, law ~~of~~ or proce-
32 dure, with any party or other persons legally inter-
33 ested in the outcome of the proceeding, except upon
34 notice and opportunity for all parties to partici-
35 pate.

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1 Sec. 6. 7 MRSA §606, sub-§2, ¶C, as repealed by
2 PL 1983, c. 761, §1 and as repealed and replaced by
3 PL 1983, c. 761, §2, is repealed and the following
4 enacted in its place:

5 G. For any person to apply pesticides in a man-
6 ner inconsistent with rules for pesticide appli-
7 cation adopted by the board, which rules are de-
8 signed to minimize pesticide drift to the maximum
9 extent practicable under currently available
10 technology. Without limitation, these rules may
11 prescribe procedures to be used for the applica-
12 tion of pesticides, including the time, place,
13 manner and method of that application, may re-
14 strict or prohibit use of pesticides in desig-
15 nated areas or during specified periods of time
16 and may prescribe tolerance levels for pesticide
17 residues in off-target areas. The board shall
18 propose the rules by June 15, 1985.

19 Sec. 7. 7 MRSA §1022, sub-§1, as amended by PL
20 1983, c. 336, §3 and c. 465, §2, is repealed and the
21 following enacted in its place:

22 1. Broker and dealer records. Every dealer and
23 broker to be licensed under this Article, upon having
24 negotiated a sale of potatoes for others or upon hav-
25 ing purchased potatoes from the producer, shall cause
26 a record of that transaction to be made, and deliver
27 a copy to the seller by depositing a record of trans-
28 action in the United States mail, postage paid, with-
29 in 2 working days of negotiation of the sale, setting
30 forth the following with reference to the handling,
31 sale and storage of those potatoes:

- 32 A. Date of sale;
- 33 B. Name and address of producer;
- 34 C. Name and address of seller;
- 35 D. Name and address of buyer;

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- 1 E. Name and address of broker, if any;
- 2 F. Name and address of handler, if any;
- 3 G. Name and address of any person designated as
4 a secured party on a financing statement naming
5 the seller as debtor filed in accordance with Ti-
6 tle 11, section 9-401, covering the potatoes, if
7 any;
- 8 H. Mode of transportation of shipment, if known;
9 if unknown, this information shall be provided to
10 the seller prior to shipment;
- 11 I. Name of carrier, if known; if unknown, this
12 information shall be provided to the seller prior
13 to shipment;
- 14 J. If there is a broker or a retailer involved
15 in a transaction, point of final destination;
- 16 K. Date of shipment;
- 17 L. If there is a broker or a retailer involved
18 in the transaction, contemplated date of arrival
19 at final destination;
- 20 M. Grade, size, weight and amount and other
21 specifications;
- 22 N. Price for the potatoes, per unit and total;
- 23 O. Any deductions to be made from the proceeds
24 for expenses to be borne by the seller or han-
25 dlers;
- 26 P. All other essential details of the purchase
27 or sale; and
- 28 Q. If there is a broker involved in the transac-
29 tion, an itemized accounting which separately

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1 sets forth all charges in connection with the
2 sale, including the brokerage fee, if any.

3 Sec. 8. 10 MRSA §151-A, sub-§3, as amended by PL
4 1983, c. 88, §1 and repealed by PL 1983, c. 345, §§8
5 and 14 is repealed.

6 Sec. 9. 10 MRSA §952, sub-§5, as amended by PL
7 1983, c. 700, §3, is further amended to read:

8 5. Amount of common stock held. No person, firm
9 or corporation may subscribe for, own or hold direct-
10 ly or indirectly more than 20% of the common stock of
11 the corporation at any time. For the purposes of de-
12 termining ownership hereunder, the attribution rules
13 of the United States Internal Revenue Code, Section
14 318, in effect as of the effective date of this Act
15 April 6, 1984, shall apply;

16 Sec. 10. 10 MRSA §1458, as enacted by PL 1981,
17 c. 3, is repealed.

18 Sec. 11. 12 MRSA §557, sub-§3, as amended by PL
19 1983, c. 819, Pt. A, §8 and c. 833, §1, is repealed
20 and the following enacted in its place:

21 3. Compensation to municipalities. Notwith-
22 standing the other provisions of this section, 25% of
23 the net revenues from any public lands, excluding
24 submerged lands, public reserved lands and lands held
25 under section 560, and excluding proceeds from the
26 sale of land, located in municipalities and managed
27 by the Bureau of Public Lands, shall be returned by
28 the Treasurer of State to the municipality wherein
29 the land generating the income is located, to be used
30 for municipal purposes. With respect to those public
31 reserved lands which were located in townships or
32 tracts organized into plantations as of March 1,
33 1974, when any such plantation, subsequent to that
34 date, becomes incorporated into a town, 75% of any
35 income from residential leasehold camps, excluding
36 any income or proceeds from the sale, exchange or re-

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1 location of any of these camps under Title 30, sec-
2 tion 4169, and 25% of any other income from such pub-
3 lic reserved land shall be returned by the Treasurer
4 of State to the municipality wherein such public re-
5 served land is located, to be used for municipal pur-
6 poses. With respect to stumpage income from timber
7 located on public reserved lands and leased pursuant
8 to Title 30, section 4162, subsection 4, paragraph L,
9 50% of the income shall be returned by the Treasurer
10 of State to the lessee for its own purposes. The di-
11 rector may approve the handling of income from sales
12 or permits for up to \$500 by the lessees. The lessees
13 shall submit a semiannual accounting of this income
14 and payment for the State's share of the income.

15 Sec. 12. 12 MRSA §685-A, sub-§4, as amended by
16 PL 1983, c. 862, §34, is repealed and the following
17 enacted in its place:

18 4. Land use standards considered as minimum re-
19 quirements. Land use standards shall be interpreted
20 and applied by the commission as minimum require-
21 ments, adopted to reasonably and effectively promote
22 health, safety and general welfare and insure compli-
23 ance with state plans and policies.

24 Whenever the requirements of the adopted land use
25 standards are at variance with the requirements of
26 any other lawfully adopted rules, regulations, stan-
27 dards, ordinances, deed restrictions or covenants,
28 the more protective of existing natural, recreation
29 and historic resources shall govern.

30 Any portion of a land use district which subsequently
31 becomes an organized municipality or part of an or-
32 ganized municipality or any plantation which adopts
33 planning, zoning and subdivision control as provided
34 in Title 30, section 5621, shall continue to be regu-
35 lated by the Maine Land Use Regulation Commission
36 pursuant to this chapter until such time as the mu-
37 nicipality or plantation of which the regulated dis-
38 trict is then a part shall adopt land use plans and

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1 regulations not less protective of the existing natu-
2 ral, recreational or historic resources than those
3 adopted by the commission.

4 A. Any municipality organized after September
5 23, 1971, or any plantation which adopts plan-
6 ning, zoning and subdivision control as provided
7 in Title 30, section 5621, may submit to the com-
8 mission and receive the approval of the commis-
9 sion of the following:

10 (1) A comprehensive land use plan for that
11 plantation or proposed city or town;

12 (2) Standards for determining land use dis-
13 trict boundaries and uses permitted within
14 the districts in that plantation or proposed
15 city or town;

16 (3) A land use district boundary map for
17 that plantation or proposed city or town;
18 and

19 (4) Such other proposed regulations or
20 standards as the commission deems to be nec-
21 essary to achieve the purpose, intent and
22 provisions of this chapter.

23 Upon request of the municipality or plantation,
24 the commission shall prepare such plans, maps,
25 regulations and standards as it may deem neces-
26 sary to meet minimum planning and zoning stan-
27 dards for its approval of those standards.

28 Upon obtaining approval, the plantation, city or
29 town shall thereafter adopt, administer and en-
30 force the approved plans, maps, regulations and
31 standards.

32 B. From time to time, the commission may review
33 the administration and enforcement of local land
34 use plans and regulations by plantations and mu-

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1 municipalities which have adopted land use plans,
2 maps, regulations and standards approved by the
3 commission. If, following the review, the com-
4 mission finds that any of the following have oc-
5 curring, the commission may reestablish its juris-
6 isdiction over that plantation or municipality:

7 (1) A plantation or municipality has re-
8 pealed the land use plan, maps, standards or
9 regulations necessary to satisfy the re-
10 quirements of this subsection or has sub-
11 stantially modified the land use plan, maps,
12 standards or regulations so that the re-
13 sources of the plantation or municipality
14 are not reasonably protected;

15 (2) A plantation or municipality has abol-
16 ished or does not have functioning the ad-
17 ministrative bodies and officers necessary
18 to implement the land use program as ap-
19 proved by the commission, normally a plan-
20 ning board, board of appeals and code en-
21 forcement officer are included, but this may
22 vary depending on the local program; or

23 (3) A plantation or municipality has not
24 administered or enforced its land use plan,
25 maps, standards or regulations in a manner
26 which reasonably protects the resources in
27 the plantation or municipality involved.

28 The action by the commission shall conform with the
29 provisions for rulemaking of the Maine Administrative
30 Procedure Act, Title 5, chapter 375.

31 Action taken by the commission to reestablish its ju-
32 risdiction over a plantation or municipality shall be
33 effective immediately, but shall be submitted to the
34 current or next regular session of the Legislature
35 for approval. If the Legislature fails to act, the
36 action shall continue in effect.

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1 Sec. 13. 12 MRSA §1201, as amended by PL 1983,
2 c. 480, Pt. A, §8 and repealed by PL 1983, c. 556,
3 §4, is repealed.

4 Sec. 14. 12 MRSA §6553, sub-§7, as enacted by PL
5 1981, c. 662, §2, is repealed.

6 Sec. 14-A. 12 MRSA §7107, as enacted by PL 1981,
7 c. 461, §2, is repealed.

8 Sec. 15. 12 MRSA §7377, sub-§2, ¶¶B and C, as
9 enacted by PL 1979, c. 420, §1, are amended to read:

10 B. On which they are actually domiciled; and

11 C. Which is used exclusively for agricultural
12 purposes, and.

13 Sec. 16. 12 MRSA §7468, sub-§10, ¶A, as enacted
14 by pL 1985, c. 95, §1, is amended to read:

15 A. Each wild turkey legally presented for regis-
16 tration shall be tagged in the manner directed by
17 and ~~the~~ with materials furnished by the commis-
18 sioner. A \$1 fee may be assessed for registra-
19 tion.

20 Sec. 17. 12 MRSA §8906, sub-§2, as amended by PL
21 1983, c. 556, §7, and c. 819, Pt. A, §39, is re-
22 pealed and the following enacted in its place:

23 2. Equipment. The director may establish look-
24 out stations connected by telephone and radio, and
25 construct, equip and maintain office-storehouse head-
26 quarters for necessary supplies, tools and equipment
27 and provide for any other facilities essential for
28 forest fire control. All fire lookout towers shall be
29 staffed during periods of fire danger. The director
30 shall notify the joint standing committees of the
31 Legislature having jurisdiction over energy and natu-
32 ral resources and appropriations and financial af-
33 airs in writing prior to implementing any major pol-

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1 icy changes in the operation and staffing of the fire
2 lookout tower system. Within the unorganized terri-
3 tory, the director may, in addition to this subsec-
4 tion, construct and maintain roads and trails. In the
5 event the director determines that any currently ac-
6 tive fire tower should not be reopened for the subse-
7 quent fire season, he shall provide notice to the
8 Legislature of his intended action by January 15th.
9 This notice shall include the location of the fire
10 towers affected and the justifications for the clo-
11 sures. Notice of closures shall be reviewed by the
12 joint standing committee of the Legislature having
13 jurisdiction over natural resources. Unless the Leg-
14 islature determines otherwise, the director may close
15 towers so indicated.

16 Sec. 18. 15 MRSA §2716, as amended by PL 1983,
17 c. 176, Pt. A, §5 and as repealed by PL 1983, c.
18 459, §1, is repealed.

19 Sec. 19. 18-A MRSA §2-402, as amended by PL
20 1983, c. 441, §3 and c. 480, Pt. A, §14, is repealed
21 and the following enacted in its place:

22 §2-402. Exempt property

23 In addition to the homestead allowance, the sur-
24 ving spouse of a decedent who was domiciled in this
25 State is entitled from the estate to value not ex-
26 ceeding \$3,500 in excess of any security interests
27 therein in property exempt under Title 14, chapter
28 507, subchapter II, Article 7, on the date of death
29 of the decedent. If there is no surviving spouse,
30 children of the decedent are entitled jointly to the
31 same value. If encumbered chattels are selected and
32 if the value in excess of security interests, plus
33 that of other exempt property, is less than \$3,500,
34 or if there is not \$3,500 worth of exempt property in
35 the estate, the spouse or children are entitled to
36 other assets of the estate, if any, to the extent
37 necessary to make up the \$3,500 value. Rights to ex-
38 empt property and assets needed to make up a defi-

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1 ciency of exempt property have priority over all
2 claims against the estate, except that the right to
3 any assets to make up a deficiency of exempt property
4 shall abate as necessary to permit prior payment of
5 homestead allowance and family allowance. These
6 rights are in addition to any benefit or share pass-
7 ing to the surviving spouse or children by the will
8 of the decedent unless otherwise provided, by intes-
9 tate succession, or by way of elective share.

10 Sec. 20. 20 MRSA §161, as repealed by PL 1981,
11 c. 693, §§1 and 8 and as amended by PL 1983, c. 147,
12 §1 and c. 485, §1, is repealed.

13 Sec. 21. 20 MRSA §226-A, as repealed by PL 1981,
14 c. 693, §§1 and 8 and as amended by PL 1983, c. 485,
15 §2, is repealed.

16 Sec. 22. 20 MRSA §379, as repealed by PL 1981,
17 c. 693, §§1 and 8 and as amended by PL 1983, c. 485,
18 §3, is repealed.

19 Sec. 23. 20 MRSA §807, as repealed by PL 1981,
20 c. 693, §§1 and 8 and as amended by PL 1983, c. 470,
21 §1, is repealed.

22 Sec. 24. 20 MRSA §1751, as repealed by PL 1981,
23 c. 693, §§3 and 8 and as amended by PL 1983, c. 470,
24 §2, is repealed.

25 Sec. 25. 20 MRSA §1752, as repealed by PL 1981,
26 c. 693, §§3 and 8 and as amended by PL 1983, c. 470,
27 §3, is repealed.

28 Sec. 26. 20 MRSA §3122, as repealed by PL 1981,
29 c. 693, §§3 and 8 and as amended by PL 1983, c. 316,
30 §1, is repealed.

31 Sec. 27. 20 MRSA §3130, as repealed by PL 1981
32 c. 693, §§3 and 8 and as amended by PL 1983, c. 278,
33 §1, is repealed.

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1 Sec. 28. 20 MRSA §4751, as repealed by PL 1981,
2 c. 693, §§4 and 8 and as amended by PL 1981, c. 702,
3 Pt. D, §6 and PL 1983, c. 485, §4, is repealed.

4 Sec. 29. 20-A MRSA §2301, as amended by PL 1983,
5 c. 315, and as repealed by PL 1983, c. 816, Pt. A,
6 §12 is repealed and the following enacted in its
7 place:

8 §2301. Applicability of provisions to certain towns
9 or cities

10 Sections 2302, 2303 and 2305 do not apply to mu-
11 nicipalities whose charters specify the methods of
12 selection, recall and term of office of a school com-
13 mittee, nor to municipalities who revise their
14 charters or adopt new charters under the "home rule"
15 provisions of Title 30, chapter 201-A, with specifi-
16 cations for method of selection, recall and term of
17 office of a school committee, nor to municipalities
18 authorized by private and special laws to otherwise
19 choose a school committee.

20 Sec. 30. 20-A MRSA §4204, as repealed by PL
21 1983, c. 859, Pt. A, §14 and as amended by PL 1983,
22 c. 862, §53, is repealed.

23 Sec. 31. Effective date. Section 30 shall take
24 effect on August 1, 1985.

25 Sec. 32. 20-A MRSA §4406, as repealed by PL
26 1983, c. 859, Pt. A, §§19 and 25 and as amended by PL
27 1983, c. 862, §54, is repealed.

28 Sec. 33. Effective date. Section 32 shall take
29 effect August 1, 1985.

30 Sec. 34. 20-A MRSA §4601, sub-§6, as repealed by
31 PL 1983, c. 859, Pt. A, §§4 and 7 and as amended by
32 PL 1983, c.862, §55, is repealed.

33 Sec. 35. Effective date. Section 34 shall take

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1 effect August 1, 1985.

2 Sec. 36. 20-A MRSA §5201, sub-§1, as repealed
3 and replaced by PL 1983, c. 704, §1 and as amended by
4 PL 1983, c. 806, §55, is repealed and the following
5 enacted in its place:

6 1. Eligibility to enroll; school year. A person
7 meeting the minimum age requirements of subsection 2
8 or section 7001, subsection 2, paragraph A, and who
9 has not reached 20 years of age before the start of
10 the school year may enroll as a full-time or, with
11 the consent of the school board, as a part-time stu-
12 dent, in the public elementary and secondary schools
13 where the student resides as defined in section 5202.
14 The school year, for the purpose of this subsection,
15 is defined as starting on July 1st and ending on the
16 following June 30th.

17 Sec. 37. 20-A MRSA §6101, sub-§3, as amended by
18 PL 1983, c. 862, §58 is further amended to read:

19 3. Commissioner's review. The commissioner shall
20 have access to any of the records or documents desig-
21 nated as confidential in this section ~~in~~ for carrying
22 out the commissioner's duties pursuant to sections
23 13001 to 13003 and chapter 502.

24 Sec. 38. 20-A MRSA §15509, as repealed by PL
25 1983, c. 859, Pt. G, §§1 and 4 and as amended by PL
26 1983, c. 859, Pt. K, §4, is repealed.

27 Sec. 39. Effective date. Section 38 shall take
28 effect July 1, 1985.

29 Sec. 40. 21-A MRSA §1201, sub-§5, District Num-
30 ber 38, District Number 116 and District Number 117,
31 as enacted by PL 1983, c. 161, §6 is amended to read:

32 District Number 38, in the County of Cumberland,
33 consisting of portions of the municipalities of
34 Cumberland, Windham and Yarmouth: Being that por-

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1 tion of the Town of Windham north and east of a
2 line described as follows: Beginning at the
3 Windham-Falmouth boundary; thence northwest on
4 Falmouth Road to Albion Road; thence south on
5 Albion Road to Windham Center Road; thence north-
6 west on the Windham Center Road to the Pleasant
7 River; thence northwest on the Falmouth Road to
8 the Varney's Mill Road; thence north on Varney's
9 Mill Road to Route 115; thence north on Route 115
10 to the Gray-Windham boundary; and that portion of
11 the Town of Yarmouth enclosed by a line described
12 as follows: Beginning at the Yarmouth-Cumberland
13 line at its intersection with Hillside Street;
14 thence northeast on Hillside Street to Route 115,
15 Main Street; thence southeast on Route 115, Main
16 Street, to Interstate 95; thence north on Inter-
17 state 95 to the intersection of U.S. Route 1;
18 thence southwest on Route 1 to the Royal River;
19 thence west along the Royal River to Maine Cen-
20 tral Railroad; thence southwest along the Maine
21 Maine Central Railroad to Route 115; thence west
22 on Route 115 to the North Yarmouth-Yarmouth
23 boundary; thence southwest along the North
24 Yarmouth-Yarmouth boundary to the
25 Yarmouth-Cumberland boundary; thence south and
26 east along the Yarmouth-Cumberland boundary to
27 Hillside Street; and that part of Cumberland de-
28 scribed as follows: North and east of a line de-
29 scribed as follows: Beginning at the easternmost
30 boundary of the Town of Cumberland and the Town
31 of Falmouth; thence northwest along the
32 Cumberland-Falmouth boundary to Route 88; thence
33 north along Route 88 to Heritage Lane; thence
34 west on Heritage Lane to Carriage Road; thence
35 north on Carriage Road; thence east on Carriage
36 Road to Route 88; thence north on Route 88 to
37 King's Highway; thence west on King's Highway to
38 Tuttle Road; thence west on Tuttle Road to Inter-
39 state 95; thence south on Interstate 95 to the
40 Falmouth-Cumberland boundary; thence west along
41 the Falmouth-Cumberland boundary to its
42 westernmost point; and including Chebeague Is-

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1 land.

2 District Number 116, in Penobscot County, con-
3 sisting of that portion of the City of Bangor to
4 the south and east of a line described as fol-
5 lows: Beginning at the Hampden-Bangor boundary at
6 its intersection with the Maine Central Railroad;
7 thence northwest on the Maine Central Railroad
8 tracks to Interstate 95; thence northeast on In-
9 terstate 95 to Perry Road; thence east on Perry
10 Road to Webster Avenue; thence northeast on Web-
11 ster Avenue to the northern boundary of the mu-
12 nicipal golf course; thence southeast along the
13 boundary to the western boundary of Bass Park;
14 thence northeast along the Bass Park boundary to
15 its intersection with a direct line from the end
16 of Silver Road to Bass Park; thence northwest
17 along the line to Silver Road; thence northwest
18 on Silver Road to 7th Street; thence northeast on
19 7th Street to Buck Street; thence northwest on
20 Buck Street to West Broadway; thence northeast on
21 West Broadway to Hammond Street; thence west on
22 Hammond Street to 13th Street; thence northeast
23 on 13th Street to Union Street; thence northwest
24 on Union Street to 14th Street; thence north on
25 14th Street to Ohio Street; thence east and south
26 on Ohio Street to Bower Street; thence southeast
27 on Bower Street to Everett Street; thence north-
28 east on Everett Street to Nelson Street; thence
29 north on Nelson Street to Valley Avenue; ~~thence~~
30 ~~north on Nelson Street to Valley Avenue;~~ thence
31 southeast across Kenduskeag Stream on Valley Ave-
32 nue, which becomes Harlow Street; thence south-
33 east on Harlow Street to Spring Street; thence
34 northeast on Spring Street to Center Street;
35 thence southeast on Center Street to Somerset
36 Street; thence east on Somerset Street to Park
37 Street; thence southeast on Park Street to Ex-
38 change Street; thence southeast on Exchange
39 Street to Washington Street; thence west on Wash-
40 ington Street to Kenduskeag Stream; thence south
41 on Kenduskeag Stream to the Penobscot River.

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1 District Number 117, in Penobscot County, con-
2 sisting of that portion of the City of Bangor
3 north of a line described as follows: Beginning
4 at the Bangor-Glenburn boundary and its intersec-
5 tion with Hudson Road; thence southeast on Hudson
6 Road, Route 221, to Broadway, State Road 15;
7 thence east and south on Broadway to the north
8 boundary of Husson College; thence east, south-
9 west and then west along the boundary to its in-
10 tersection with Hillman Avenue and Husson Avenue;
11 thence southwest along Hillman Avenue to
12 Kenduskeag Avenue; thence southeast on Kenduskeag
13 Avenue to Interstate 95; thence southwest on In-
14 terstate 95 to Union Street; thence southeast on
15 Union Street to 14th Street; thence north on 14th
16 Street to Ohio Street; thence east and south on
17 Ohio Street to Bower Street; thence southeast on
18 Bower Street to Everett Street; thence northeast
19 on Everett Street to Nelson Street; thence north
20 on Nelson Street to Valley Avenue; ~~thence north~~
21 ~~on Nelson Street to Valley Avenue;~~ thence south-
22 east across Kenduskeag Stream on Valley Avenue,
23 which becomes Harlow Street; thence southeast on
24 Harlow Street to Spring Street; thence northeast
25 on Spring Street to Center Street; thence south-
26 east on Center Street to Somerset Street; thence
27 east on Somerset Street to French Street; thence
28 north on French Street to Garland Street; thence
29 east on Garland Street to Essex Street; thence
30 north on Essex Street to Stillwater Avenue;
31 thence north and east on Stillwater Avenue to In-
32 terstate 95; thence east and north on Interstate
33 95 to the Bangor-Veazie boundary.

34 Sec. 41. 22 MRSA §4007, sub-§4, as enacted by PL
35 1983, c. 783, §3 and c. 772, §4, is repealed and the
36 following enacted in its place:

37 4. Interstate Compact on Placement of Children.
38 The provisions of the Interstate Compact on Placement
39 of Children, sections 4191 to 4247, shall apply to

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1 proceedings under this chapter. Any report submitted
2 pursuant to the compact shall be admissible in evi-
3 dence for purposes of indicating compliance with the
4 compact and the court may rely on evidence to the ext-
5 ent of its probative value.

6 Sec. 42. 22 MRSA §4007, sub-§5 is enacted to
7 read:

8 5. Records. Records released by the department
9 pursuant to section 4008 shall be used only for the
10 purposes for which that release was intended.

11 Sec. 43. 22 MRSA §4008, sub-§3, ¶D, as amended
12 by PL 1983, c. 470, §12, is further amended to read:

13 D. An appropriate state executive or legislative
14 official with responsibility for child protection
15 services in carrying out his official functions,
16 provided that no personally identifying informa-
17 tion may be made available unless necessary to
18 his functions; and

19 Sec. 44. 22 MRSA §4008, sub-§3, ¶E, as amended
20 by PL 1983, c. 327, §§4 and 5 and as enacted by PL
21 1983, c. 470, §13, is repealed and the following en-
22 acted in its place:

23 E. The Protection and Advocacy Agency for the
24 Developmentally Disabled in Maine in connection
25 with investigations conducted in accordance with
26 chapter 961. The determination of what informa-
27 tion and records are relevant to the investiga-
28 tion shall be made by agreement between the de-
29 partment and the agency; and

30 Sec. 45. 22 MRSA §4008, sub-§3, ¶F is enacted to
31 read:

32 F. Where the information concerns teachers and
33 other professional personnel issued certificates
34 under Title 20-A, the information shall be dis-

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1 closed to the Commissioner of Educational and
2 Cultural Services.

3 Sec. 46. 23 MRSA §1201, sub-§35, as enacted by
4 PL 1983, c. 26, c. 71, and c. 506, is repealed and
5 the following enacted in its place:

6 35. Southern Maine Vocational-Technical Insti-
7 tute. A sign shall be provided by the Southern Maine
8 Vocational-Technical Institute and installed and
9 maintained by the Maine Turnpike Authority at Exit 7
10 which will conform with standards established by the
11 Maine Turnpike Authority and shall read as follows:

12 EXIT FOR:

13 SOUTHERN MAINE VOCATIONAL-TECHNICAL INSTITUTE

14 Sec. 47. 23 MRSA §1201, sub-§§37 and 38 are en-
15 acted to read:

16 37. Norway, South Paris and the Oxford Hills Re-
17 gion. Such sign shall be constructed and maintained
18 on the Maine Turnpike no more than 7 miles southerly
19 from exit 11 and shall be worded as follows:

20 EXIT FOR NORWAY, SOUTH PARIS
21 AND THE OXFORD HILLS REGION

22 38. Bates College. The signs shall be provided
23 by Bates College. The Maine Turnpike shall erect one
24 sign on the side of the northbound lanes between ex-
25 its 12 and 13 and one sign on the side of the
26 southbound lanes north of exit 13. The Maine Turn-
27 pike Authority shall be responsible for the mainte-
28 nance of the signs.

29 Sec. 48. 23 MRSA §4206, sub-§1, ¶L, as amended
30 by PL 1983, c. 310, §3 and as repealed by PL 1983, c.
31 477, Pt. E, sub-Pt. 26, §8, is repealed.

32 Sec. 49. 25 MRSA §2807, as enacted by PL 1983,

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1 c. 67, §6 and c. 544, §1, is repealed and the follow-
2 ing enacted in its place:

3 §2807. Municipal reports of dismissed law enforce-
4 ment officers

5 In the event that a law enforcement officer has
6 resigned from or been dismissed from his position in
7 a municipality or county for having been convicted of
8 a Class A, Class B, Class C or Class D crime, the mu-
9 nicipal officers or their designee or the county com-
10 missioners or their designee shall expeditiously no-
11 tify the Director of the Maine Criminal Justice Acad-
12 emy with the name of the convicted law enforcement
13 officer, the class of crime committed, the date the
14 offense was committed and a brief description of the
15 crime.

16 For the purpose of this section, law enforcement
17 officer means a full-time or part-time police offi-
18 cer, special police officer, constable, sheriff or
19 deputy sheriff.

20 The Director of the Maine Criminal Justice Acade-
21 my shall maintain a list of all the persons reported
22 under this section which shall be made available to
23 any municipality or county or to the State for the
24 purpose of hiring law enforcement officers.

25 Sec. 50. 25 MRS §2808 is enacted to read:

26 §2808. Sharing of training costs

27 1. Definitions. As used in this section, unless
28 the context otherwise indicates, the following terms
29 have the following meanings.

30 A. "Governmental entity" means the State or any
31 city, town, plantation or county.

32 B. "Training" means the initial basic training
33 provided to part-time or full-time law enforce-

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1 ment officers by the Maine Criminal Justice Acad-
2 emy, as described in section 2805, subsection 1,
3 and section 2805-A.

4 C. "Training costs" means the full cost of the
5 salary paid to the officer while in training, the
6 full cost of the tuition charged by the Maine
7 Criminal Justice Academy, plus any overtime paid
8 to others to provide police protection during the
9 officer's absence. In determining training
10 costs, charges for overtime, when they are appli-
11 cable, shall always be calculated as 25% of the
12 salary paid to the officer while in training.

13 2. Reimbursement for training costs. Whenever a
14 law enforcement officer, trained at the Maine Crimi-
15 nal Justice Academy on or after September 1, 1983,
16 while on the payroll of a particular governmental en-
17 tity, is subsequently hired by another governmental
18 entity within 3 years of his graduation from the
19 academy, the governmental entity shall reimburse the
20 first governmental entity according to the following
21 formula.

22 A. If the officer is hired by the other govern-
23 mental entity during the first year after his
24 graduation, that governmental entity shall reim-
25 burse the first governmental entity the full cost
26 of the training costs.

27 B. If the officer is hired by the other govern-
28 mental entity during the 2nd year after his grad-
29 uation, that governmental entity shall reimburse
30 the first governmental entity 2/3 of the training
31 costs.

32 C. If the officer is hired by the other govern-
33 mental entity during the 3rd year after his grad-
34 uation, that governmental entity shall reimburse
35 the first governmental entity 1/3 of the training
36 costs.

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1 D. If the officer graduated more than 3 years
2 before subsequently being hired by the other gov-
3 ernmental entity, the governmental entity shall
4 not be obligated to reimburse the first govern-
5 mental entity.

6 If the officer is subsequently hired by additional
7 governmental entities within 3 years of his gradua-
8 tion from the academy, each of those governmental en-
9 tities shall be liable to the governmental employer
10 immediately preceding it for the training costs paid
11 by that governmental entity under this subsection.
12 The extent of financial liability shall be determined
13 according to the formula established by this subsec-
14 tion.

15 Reimbursement shall not be required when the
16 trained officer hired by a governmental entity had
17 his employment with a prior governmental entity ter-
18 minated at the discretion of the governmental entity.

19 Sec. 51. 26 MRSA §1193, sub-§5, as amended by PL
20 1983, c. 13, §8, and c. 305, §4, is repealed and the
21 following enacted in its place:

22 S. Receiving remuneration. For any week with
23 respect to which he is receiving, is entitled to re-
24 ceive or has received remuneration in the form of:

25 A. Dismissal wages, wages in lieu of notice,
26 terminal pay, vacation pay or holiday pay; or

27 B. Benefits under the unemployment compensation
28 or employment security law of any state or simi-
29 lar law of the United States.

30 If the remuneration under paragraph A is less than
31 the benefits which would otherwise be due under this
32 chapter, he shall be entitled to receive for that
33 week, if otherwise eligible, benefits reduced by the
34 amount of the remuneration, rounded to the nearest
35 lower full dollar amount;

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1 Sec. 52. 28 MRSA §59, as repealed and replaced
2 by PL 1977, c. 86, is amended to read:

3 §59. Bureau of Liquor Enforcement

4 1. Bureau of Liquor Enforcement. The enforcement
5 division of the State Liquor Commission shall be the
6 Bureau of Liquor Enforcement within the Department of
7 Public Safety, as heretofore created. The Commission-
8 er of Public Safety shall appoint as Director of the
9 Bureau of Liquor Enforcement a person experienced in
10 law enforcement or enforcement of liquor laws, who
11 may be removed for cause by the commissioner. The di-
12 rector, subject to the Personnel Law, may appoint as
13 many inspecters liquor enforcement officers as may be
14 found necessary. The inspectors liquor enforcement
15 officers shall be under the direct supervision and
16 control of the director.

17 Notwithstanding any other provisions of law, the De-
18 partment of Public Safety shall be responsible for
19 the enforcement of the liquor laws and the rules and
20 regulations of the commission.

21 All business and financial records of licensees shall
22 be confidential.

23 2. Enforcement powers. An inspector A liquor
24 enforcement officer appointed under this section
25 shall have the duty and authority to enforce the pro-
26 visions of this Title, of Title 17, chapter 69, and
27 of Title 29, section 2182. For the purpose of enforc-
28 ing these provisions, he shall have the same powers
29 throughout the several counties of the State as sher-
30 iffs have in their respective counties to investigate
31 and prosecute violations, to execute warrants, to
32 serve process and to arrest offenders.

33 3. Other enforcement powers. In addition to the
34 authority in subsection 2, a liquor inspector en-
35 forcement officer shall have the authority to arrest

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1 without a warrant any person who has committed or is
 2 committing any other crime in his presence. An ar-
 3 rest made pursuant to this authority shall be made at
 4 the time of the criminal conduct, or some part there-
 5 of, or within a reasonable time thereafter. This au-
 6 thority shall be exercised only by a liquor ~~insp~~pector
 7 enforcement officer who has completed the basic
 8 training course for liquor ~~insp~~ectors enforcement
 9 officers at the Maine Criminal Justice Academy or for
 10 whom that basic training course or a portion thereof
 11 has been waived by the board of trustees of the acad-
 12 emy because of successful completion of equivalent
 13 training.

14 Sec. 53. 29 MRSa §246, 3rd ¶, as amended by PL
 15 1983, c. 30, §1 and c. 94, Pt. C, §6, is repealed
 16 and the following enacted in its place:

17 The annual fee for registration of farm motor
 18 trucks, having 2 or 3 axles other than so-called
 19 dolly axles falling under section 1652, subsection 4,
 20 paragraph A, subparagraph (6), or farm motor trucks
 21 having 2 or 3 axles towing a trailer or semitrailer
 22 when those trucks are used primarily for transporta-
 23 tion of agricultural commodities, supplies or equip-
 24 ment to be used in connection with the operation of a
 25 farm or farms owned, operated or occupied by the reg-
 26 istrant, shall be as follows:

27	<u>From 0 pounds gross weight to 6,000 pounds gross</u>	
28	<u>weight</u>	<u>\$ 16</u>
29	<u>From 6,001 pounds gross weight to 9,000 pounds</u>	
30	<u>gross weight</u>	<u>\$ 19</u>
31	<u>From 9,001 pounds gross weight to 11,000 pounds</u>	
32	<u>gross weight</u>	<u>\$ 22</u>
33	<u>From 11,001 pounds gross weight to 14,000 pounds</u>	
34	<u>gross weight</u>	<u>\$ 34</u>
35	<u>From 14,001 pounds gross weight to 16,000 pounds</u>	

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1	<u>gross weight</u>	\$ 45
2	<u>From 16,001 pounds gross weight to 18,000 pounds</u>	
3	<u>gross weight</u>	\$ 67
4	<u>From 18,001 pounds gross weight to 20,000 pounds</u>	
5	<u>gross weight</u>	\$ 79
6	<u>From 20,001 pounds gross weight to 23,000 pounds</u>	
7	<u>gross weight</u>	\$ 96
8	<u>From 23,001 pounds gross weight to 26,000 pounds</u>	
9	<u>gross weight</u>	\$114
10	<u>From 26,001 pounds gross weight to 29,000 pounds</u>	
11	<u>gross weight</u>	\$139
12	<u>From 29,001 pounds gross weight to 32,000 pounds</u>	
13	<u>gross weight</u>	\$159
14	<u>From 32,001 pounds gross weight to 35,000 pounds</u>	
15	<u>gross weight</u>	\$235
16	<u>From 35,001 pounds gross weight to 38,000 pounds</u>	
17	<u>gross weight</u>	\$258
18	<u>From 38,001 pounds gross weight to 42,000 pounds</u>	
19	<u>gross weight</u>	\$281
20	<u>From 42,001 pounds gross weight to 46,000 pounds</u>	
21	<u>gross weight</u>	\$304
22	<u>From 46,001 pounds gross weight to 50,000 pounds</u>	
23	<u>gross weight</u>	\$327
24	<u>From 50,001 pounds gross weight to 54,000 pounds</u>	
25	<u>gross weight</u>	\$350
26	Sec. 54. 29 MRSA §246-A, sub-§9, as amended by	
27	PL.1983, c. 817, §4, is further amended to read:	
28	9. <u>Suspension.</u> On certification by the State	

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1 Tax Assessor to the Secretary of State that a vehicle
2 owner is not in compliance with Title 36, chapter
3 453, 457, 459 or 463 463-A, the Secretary of State
4 shall suspend all fuel use identification decals is-
5 sued to that owner. Until the State Tax Assessor
6 certifies to the Secretary of State that an owner is
7 in full compliance, an owner who has had his fuel use
8 identification decals revoked shall not operate or
9 cause operation of vehicles registered to him which
10 require decals to operate on Maine highways.

11 Reinstatement of the fuel use decal requires, in ad-
12 dition to meeting the requirements of this law, the
13 payment of a fee of \$25 to the Secretary of State,
14 section 2241-D.

15 The Secretary of State shall promptly notify the De-
16 partment of Public Safety of any suspension, revoca-
17 tion and reinstatement under provisions of this sec-
18 tion. Every owner transferring ownership of a vehi-
19 cle bearing a valid fuel use identification decal
20 shall disfigure any such decal and no person acquir-
21 ing a vehicle with an unexpired fuel use identifica-
22 tion decal may operate or cause operation of such
23 vehicle without a valid trip permit or bearing a de-
24 cal issued to him.

25 Sec. 55. 29 MRSA §247 is amended to read:

26 §247. -- antique motor vehicles

27 The annual fees for the registration of antique
28 motor vehicles shall be in accordance with this sec-
29 tion and shall accompany the application for regis-
30 tration.

31 Antique motor vehicles ~~\$7-50~~ \$10 each.

32 Sec. 56. 29 MRSA §1362, as amended by PL 1985,
33 c. 82 and c. 108, §10, is repealed and the following
34 enacted in its place:

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1 §1362. Brakes; signals; unnecessary noise; bells and
2 sirens; exceptions

3 Every motor vehicle shall be provided with ade-
4 quate brakes in good working order and sufficient to
5 control the vehicle at all times when the vehicle is
6 in use, and a suitable and adequate horn or other de-
7 vice for signaling. Every such motor vehicle shall
8 have brakes adjusted so as to stop 2-wheel brake ve-
9 hicles at a speed of 20 miles per hour within a dis-
10 tance of 45 feet and 4-wheel brake vehicles within 30
11 feet, excepting motorcycles and motor driven cycles,
12 which, at all times and under all conditions of load-
13 ing, shall have brakes adjusted so as to stop the ve-
14 hicles within a distance of 30 feet from a speed of
15 20 miles per hour. Every such vehicle and combina-
16 tion of vehicles, except 2-wheel motorcycles and
17 2-wheel motor driven cycles, shall be equipped with
18 parking brakes adequate to hold the vehicle on any
19 grade on which it is operated, under all conditions
20 of loading, on a surface free from snow, ice or loose
21 material. The parking brakes shall be capable of be-
22 ing applied in conformance with the requirements of
23 this section by the driver's muscular effort or by
24 spring action or by equivalent means. Their operation
25 may be assisted by the service brakes or other source
26 of power, provided that failure of the service brake
27 actuation system or other power assisting mechanism
28 will not prevent the parking brakes from being ap-
29 plied in conformance with the requirements of this
30 section. The parking brakes shall be so designed that
31 when once applied they shall remain applied with the
32 required effectiveness despite exhaustion of any
33 source of energy or leakage of any kind. The same
34 brake drums, brake shoes and lining assemblies, brake
35 shoe anchors and mechanical brake shoe actuation
36 mechanism normally associated with the wheel brake
37 assemblies may be used for both the service brakes
38 and the parking brakes. If the means of applying the
39 parking brakes and the service brakes are connected
40 in any way, they shall be so constructed that failure

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1 of any one part shall not leave the vehicle without
2 operative brakes. No signaling device may be unnec-
3 essarily sounded nor any braking or acceleration un-
4 necessarily made so as to cause a harsh, objection-
5 able or unreasonable noise, and no bell or siren may
6 be installed or used on any motor vehicle, except
7 that fire and police department vehicles and ambu-
8 lances, and vehicles operated by state, city and town
9 fire inspectors, city and town fire chiefs, assistant
10 fire chiefs, police chiefs and assistant police
11 chiefs may be so equipped for use only when respond-
12 ing to emergency calls, such motor vehicles used by
13 forest rangers or personnel engaged in forest fire
14 control as may be designated by the Department of
15 Conservation, and such motor vehicles used by sher-
16 iffs and deputy sheriffs, and such motor vehicles
17 used by inland fisheries and game wardens as may be
18 designated by the Department of Inland Fisheries and
19 Wildlife and such motor vehicles used by coastal war-
20 dens as may be designated by the Department of Marine
21 Resources, and such motor vehicles used by United
22 States Government law enforcement officials, and such
23 motor vehicles used by a state or municipal depart-
24 ment which controls or supervises electrical alarm
25 and communication systems.

26 Sec. 57. 29 MRSA §2241, sub-§1, ¶L, as repealed
27 by PL 1983, c. 334, §1 and as amended by PL 1983, c.
28 455, §28, is repealed.

29 Sec. 58. 29 MRSA §2713, sub-§1, as amended by PL
30 1983, c. 234, §6 and c. 480, Pt. A, §36, is repealed
31 and the following enacted in its place:

32 1. Deposit of funds. All revenues derived from
33 fees and fines authorized by this chapter shall be
34 deposited with the Treasurer of State in a separate
35 account to be known as the Transportation Safety
36 Fund.

37 Sec. 59. 30 MRSA §254-B, as repealed by PL 1983,
38 c. 435, §2 and as amended by PL 1983, c. 439, is re-

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1 pealed.

2 Sec. 60. 30 MRSA §853, sub-§3, as amended by PL
3 1977, c. 650, §3, is further amended to read:

4 3. Part-time deputy. "Part-time deputy" means a
5 deputy who is compensated on an hourly or per diem
6 basis under section 958, subsection 2, and who does
7 not receive more than ~~\$4,000~~ \$6,000 in any one calen-
8 dar or fiscal year for performing county law enforce-
9 ment duties. "County law enforcement duties" under
10 this subsection does not include acting as a court
11 officer, and any compensation for acting as a court
12 officer shall not be included in the ~~\$4,000~~ \$6,000
13 limit of this subsection.

14 Sec. 61. 30 MRSA §2252 is amended to read:

15 §2252. Title to municipal office

16 A person who claims to have been elected to any
17 municipal office may proceed against another who
18 claims title to the office within 15 days after elec-
19 tion day by following the procedure outlined in Title
20 ~~21~~ 21-A, section ~~746~~ 746.

21 Sec. 62. 30 MRSA §2352, sub-§3, ¶A-1 is enacted
22 to read:

23 A-1. Certificate of birth, marriage or death, \$5
24 for the first copy and \$2 for each additional
25 copy;

26 Sec. 63. Effective date. Section 62 shall take
27 effect 90 days after adjournment of the Legislature.

28 Sec. 64. 30 MRSA § 4761, next to last ¶, as en-
29 acted by PL 1979, c. 473, §2, is amended to read:

30 For any Capital Reserve Fund to which, under the
31 resolution establishing the Capital Reserve Fund, ~~the~~
32 ~~3rd paragraph from the end of this section~~ subsection

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1 4 is not stated to apply, there shall be no certifi-
2 cation by the director to the Governor or appropria-
3 tion and payment by the Legislature for deposit in
4 the fund to restore the fund to an amount equal to
5 its required minimum reserve.

6 Sec. 65. 30 MRSA §4761, last ¶, as amended by PL
7 1981, c. 620, §18, is further amended to read:

8 For purposes of valuation of the Housing Reserve
9 Fund or a Capital Reserve Fund to which ~~the 3rd para-~~
10 ~~graph from the end of this section~~ subsection 4 ap-
11 plies, securities acquired as an investment for any
12 such fund shall be valued at par or actual cost to
13 the state authority, whichever value is less.

14 Sec. 66. 30 MRSA §4864, sub-§1, as amended by PL
15 1985, c. 163, §5, is further amended to read:

16 1. Captured assessed value. The municipality may
17 retain all or part of the tax increment of a tax in-
18 crement financing district for the purpose of financ-
19 ing the development program. The amount of tax incre-
20 ment to be retained shall be determined by designat-
21 ing the amount of capture captured assessed value to
22 be retained. At the time of adoption of a develop-
23 ment program for a tax increment financing district,
24 the governing body shall adopt a statement of the
25 percentage of captured assessed value to be retained
26 in accordance with the development program. Once
27 adopted, the percentage may only be decreased in sub-
28 sequent years, unless a new development program is
29 adopted, or the present plan is amended or altered
30 under section 4863. The municipal assessor shall cer-
31 tify the amount of the captured assessed value to the
32 municipality each year.

33 Sec. 67. 32 MRSA §1552, sub-§2, ¶C, as enacted
34 by PL 1977, c. 398, §10, is amended to read:

35 C. Upon inmates or residents of institutions of
36 the Department of Mental Health and Mental Retar-

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1 dation and the Department of Corrections;

2 Sec. 68. 32 MRSA §2351, first ¶, as amended by
3 PL 1983, c. 553, §36 and c. 812, §218, is repealed
4 and the following enacted in its place:

5 An Oil and Solid Fuel Board, as established by
6 Title 5, section 12004, subsection 1, and in this
7 chapter called the "board," shall consist of the Com-
8 missioner of Business, Occupational and Professional
9 Regulation or a representative appointed by the com-
10 missioner, the Commissioner of Public Safety or a
11 representative and 5 other members, called in this
12 chapter the "appointive members," who shall be ap-
13 pointed by the Governor.

14 Sec. 69. 32 MRSA §3282, sub-§5, ¶N, as amended
15 by PL 1983, c. 176, Pt. A, §17 and as repealed by PL
16 1983, c. 378, §52, is repealed.

17 Sec. 70. 34-B MRSA §1001, sub-§9, as enacted by
18 PL 1983, c. 459, §7, is amended to read:

19 9. Written political material. "Written politi-
20 cal material" means flyers, handbills or other
21 nonperiodical publications which are subject to the
22 restrictions of Title 21 21-A, chapter 35 13.

23 Sec. 71. 34-B MRSA §1410, sub-§4, as enacted by
24 PL 1983, c. 459, §7, is amended to read:

25 4. Violation. The posting of written political
26 material under this section is not a violation of Ti-
27 tle 21 21-A, section 1575-A 31, subsection 3 or sec-
28 tion 1579 674, subsection 7 1, paragraph C.

29 72. 35 MRSA §19, as enacted by PL 1983, c. 815,
30 §1 and as reallocated by PL 1983, c. 862, §78, is re-
31 pealed and the following enacted in its place:

32 §19. Reimbursement fund

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1 All money collected by the Public Utilities Com-
2 mission in the form of filing fees or expense reim-
3 bursements ordered by the commission shall be depos-
4 ited with the Treasurer of State in an account to be
5 known as the Public Utilities Commission Reimburse-
6 ment Fund, which shall be a continuous carrying ac-
7 count for reimbursement of commission expenses in-
8 curred in processing the associated matters which
9 generated the filing fee or expense reimbursement and
10 so much thereof as may be required is appropriated
11 for these purposes and for refund of the unexpended
12 portion of the filing fee. All such payments shall
13 be made to the commission after approval of the State
14 Controller and in no event may the payments exceed
15 the amounts received by the Treasurer of State from
16 the Public Utilities Commission.

17 Fines collected by the Public Utilities Commis-
18 sion which do not constitute a reimbursement of com-
19 mission expenses shall be deposited in the General
20 Fund of the State Treasury. Upon certification by
21 the secretary of the commission that certain amounts
22 in the Public Utilities Commission Reimbursement Fund
23 are not required by the commission, the Treasurer of
24 State shall transfer the amounts to the General Fund.

25 The commission shall report annually, before Feb-
26 ruary 1st, to the joint standing committee of the
27 Legislature having jurisdiction over public utili-
28 ties, on a case by case basis, on the waiver, exemp-
29 tion, receipt and expenditure of any filing fees, ex-
30 penditure reimbursements or fines collected under this
31 Title.

32 Sec. 73. 35 MRSa §20 is enacted to read:

33 §20. Funding of intervenors by the commission

34 Notwithstanding sections 3, 4 and 313, the com-
35 mission shall not order compensation of intervenors
36 by any utility except as authorized by this section.
37 Compensation of intervenors may be ordered only to

3.078

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1 the extent that compensation is specifically required
2 by the Public Utilities Regulatory Policies Act of
3 1978, United States Code, Title 16, Section 2601, et
4 seq.

5 Sec. 74. Effective date. The Maine Revised
6 Statutes, Title 35, section 20, shall not apply to
7 cases pending before the commission on April 1, 1984.
8 In those cases, intervenor funding shall be paid in
9 accordance with the final order of the commission in
10 the case in question.

11 Sec. 75. 36 MRSA §1752, sub-§14-A, as amended by
12 PL 1981, c. 706, Pt. R, §1, is repealed.

13 Sec. 76. 36 MRSA §3461, sub-§2, as amended by PL
14 1983, c. 480, Pt. A, §44 and c. 571, §11, is re-
15 pealed and the following enacted in its place:

16 2. Life insurance. All proceeds of life insur-
17 ance policies upon the life of a decedent payable to
18 his estate or to his personal representatives except,
19 if testate, such part thereof as is bequeathed to a
20 widow or widower, or issue, or, if intestate, such
21 part thereof as descends to a surviving widow, widow-
22 er or issue.

23 Sec. 77. 36 MRSA §4569, as amended by PL 1983,
24 c. 766, §2, is further amended to read:

25 §4569. Records and reports

26 Every shipper shall, on or before the 15th day of
27 each month, report to the State Tax Assessor the
28 quantity of potatoes received, sold or shipped by him
29 during the preceding calendar month and any addition-
30 al information which the State Tax Assessor deems
31 pertinent, on forms furnished by the State Tax Asses-
32 sor. At the time of filing the report, each shipper
33 shall pay to the State Tax Assessor a tax at the rate
34 of \$.05 per hundredweight upon all potatoes so re-
35 ported as purchased, sold or shipped. The State Tax

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1 Assessor shall pay over all receipts from such tax to
2 the Treasurer of State daily:

3 Sec. 78. 36 MRSA §5122, sub-§2, as amended by PL
4 1983, c. 798, c. 828, §22 and c. 855, §17, is re-
5 pealed and the following enacted in its place:

6 2. Subtractions. For tax years beginning on or
7 after January 1, 1977, federal adjusted gross income
8 shall be reduced by:

9 A. Interest or dividends on obligations of the
10 United States and its territories and possessions
11 or of any authority, commission or instrumentali-
12 ty of the United States or on a seller-sponsored
13 loan, as defined by Title 10, chapter 10, to the
14 extent includable in gross income for federal in-
15 come tax purposes, but exempt from state income
16 taxes under the laws of the United States, pro-
17 vided that the amount subtracted shall be de-
18 creased by any expenses incurred in the produc-
19 tion of the interest or dividend income to the
20 extent that these expenses, including amortizable
21 bond premiums, are deductible in determining fed-
22 eral adjusted gross income;

23 B. An amount equal to the taxpayer's federal new
24 jobs credit as determined under the laws of the
25 United States;

26 C. Social security benefits and tier 1 railroad
27 retirement benefits paid by the United States, to
28 the extent included in federal adjusted gross in-
29 come; and

30 D. For each of the taxable years ending in 1985
31 through 1987, 1/3 of the amount by which federal
32 adjusted gross income was increased for the tax-
33 able year ending in 1984 under subsection 1, par-
34 agraph F.

35 Sec. 79. 38 MRSA §418, sub-§1, as amended by PL

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1 1983, c. 375, §1 and c. 566, §20, is repealed and
2 the following enacted in its place:

3 1. Prohibitions. No person, firm, corporation
4 or other legal entity may place logs or pulpwood into
5 the inland waters of this State for the purpose of
6 driving the logs or pulpwood to pulp mills, lumber
7 mills or any other destination, except to transport
8 logs or pulpwood from islands to the mainland.

9 No person, firm, corporation or other legal entity
10 may place logs or pulpwood on the ice of any inland
11 waters of this State, except to transport logs or
12 pulpwood from islands to the mainland.

13 No person, firm, corporation or other legal entity
14 may place logs or pulpwood into the inland waters of
15 this State for the purpose of storage or curing the
16 logs or pulpwood, or for other purposes incidental to
17 the processing of forest products, or to transport
18 logs or pulpwood from islands to the mainland, with-
19 out a permit from the board as described in subsec-
20 tion 2.

21 Sec. 80. 38 MRS §625, as amended by PL 1983, c.
22 453, §7 and as repealed by PL 1983, c. 458, §16, is
23 repealed.

24 Sec. 81. 38 MRS §1303-A, sub-§1, as repealed
25 and replaced by PL 1983, c. 816, Pt. B, §21 and as
26 amended by PL 1983, c. 666, is repealed and the fol-
27 lowing enacted in its place:

28 1. Identification of hazardous waste. The board
29 may adopt and amend rules identifying hazardous
30 waste. It is the intent of the Legislature that the
31 board shall identify as hazardous waste those sub-
32 stances which are so identified by the United States
33 Environmental Protection Agency in proposed or final
34 regulations. The Legislature also intends that the
35 board may identify as hazardous waste, in accordance
36 with paragraph B, other substances in addition to

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1 those identified by the United States Environmental
2 Protection Agency. Further, the Legislature intends
3 that a substance which has been identified as a haz-
4 ardous waste by the board shall be removed from iden-
5 tification only by further rulemaking by the board.

6 Hazardous waste may be identified as follows.

7 A. The board may identify any substance as a
8 hazardous waste if that substance is identified
9 as hazardous by particular substance, by charac-
10 teristic, by chemical class or as a waste product
11 of a specific industrial activity in proposed or
12 final rules of the United States Environmental
13 Protection Agency.

14 B. The board may identify any substance as a
15 hazardous waste if the board, after evaluation
16 based on existing data or data reasonably
17 extrapolated from previously conducted studies
18 using similar classes of substances or compounds
19 under similar circumstances, has determined that
20 the substance is an acute or chronic toxin caus-
21 ing significant potential adverse public health
22 or environmental effects. An acute or chronic
23 toxin may include the characteristics of:

24 (1) Carcinogenicity;

25 (2) Mutagenicity;

26 (3) Teratogenicity; or

27 (4) Infectiousness.

28 Rules adopted under this paragraph shall be sub-
29 mitted to the joint standing committee of the
30 Legislature having jurisdiction over natural re-
31 sources for review. These rules shall remain in
32 effect until 90 days after adjournment of the
33 next regular session of the Legislature unless

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1 adopted by legislative enactment.

2 C. Whenever the board proposes to adopt or amend
3 rules identifying hazardous waste or removing
4 hazardous waste from identification, it shall
5 hold a public hearing.

6 D. In addition to hazardous waste identified un-
7 der paragraphs A and B, the Legislature identi-
8 fies the following chemicals, materials, sub-
9 stances or waste as being hazardous waste:

10 (1) Polychlorinated biphenyls and any sub-
11 stance containing polychlorinated biphenyls.

12 Sec. 82. 39 MRSA §97, 2nd ¶, as amended by PL
13 1983, c. 38 and c. 479, §20, is repealed and the fol-
14 lowing enacted in its place:

15 Except that, for good cause shown, a single com-
16 missioner may permit the late filing of any pleading
17 permissible under this Act. If the subject of the
18 petition has been considered in an informal confer-
19 ence under section 94-B, the period for filing and
20 mailing of answers shall be 7 days.

21 Sec. 83. PL 1983, c. 859, Pt. K, §1, first 2
22 lines are repealed and the following enacted in their
23 place:

24 Sec. 1. 5 MRSA §12004, sub-§10, ¶A, as enacted
25 by PL 1983, c. 812, §39, is amended to read:

26 Sec. 84. Resolves 1983, c. 85, first ¶, last
27 sentence is amended to read:

28 The Governor shall appoint the nonlegislative commit-
29 tee members in the following manner: The Members
30 representing the Paper Industry Information Office,
31 the Maine Chapter of the Society of American Forest-
32 ers and the Small Woodlot Owners Association of Maine
33 shall be chosen from lists of 3 individuals submitted

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1 by the respective organizations, and the members
2 representing woodcutters and the public shall be cho-
3 sen by the Governor in such manner as the Governor
4 deems proper; and be it further

5 Sec. 85. Resolves 1983, c. 85, 2nd ¶, last sen-
6 tence is amended to read:

7 The committee may request staff support from the Leg-
8 islative Council; and be it further

9 PART B

10 Sec. 1. 4 MRSA §157, sub-§1, ¶B, as repealed and
11 replaced by PL 1983, c. 863, Pt. B, §§7 and 45, is
12 amended to read:

13 B. The Chief Justice of the Supreme Judicial
14 Court shall designate one of the judges as Chief
15 Judge. The Chief Judge, with the advice and con-
16 sent of the Chief Justice of the Supreme Judicial
17 Court, shall designate one of the District Court
18 Judges as Deputy Chief Judge who shall have all
19 the duties, powers and responsibilities of the
20 Chief Judge when the Chief Judge is unable to
21 perform them because of illness, absence or
22 disability.

23 Sec. 2. 4 MRSA §164, sub-§1-A is enacted to
24 read:

25 1-A. Appoint bail commissioners. Appoint bail
26 commissioners pursuant to Title 14, section 5541, for
27 any district when the resident judge for that dis-
28 trict, because of illness, absence or disability, is
29 unable to appoint.

30 Sec. 3. 5 MRSA §1001, sub-§19-A as enacted by PL
31 1985, c. 62, §1, is amended to read:

32 19-A. Restoration to service. "Restoration to
33 service" means that a retired state employee or

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1 teacher has accepted employment as either a state em-
2 ployee or teacher, ~~or that a retired participating~~
3 ~~local district employee has accepted employment as~~
4 ~~either a state employee or teacher, or that a retired~~
5 participating local district employee has accepted
6 employment with the participating district from which
7 he had retired. Election to the Legislature is not
8 considered restoration to service.

9 Sec. 4. Effective date. Section 3 shall take
10 effect 91 days after adjournment of the Legislature.

11 Sec. 5. 7 MRSA §3153, sub-§3, as enacted by PL
12 1983, c. 573, §4, is amended to read:

13 3. Additional collections for promotion. Effic-
14 tive June 1, 1984, each producer-dealer shall on a
15 monthly basis pay to the Maine Milk Pool a promotion
16 fee equal to .6 of 1% for a period of one year ending
17 May 31, 1985, and .8 of 1% thereafter of the average
18 Glass I price per hundredweight for milk of 3-5% but-
19 terfat content, as established by the Maine Milk Com-
20 mission during the preceding calendar year, rounded
21 to the nearest 1/10 of 1¢ thereafter shall, on a
22 monthly basis, pay a promotion fee at the rate of 10¢
23 per hundredweight applied to all milk produced by the
24 producer-dealer. This promotion fee shall be cred-
25 ited to the Maine Dairy Promotion Board, except that
26 1.5¢ per hundredweight for the first year and 2¢ per
27 hundredweight thereafter shall be paid by the board
28 to the Maine Dairy and Nutrition Council. This pro-
29 motion fee shall also be paid to the Maine Milk Pool
30 by Maine market dealers on all milk imported for sale
31 within the State and such sums shall be credited in
32 the same manner.

33 Sec. 6. 7 MRSA §3154, sub-§2, ¶B, as enacted by
34 PL 1983, c. 573, §4, is amended to read:

35 B. Amounts paid to the Maine Dairy Promotion
36 Board for the purposes authorized by Title 36,
37 section 4501, equal to .6 of 1% for one year be-

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1 ginning June 1, 1984, and ending May 31, 1985,
2 and ~~8~~ of ~~1%~~ thereafter of the average Class I
3 price per hundredweight for milk of 3-5% butter-
4 fat content, as established by the Maine Milk
5 Commission during the preceding calendar year,
6 rounded to the nearest ~~1/10~~ of ~~1¢~~, thereafter
7 equal to the rate of 10¢ per hundredweight ap-
8 plied to all milk produced, purchased or imported
9 for sale within the State, excluding milk con-
10 sumed on the farm where produced. Of the amount
11 credited to the Maine Dairy Promotion Board, 1.5¢
12 per hundredweight for the first year after the
13 establishment of the pools and 2¢ per hundred-
14 weight thereafter shall be paid by the board to
15 the Maine Dairy and Nutrition Council; and

16 Sec. 7. 8 MRSA §230, as enacted by PL 1985, c.
17 23, §2, is amended to read:

18 §230. Appeals

19 Any person aggrieved by a any decision of the
20 Commissioner of Public Safety may appeal the decision
21 to the Superior Court within 30 days. The court
22 shall immediately, after notice and hearing, affirm
23 or reverse the commissioner's decision. The finding
24 of the court shall be final. Superior Court may be re-
25 viewed by appeal to the Supreme Judicial Court sit-
26 ting as the Law Court.

27 Sec. 8. Effective date. Section 7 shall take
28 effect 91 days after adjournment of the Legislature.

29 Sec. 9. 10 MRSA §1005, sub-§6-A, as enacted by
30 PL 1983, c. 499, §1 and as repealed by PL 1983, c.
31 519, §6, is repealed.

32 Sec. 10. 12 MRSA §6504, as repealed by PL 1983,
33 c. 680, §4, is repealed.

34 Sec. 10-A. 12 MRSA §7152, as repealed by PL
35 1983, c. 680, §6, is repealed.

D. OF R.

COMMITTEE AMENDMENT "A" to S.P. 627, L.D. 1646

1 Sec. 11. 14 MRSA §3126, as enacted by PL 1971,
2 c. 408, §1, is amended to read:

3 §3126. Fees and costs

4 The subpoena and return of service shall be filed
5 with the clerk, together with a filing fee of \$5 as
6 established by the Supreme Judicial Court pursuant to
7 Title 4, section 175. Said The fee and actual costs
8 of service shall be added to the judgment, unless the
9 judgment creditor or his attorney fails to appear in
10 accordance with section 3125.

11 Sec. 12. 17-A MRSA §17, sub-§1, as amended by PL
12 1975, c. 770, §81, is further amended to read:

13 1. A law enforcement officer who has probable
14 cause to believe that a civil violation has been com-
15 mitted shall deliver a citation to such person di-
16 recting him to appear in the District Court to answer
17 the allegation that he has committed the violation.
18 The citation shall include the signature of the offi-
19 cer, a brief description of the alleged violation,
20 the time and place of the alleged violation and the
21 time, place and date the person is to appear in
22 court. As soon as practicable after service of the
23 citation, the officer shall cause a copy thereof to
24 be filed with the court. Upon a failure to appear,
25 the court may issue a warrant of arrest.

26 Sec. 13. 17-A MRSA §17, sub-§4, as enacted by PL
27 1975, c. 740, §22, is amended to read:

28 4. Any person who fails to appear in court, as
29 directed by a citation served on him pursuant to sub-
30 section 1, is guilty of a Class E crime. Upon a fail-
31 ure to appear, the court may issue a warrant of ar-
32 rest. It is an affirmative defense to prosecution un-
33 under this subsection that the failure to appear was
34 neither intentional nor knowing.

D.C.R.

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1 Sec. 14. 20-A MRSA §1352, sub-§2, ¶A, as amended
2 by PL 1983, c. 485, §15, is further amended to read:

3 A. When a referendum is called for the purpose
4 of authorizing the issuance of bonds or notes for
5 capital outlay purposes, the articles shall be
6 substantially as follows.

7 (1) "Shall the school directors of School
8 Administrative District No.....be autho-
9 rized to issue bonds or notes in the name of
10 this district for school construction pur-
11 poses in an amount not to exceed \$.....
12 to construct a
13 (elementary or secondary school)
14 to be located at
15 (specifically defined lot where school is to
16 be erected)

17 Yes No "

18 (2) "Shall the school director of School
19 Administrative District No.....be autho-
20 rized to issue bonds or notes in the name of
21 this district for school construction or mi-
22 nor capital projects in an amount not to ex-
23 ceed \$.....for the purpose of.....
24 (here state purpose of school construction
25 project)

26 Yes No "

27 (3) "Shall the school directors of School
28 Administrative District No..... be au-
29 thorized to use the bond issue or notes in
30 an amount not to exceed \$..... which was
31 voted by the district on
32
33 (date)
34 to construct a
35 (elementary or secondary school)
36 to be located at?

D. 27 K

COMMITTEE AMENDMENT "A" to S.P. 627, L.D. 1646

1 (specifically define lot where school is to
2 be located)

3 Yes No "

4 (4) "Shall the school directors of School
5 Administrative District No. be au-
6 thorized to construct a
7
8 (elementary or secondary school)
9 to be located at
10
11 (specifically defined lot where school is to
12 be located)
13 with the total project cost not to exceed
14 \$..... and to issue bonds or notes in
15 the name of this district for school con-
16 struction purposes in an amount not to ex-
17 ceed \$..... with the balance of the to-
18 tal project costs to be derived from
19
20 (description of other sources of funds such
21 as initial state share where approved for
22 current fiscal year funding, proceeds from
23 insured losses, money from federal sources,
24 other noneducational funds, etc.)

25 Yes No "

26 Sec. 15. 20-A MRS §15904, sub-§3, as enacted by
27 PL 1981, c. 693, §§5 and 8, is amended to read:

28 3. Community school districts. In a community
29 school district, the vote shall be conducted in ac-
30 cordance with Title 30, sections 2061 to 2065. The
31 return and counting of votes shall be conducted in
32 accordance with the procedures established in section
33 1353, subsection 3. The district school committee
34 shall:

35 A. Issue a warrant ordering the municipalities
36 within the district to place the school construc-

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1 tion article on the ballot; and

2 B. Prepare and furnish the required number of
3 ballots for carrying out the vote.

4 Sec. 16. 20-A MRSA §15904, sub-§4, ¶E, as en-
5 acted by PL 1981, c. 693, §§5 and 8, is repealed and
6 the following enacted in its place:

7 E. The local share of debt service allocation to
8 be calculated in accordance with the School Fi-
9 nance Act of 1985.

10 Sec. 17. 20-A MRSA §15909, sub-§2, ¶A, as
11 amended by PL 1983, c. 426, §6, is further amended to
12 read:

13 A. The amount to be bonded shall be determined
14 as follows. The total cost of the project shall
15 be reduced by:

16 (1) The initial local share;

17 (1-A) The initial state share as defined in
18 section 15914, subsection 3, when the ini-
19 tial state share has been approved for cur-
20 rent fiscal year funding;

21 (2) Proceeds from insured losses;

22 (3) Money from federal sources; and

23 (4) Other noneducational funds, except
24 gifts and moneys from federal revenue shar-
25 ing sources.

26 Sec. 18. Effective date. Sections 14, 15, 16,
27 and 17 shall take effect July 1, 1985

28 Sec. 18-A. 22 MRSA §3273, sub-§1, ¶B, as re-
29 pealed by PL 1983, c. 749, §2, is reenacted to read:

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1 B. For an individual who resides in an adult
2 foster home, boarding home or nursing home, as
3 defined in section 1812-A, in addition to the
4 benefits provided herein under paragraphs A and
5 C, provide sufficient income to allow the indi-
6 vidual for personal needs an amount equal to at
7 least \$30 a month, plus an amount sufficient to
8 meet the monthly per resident payment rate as es-
9 tablished by the department of the adult foster
10 home or boarding home in which the individual re-
11 sides; and

12 Sec. 19. 23 MRSA §1351, 4th ¶, as amended by PL
13 1971, c. 593, §22, is further amended to read:

14 On any highway or street constructed with federal
15 aid in any town, the location, form and character of
16 informational, directional, regulatory and warning
17 signs, curb and pavement or other markings, and traf-
18 fic signals, installed or placed by any public au-
19 thority or other agency, shall be subject to the ap-
20 proval of the department with the concurrence of the
21 Public Roads Federal Highway Administration.

22 Sec. 20. 26 MRSA §1021, as amended by PL 1977,
23 c. 581, §1, is further amended to read:

24 §1021. Purpose

25 It is declared to be the public policy of this
26 State and it is the purpose of this chapter to pro-
27 mote the improvement of the relationship between pub-
28 lic employers and their employees by providing a uni-
29 form basis for recognizing the right of the Universi-
30 ty of Maine employees, Maine Maritime Academy employ-
31 ees, and vocational-technical institute employees and
32 state schools for practical nursing employees to join
33 labor organizations of their own choosing and to be
34 represented by such organizations in collective bar-
35 gaining for terms and conditions of employment.

36 Sec. 21. 26 MRSA §1022, sub-§1-C, as amended by

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1 PL 1979, c. 602, §5, is further amended to read:

2 1-C. Vocational-technical institute.
3 "Vocational-technical institute" shall ~~mean~~ means the
4 Maine state vocational-technical institutes and state
5 ~~schools for practical nursing~~ and its activities and
6 functions supervised by the State Board of Education
7 or ~~their~~ its designee. ~~In furtherance of this chap-~~
8 ~~ter, the vocational-technical institutes and state~~
9 ~~schools for practical nursing shall be considered as~~
10 ~~a single employer, and The~~ employment relations, po-
11 ~~licies and practices~~ throughout the
12 vocational-technical institutes shall be as consist-
13 ent as possible. It is the responsibility of the
14 State Board of Education or its designee to negotiate
15 collective bargaining agreements and administer these
16 agreements. The State Board of Education or its des-
17 ignee is responsible for employer functions of the
18 vocational-technical institutes and state schools for
19 practical nursing under this chapter; and shall coord-
20 inate its collective bargaining activities with cam-
21 puses or units on matters of vocational-technical in-
22 stitute concern. In addition to its responsibilities
23 to the public generally, the vocational-technical in-
24 stitutes shall have the specific responsibility of
25 considering and representing the interests and wel-
26 fare of the students in any negotiations under this
27 chapter. The State Board of Education may utilize
28 the Office of State Employee Relations for the pur-
29 poses of this chapter.

30 Sec. 22. 26 MRSA §1022, sub-§11, as amended by
31 PL 1977, c. 581, §3, is further amended to read:

32 11. University, academy or vocational-technical
33 institute employee. "University, academy, or
34 vocational-technical institute ~~or state schools for~~
35 ~~practical nursing employee~~" means any regular employ-
36 ee of the University of Maine, the Maine Maritime
37 Academy, or vocational-technical institutes ~~or state~~
38 ~~schools for practical nursing~~ performing services
39 within a campus or unit, except any person:

D. 27 R

COMMITTEE AMENDMENT " A " to S.P. 627, L.D. 1646

- 1 A. Appointed to office pursuant to statute;
- 2 B. Appointed by the Board of Trustees as a vice-
- 3 president, dean, director or member of the
- 4 chancellor's or superintendent's immediate staff;
- 5 C. Whose duties necessarily imply a confidential
- 6 relationship with respect to matters subject to
- 7 collective bargaining as between such person and
- 8 the university or the academy; or
- 9 D. Employed in his initial 6 months of employ-
- 10 ment.

11 Sec. 23. 26 MRSa §1023, as repealed and replaced
12 by PL 1977, c. 581, §4, is amended to read:

13 §1023. Right of university, academy or
14 vocational-technical institute employees to
15 join labor organizations

16 No one shall may directly or indirectly interfere
17 with, intimidate, restrain, coerce or discriminate
18 against university, academy, or vocational-technical
19 institute ~~or state schools for practical nursing~~ em-
20 ployees or a group of university, academy, or
21 vocational-technical institute ~~or state schools for~~
22 ~~practical nursing~~ employees in the free exercise of
23 their rights, hereby given, voluntarily to join, form
24 and participate in the activities of organizations of
25 their own choosing for the purposes of representation
26 and collective bargaining, or in the free exercise of
27 any other right under this chapter.

28 Sec. 24. 26 MRSa §1024-A, sub-§§1, 3 and 5 as
29 enacted by PL 1979, c. 541, Pt. B, §31, are amended
30 to read:

31 1. Legislative intent. It is the express
32 ~~legislative~~ legislative intent that, in order to foster
33 meaningful collective bargaining, units shall be

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1 structured in such a way as to avoid excessive
2 fragmentation whenever possible. In accordance with
3 this policy, bargaining units shall be structured on
4 a university system-wide basis with one unit for each
5 of the following occupational groups:

- 6 A. Faculty;
- 7 B. Professional and administrative staff;
- 8 C. Clerical, office, laboratory and technical;
- 9 D. Service and maintenance;
- 10 E. Supervisory classified; and
- 11 F. Police.

12 It is intended that Cooperative Extension Service em-
13 ployees be included in appropriate units.

14 3. Vocational-technical institutes. It is the
15 express legislative intent to foster meaningful col-
16 lective bargaining for employees of the
17 vocational-technical institutes ~~and state schools for~~
18 ~~practical nursing.~~ Therefore, in accordance with this
19 policy, the bargaining units shall be structured with
20 one unit in each of the following occupational
21 groups:

- 22 A. Faculty and instructors; and
- 23 B. Administrative staff.

24 5. Additional bargaining units. Notwithstanding
25 subsection 1, 2 or 3, the Legislature recognizes that
26 additional or modified university system-wide units,
27 academy units, or vocational-technical institute
28 units ~~or state schools for practical nursing units~~
29 may be appropriate in the future. Therefore, the em-
30 ployer or employee organizations may petition the ex-
31 ecutive director for the establishment of additional

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1 or modified university system-wide units, academy
 2 units, or vocational-technical institute institute
 3 units or state schools for practical nursing units.
 4 The executive director or his designee shall deter-
 5 mine the appropriateness of such petitions, taking
 6 into consideration the community of interest and the
 7 declared legislative intent to avoid fragmentation
 8 whenever possible and to insure employees the fullest
 9 freedom in exercising the rights guaranteed by this
 10 chapter. The executive director or his designee con-
 11 ducting unit determination proceedings shall have the
 12 power to administer oaths and to require by subpoena
 13 the attendance and testimony of witnesses, the pro-
 14 duction of books, records and other evidence relative
 15 or pertinent to the issues represented to them. to
 16 warrant modification in the composition of that bar-
 17 gaining unit, any public employer or any recognized
 18 or certified bargaining agent may file a petition for
 19 a unit clarification, provided that the parties are
 20 unable to agree on appropriate modifications and
 21 there is no question concerning representation.

22 Sec. 25. 26 MRSA §1025, as amended by PL 1977,
 23 c. 581, §§8 and 9, is further amended to read:

24 §1025. Determination of bargaining agent

25 1. Voluntary recognition. Any employee organiza-
 26 tion may file a request with the university, academy,
 27 or vocational-technical institutes or state schools
 28 for practical nursing alleging that a majority of the
 29 university, academy, or vocational-technical insti-
 30 tute or state schools for practical nursing employees
 31 in an appropriate bargaining unit as established in
 32 section 1024, wish to be represented for the purpose
 33 of collective bargaining between the university,
 34 academy, or vocational-technical institutes or state
 35 schools for practical nursing and the employees' or-
 36 ganization. Such request shall describe the grouping
 37 of jobs or positions which constitute the unit
 38 claimed to be appropriate and shall include a demon-
 39 stration of majority support. Such request for rec-

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1 ognition shall be granted by the university, academy,
2 or vocational-technical institutes ~~or state schools~~
3 ~~for practical nursing~~ unless the university, academy,
4 or vocational-technical institutes ~~or state schools~~
5 ~~for practical nursing~~ desires desire that an election
6 determine whether the organization represents a ma-
7 jority of the members in the bargaining unit. In the
8 event that the request for recognition is granted by
9 the university, academy, or vocational-technical in-
10 stitutes ~~or state schools for practical nursing~~, the
11 executive director shall certify the organization so
12 recognized as the bargaining agent.

13 2. Elections.

14 A. The executive director of the board, upon
15 signed request of the university, academy, or
16 vocational-technical institutes ~~or state schools~~
17 ~~for practical nursing~~ alleging that one or more
18 university, academy, or vocational-technical in-
19 stitutes ~~or state schools for practical nursing~~
20 employees or employee organizations have pre-
21 sented to it a claim to be recognized as the rep-
22 resentative of a bargaining unit of university,
23 academy, or vocational-technical institute ~~or~~
24 ~~state schools for practical nursing~~ employees, or
25 upon signed petition of at least 30% of a bar-
26 gaining unit of university, academy, or
27 vocational-technical institutes' ~~or state schools~~
28 ~~for practical nursing~~ employees that they desire
29 to be represented by an organization, shall con-
30 duct a secret ballot election to determine wheth-
31 er the organization represents a majority of the
32 members of the bargaining unit.

33 B. The ballot shall contain the name of such or-
34 ganization and that of any other organization
35 showing written proof of at least 10% representa-
36 tion of the university, academy, or
37 vocational-technical institute ~~or state schools~~
38 ~~for practical nursing~~ employees within the unit,
39 together with a choice for any university, acade-

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1 my, or vocational-technical institutes ~~or~~ state
2 ~~schoois for practical nursing~~ employee to design-
3 nate that he does not desire to be represented by
4 any bargaining agent. Where more than one organi-
5 zation is on the ballot, and no one of the 3 or
6 more choices receives a majority vote of the uni-
7 versity, academy, or vocational-technical insti-
8 tute ~~or~~ state ~~schoois for practical nursing~~
9 employees voting, a run-off election shall be held.
10 The run-off ballot shall contain the 2 choices
11 which received the largest and 2nd largest number
12 of votes. When an organization receives the ma-
13 jority of votes of those voting, the executive
14 director shall certify it as the bargaining
15 agent. The bargaining agent certified as repre-
16 senting a bargaining unit shall be recognized by
17 the university, academy, or vocational-technical
18 institutes ~~or~~ state ~~schoois for practical nursing~~
19 as the sole and exclusive bargaining agent for
20 all of the employees in the bargaining unit un-
21 less and until a decertification election by se-
22 cret ballot shall be held and the bargaining
23 agent declared by the executive director as not
24 representing a majority of the unit.

25 C. Whenever 30% of the employees in a bargaining
26 unit petition for a bargaining agent to be
27 decertified, the procedures for conducting an
28 election on the question shall be the same as for
29 representation as bargaining agent hereinbefore
30 set forth.

31 D. No question concerning representation may be
32 raised within one year of a certification or at-
33 tempted certification. Where there is a valid
34 collective bargaining agreement in effect, no
35 question concerning unit or representation may be
36 raised except during the period not more than 90
37 nor less than 60 days prior to the expiration
38 date of the agreement.

39 Sec. 26. 26 MRSA §1026, sub-§1, as amended by PL

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1 1983, c. 127, is further amended to read:

2 1. Negotiations. It shall be the obligation of
3 the university, academy, or vocational-technical in-
4 stitutes ~~or state schools for practical nursing~~ and
5 the bargaining agent to bargain collectively. "Col-
6 lective bargaining" means, for the purpose of this
7 chapter, their mutual obligation:

8 A. To meet at reasonable times;

9 B. To meet within 10 days after receipt of writ-
10 ten notice from the other party requesting a
11 meeting for collective bargaining purposes, pro-
12 vided the parties have not otherwise agreed in a
13 prior written contract;

14 C. To confer and negotiate in good faith with
15 respect to wages, hours, working conditions and
16 contract grievance arbitration, except that by
17 such obligation neither party shall be compelled
18 to agree to a proposal or be required to make a
19 concession;

20 D. To execute in writing any agreements arrived
21 at, the term of any such agreement to be subject
22 to negotiation, but not to exceed 2 years; and

23 E. To participate in good faith in the media-
24 tion, fact finding and arbitration procedures re-
25 quired by this section.

26 Cost items in any collective bargaining agreement of
27 vocational-technical institutes ~~or state schools for~~
28 ~~practical nursing~~ employees shall be submitted for
29 inclusion in the Governor's next operating budget
30 within 10 days after the date on which the agreement
31 is ratified by the parties. If the Legislature re-
32 jects any of the cost items submitted to it, all cost
33 items submitted shall be returned to the parties for
34 further bargaining. Cost items shall include sala-
35 ries, pensions and insurance.

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1 Sec 27. 26 MRSA §1026, sub-§4, ¶C, as amended by
2 PL 1977, c. 581, §§12 and 13, is further amended to
3 read:

4 C. In reaching a decision under this section,
5 the arbitrators shall consider the following fac-
6 tors:

7 (1) The interests and welfare of the stu-
8 dents and the public and the financial abil-
9 ity of the university, academy, or
10 vocational-technical institutes or state
11 schools for practical nursing to finance the
12 cost items proposed by each party to the im-
13 passe;

14 (2) Comparison of the wages, hours and
15 working conditions of the employees involved
16 in the arbitration proceeding with the
17 wages, hours and working conditions of other
18 employees performing similar services in
19 public and private employment competing in
20 the same labor market;

21 (3) The ~~ever-all~~ overall compensation pres-
22 ently received by the employees, including
23 direct salary and wage compensation, vaca-
24 tion, holidays, life and health insurance,
25 retirement and all other benefits received;

26 (4) Such other factors not confined to the
27 foregoing, which are normally and
28 traditionally taken into consideration in
29 the resolution of disputes involving similar
30 subjects of collective bargaining in public
31 higher education;

32 (5) The need of the university, academy, or
33 vocational-technical institutes or state
34 schools for practical nursing for qualified
35 employees;

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- 1 (6) Conditions of employment in similar oc-
2 cupations outside the university, academy,
3 or vocational-technical institutes or state
4 schools for practical nursing;
- 5 (7) The need to maintain appropriate rela-
6 tionships between different occupations in
7 the university, academy, or
8 vocational-technical institutes or state
9 schools for practical nursing; and
- 10 (8) The need to establish fair and reason-
11 able conditions in relation to job qualifi-
12 cations and responsibilities.

13 Sec. 28. 26 MRSA §1027, sub-§1, as amended by PL
14 1977, c. 581, §14, is further amended to read:

15 1. University, academy and vocational-technical
16 institutes prohibitions. The university, its repre-
17 sentatives and agents, the academy, its representa-
18 tives and agents, and the vocational-technical insti-
19 tutes, their representatives and agents and the state
20 schools for practical nursing; their representatives
21 and agents are prohibited from:

- 22 A. Interfering with, restraining or coercing em-
23 ployees in the exercise of the rights guaranteed
24 in section 1023;
- 25 B. Encouraging or discouraging membership in any
26 employee organization by discrimination in regard
27 to hire or tenure of employment or any term or
28 condition of employment;
- 29 C. Dominating or interfering with the formation,
30 existence or administration of any employee orga-
31 nization;
- 32 D. Discharging or otherwise discriminating
33 against an employee because he has signed or

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1 filed any affidavit, petition or complaint or
2 given any information or testimony under this
3 chapter;

4 E. Refusing to bargain collectively with the
5 bargaining agent of its employees as required by
6 section 1026; and

7 F. Blacklisting of any employee organization or
8 its members for the purpose of denying them em-
9 ployment.

10 Sec. 29. 26 MRSA §1027, sub-§2, as repealed and
11 replaced by PL 1977, c. 581, §15, is amended to read:

12 2. University, academy and vocational-technical
13 institutes prohibitions. University employees, uni-
14 versity employee organizations, their agents, members
15 and bargaining agents; academy employees, academy em-
16 ployee organizations, their agents, members and bar-
17 gaining agents; and vocational-technical institute
18 employees, vocational-technical institute employee
19 organizations, their agents, members and bargaining
20 agents; ~~and state schools for practical nursing em-~~
21 ~~ployees; state schools for practical nursing employee~~
22 ~~organizations; their agents; members and bargaining~~
23 ~~agents~~ are prohibited from:

24 A. Interfering with, restraining or coercing em-
25 ployees in the exercise of the rights guaranteed
26 in section 1023 or the university, academy, and
27 vocational-technical institutes ~~and state schools~~
28 ~~for practical nursing~~ in the selection of their
29 representatives for the purposes of collective
30 bargaining or the adjustment of grievances;

31 B. Refusing to bargain collectively with the
32 university, academy, and vocational-technical in-
33 stitutes ~~and state schools for practical nursing~~
34 as required by section 1026; and

35 C. Engaging in:

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1 (1) A work stoppage, slowdown or strike;
2 and

3 (2) The blacklisting of the university,
4 academy, or vocational-technical institutes
5 or the state schools for practical nursing
6 for the purpose of preventing them from
7 filling employee vacancies.

8 Sec. 30. 26 MRSA §1029, sub-§1, as amended by
9 PL 1977, c. 581, §16, is further amended to read:

10 1. Board power to prevent prohibited acts. The
11 board is empowered, as provided, to prevent any per-
12 son, the university, any university employee, any
13 university employee organizations, the academy, any
14 academy employees, any academy employee organiza-
15 tions, the vocational - technical institutes, any vo-
16 cational - technical institute employee, any voca-
17 tional - technical institute employee organizations;
18 the state schools for practical nursing; any state
19 schools for practical nursing employee; any state
20 schools for practical nursing employee organizations
21 or any bargaining agent from engaging in any of the
22 prohibited acts enumerated in section 1027. This
23 power shall not be affected by any other means of ad-
24 justment or prevention that has been or may be estab-
25 lished by agreement, law or otherwise.

26 Sec. 31. 26 MRSA §1029, sub-§2, as amended by PL
27 1977, c. 581, §17, is further amended to read:

28 2. Complaints. The university, any university
29 employee, any university employee organization, the
30 academy, any academy employee, any academy employee
31 organization, the vocational-technical institutes,
32 any vocational-technical institute employee, any
33 vocational-technical institute employee organization;
34 the state schools for practical nursing; any state
35 school for practical nursing employee; any state
36 school for practical nursing employee organization or

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1 any bargaining agent which believes that any person,
2 the university, any university employee, any univer-
3 sity employee organization, the academy, any academy
4 employee, any academy employee organization, the vo-
5 cational - technical institutes, any vocational -
6 technical institute employee, any
7 vocational-technical institute employee organization,
8 ~~the state schools for practical nursing, any state~~
9 ~~school for practical nursing employee, any state~~
10 ~~school for practical nursing employee organization~~ or
11 any bargaining agent has engaged in or is engaging in
12 any such prohibited practice may file a complaint
13 with the executive director of the board stating the
14 charges in that regard. No such complaint shall be
15 filed with the executive director until the complain-
16 ing party shall have served a copy thereof upon the
17 party named in the complaint. Upon receipt of such
18 complaint, the executive director or his designee
19 shall review the charge to determine whether the
20 facts as alleged may constitute a prohibited act. If
21 it is determined that the facts do not, as a matter
22 of law, constitute a violation, the charge shall be
23 dismissed by the executive director, subject to re-
24 view by the board. If a formal hearing is deemed nec-
25 essary by the executive director or by the board, the
26 executive director shall serve upon the parties to
27 the complaint a notice of the prehearing conference
28 and of the hearing for the prehearing conference or
29 the hearing, as appropriate, provided that no hearing
30 shall be held based upon any alleged prohibited prac-
31 tice occurring more than 6 months prior to the filing
32 of the complaint with the executive director. The
33 party complained of shall have the right to file a
34 written answer to the complaint and to appear in per-
35 son or otherwise and give testimony at the place and
36 time fixed for the hearing. In the discretion of the
37 board, any other person or organization may be al-
38 lowed to intervene in that proceeding and to present
39 testimony. Nothing in this subsection shall restrict
40 the right of the board to require the executive di-
41 rector or his designee to hold a prehearing confer-
42 ence on any prohibited practice complaint prior to

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1 the hearing before the board and taking whatever ac-
2 tion, including dismissal, attempting to resolve dis-
3 agreements between the parties or recommending an or-
4 der to the board, as he may deem appropriate, subject
5 to review by the board.

6 Sec. 32. 26 MRSA §1029, sub-§6, as repealed and
7 replaced by PL 1977, c. 581, §18, is amended to read:

8 6. Simultaneous injunctive relief. Whenever a
9 complaint is filed with the executive director of the
10 board alleging that the university, academy, or
11 vocational-technical institutes ~~or state schools for~~
12 ~~practical nursing~~ have violated section 1027, subsec-
13 tion 1, paragraph F, or alleging that an employee,
14 employee organization or bargaining agent of the uni-
15 versity, academy, or vocational-technical institutes
16 ~~or state schools for practical nursing~~ have violated
17 section 1027, subsection 2, paragraph C, the party
18 making the complaint may simultaneously seek injunc-
19 tive relief from the Superior Court in the county in
20 which the prohibited practice is alleged to have oc-
21 curred pending the final adjudication of the board
22 with respect to such matter.

23 Sec. 33. 26 MRSA §1031, as amended by PL 1977,
24 c. 581, §19, is further amended to read:

25 §1031. Scope of binding contract arbitration

26 A collective bargaining agreement between the
27 university, the academy, or the vocational-technical
28 institutes ~~or the state schools for practical nursing~~
29 and a bargaining agent may provide for binding arbi-
30 tration as the final step of a grievance procedure
31 but the only grievances which may be taken to such
32 binding arbitration shall be disputes between the
33 parties as to the meaning or application of the spe-
34 cific terms of collective bargaining agreement. An
35 arbitrator with the power to make binding decisions
36 pursuant to any such provisions shall have no author-
37 ity to add to, subtract from or modify the collective

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1 bargaining agreement.

2 Sec. 34. 26 MRSA §1034, sub-§2, as amended by PL
3 1977, c. 581, §20, is further amended to read:

4 2. No restriction on eligibility for federal
5 grant-in-aid or assistance programs. Nothing in this
6 chapter or any contract negotiated pursuant to this
7 chapter shall may in any way be interpreted or al-
8 lowed to restrict or impair the eligibility of the
9 university, any of its campuses or units, academy, or
10 vocational-technical institutes ~~or state schools for~~
11 ~~practical nursing~~ in obtaining the benefits under any
12 federal grant-in-aid or assistance programs.

13 Sec. 34-A. 36 MRSA §1760, sub-§38, as reallo-
14 cated by PL 1977, c. 696, §273-A, is repealed.

15 Sec. 35. 38 MRSA §1201, sub-§1, as amended by PL
16 1981, c. 466, §§10 and 14, is further amended to
17 read:

18 1. Authorization of bonds. Any sanitary dis-
19 trict formed under this chapter may provide, ~~subject~~
20 ~~to the limit on total indebtedness as established by~~
21 ~~section 1201-A,~~ by resolution of its board of trust-
22 ees, without district vote, except as provided in
23 subsection 10, for the borrowing of money and the is-
24 suance from time to time of bonds for any of its cor-
25 porate purposes, including, but not limited to:

26 A. Paying and refunding its indebtedness;

27 B. Paying any necessary expenses and liabilities
28 incurred under this chapter, including organiza-
29 tional and other necessary expenses and liabili-
30 ties, whether incurred by the district or any mu-
31 nicipality therein or any person residing in un-
32 organized territory encompassed by the district,
33 the district being authorized to reimburse any
34 municipality therein or any person residing in
35 unorganized territory encompassed by the district

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1 for any such expenses incurred or paid by it or
2 him;

3 C. Paying costs directly or indirectly associ-
4 ated with acquiring properties, paying damages,
5 laying sewers, drains and conduits, constructing,
6 maintaining and operating sewage and treatment
7 plants, or systems, and making renewals, addi-
8 tions, extensions and improvements to the same,
9 and to cover interest payments during the period
10 of construction and for such period thereafter as
11 the trustees may determine;

12 D: Providing such reserves for debt service, re-
13 pairs and replacements or other capital or cur-
14 rent expenses as may be required by a trust
15 agreement or resolution securing bonds; and

16 E. Any combination of these purposes.

17 Bonds may be issued under this chapter as general ob-
18 ligations of the district or as special obligations
19 payable solely from particular funds. The principal
20 of, premium, if any, and interest on all bonds shall
21 be payable solely from the funds provided for that
22 purpose from revenues. For purposes of this chapter,
23 the term "revenues" means and includes the proceeds
24 of bonds, all revenues, rates, fees, entrance
25 charges, assessments, rents and other receipts de-
26 rived by the district from the operation of its sewer
27 system and other properties, including, but not lim-
28 ited to, investment earnings and the proceeds of in-
29 surance, condemnation, sale or other disposition of
30 properties. All bonds issued by a district under this
31 chapter shall be legal obligations of the district,
32 and all districts formed under this chapter are de-
33 clared to be quasi-municipal corporations within the
34 meaning of Title 30, section 5053. Bonds may be is-
35 sued under this chapter without obtaining the consent
36 of any commission, board, bureau or agency of the
37 State or of any municipality encompassed by the dis-
38 trict, and without any other proceedings or the hap-

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1 pening of other conditions or things other than those
2 proceedings, conditions or things which are specifi-
3 cally required by this chapter. Bonds issued under
4 this chapter do not constitute a debt or liability of
5 the State or of any municipality encompassed by the
6 district or a pledge of the faith and credit of the
7 State or any such municipality, but the bonds shall
8 be payable solely from the funds provided for that
9 purpose, and a statement to that effect shall be re-
10 cited on the face of the bonds.

11 Sec. 36. 38 MRSA §1252, sub-§4, as enacted by PL
12 1981, c. 466, §13, is amended to read:

13 4. Expansion of district boundaries. Amendments
14 to expand extend the boundaries of a sewer district
15 must be approved by the voters of the district prior
16 to consideration by the Legislature.

17 Sec. 37. 38 MRSA §1252, sub-§5, as amended by PL
18 1983, c. 480, Pt. A, §69, is further amended to
19 read:

20 5. Trustees' compensation. The trustees shall
21 receive compensation as recommended by them and ap-
22 proved by majority vote of the municipal ~~officer~~
23 officers in municipalities representing a majority of
24 the population within the district, including compen-
25 sation for any duties they perform as officers as
26 well as for their duties as trustees. Certification
27 thereof shall be recorded with the Secretary of State
28 and recorded in the bylaws. Their compensation for
29 duties as trustees shall be on the basis of such
30 specified amount as may be specified in the bylaws,
31 for each meeting actually attended and reimbursement
32 for travel and expenses, with the total not to exceed
33 such specific amount as may be specified in the by-
34 laws. Compensation schedules in effect on January 1,
35 1982, shall continue in effect until changed.

36 Sec. 38. 38 MRSA §1304-B, sub-§6, as enacted
37 by PL 1985, c. 337, §4 is amended to read:

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1 6. Relationship to other laws. The obligation of
2 a municipality to pay any fees, assessments or other
3 payments in accordance with any agreement entered in-
4 to pursuant to subsection 4 or any interlocal agree-
5 ment referred to in subsection 5 shall not constitute
6 a "debt" or "indebtedness" of the municipality within
7 the meaning of any statutory, charter or ordinance
8 provision limiting the incurrence or the amount of
9 municipal indebtedness nor shall the authorization or
10 incurrence of the obligation or any municipal action
11 to raise funds to meet the obligation by any means
12 set forth in subsection 4, paragraph C, require or be
13 subject to any voter referendum or approval under any
14 law or any charter or ordinance provision. A munici-
15 pality may agree to make payments in accordance with
16 subsection 4, paragraph B, subparagraph (1), or in
17 accordance with the provisions of any interlocal
18 agreement referred to in subsection 5 with respect to
19 long-term financing obtained by the owner of one or
20 more waste facilities, provided that the total prin-
21 cipal balance of the long-term financing does not ex-
22 ceed 3% of its last full state valuation. Notwith-
23 standing this subsection, 2 or more municipalities
24 may separately agree with the owner of one or more
25 waste facilities to make payments in accordance with
26 subsection 4, paragraph B, subparagraph (1), or any
27 interlocal agreement referred to in subsection 5 with
28 respect to the long-term financing obtained by the
29 owner of the facilities, provided that the total
30 principal balance of the long-term financing does not
31 exceed 3% of the sum of the last full state valuation
32 of all municipalities in question.

33 The obligation of the municipality to pay fees, as-
34 sements and other payments in accordance with sub-
35 section 4 or any interlocal agreement referred to in
36 subsection 5 shall be binding upon and enforceable
37 against the municipality without regard to whether
38 all or any one or more of the waste facilities re-
39 ferred to in subsection 4, paragraph B, subparagraph
40 (1), becomes operational or was or will be in opera-

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1 tion during the period for which the fees, assess-
2 ments or other payments are so charged.

3 No contract entered into in accordance with subsec-
4 tion 4 nor any ordinance adopted under the authority
5 of subsection 2 shall be deemed a contract in re-
6 straint of trade or otherwise unlawful under Title
7 10, chapter 201.

8 Notwithstanding any law, charter or ordinance provi-
9 sions to the contrary, the powers conferred upon a
10 municipality pursuant to subsections 4 and 5 and this
11 subsection shall may be exercised by the municipal
12 officers, as defined in Title 30, section 1901, only
13 when authorized, in the case of a municipality with a
14 city or town council, by action of the council and,
15 in the case of a municipality without such a council,
16 by action of the town meeting. This paragraph shall
17 apply whether or not the action of the city council,
18 town council or town meeting was taken before or af-
19 ter the effective date of this subsection.

20 Nothing in this section may be construed to be a lim-
21 itation on the Home Rule powers granted to municipal-
22 ities under Title 30, section 1917, or on the ability
23 of communities to jointly exercise their powers as is
24 recognized in Title 30, section 1951. This section
25 provides an additional and alternative method for
26 carrying out this subchapter.'

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1 STATEMENT OF FACT

2 PART A

3 Section 1. Incorporates changes made by Public
4 Law 1983, chapter 349, section 1 and chapter 351,
5 section 1 to correct a possible inconsistency.

6 Section 1-A. Incorporates changes made by Pub-
7 lic Law 1983, chapter 631 and chapter 812, section 10
8 to correct a possible inconsistency.

9 Sections 2 and 3. This provision was inadvert-
10 ently omitted from L.D. 392 which amends this section
11 of the law. It is important that all notices be in
12 the "consolidated notice" so that the public may be
13 aware of changes in rule-making procedures. This al-
14 so adds an effective date.

15 Section 4. Corrects an internal reference to
16 ensure consistency with the election laws recodifica-
17 tion, Public Law 1985, chapter 161.

18 Section 5. Corrects a wording error.

19 Section 6. Corrects an inconsistency created by
20 Public Law 1983, chapter 761, sections 1 and 2.

21 Section 7. Incorporates changes made by Public
22 Law 1983, chapter 465, section 2 and chapter 336,
23 section 3 to correct a possible inconsistency.

24 Section 8. Repeals a subsection which was
25 amended by Public Law 1983, chapter 88, section 1,
26 but which is within an entire section which was re-
27 pealed by Public Law 1983, chapter 345, sections 8
28 and 14.

29 Section 9. Incorporates the effective date of
30 Public Law 1983, chapter 700.

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- 1 Section 10. Repeals Title 10, section 1458,
2 which, by its own terms, terminated on April 1, 1981.
- 3 Section 11. Incorporates changes made by Public
4 Law 1983, chapter 833, section 1 and chapter 819, Pt.
5 A, section 8 to correct a possible inconsistency.
- 6 Section 12. Corrects the format of the section.
- 7 Section 13. Repeals a section to avoid a con-
8 flict with Public Law 1983, chapter 556, section 4.
- 9 Section 14. Repeals a subsection which by its
10 own terms was repealed March 1, 1984.
- 11 Section 14-A. Repeals Title 12, section 7107,
12 which, by its own terms, was repealed March 1, 1983.
- 13 Section 15. Corrects a technical and punctua-
14 tion problem.
- 15 Section 16. Corrects an error in syntax.
- 16 Section 17. Incorporates changes made by Public
17 Law 1983, chapter 556, section 7 and chapter 819, Pt.
18 A, section 39 to correct a potential conflict.
- 19 Section 18. Repeals a statutory section which
20 has been incorporated into the current provisions of
21 Title 34-A.
- 22 Section 19. Corrects a potential inconsistency
23 in an internal reference.
- 24 Section 20. Repeals a statutory provision which
25 is now incorporated in Title 20-A. The amendments
26 made to this section by 2 1983 public laws are al-
27 ready incorporated into Title 20-A.
- 28 Section 21. Repeals a statutory provision which
29 is now incorporated, as amended, in Title 20-A.

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1 Section 22. Repeals a statutory provision which
2 is now incorporated, as amended, in Title 20-A.

3 Section 23. Repeals a statutory provision which
4 is now incorporated, as amended, in Title 20-A.

5 Section 24. Repeals a statutory provision which
6 is now found, as amended, in Title 20-A, section
7 13020.

8 Section 25. Repeals a statutory provision which
9 is now incorporated, as amended, in Title 20-A.

10 Section 26. Repeals a statutory provision which
11 is now incorporated, as amended, in Title 20-A.

12 Section 27. Repeals a statutory provision which
13 is now incorporated, as amended, in Title 20-A.

14 Section 28. Repeals a statutory provision which
15 is now incorporated, as amended, in Title 20-A.

16 Section 29. Corrects conflict between Public
17 Law 1983, chapter 315, chapter 422 and chapter 816.

18 Sections 30 and 31. Correct a conflict between
19 Public Law 1983, chapter 859 and chapter 862.

20 Sections 32 and 33. Correct a conflict between
21 Public Law 1983, chapter 859 and chapter 862.

22 Sections 34 and 35. Correct a conflict between
23 Public Law 1983, chapter 859 and chapter 862.

24 Section 36. Corrects a conflict between Public
25 Law 1983, chapter 704 and chapter 806.

26 Section 37. Corrects faulty wording in the
27 statute to reflect changes made by Public Law 1983,
28 chapter 862.

29 Sections 38 and 39. Clarify the intent of Pub-

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1 lic Law 1983, chapter 859.

2 Section 40. Corrects spelling error in District
3 Number 38 and deletes repeated phrase in District
4 Number 116 and District Number 117.

5 Sections 41 and 42. Reallocate a statutory sub-
6 section which was assigned the same subsection number
7 as another statutory provision.

8 Sections 43, 44 and 45. Reallocate a paragraph
9 within a statutory section which was assigned to the
10 paragraph as another paragraph.

11 Sections 46 and 47. These sections correct the
12 references to 3 substantially different provisions
13 enacted in 1983 which were assigned the same subsec-
14 tion number.

15 Section 48. Repeals a statutory paragraph which
16 was repealed by one public law and amended by anothe-
17 er.

18 Sections 49 and 50. Reallocate statutory sec-
19 tion which was assigned to the same section number as
20 another statutory section.

21 Section 51. Incorporates changes made by Public
22 Law 1983, chapter 13, section 8 and chapter 305, sec-
23 tion 4.

24 Section 52. Changes references of liquor in-
25 spectors to liquor enforcement officers to provide
26 consistency within the Maine Revised Statutes, Title
27 28.

28 Section 53. Corrects conflict between Public
29 Law 1983, chapter 30 and chapter 94.

30 Section 54. Corrects an internal cross-
31 reference.

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1 Section 55. Amends the registration fee for an-
2 tique motor vehicles under Title 29, section 247 to
3 provide consistency with Title 29, section 114.

4 Section 56. Incorporates changes made by Public
5 Law 1985, chapter 108, section 10 and chapter 82 to
6 correct a potential inconsistency.

7 Section 57. Repeals a provision which was
8 amended by Public Law 1983, chapter 455, section 28,
9 but which was incorporated into a new provision in
10 Public Law 1983, chapter 334, section 1

11 Section 58. Corrects conflict between Public
12 Law 1983, chapter 234, and chapter 480.

13 Section 59. Repeals an obsolete provision in
14 the statutes.

15 Section 60. Corrects an inconsistency between
16 Maine Revised Statutes, Title 30, section 853, sub-
17 section 3 and section 958, subsection 2.

18 Section 61. Corrects an internal reference to
19 ensure consistency with the election laws recodifica-
20 tion, Public Law 1985, chapter 161.

21 Sections 62 and 63. These sections clarify the
22 intent of Public Law 1985, chapter 98 and add an ef-
23 fective date.

24 Sections 64 and 65. Clarify internal references
25 in the Maine State Housing Authority laws to reflect
26 changes made by Public Law 1985, chapter 151, sec-
27 tions 9 and 10.

28 Section 66. Corrects grammatical error.

29 Section 67. Corrects a reference to the Depart-
30 ment of Mental Health and Corrections which has been
31 divided into 2 departments.

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- 1 Section 68. Corrects a possible inconsistency
2 between Public Law 1983, chapter 553, section 36 and
3 chapter 812, section 218.

- 4 Section 69. Corrects a conflict between Public
5 Law 1983, chapter 378 and chapter 176, Pt. A, section
6 17.

- 7 Section 70. Corrects an internal reference to
8 ensure consistency with the election laws recodifica-
9 tion, Public Law 1985, chapter 161.

- 10 Section 71. Corrects an internal reference to
11 ensure consistency with the election laws recodifica-
12 tion, Public Law 1985, chapter 161.

- 13 Sections 72, 73 and 74. Correct a numbering
14 conflict between 2 statutes assigned the same section
15 number and add an effective date.

- 16 Section 75. Repeals a section that is no longer
17 in effect.

- 18 Section 76. Incorporates changes made by Public
19 Law 1983, chapter 480, Pt. A, section 44 and chapter
20 571, section 11 to correct a possible inconsistency.

- 21 Section 77. Incorporates a change in the law
22 made by Public Law 1981, chapter 364, section 58
23 which was inadvertently omitted in Public Law 1983,
24 chapter 766, section 2.

- 25 Section 78. Incorporates changes made by Public
26 Law 1983, chapter 798, chapter 828, section 22 and
27 chapter 855, section 17 to correct possible
28 inconsistencies.

- 29 Section 79. Corrects conflict between Public
30 Law 1983, chapter 375 and chapter 566.

- 31 Section 80. Repeals a provision to reflect pro-

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1 visions repealed and enacted in Public Law 1983,
2 chapter 458.

3 Section 81. Corrects conflict between Public
4 Law 1983, chapter 666 and chapter 816.

5 Section 82. Corrects conflicts between Public
6 Law 1983, chapter 38 and chapter 479.

7 Section 83. Corrects a reference to a Title of
8 the Maine Revised Statutes.

9 Sections 84 and 85. Correct technical errors in
10 Resolves 1983, chapter 85.

11 PART B

12 Section 1. This section clarifies the duties of
13 the Deputy Chief Judge.

14 Section 2. This section allows the Chief Judge
15 of the District Court to appoint bail commissioners.

16 Sections 3 and 4. Clarify the intent of Public
17 Law 1985, chapter 62, section 1 as indicated by the
18 committee amendment "A" to 1985 Legislative Document
19 442, the intent of which amendment was to relocate
20 the same provision in the original bill to a more ap-
21 propriate location in the statutes and to add an ef-
22 fective date.

23 Sections 5 and 6. These sections amend the Maine
24 Milk Pool statute to make the State's dairy promotion
25 program consistent with the federal dairy promotion
26 program. The federal program was enacted after the
27 enactment of the Milk Pool statutes.

28 Sections 7 and 8. These sections clarify that
29 decisions of the Superior Court may be appealed to
30 the Supreme Judicial Court under the Maine Adminis-
31 trative Procedure Act, the Maine Revised Statutes,
32 Title 5, section 11008 and add an effective date.

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1 Section 9. Corrects a possible inconsistency be-
2 tween Public Law 1983, chapter 499, section 1 and
3 chapter 519, section 6.

4 Sections 10 and 10-A. Clarify repeal provisions
5 in the statutes.

6 Section 11. Corrects a reference to District
7 Court filing fees to provide consistency with the
8 Maine Revised Statutes, Title 4, section 175.

9 Sections 12 and 13. These section give the judge
10 the power to authorize the arrest of an alleged civil
11 violator who has failed to appear at court.

12 Section 14. This section enacts a new form of
13 question for a school construction referendum to en-
14 sure consistency with the provisions of the Maine Re-
15 vised Statutes, Title 20-A, section 15914, enacted by
16 Public Law 1983, chapter 426, section 7, which allows
17 current fiscal year funding of the initial state
18 share.

19 Sections 15, 16, 17 and 18. The Maine Revised
20 Statutes, Title 20-A, section 15904, subsection 3 es-
21 tablishes a procedure for the return and counting of
22 votes in a school construction referendum conducted
23 by a community school district, which procedure was
24 omitted from the local vote provisions at the time
25 Title 20-A was enacted and also adds an effective
26 date. These sections also clarify that the amount to
27 be bonded for a school construction project shall be
28 reduced by the initial state share only when the ini-
29 tial state share has been approved for current fiscal
30 year funding by the State Board of Education.

31 Section 18-A. Reenacts a paragraph into law that
32 was erroneously repealed by Public Law 1983, chapter
33 749, section 2.

34 Section 19. The Public Roads Administration was

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1 replaced by the Federal Highway Administration as the
2 agency dealing with matters relating to federal high-
3 ways. This section corrects the name of the agency
4 in the statutes.

5 Sections 20 to 34. These sections remove the
6 reference to nursing schools in the University of
7 Maine Labor Relations Act since they are no longer
8 separate entities.

9 Section 34-A. Clarifies repealed provision in
10 the statutes.

11 Section 35. When the Sanitary District Enabling
12 Act was amended in 1981 by L.D. 1570, proposed new
13 section 1201-A was deleted by House Amendment HA
14 (H-543) (Vose). This cross reference should also
15 have been deleted.

16 Section 36. This section corrects an improper
17 word in a statutory provision.

18 Section 37. This section corrects a grammatical
19 error.

20 Section 38. This section makes clear that munic-
21 ipal councils and municipal town meetings are empow-
22 ered to authorize the municipal officers to enter in-
23 to agreements contemplated by the statutes.

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Reported by Senator Carpenter for the Committee on Judiciary.
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