

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (After Deadline)
3 FIRST REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 1646

8
9 S.P. 627

In Senate, June 4, 1985

10 Approved for introduction by a majority of the Legislative Council
11 pursuant to Joint Rule 27.

12 Referred to the Committee on Judiciary. Sent down for concurrence and
ordered printed. Ordered sent forthwith.

JOY J. O'BRIEN, Secretary of the Senate

Presented by Senator Carpenter of Aroostook.

13 Cosponsored by Representative Kane of So. Portland.

14 STATE OF MAINE
15

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

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

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

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

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

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

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

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

9 Sec. 1. 2 MRSA §6, sub-§5, as repealed and re-
10 placed by PL 1983, c. 349, §1; and as amended by PL
11 1983, c. 351, §§1 and 41, is repealed and the follow-
12 ing enacted in its place:

13 5. Range 86. The salaries of the following state
14 officials and employees shall be within salary range
15 86:

16 Director of Labor Standards;

17 Deputy Chief of the State Police;

18 Director of State Lotteries;

19 State Archivist;

20 Director of Maine Geological Survey;

21 Executive Director, Maine Land Use Regulation
22 Commission;

23 Director of the Risk Management Division; and

24 Chairman, Maine Unemployment Insurance Commis-
25 sion.

26 Sec. 2. 2 MRSA §6-A, sub-§1-A, as reallocated by
27 PL 1983, c. 862, §1, is repealed.

28 Sec. 3. 3 MRSA §2-A, sub-§1, as amended by PL
29 1983, c. 812, §2 and c. 853, Pt. D, §§1 and 2, is
30 repealed and the following enacted in its place:

31 1. State Compensation Commission established.
32 The State Compensation Commission, established by Ti-

1 tle 5, section 12004, subsection 10, shall consist of
2 5 members appointed in January of every odd-numbered
3 year as follows: Two members shall be appointed by
4 the President of the Senate; 2 members shall be ap-
5 pointed by the Speaker of the House; and one member
6 shall be appointed by a majority of the preceding 4
7 commissioners, and shall serve as chairman of the
8 commission. The 5 members shall be residents of the
9 State, appointed from the public. No one may be ap-
10 pointed who is a Legislator at the time of his ap-
11 pointment.

12 All members shall be appointed for a term to coincide
13 with the legislative biennium. Vacancies shall be
14 filled in the same manner as the original appoint-
15 ments for the balance of the unexpired term.

16 The members of the commission shall be compensated as
17 authorized by Title 5, chapter 379.

18 The commission may request staff support from the
19 Legislative Council.

20 Sec. 4. 4 MRSA §101, as amended by PL 1983, c.
21 688, §2 and c. 825, §1, is repealed and the following
22 enacted in its place:

23 §101. Constitution of court

24 The Superior Court, as established, shall consist
25 of 15 justices and such Active Retired Justices as
26 may be appointed and serving on the court, learned in
27 the law and of sobriety of manners. The Chief Jus-
28 tice of the Superior Court shall assign the Justices
29 of the Superior Court to preside at various locations
30 of the court. Whenever it becomes necessary, the
31 Chief Justice of the Supreme Judicial Court may des-
32 ignate a Justice of the Supreme Judicial Court or any
33 Active Retired Justice of the Supreme Judicial Court
34 to hold a term of Superior Court. The Chief Justice
35 of the Superior Court may, when necessary, assign an
36 Active Retired Justice of the Superior Court to hold
37 a term of Superior Court. The Chief Justice of the
38 Superior Court may designate any Justice of the Supe-
39 rior Court and the Chief Justice of the Supreme Judi-
40 cial Court may designate any Justice of the Supreme
41 Judicial Court to hold one or more sessions of the

1 Superior Court, separate from the session presided
2 over by the justice holding the regular trial term.

3 Sec. 5. 4 MRSA §451, as amended by PL 1983, c.
4 631 and c. 812, §10, is repealed and the following
5 enacted in its place:

6 §451. Establishment

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

26 Sec. 6. 5 MRSA §7002, sub-§2, ¶K, as enacted by
27 PL 1983, c. 135 and c. 519, §1, is repealed and the
28 following enacted in its place:

29 K. The director shall implement a program de-
30 signed to assist new and expanding economic ac-
31 tivities in satisfying the regulatory require-
32 ments of the State. This program includes provi-
33 sions to identify regulatory requirements for
34 businesses that request the assistance, and to
35 coordinate issuance of licenses and permits by
36 state agencies.

37 Sec. 7. 5 MRSA §7002, sub-§2, ¶L is enacted to
38 read:

39 L. The director may provide financial and tech-
40 nical assistance to local development corpora-

1 tions to create community industrial buildings in
2 industrial parks.

3 Sec. 8. 5 MRSA §8052, sub-§7, as amended by PL
4 1985, c. 39, §1, is further amended to read:

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

11 A. The agency adopts it within 120 days of the
12 final date by which data, views or arguments may
13 be submitted to the agency for consideration in
14 adopting the rule; and

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

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

22 Sec. 9. 5 MRSA §8053, sub-§3-A, as enacted by PL
23 1981, c. 524, §8, is amended to read:

24 3-A. Copies of proposed rules available upon re-
25 quest. At least 20 days prior to hearing on any pro-
26 posed rule and at least 20 days prior to the adoption
27 of any rule close of the comment period when a rule
28 is to be adopted without a hearing, the agency shall
29 make copies of the proposed rule available to persons
30 upon request.

31 Sec. 10. 5 MRSA §8055, sub-§3, as amended by PL
32 1981, c. 280, §§1 and 2, is further amended to read:

33 3. Receipt of petition. Within 60 days after re-
34 ceipt of a petition, the agency shall either notify
35 the petitioner in writing of its denial, stating the
36 reasons therefor, or initiate appropriate rule-making
37 proceedings. Whenever a petition to adopt or modify
38 a rule is submitted by 150 or more registered voters

1 of the State, the agency shall initiate appropriate
2 rulemaking proceedings within 60 days after receipt
3 of the petition. The petition must be verified and
4 certified in the same manner provided in Title ~~21~~
5 21-A, section 494 ~~354~~, subsection 7, prior to its
6 presentation to the agency.

7 Sec. 11. 5 MRSA §9055, sub-§1, as amended by PL
8 1979, c. 425, §11, is further amended to read:

9 1. Communication prohibited. In any adjudicatory
10 proceeding, no agency members authorized to take fi-
11 nal action or presiding officers designated by the
12 agency to make findings of fact and conclusions of
13 law ~~shall~~ may communicate directly or indirectly in
14 connection with any issue of fact, law ~~of~~ or proce-
15 dure, with any party or other persons legally inter-
16 ested in the outcome of the proceeding, except upon
17 notice and opportunity for all parties to partici-
18 pate.

19 Sec. 12. 7 MRSA §606, sub-§2, ¶G, as repealed by
20 PL 1983, c. 761, §1 and as repealed and replaced by
21 PL 1983, c. 761, §2, is repealed and the following
22 enacted in its place:

23 G. For any person to apply pesticides in a man-
24 ner inconsistent with rules for pesticide appli-
25 cation adopted by the board, which rules are de-
26 signed to minimize pesticide drift to the maximum
27 extent practicable under currently available
28 technology. Without limitation, these rules may
29 prescribe procedures to be used for the applica-
30 tion of pesticides, including the time, place,
31 manner and method of that application, may re-
32 strict or prohibit use of pesticides in desig-
33 nated areas or during specified periods of time
34 and may prescribe tolerance levels for pesticide
35 residues in off-target areas. The board shall
36 propose the rules by June 15, 1985.

37 Sec. 13. 7 MRSA §1022, sub-§1, as amended by PL
38 1983, c. 336, §3 and c. 465, §2, is repealed and the
39 following enacted in its place:

40 1. Broker and dealer records. Every dealer and
41 broker to be licensed under this Article, upon having

1 negotiated a sale of potatoes for others or upon hav-
2 ing purchased potatoes from the producer, shall cause
3 a record of that transaction to be made, and deliver
4 a copy to the seller by depositing a record of trans-
5 action in the United States mail, postage paid, with-
6 in 2 working days of negotiation of the sale, setting
7 forth the following with reference to the handling,
8 sale and storage of those potatoes:

9 A. Date of sale;

10 B. Name and address of producer;

11 C. Name and address of seller;

12 D. Name and address of buyer;

13 E. Name and address of broker, if any;

14 F. Name and address of handler, if any;

15 G. Name and address of any person designated as
16 a secured party on a financing statement naming
17 the seller as debtor filed in accordance with Ti-
18 tle 11, section 9-401, covering the potatoes, if
19 any;

20 H. Mode of transportation of shipment, if known;
21 if unknown, this information shall be provided to
22 the seller prior to shipment;

23 I. Name of carrier, if known; if unknown, this
24 information shall be provided to the seller prior
25 to shipment;

26 J. If there is a broker or a retailer involved
27 in a transaction, point of final destination;

28 K. Date of shipment;

29 L. If there is a broker or a retailer involved
30 in the transaction, contemplated date of arrival
31 at final destination;

32 M. Grade, size, weight and amount and other
33 specifications;

1 N. Price for the potatoes, per unit and total;

2 O. Any deductions to be made from the proceeds
3 for expenses to be borne by the seller or han-
4 dlers;

5 P. All other essential details of the purchase
6 or sale; and

7 Q. If there is a broker involved in the transac-
8 tion, an itemized accounting which separately
9 sets forth all charges in connection with the
10 sale, including the brokerage fee, if any.

11 Sec. 14. 7 MRSA §2954-A, 2nd ¶, as enacted by PL
12 1965, c. 449, is amended to read:

13 The license of any dealer who violates this sec-
14 tion may be suspended or revoked in accordance with
15 Title 5, ~~chapters 301 to 307~~ 4, chapter 25.

16 Sec. 15. 8 MRSA §261, as amended by PL 1983, c.
17 812, §55 and repealed and replaced by PL 1983, c.
18 834, §1, is repealed and the following enacted in its
19 place:

20 §261. Commission

21 1. Number of members. The State Harness Racing
22 Commission, as established by Title 5, section 12004,
23 subsection 8, shall consist of 5 members who shall be
24 appointed by the Governor. Members may be removed by
25 the Governor for cause.

26 2. Review; confirmation. These gubernatorial
27 appointments shall be reviewed by the joint standing
28 committee of the Legislature having jurisdiction over
29 agriculture and are subject to confirmation by the
30 Legislature.

31 3. Geographic distribution. The members shall
32 be appointed to provide broad geographic representa-
33 tion.

34 4. Representation. No more than 3 members may
35 be of the same political party, but both major polit-
36 ical parties shall be represented on the commission.

1 One member shall, in some capacity, be connected with
2 agricultural societies which operate pari-mutuel rac-
3 ing.

4 5. Terms of office; vacancies; qualifications.
5 Members of the commission shall serve 3-year terms,
6 except that initially one member shall serve for a
7 term of one year, 2 for terms of 2 years and 2 for
8 terms of 3 years. Any vacancy shall be filled by ap-
9 pointment for the unexpired term. Members shall
10 serve until their successors are appointed and quali-
11 fied. So far as practicable, they shall be persons
12 interested in the establishment and development of a
13 Maine breed of standard bred horses and no member may
14 have any pecuniary interest in harness racing or the
15 sale of pari-mutuel pools licensed under this chap-
16 ter.

17 Sec. 16. 9-B MRSA §855, as enacted by PL 1975,
18 c. 500, §1, is amended to read:

19 §855. Real estate mortgage loans

20 A credit union may make loans to its members se-
21 cured by a ~~first~~ mortgage on real estate located
22 within this State, subject to the following condi-
23 tions and limitations-.

24 1. Limitation.

25 A. The total liability of any member upon loans
26 within this section shall be as established in
27 section 854, subsection 1.

28 B. No first mortgage loan for the acquisition of
29 real estate made pursuant to this section shall
30 exceed 80% of the appraised value of the property
31 mortgaged, as determined by the credit committee.
32 The note or other obligation evidencing the loan
33 shall require monthly payment of the interest and
34 principal thereon sufficient to repay the entire
35 loan within a period not exceeding 30 years, ex-
36 cept that this provision shall not apply to real
37 estate loans insured by the Federal Housing Ad-
38 ministration.

1 2. Loans to secure future advances. Any interest
2 in real estate which may now be mortgaged to a credit
3 union pursuant to this section may be mortgaged in
4 the manner set forth in section 436, subject to the
5 terms and conditions set forth therein. The maximum
6 30-year repayment period established in subsection 1,
7 paragraph B, shall apply to each loan or advance se-
8 cured by a mortgage under section 436. This subsec-
9 tion shall apply to all credit unions authorized to
10 do business in this State, whether organized under
11 the laws of this State, including special or private
12 laws, or organized under the laws of the United
13 States.

14 3. Aggregate mortgage loan limitation. The total
15 amount which a credit union may invest in loans se-
16 cured by first mortgages on real estate shall not ex-
17 ceed 35% of its share capital and surplus.

18 Sec. 17. 10 MRSA §151-A, sub-§3, as amended by
19 PL 1983, c. 88, §1 and repealed by PL 1983, c. 345,
20 §§8 and 14 is repealed.

21 Sec. 18. 10 MRSA §952, sub-§5, as amended by PL
22 1983, c. 700, §3, is further amended to read:

23 5. Amount of common stock held. No person, firm
24 or corporation may subscribe for, own or hold direct-
25 ly or indirectly more than 20% of the common stock of
26 the corporation at any time. For the purposes of de-
27 termining ownership hereunder, the attribution rules
28 of the United States Internal Revenue Code, Section
29 318, in effect as of ~~the effective date of this Act~~
30 April 6, 1984, shall apply;

31 Sec. 19. 10 MRSA §1458, as enacted by PL 1981,
32 c. 3, is repealed.

33 Sec. 20. 10 MRSA §8001, as amended by PL 1983,
34 c. 746, §1 and c. 758, §1, is repealed and the fol-
35 lowing enacted in its place:

36 §8001. Department; agencies within department

37 There is created and established the Department
38 of Business, Occupational and Professional Regula-
39 tion, in this chapter referred to as the "depart-

1 ment," to regulate financial institutions, insurance
2 companies, commercial sports, grantors of consumer
3 credit and to license and regulate professions and
4 occupations. The department shall be composed of the
5 following bureaus, boards and commissions:

6 Banking, Bureau of;

7 Consumer Credit Protection, Bureau of;

8 Insurance, Bureau of;

9 Athletic Commission, Maine;

10 Penobscot Bay and River Pilotage Commission;

11 Real Estate Commission;

12 Running Horse Racing Commission, State;

13 Arborist Examining Board;

14 Auctioneers Advisory Board;

15 Commercial Driver Education, Board of;

16 Electricians' Examining Board;

17 Foresters, State Board of Registration for Pro-
18 fessional;

19 Funeral Service, State Board of;

20 Geologists and Soil Scientists, State Board of
21 Certification for;

22 Hearing Aid Dealers and Fitters, Board of;

23 Manufactured Housing Board;

24 Occupational Therapy Practice, Board of;

25 Oil and Solid Fuel Board;

26 Physical Therapy, Board of Examiners in;

27 Plumbers' Examining Board;

1 Psychologists, State Board of Examiners of;
2 Social Worker Registration, State Board of;
3 Speech Pathology and Audiology, Board of Examin-
4 ers on; and
5 Substance Abuse Counselors, Board of Registration
6 of.

7 Sec. 21. 12 MRSA §557, sub-§3, as amended by PL
8 1983, c. 819, Pt. A, §8 and c. 833, §1, is repealed
9 and the following enacted in its place:

10 3. Compensation to municipalities. Notwith-
11 standing the other provisions of this section, 25% of
12 the net revenues from any public lands, excluding
13 submerged lands, public reserved lands and lands held
14 under section 560, and excluding proceeds from the
15 sale of land, located in municipalities and managed
16 by the Bureau of Public Lands, shall be returned by
17 the Treasurer of State to the municipality wherein
18 the land generating the income is located, to be used
19 for municipal purposes. With respect to those public
20 reserved lands which were located in townships or
21 tracts organized into plantations as of March 1,
22 1974, when any such plantation, subsequent to that
23 date, becomes incorporated into a town, 75% of any
24 income from residential leasehold camps, excluding
25 any income or proceeds from the sale, exchange or re-
26 location of any of these camps under Title 30, sec-
27 tion 4169, and 25% of any other income from such pub-
28 lic reserved land shall be returned by the Treasurer
29 of State to the municipality wherein such public re-
30 served land is located, to be used for municipal pur-
31 poses. With respect to stumpage income from timber
32 located on public reserved lands and leased pursuant
33 to Title 30, section 4162, subsection 4, paragraph L,
34 50% of the income shall be returned by the Treasurer
35 of State to the lessee for its own purposes. The di-
36 rector may approve the handling of income from sales
37 or permits for up to \$500 by the lessees. The lessees
38 shall submit a semiannual accounting of this income
39 and payment for the State's share of the income.

40 Sec. 22. 12 MRSA §685-A, sub-§4, as amended by
41 PL 1983, c. 862, §34, is repealed and the following
42 enacted in its place:

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

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

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

25 A. Any municipality organized after September
26 23, 1971, or any plantation which adopts plan-
27 ning, zoning and subdivision control as provided
28 in Title 30, section 5621, may submit to the com-
29 mission and receive the approval of the commis-
30 sion of the following:

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

33 (2) Standards for determining land use dis-
34 trict boundaries and uses permitted within
35 the districts in that plantation or proposed
36 city or town;

37 (3) A land use district boundary map for
38 that plantation or proposed city or town;
39 and

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

5 Upon request of the municipality or plantation,
6 the commission shall prepare such plans, maps,
7 regulations and standards as it may deem neces-
8 sary to meet minimum planning and zoning stan-
9 dards for its approval of those standards.

10 Upon obtaining approval, the plantation, city or
11 town shall thereafter adopt, administer and en-
12 force the approved plans, maps, regulations and
13 standards.

14 B. From time to time, the commission may review
15 the administration and enforcement of local land
16 use plans and regulations by plantations and mu-
17 nicipalities which have adopted land use plans,
18 maps, regulations and standards approved by the
19 commission. If, following the review, the com-
20 mission finds that any of the following have oc-
21 curred, the commission may reestablish its juris-
22 isdiction over that plantation or municipality:

23 (1) A plantation or municipality has re-
24 pealed the land use plan, maps, standards or
25 regulations necessary to satisfy the re-
26 quirements of this subsection or has sub-
27 stantially modified the land use plan, maps,
28 standards or regulations so that the re-
29 sources of the plantation or municipality
30 are not reasonably protected;

31 (2) A plantation or municipality has abol-
32 ished or does not have functioning the ad-
33 ministrative bodies and officers necessary
34 to implement the land use program as ap-
35 proved by the commission, normally a plan-
36 ning board, board of appeals and code en-
37 forcement officer are included, but this may
38 vary depending on the local program; or

39 (3) A plantation or municipality has not
40 administered or enforced its land use plan,
41 maps, standards or regulations in a manner

1 which reasonably protects the resources in
2 the plantation or municipality involved.

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

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

12 Sec. 23. 12 MRSA §1201, as amended by PL 1983,
13 c. 480, Pt. A, §8 and repealed by PL 1983, c. 556,
14 §4, is repealed.

15 Sec. 24. 12 MRSA §6553, §7, as enacted by PL
16 1981, c. 662, §2, is repealed.

17 Sec. 25. 12 MRSA §6681, sub-§6, as enacted by PL
18 1983, c. 838, §6, is repealed and the following en-
19 acted in its place:

20 6. Penalty. Notwithstanding Title 17-A, section
21 4-A, whoever violates a provision of this Article
22 shall be guilty of a crime punishable by a fine of
23 not less than \$100 nor more than \$1,000.

24 Sec. 26. 12 MRSA §7107, as enacted by PL 1981,
25 c. 461, §2, is repealed.

26 Sec. 27. 12 MRSA §7301, sub-§6, as repealed and
27 replaced by PL 1979, c. 543, §26, is amended to
28 read:

29 6. Classification. The commissioner shall estab-
30 lish classifications of guide licenses, including
31 general guides, ~~whitewater~~ guides and other special-
32 ized categories he may designate.

33 Sec. 28. 12 MRSA §7363, sub-§12, as enacted gy
34 PL 1983, c. 502, §4, is amended to read:

1 12. Whitewater guide. "Whitewater guide" means
2 a person who receives any remuneration for accompany-
3 ing, assisting or instructing passengers on the river
4 on whitewater trips, and who holds a current
5 whitewater guide's license in the whitewater
6 classification.

7 Sec. 29. 12 MRSA 7366, as enacted by PL 1983, c.
8 502, §4, is repealed and the following enacted in its
9 place:

10 §7366. Whitewater guide license

11 1. Eligibility. No person may act as a
12 whitewater guide until he is 18 years of age or older
13 and has produced a license from the commissioner pur-
14 suant to this section.

15 2. Rules. The commissioner shall by rule estab-
16 lish the requirements for a whitewater guide's li-
17 cence.

18 3. Examination. All initial applicants for a
19 whitewater guide's license shall be required to pass
20 an examination developed and administered by the com-
21 missioner.

22 4. Fee. The annual fee for a whitewater guide's
23 license shall be \$25. All license fees shall be
24 credited to the department and used in accordance
25 with section 7074.

26 5. Renewal. A whitewater guide whose license is
27 not suspended or revoked may renew that license annu-
28 ally upon the payment of the annual fee. Completion
29 and passage of the whitewater guide's examination is
30 not a requirement for renewal.

31 Sec. 30. 12 MRSA §7377, sub-§2, ¶¶B and C, as
32 enacted by PL 1979, c. 420, §1, are amended to read:

33 B. On which they are actually domiciled; and

34 C. Which is used exclusively for agricultural
35 purposes; and.

1 Sec. 31. 12 MRSA §7468, sub-§10, ¶A, as enacted
2 by PL 1985, c. 95, §1, is amended to read:

3 A. Each wild turkey legally presented for regis-
4 tration shall be tagged in the manner directed by
5 and ~~the~~ with materials furnished by the commis-
6 sioner. A \$1 fee may be assessed for registra-
7 tion.

8 Sec. 32. 12 MRSA §8906, sub-§2, as amended by PL
9 1983, c. 556, §7, and c. 819, Pt. A, §39, is re-
10 pealed and the following enacted in its place:

11 2. Equipment. The director may establish look-
12 out stations connected by telephone and radio, and
13 construct, equip and maintain office-storehouse head-
14 quarters for necessary supplies, tools and equipment
15 and provide for any other facilities essential for
16 forest fire control. All fire lookout towers shall be
17 staffed during periods of fire danger. The director
18 shall notify the joint standing committees of the
19 Legislature having jurisdiction over energy and natu-
20 ral resources and appropriations and financial af-
21 airs in writing prior to implementing any major pol-
22 icy changes in the operation and staffing of the fire
23 lookout tower system. Within the unorganized terri-
24 tory, the director may, in addition to this subsec-
25 tion, construct and maintain roads and trails. In the
26 event the director determines that any currently ac-
27 tive fire tower should not be reopened for the subse-
28 quent fire season, he shall provide notice to the
29 Legislature of his intended action by January 15th.
30 This notice shall include the location of the fire
31 towers affected and the justifications for the clo-
32 sures. Notice of closures shall be reviewed by the
33 joint standing committee of the Legislature having
34 jurisdiction over natural resources. Unless the Leg-
35 islature determines otherwise, the director may close
36 towers so indicated.

37 Sec. 33. 14 MRSA §3126, as enacted by PL 1971,
38 c. 408, §1, is repealed.

39 Sec. 34. 15 MRSA §104-A, sub-§1, as repealed and
40 replaced by PL 1985, c. 131, §1, is amended to read:

1 1. Release and discharge. The term "release,"
2 as used in this section, means termination of insti-
3 tutional in-patient residency and return to permanent
4 residency in the community. The head of the institu-
5 tion in which a person is placed, under section 103,
6 shall, annually, forward to the Commissioner of Men-
7 tal Health and Mental Retardation a report containing
8 the opinion of a staff psychiatrist as to the mental
9 conditions of that person, stating specifically
10 whether he may be released or discharged without
11 likelihood that he will cause injury to himself or to
12 others due to mental disease or mental defect. The
13 report shall also contain a brief statement of the
14 reasons for the opinion. The commissioner shall
15 forthwith file the report in the Superior Court for
16 the county in which the person is hospitalized. The
17 court shall review each report and, if it is made to
18 appear by the report that any person may be ready for
19 release or discharge, the court shall set a date for
20 and hold a hearing on the issue of the person's read-
21 iness for release or discharge. At the hearing, the
22 court shall receive the testimony of at least one
23 psychiatrist who has observed or treated that person
24 and any other relevant testimony. If, after hearing,
25 the court finds that the person may be released or
26 discharged without likelihood that he will cause in-
27 jury to himself or to others due to mental disease or
28 mental defect, the court shall order, as applicable:

29 A. Release from the institution, provided that:

30 (1) The order for release may include con-
31 ditions deemed appropriate by the court, in-
32 cluding, but not limited to, out-patient
33 treatment and supervision by the Department
34 of Corrections, Division of Probation and
35 Parole; and

36 (2) The order for release shall include the
37 condition that the person shall be returned
38 to the institution forthwith upon the order
39 of the commissioner whenever the person
40 fails to comply with other conditions of re-
41 lease ordered by the court; or

42 B. Discharge from the custody of the Commission-
43 er of Mental Health and Mental Retardation.

1 Release from the institution shall be subject to annual review by the court and, except for return as
2 ordered by the commissioner under paragraph A, sub-
3 paragraph (1), shall continue until terminated by the
4 court. Each person released under ~~this section~~ para-
5 graph A shall remain in the custody of the commis-
6 sioner.
7

8 Sec. 35. 15 MRSA §2121, sub-§1-A is enacted to
9 read:

10 1. Assigned justice. "Assigned justice" means
11 the Justice or Active Retired Justice of the Supreme
12 Judicial Court or the Justice or Active Retired Jus-
13 tice of the Superior Court assigned the post-
14 conviction review proceeding when a special assign-
15 ment has been made. It means any Justice or Active
16 Retired Justice attending to the regular criminal
17 calendar when the post-conviction review proceeding
18 is assigned to the regular criminal calendar.

19 Sec. 36. 15 MRSA §2123, sub-§1-A is enacted to
20 read:

21 1-A. Supreme Court Justice. A single Justice of
22 the Supreme Judicial Court or an Active Retired Jus-
23 tice of the Supreme Judicial Court shall have and ex-
24 ercise jurisdiction, and have and exercise all of the
25 powers, duties and authority necessary for exercising
26 the same jurisdiction as the Superior Court relative
27 to a post-conviction review proceeding.

28 Sec. 37. 15 MRSA §2129, sub-§2, as amended by PL
29 1983, c. 688, §9, is repealed and the following en-
30 acted in its place:

31 2. Assignment of case. The procedure for the
32 assignment of a post-conviction review case shall be
33 as the Chief Justice of the Supreme Judicial Court
34 shall provide by administrative order.

35 Sec. 38. 15 MRSA §2716, as amended by PL 1983,
36 c. 176, Pt. A, §5 and as repealed by PL 1983, c.
37 459, §1, is repealed.

38 Sec. 39. 18-A MRSA §2-402, as amended by PL
39 1983, c. 441, §3 and c. 480, Pt. A, §14, is repealed

1 and the following enacted in its place:

2 §2-402. Exempt property

3 In addition to the homestead allowance, the sur-
4 vinging spouse of a decedent who was domiciled in this
5 State is entitled from the estate to value not ex-
6 ceeding \$3,500 in excess of any security interests
7 therein in property exempt under Title 14, chapter
8 507, subchapter II, Article 7, on the date of death
9 of the decedent. If there is no surviving spouse,
10 children of the decedent are entitled jointly to the
11 same value. If encumbered chattels are selected and
12 if the value in excess of security interests, plus
13 that of other exempt property, is less than \$3,500,
14 or if there is not \$3,500 worth of exempt property in
15 the estate, the spouse or children are entitled to
16 other assets of the estate, if any, to the extent
17 necessary to make up the \$3,500 value. Rights to ex-
18 empt property and assets needed to make up a defi-
19 ciency of exempt property have priority over all
20 claims against the estate, except that the right to
21 any assets to make up a deficiency of exempt property
22 shall abate as necessary to permit prior payment of
23 homestead allowance and family allowance. These
24 rights are in addition to any benefit or share pass-
25 ing to the surviving spouse or children by the will
26 of the decedent unless otherwise provided, by intes-
27 tate succession, or by way of elective share.

28 Sec. 40. 20 MRSA §161, as repealed by PL 1981,
29 c. 693, §§1 and 8 and as amended by PL 1983, c. 147,
30 §1 and c. 485, §1, is repealed.

31 Sec. 41. 20 MRSA §226-A, as repealed by PL 1981,
32 c. 693, §§1 and 8 and as amended by PL 1983, c. 485,
33 §2, is repealed.

34 Sec. 42. 20 MRSA §379, as repealed by PL 1981,
35 c. 693, §§1 and 8 and as amended by PL 1983, c. 485,
36 §3, is repealed.

37 Sec. 43. 20 MRSA §807, as repealed by PL 1981,
38 c. 693, §§1 and 8 and as amended by PL 1983, c. 470,
39 §1, is repealed.

1 Sec. 44. 20 MRSA §1751, as repealed by PL 1981,
2 c. 693, §§3 and 8 and as amended by PL 1983, c. 470,
3 §2, is repealed.

4 Sec. 45. 20 MRSA §1752, as repealed by PL 1981,
5 c. 693, §§3 and 8 and as amended by PL 1983, c. 470,
6 §3, is repealed.

7 Sec. 46. 20 MRSA §3122, as repealed by PL 1981,
8 c. 693, §§3 and 8 and as amended by PL 1983, c. 316,
9 §1, is repealed.

10 Sec. 47. 20 MRSA §3130, as repealed by PL 1981
11 c. 693, §§3 and 8 and as amended by PL 1983, c. 278,
12 §1, is repealed.

13 Sec. 48. 20 MRSA §4751, as repealed by PL 1981,
14 c. 693, §§4 and 8 and as amended by PL 1981, c. 702,
15 Pt. D, §6 and PL 1983, c. 485, §4, is repealed.

16 Sec. 49. 20-A MRSA §2301, as amended by PL 1983,
17 c. 315, and as repealed by PL 1983, c. 816, Pt. A,
18 §12 is repealed and the following enacted in its
19 place:

20 §2301. Applicability of provisions to certain towns
21 or cities

22 Sections 2302, 2303 and 2305 do not apply to mu-
23 nicipalities whose charters specify the methods of
24 selection, recall and term of office of a school com-
25 mittee, nor to municipalities who revise their
26 charters or adopt new charters under the "home rule"
27 provisions of Title 30, chapter 201-A, with specifi-
28 cations for method of selection, recall and term of
29 office of a school committee, nor to municipalities
30 authorized by private and special laws to otherwise
31 choose a school committee.

32 Sec. 50. 20-A MRSA §2305, sub-§4, as amended by
33 PL 1983, c. 806, §25, is further amended to read:

34 4. Filling a vacancy. A vacancy may be filled
35 until the next annual meeting:

36 A. By the school committee within 30 days. The
37 term of a member appointed by the school commit-

1 tee to fill a vacancy shall expire at the next
2 annual meeting; or

3 B. Whenever the remaining members of the school
4 committee fail to appoint a person to fill a va-
5 cancy, by election at a town meeting called for
6 the purpose.

7 Sec. 51. 20-A MRSA §4204, as repealed by PL
8 1983, c. 859, Pt. A, §14 and as amended by PL 1983,
9 c. 862, §53, is repealed.

10 Sec. 52. Effective date. Section 51 shall take
11 effect on August 1, 1985.

12 Sec. 53. 20-A MRSA §4406, as repealed by PL
13 1983, c. 859, Pt. A, §§19 and 25 and as amended by PL
14 1983, c. 862, §54, is repealed.

15 Sec. 54. Effective date. Section 53 shall take
16 effect August 1, 1985.

17 Sec. 55. 20-A MRSA §4601, sub-§6, as repealed by
18 PL 1983, c. 859, Pt. A, §§4 and 7 and as amended by
19 PL 1983, c.862, §55, is repealed.

20 Sec. 56. Effective date. Section 55 shall take
21 effect August 1, 1985.

22 Sec. 57. 20-A MRSA §5201, sub-§1, as repealed
23 and replaced by PL 1983, c. 704, §1 and as amended by
24 PL 1983, c. 806, §55, is repealed and the following
25 enacted in its place:

26 1. Eligibility to enroll; school year. A person
27 meeting the minimum age requirements of subsection 2
28 or section 7001, subsection 2, paragraph A, and who
29 has not reached 20 years of age before the start of
30 the school year may enroll as a full-time or, with
31 the consent of the school board, as a part-time stu-
32 dent, in the public elementary and secondary schools
33 where the student resides as defined in section 5202.
34 The school year, for the purpose of this subsection,
35 is defined as starting on July 1st and ending on the
36 following June 30th.

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

1 3. Commissioner's review. The commissioner shall
2 have access to any of the records or documents desig-
3 nated as confidential in this section ~~in~~ for carrying
4 out the commissioner's duties pursuant to sections
5 13001 to 13003 and chapter 502.

6 Sec. 59. 20-A MRSA §15509, as repealed by PL
7 1983, c. 859, Pt. G, §§1 and 4 and as amended by PL
8 1983, c. 859, Pt. K, §4, is repealed.

9 Sec. 60. Effective date. Section 59 shall take
10 effective July 1, 1985.

11 Sec. 61. 21-A MRSA §1201, sub-§5, District Num-
12 ber 38, District Number 116 and District Number 117,
13 as enacted by PL 1983, c. 161, §6 is amended to read:

14 District Number 38, in the County of Cumberland,
15 consisting of portions of the municipalities of
16 Cumberland, Windham and Yarmouth: Being that por-
17 tion of the Town of Windham north and east of a
18 line described as follows: Beginning at the
19 Windham-Falmouth boundary; thence northwest on
20 Falmouth Road to Albion Road; thence south on
21 Albion Road to Windham Center Road; thence north-
22 west on the Windham Center Road to the Pleasant
23 River; thence northwest on the Falmouth Road to
24 the Varney's Mill Road; thence north on Varney's
25 Mill Road to Route 115; thence north on Route 115
26 to the Gray-Windham boundary; and that portion of
27 the Town of Yarmouth enclosed by a line described
28 as follows: Beginning at the Yarmouth-Cumberland
29 line at its intersection with Hillside Street;
30 thence northeast on Hillside Street to Route 115,
31 Main Street; thence southeast on Route 115, Main
32 Street, to Interstate 95; thence north on Inter-
33 state 95 to the intersection of U.S. Route 1;
34 thence southwest on Route 1 to the Royal River;
35 thence west along the Royal River to Maine Cen-
36 tral Railroad; thence southwest along the ~~Main~~
37 Maine Central Railroad to Route 115; thence west
38 on Route 115 to the North Yarmouth-Yarmouth
39 boundary; thence southwest along the North
40 Yarmouth-Yarmouth boundary to the
41 Yarmouth-Cumberland boundary; thence south and
42 east along the Yarmouth-Cumberland boundary to
43 Hillside Street; and that part of Cumberland de-

1 scribed as follows: North and east of a line de-
2 scribed as follows: Beginning at the easternmost
3 boundary of the Town of Cumberland and the Town
4 of Falmouth; thence northwest along the
5 Cumberland-Falmouth boundary to Route 88; thence
6 north along Route 88 to Heritage Lane; thence
7 west on Heritage Lane to Carriage Road; thence
8 north on Carriage Road; thence east on Carriage
9 Road to Route 88; thence north on Route 88 to
10 King's Highway; thence west on King's Highway to
11 Tuttle Road; thence west on Tuttle Road to Inter-
12 state 95; thence south on Interstate 95 to the
13 Falmouth-Cumberland boundary; thence west along
14 the Falmouth-Cumberland boundary to its
15 westernmost point; and including Chebeague Is-
16 land.

17 District Number 116, in Penobscot County, con-
18 sisting of that portion of the City of Bangor to
19 the south and east of a line described as fol-
20 lows: Beginning at the Hampden-Bangor boundary at
21 its intersection with the Maine Central Railroad;
22 thence northwest on the Maine Central Railroad
23 tracks to Interstate 95; thence northeast on In-
24 terstate 95 to Perry Road; thence east on Perry
25 Road to Webster Avenue; thence northeast on Web-
26 ster Avenue to the northern boundary of the mu-
27 nicipal golf course; thence southeast along the
28 boundary to the western boundary of Bass Park;
29 thence northeast along the Bass Park boundary to
30 its intersection with a direct line from the end
31 of Silver Road to Bass Park; thence northwest
32 along the line to Silver Road; thence northwest
33 on Silver Road to 7th Street; thence northeast on
34 7th Street to Buck Street; thence northwest on
35 Buck Street to West Broadway; thence northeast on
36 West Broadway to Hammond Street; thence west on
37 Hammond Street to 13th Street; thence northeast
38 on 13th Street to Union Street; thence northwest
39 on Union Street to 14th Street; thence north on
40 14th Street to Ohio Street; thence east and south
41 on Ohio Street to Bower Street; thence southeast
42 on Bower Street to Everett Street; thence north-
43 east on Everett Street to Nelson Street; thence
44 north on Nelson Street to Valley Avenue; thence
45 north on Nelson Street to Valley Avenue; thence
46 southeast across Kenduskeag Stream on Valley Ave-

1 nue, which becomes Harlow Street; thence south-
2 east on Harlow Street to Spring Street; thence
3 northeast on Spring Street to Center Street;
4 thence southeast on Center Street to Somerset
5 Street; thence east on Somerset Street to Park
6 Street; thence southeast on Park Street to Ex-
7 change Street; thence southeast on Exchange
8 Street to Washington Street; thence west on Wash-
9 ington Street to Kenduskeag Stream; thence south
10 on Kenduskeag Stream to the Penobscot River.

11 District Number 117, in Penobscot County, con-
12 sisting of that portion of the City of Bangor
13 north of a line described as follows: Beginning
14 at the Bangor-Glenburn boundary and its intersec-
15 tion with Hudson Road; thence southeast on Hudson
16 Road, Route 221, to Broadway, State Road 15;
17 thence east and south on Broadway to the north
18 boundary of Husson College; thence east, south-
19 west and then west along the boundary to its in-
20 tersection with Hillman Avenue and Husson Avenue;
21 thence southwest along Hillman Avenue to
22 Kenduskeag Avenue; thence southeast on Kenduskeag
23 Avenue to Interstate 95; thence southwest on In-
24 terstate 95 to Union Street; thence southeast on
25 Union Street to 14th Street; thence north on 14th
26 Street to Ohio Street; thence east and south on
27 Ohio Street to Bower Street; thence southeast on
28 Bower Street to Everett Street; thence northeast
29 on Everett Street to Nelson Street; thence north
30 on Nelson Street to Valley Avenue; ~~thence north~~
31 ~~on Nelson Street to Valley Avenue;~~ thence south-
32 east across Kenduskeag Stream on Valley Avenue,
33 which becomes Harlow Street; thence southeast on
34 Harlow Street to Spring Street; thence northeast
35 on Spring Street to Center Street; thence south-
36 east on Center Street to Somerset Street; thence
37 east on Somerset Street to French Street; thence
38 north on French Street to Garland Street; thence
39 east on Garland Street to Essex Street; thence
40 north on Essex Street to Stillwater Avenue;
41 thence north and east on Stillwater Avenue to In-
42 terstate 95; thence east and north on Interstate
43 95 to the Bangor-Veazie boundary.

44 Sec. 62. 22 MRSA §307, sub-§2-A, as amended by
45 PL 1983, c. 722 and c. 812, §115, is repealed and

1 the following enacted in its place:

2 2-A. Certificate of Need Advisory Committee.
3 The Certificate of Need Advisory Committee, estab-
4 lished by Title 5, section 12004, subsection 10, and
5 created within the Department of Human Services,
6 shall participate with the department in the public
7 hearing process.

8 A. The committee shall be composed of 10 mem-
9 bers, 9 of whom shall be appointed by the Gover-
10 nor. The Commissioner of Human Services shall
11 name his designee to serve as an ex officio non-
12 voting member of the committee. The 9 members
13 appointed by the Governor shall be selected in
14 accordance with the following requirements.

15 (1) Four members shall be appointed to
16 represent the following.

17 (a) One member shall represent the
18 hospitals.

19 (b) One member shall represent the
20 nursing home industry.

21 (c) One member shall represent major
22 3rd-party payors.

23 (d) One member shall represent physi-
24 cians.

25 In appointing these representatives, the
26 Governor shall consider recommendations made
27 by the Maine Hospital Association, the Maine
28 Health Care Association, the Maine Medical
29 Association, the Maine Osteopathic Associa-
30 tion and other representative organizations.

31 (2) Five public members shall be appointed
32 as consumers of health care. One of these
33 members shall be designated on an annual ba-
34 sis by the Governor as chairman of the com-
35 mittee. Neither the public members nor
36 their spouses or children may, within 12
37 months preceding the appointment, have been
38 affiliated with, employed by, or have had

1 any professional affiliation with any health
2 care facility or institution, health product
3 manufacturer or corporation or insurer pro-
4 viding coverage for hospital or medical
5 care, and provided that neither membership
6 in nor subscription to a service plan main-
7 tained by a nonprofit hospital and medical
8 service organization, nor enrollment in a
9 health maintenance organization, nor member-
10 ship as a policyholder in a mutual insurer
11 or coverage under such a policy, nor the
12 purchase of or coverage under a policy is-
13 ssued by a stock insurer may disqualify a
14 person from serving as a public member.

15 B. Appointed members of the committee shall
16 serve for terms of 4 years. Members shall hold
17 office until the appointment and confirmation of
18 their successors. Of the members first appointed
19 by the Governor, the member representing hospi-
20 tals and 2 public members shall hold office for 4
21 years, the member from the nursing home industry
22 and one public member shall hold office for 3
23 years, the member from the insurance field and
24 one public member shall hold office for 2 years
25 and the physician and one public member shall
26 hold office for one year.

27 C. Vacancies among appointed members shall be
28 filled by appointment by the Governor for the un-
29 expired term. A vacancy in the office of the
30 chairman shall be filled by the Governor, who
31 shall designate a new chairman for the balance of
32 the member's term as chairman. The Governor may
33 remove any appointed member who becomes disquali-
34 fied by virtue of the requirements of paragraph
35 A, for neglect of any duty required by law or for
36 incompetency or dishonorable conduct.

37 D. Each appointed member of the committee shall
38 be compensated according to Title 5, chapter 379.

39 E. Five members of the committee shall consti-
40 tute a quorum. Actions of the committee shall be
41 by majority vote.

1 Sec. 63. 22 MRSA §3773, sub-§1, as repealed and
2 replaced by PL 1983, c. 730, §5 and as amended by PL
3 1983, c. 812, §128, is repealed and the following en-
4 acted in its place:

5 1. Committee established. The Maine Aid to Fam-
6 ilies with Dependent Children Coordinating Committee
7 established by Title 5, section 12004, subsection 10,
8 shall consist of the Commissioner of Human Services,
9 the Commissioner of Labor and the Commissioner of Ed-
10 ucational and Cultural Services or their designees.

11 Sec. 64. 22 MRSA §3773, sub-§3, ¶C, as repealed
12 and replaced by PL 1983, c. 730, §5, is repealed and
13 the following enacted in its place:

14 C. Establishment of an advisory council, autho-
15 rized by Title 5, section 12004, subsection 10;

16 Sec. 65. 22 MRSA §3773, sub-§3, ¶G, as repealed
17 and replaced by PL 1983, c. 730, §5 and as amended by
18 PL 1983, c. 812, §129, is repealed and the following
19 enacted in its place:

20 G. Implementation of any other responsibilities
21 and duties, in accordance with any pertinent fed-
22 eral and state law, any additions to that law and
23 any rules promulgated under that law.

24 Sec. 66. 22 MRSA §3774, sub-§1, as amended by PL
25 1983, c. 730, §6 and c. 812, §130, is repealed and
26 the following enacted in its place:

27 1. Members. The advisory council referred to in
28 section 3773, subsection 3, paragraph G, shall in-
29 clude at least the following members:

30 A. Two recipients of benefits under the Aid to
31 Families with Dependent Children Program;

32 B. One representative of employers within the
33 State;

34 C. One representative of organized labor;

35 D. One member of the Maine Commission for Women;
36 and

1 E. One or more representatives of organizations
2 or agencies which have experience in addressing
3 the training, education and job needs of low-
4 income women.

5 Sec. 67. 22 MRSA §4007, sub-§4, as enacted by PL
6 1983, c. 783, §3 and c. 772, §4, is repealed and the
7 following enacted in its place:

8 4. Interstate Compact on Placement of Children.
9 The provisions of the Interstate Compact on Placement
10 of Children, sections 4191 to 4247, shall apply to
11 proceedings under this chapter. Any report submitted
12 pursuant to the compact shall be admissible in evi-
13 dence for purposes of indicating compliance with the
14 compact and the court may rely on evidence to the ext-
15 ent of its probative value.

16 Sec. 68. 22 MRSA §4007, sub-§5 is enacted to
17 read:

18 5. Records. Records released by the department
19 pursuant to section 4008 shall be used only for the
20 purposes for which that release was intended.

21 Sec. 69. 22 MRSA §4008, sub-§3, ¶D, as amended
22 by PL 1983, c. 470, §12, is further amended to read:

23 D. An appropriate state executive or legislative
24 official with responsibility for child protection
25 services in carrying out his official functions,
26 provided that no personally identifying informa-
27 tion may be made available unless necessary to
28 his functions; and

29 Sec. 70. 22 MRSA §4008, sub-§3, ¶E, as amended
30 by PL 1983, c. 327, §§4 and 5 and as enacted by PL
31 1983, c. 470, §13, is repealed and the following en-
32 acted in its place:

33 E. The Protection and Advocacy Agency for the
34 Developmentally Disabled in Maine in connection
35 with investigations conducted in accordance with
36 chapter 961. The determination of what informa-
37 tion and records are relevant to the investiga-
38 tion shall be made by agreement between the de-
39 partment and the agency; and

1 Sec. 71. 22 MRSA §4008, sub-§3, ¶F is enacted to
2 read:

3 F. Where the information concerns teachers and
4 other professional personnel issued certificates
5 under Title 20-A, the information shall be dis-
6 closed to the Commissioner of Educational and
7 Cultural Services.

8 Sec. 72. 22 MRSA §7702-A is enacted to read:

9 §7702-A. Definition

10 1. Abuse or neglect. For purposes of section
11 7703, abuse or neglect in the case of children refers
12 to the definition found in section 4002, subsection
13 1. In the case of adults, abuse and neglect refers
14 to the definitions found in section 3472, subsections
15 1 and 11, and also incorporates exploitation as de-
16 fined by section 3472, subsection 9.

17 Sec. 73. 23 MRSA §1201, sub-§35, as enacted by
18 PL 1983, c. 26, c. 71, and c. 506, is repealed and
19 the following enacted in its place:

20 35. Southern Maine Vocational-Technical Insti-
21 tute. A sign shall be provided by the Southern Maine
22 Vocational-Technical Institute and installed and
23 maintained by the Maine Turnpike Authority at Exit 7
24 which will conform with standards established by the
25 Maine Turnpike Authority and shall read as follows:

26 EXIT FOR:

27 SOUTHERN MAINE VOCATIONAL-TECHNICAL INSTITUTE

28 Sec. 74. 23 MRSA §1201, sub-§§37 and 38 are en-
29 acted to read:

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

34 EXIT FOR NORWAY, SOUTH PARIS
35 AND THE OXFORD HILLS REGION

1 38. Bates College. The signs shall be provided
2 by Bates College. The Maine Turnpike shall erect one
3 sign on the side of the northbound lanes between ex-
4 its 12 and 13 and one sign on the side of the
5 southbound lanes north of exit 13. The Maine Turn-
6 pike Authority shall be responsible for the mainte-
7 nance of the signs.

8 Sec. 75. 23 MRSA §4206, sub-§1, ¶L, as amended
9 by PL 1983, c. 310, §3 and as repealed by PL 1983, c.
10 477, Pt. E, sub-Pt. 26, §8, is repealed.

11 Sec. 76. 24 MRSA §2329, sub-§2, as repealed and
12 replaced by PL 1983, c. 527, §1, is amended to read:

13 2. Definitions. As used in this section, unless
14 the context indicates otherwise, the following terms
15 have the following meanings.

16 A. "Outpatient care" means care rendered by a
17 state-licensed, approved or certified detoxifica-
18 tion, residential treatment or outpatient pro-
19 gram, ~~or partial hospitalization program on a~~
20 ~~periodic basis facility~~, including, but not lim-
21 ited to, patient diagnosis, assessment and treat-
22 ment, individual, family and group counseling and
23 educational and support services.

24 A-1. "Nonresidential rehabilitation treatment"
25 means a formalized rehabilitation program ren-
26 dered by a state-licensed, approved or certified
27 detoxification, residential treatment or outpa-
28 tient facility providing a minimum of 4 hours per
29 day treatment for at least 5 days per week over a
30 3-week to 4-week period with a structured treat-
31 ment curriculum which allows the patient to live
32 outside the facility, including, but not limited
33 to, patient diagnosis, assessment and treatment,
34 individual, family and group counseling and edu-
35 cational and support services.

36 B. "Residential treatment" means services at a
37 facility that provides care 24 hours daily to one
38 or more patients, including, but not limited to,
39 the following services: Room and board; medical,
40 nursing and dietary services; patient diagnosis,
41 assessment and treatment; individual, family and

1 group counseling; and educational and support
2 services, including a designated unit of a li-
3 censed health care facility providing any and all
4 other services specified in this paragraph to pa-
5 tients with the illnesses of alcoholism and drug
6 dependency.

7 C. "Treatment plan" means a written plan initi-
8 ated at the time of admission, approved by a Doc-
9 tor of Medicine, Doctor of Osteopathy or a Regis-
10 tered Substance Abuse Counselor employed by a
11 certified or licensed substance abuse program
12 facility, including, but not limited to, the
13 patient's medical, drug and alcoholism history;
14 record of physical examination; diagnosis; as-
15 sessment of physical capabilities; mental capaci-
16 ty; orders for medication, diet and special needs
17 for the patient's health or safety and treatment,
18 including medical, psychiatric, psychological,
19 social services, individual, family and group
20 counseling; and educational, support and referral
21 services.

22 Sec. 77. 24 MRSA 2329, sub-§4, as enacted by PL
23 1983, c. 527, §1, is amended to read:

24 4. Services; providers. Each group contract
25 shall provide, at a minimum, for the following cover-
26 age, pursuant to a treatment plan:

27 A. Residential treatment at a hospital or
28 free-standing residential treatment center which
29 is licensed, certified or approved by the State;
30 and

31 A-1. Nonresidential rehabilitation treatment
32 rendered by state-licensed, certified or approved
33 providers who have contracted with the nonprofit
34 hospital or medical service organization under
35 terms and conditions which the organization deems
36 satisfactory to its membership and by a hospital
37 or freestanding residential treatment center
38 which is licensed, certified or approved by the
39 State; and

40 B. Outpatient care rendered by state licensed,
41 certified or approved providers who have con-

1 traced with the nonprofit hospital or medical
2 service organization under terms and conditions
3 which the organization deems satisfactory to its
4 membership.

5 Treatment or confinement at any facility shall not
6 preclude further or additional treatment at any other
7 eligible facility, provided that the benefit days
8 used do not exceed the total number of benefit days
9 provided for under the contract.

10 Sec. 78. 24-A MRSA §2842, sub-§2, ¶A, as enacted
11 by PL 1983, c. 527, §2, is amended to read:

12 A. "Outpatient care" means care rendered by a
13 state-licensed, approved or certified detoxifica-
14 tion, residential treatment or outpatient ~~pre-~~
15 ~~gram, or partial hospitalization program on a~~
16 ~~periodic basis~~ facility, including, but not lim-
17 ited to, patient diagnosis, assessment and treat-
18 ment, individual, family and group counseling and
19 educational and support services.

20 Sec. 79. 24-A MRSA §2842, sub-§2, ¶A-1 is en-
21 acted to read:

22 A-1. "Nonresidential rehabilitation treatment"
23 means a formalized rehabilitation program ren-
24 dered by a state-licensed, approved or certified
25 detoxification residential treatment or outpa-
26 tient facility providing a minimum of 4 hours per
27 day treatment for at least 5 days per week over a
28 3-week to 4-week period with a structured treat-
29 ment curriculum which allows the patient to live
30 outside the facility, including, but not limited
31 to, a patient diagnosis, assessment and treat-
32 ment, individual, family and group counseling and
33 educational and support services.

34 Sec. 80. 24-A MRSA §2842, sub-§4, ¶A, as enacted
35 by PL 1983, c. 527, §2, is amended to read:

36 A. Residential treatment at a hospital or
37 free-standing residential treatment center which
38 is licensed, certified or approved by the State;
39 and

1 Sec. 81. 24-A MRSA §2842, sub-§4, ¶A-1 is en-
2 acted to read:

3 A-1. Nonresidential rehabilitation treatment at
4 a state-licensed, approved or certified detoxifi-
5 cation residential treatment or outpatient facil-
6 ity; and

7 Sec. 82. 25 MRSA §2807, as enacted by PL 1983,
8 c. 67, §6 and c. 544, §1, is repealed and the follow-
9 ing enacted in its place:.

10 §2807. Municipal reports of dismissed law enforce-
11 ment officers

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

23 For the purpose of this section, law enforcement
24 officer means a full-time or part-time police offi-
25 cer, special police officer, constable, sheriff or
26 deputy sheriff.

27 The Director of the Maine Criminal Justice Acade-
28 my shall maintain a list of all the persons reported
29 under this section which shall be made available to
30 any municipality or county or to the State for the
31 purpose of hiring law enforcement officers.

32 Sec. 83. 25 MRSA §2808 is enacted to read:

33 §2808. Sharing of training costs

34 1. Definitions. As used in this section, unless
35 the context otherwise indicates, the following terms
36 have the following meanings.

37 A. "Governmental entity" means the State or any
38 city, town, plantation or county.

1 B. "Training" means the initial basic training
2 provided to part-time or full-time law enforce-
3 ment officers by the Maine Criminal Justice Acad-
4 emy, as described in section 2805, subsection 1,
5 and section 2805-A.

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

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

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

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

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

39 D. If the officer graduated more than 3 years
40 before subsequently being hired by the other gov-
41 ernmental entity, the governmental entity shall

1 not be obligated to reimburse the first govern-
2 mental entity.

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

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

16 Sec. 84. 26 MRSA §1193, §5, as amended by PL
17 1983, c. 13, §8, and c. 305, §4, is repealed and the
18 following enacted in its place:

19 5. Receiving remuneration. For any week with
20 respect to which he is receiving, is entitled to re-
21 ceive or has received remuneration in the form of:

22 A. Dismissal wages, wages in lieu of notice,
23 terminal pay, vacation pay or holiday pay; or

24 B. Benefits under the unemployment compensation
25 or employment security law of any state or simi-
26 lar law of the United States.

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

33 Sec. 85. 26 MRSA §1289, sub-§7, as enacted by PL
34 1983, c. 702, is amended to read:

35 7. Review. Either party may seek a review by
36 the Superior Court in Kennebec County of a decision
37 or order of the Maine Labor Relations Board by filing
38 a complaint in accordance with the Maine Rules of

1 Civil Procedure, Rule 80E 80B, provided that the com-
2 plaint shall be filed within 15 days of the effective
3 date of the decision. Upon the filing of the com-
4 plaint, the court shall set the complaint down for
5 hearing at the earliest possible time and shall cause
6 all interested parties and the board to be notified.
7 Pending review and upon application of any party in
8 interest, the court may grant such temporary relief
9 or restraining order and may impose such terms and
10 conditions as it deems just and proper; provided that
11 the board's decision or order shall not be stayed,
12 except where it is clearly shown to the satisfaction
13 of the court that substantial and irreparable injury
14 will be sustained or that there is a substantial risk
15 of danger to the public health, safety or welfare or
16 interference with the exercise of the judicial power.
17 The executive director shall forthwith file in the
18 court the record in the proceeding certified by the
19 executive director or a member of the board. The
20 record shall include all documents filed in the pro-
21 ceeding and the transcript, if any. After hearing,
22 which shall be held not less than 7 days after notice
23 thereof, the court may enforce, modify, enforce as so
24 modified or set aside in whole or in part the deci-
25 sion of the board, except that the finding of the
26 board on questions of fact shall be final unless
27 shown to be clearly erroneous. Any appeal to the Law
28 Court shall be expedited in the same manner as an ap-
29 peal from an interlocutory order under section 6.

30 Sec. 86. 26 MRSA §1292, sub-§1, as enacted by PL
31 1983, c. 702, is amended to read:

32 1. Review by Superior Court. Either party may
33 seek a review by the Superior Court of a binding de-
34 termination by an arbitration panel. The review
35 shall be sought in accordance with the Maine Rules of
36 Civil Procedure, Rule 80E 80B.

37 Sec. 87. 28 MRSA §59, as repealed and replaced
38 by PL 1977, c. 86, is amended to read:

39 §59. Bureau of Liquor Enforcement

40 1. Bureau of Liquor Enforcement. The enforcement
41 division of the State Liquor Commission shall be the
42 Bureau of Liquor Enforcement within the Department of

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

11 Notwithstanding any other provisions of law, the De-
12 partment of Public Safety shall be responsible for
13 the enforcement of the liquor laws and the rules and
14 regulations of the commission.

15 All business and financial records of licensees shall
16 be confidential.

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

27 3. Other enforcement powers. In addition to the
28 authority in subsection 2, a liquor inspector en-
29 forcement officer shall have the authority to arrest
30 without a warrant any person who has committed or is
31 committing any other crime in his presence. An ar-
32 rest made pursuant to this authority shall be made at
33 the time of the criminal conduct, or some part there-
34 of, or within a reasonable time thereafter. This au-
35 thority shall be exercised only by a liquor inspector
36 enforcement officer who has completed the basic
37 training course for liquor inspecters enforcement
38 officers at the Maine Criminal Justice Academy or for
39 whom that basic training course or a portion thereof
40 has been waived by the board of trustees of the acad-
41 emy because of successful completion of equivalent
42 training.

1 Sec. 88. 28 MRSA §101, first ¶, as amended by PL
2 1979, c. 358, §1, is further amended to read:

3 The municipal officers of cities and towns and
4 the assessors of plantations, upon receipt of a peti-
5 tion signed by at least 15% of the voters, voting in
6 that municipality in the last gubernatorial election
7 and addressed to the municipal officers, as defined
8 in Title 30, Section 1901, subsection 7, at least 21
9 days prior to holding any primary, special statewide,
10 general or municipal election or annual or special
11 town meeting, are empowered and directed to notify
12 the inhabitants of their respective municipalities to
13 meet, in the manner prescribed by law to vote upon
14 any or all of the following questions-. ~~All petition~~
15 ~~signatures must have been signed since the last gen-~~
16 ~~eral election-~~

17 Sec. 89. 28 MRSA §101, as amended by PL 1983, c.
18 487, §§1 and 2, is further amended by adding before
19 the 5th paragraph from the end a new paragraph to
20 read:

21 All petition signatures must have been signed
22 since the last general election.

23 Sec. 90. 28 MRSA 451, first ¶, as amended by PL
24 1979, c. 161, is further amended to read:

25 All spirits and wines, except table wines, shall
26 be sold by the commission at a price to be determined
27 by the commission which will produce a state liquor
28 tax of not less than 75% based on the less carload
29 cost f.o.b., State Liquor Commission warehouse, and
30 in addition thereto there shall be levied and imposed
31 an excise tax of 75¢ per gallon, or its metric equiv-
32 alent, on wines containing more than 14% alcohol by
33 volume; except that spirits and wines sold at whole-
34 sale under section 204 may be sold at wholesale
35 prices established pursuant to the provisions there-
36 of. Prices for sale of spirits and wines bought by
37 the commission from Maine licensees to manufacture
38 liquor under section 501 shall be based on minimum
39 truck load delivery prices f.o.b. warehouse as the
40 same are filed with the Public Utilities Commission.
41 Special orders by the commission for unstocked mer-
42 chandise shall be priced at not less than 75% over

1 actual cost delivered f.o.b. warehouse. In all cases
2 the commission is authorized to round off costs to
3 the next highest 5 cents. Any increased federal taxes
4 levied on or after November 1, 1941 shall be added to
5 the established price without markup. All net revenue
6 derived from such tax shall be deposited to the cred-
7 it of the General Fund of the State. Notwithstanding
8 the other provisions of this section, the commission,
9 with approval of the Commissioner of Finance and Ad-
10 ministration, may reduce the price of discontinued
11 items of liquor. The reduced price shall not be less
12 than the actual cost of the discontinued liquor items
13 and no item shall be discontinued by the commission
14 for a period of at least 6 months after such item has
15 been listed and on sale in state stores. Notwith-
16 standing the other provisions of this section, the
17 commission, with the approval of the Commissioner of
18 Finance and Administration, may reduce the price of
19 liquor in one store, and licensees permitted to pur-
20 chase liquor ~~at a discount under section 204~~ for
21 resale may purchase liquor for resale from that store
22 at the same price they are permitted to purchase li-
23 quor for resale from any state store which does not
24 offer a ~~retail~~ discount.

25 Sec. 91. 28 MRSA §452, 2nd ¶, as amended by PL
26 1979, c. 130, §4, is further amended to read:

27 There shall be levied and imposed an excise tax
28 of 30¢ per gallon, or its metric equivalent, or frac-
29 tion or multiple thereof, on all table wine contain-
30 ing ~~14%~~ 14.5% or less alcohol by volume imported into
31 this State; except the excise tax shall be 20¢ per
32 gallon, or its metric equivalent, or fraction or mul-
33 tiple thereof on all still wine containing ~~14%~~ 14.5%
34 or less alcohol by volume which is manufactured or
35 bottled in this State; and an excise tax of \$1 per
36 gallon, or its metric equivalent, or multiple or
37 fraction thereof on all sparkling wines manufactured
38 in or imported into this State. Such taxes shall be
39 paid by the Maine manufacturer or the importing
40 wholesaler.

41 Sec. 92. 28 MRSA §474, sub-§3, as enacted by PL
42 1981, c. 454, §8, is amended to read:

1 3. Amount of premium. The premium imposed by
2 subsections 1 and 2 shall be 5¢ per gallon, or its
3 metric equivalent, or fraction or multiple thereof,
4 on all malt beverages sold in this State; 15¢ per
5 gallon, or its metric equivalent, or fraction or mul-
6 tiple thereof, on all wine containing ~~±4%~~ 14.5% or
7 less alcohol by volume sold in this State; 12¢ per
8 gallon, or its metric equivalent, or multiple or
9 fraction thereof, on all sparkling wines manufactured
10 in or imported into this State; 62 1/2¢ per proof
11 gallon as the term proof gallon is defined in the
12 United States Code, Title 26, Section 5002, or its
13 metric equivalent, or fraction or multiple thereof,
14 on all spirituous liquors and wines containing more
15 than ~~±4%~~ 14.5% alcohol by volume sold in this State.

16 Sec. 93. 28 MRSA §1052, first ¶, as amended by
17 PL 1979, c. 130, §6, is further amended to read:

18 No person, other than the commission, ~~shall~~ may
19 import spirituous or vinous liquor into this State
20 except wholesalers of table wine may import table
21 wine containing not more than ~~±4%~~ 14.5% alcohol by
22 volume. Any person unlawfully importing, or causing
23 to be shipped into the State, or unlawfully trans-
24 porting spirituous or vinous liquor into the State,
25 shall be punished by a fine of not more than \$500 or
26 by imprisonment for not more than 11 months, or by
27 both. It shall be lawful for an individual to trans-
28 port into this State and to transport from place to
29 place within the State such spirituous or vinous li-
30 quor for his personal use in a quantity not to exceed
31 4 quarts or its metric equivalent. The commission, in
32 its discretion and by its written authorization, may
33 permit and authorize the importation of spirituous or
34 vinous liquors into this State and the transportation
35 of the same from place to place within this State to
36 the following:

37 Sec. 94. 28 MRSA §1053, sub-§1, as amended by PL
38 1979, c. 130, §7, is further amended to read:

39 1. Intoxicating liquor. No person ~~shall~~ may
40 knowingly transport from place to place in this State
41 any intoxicating liquor with intent to sell the same
42 in this State in violation of law, or with intent
43 that the same shall be so sold by any person, or to

1 aid any person in such sale, and no person shall
2 transport or cause to be transported any spirituous
3 or vinous liquor, containing more than ~~14%~~ 14.5% al-
4cohol by volume, in this State in a greater quantity
5 than 4 quarts, or its metric equivalent, unless such
6 liquor was purchased from a state store or the com-
7 mission. The commission in its discretion may grant
8 to an individual, upon his application, a permit to
9 transport liquor purchased for his own personal use.
10 It shall be lawful for common carriers and contract
11 carriers duly authorized as such by the Public Utili-
12 ties Commission to transport liquor to state stores,
13 to state warehouses, to licensees of the State Liquor
14 Commission, to purchasers of liquor at state stores
15 and from manufacturers to state warehouses, state
16 stores and to the state line for transportation out-
17 side the State; for licensees of the commission to
18 transport liquor from state stores to their places of
19 business; and for manufacturers to transport within
20 the State to state warehouses and state stores, to
21 persons authorized under section 1052 and to the
22 state line for transportation outside the State. Who-
23 ever knowingly violates any of the provisions of this
24 subsection shall be punished by a fine of not less
25 than \$100 nor more than \$1,000, and costs, and by im-
26 prisonment for not less than 2 months nor more than 6
27 months, and in default of payment of fine and costs,
28 by imprisonment for not less than 2 months nor more
29 than 6 months, additional.

30 Sec. 95. 29 MRSA §246, 3rd ¶, as amended by PL
31 1983, c. 30, §1 and c. 94, Pt. C, §6, is repealed
32 and the following enacted in its place:

33 The annual fee for registration of farm motor
34 trucks, having 2 or 3 axles other than so-called
35 dolly axles falling under section 1652, subsection 4,
36 paragraph A, subparagraph (6), or farm motor trucks
37 having 2 or 3 axles towing a trailer or semitrailer
38 when those trucks are used primarily for transporta-
39 tion of agricultural commodities, supplies or equip-
40 ment to be used in connection with the operation of a
41 farm or farms owned, operated or occupied by the reg-
42 istrant, shall be as follows:

43 From 0 pounds gross weight to 6,000 pounds gross
44 weight \$ 16

1	<u>From 6,001 pounds gross weight to 9,000 pounds</u>
2	<u>gross weight \$ 19</u>
3	<u>From 9,001 pounds gross weight to 11,000 pounds</u>
4	<u>gross weight \$ 22</u>
5	<u>From 11,001 pounds gross weight to 14,000 pounds</u>
6	<u>gross weight \$ 34</u>
7	<u>From 14,001 pounds gross weight to 16,000 pounds</u>
8	<u>gross weight \$ 45</u>
9	<u>From 16,001 pounds gross weight to 18,000 pounds</u>
10	<u>gross weight \$ 67</u>
11	<u>From 18,001 pounds gross weight to 20,000 pounds</u>
12	<u>gross weight \$ 79</u>
13	<u>From 20,001 pounds gross weight to 23,000 pounds</u>
14	<u>gross weight \$ 96</u>
15	<u>From 23,001 pounds gross weight to 26,000 pounds</u>
16	<u>gross weight \$114</u>
17	<u>From 26,001 pounds gross weight to 29,000 pounds</u>
18	<u>gross weight \$139</u>
19	<u>From 29,001 pounds gross weight to 32,000 pounds</u>
20	<u>gross weight \$159</u>
21	<u>From 32,001 pounds gross weight to 35,000 pounds</u>
22	<u>gross weight \$235</u>
23	<u>From 35,001 pounds gross weight to 38,000 pounds</u>
24	<u>gross weight \$258</u>
25	<u>From 38,001 pounds gross weight to 42,000 pounds</u>
26	<u>gross weight \$281</u>
27	<u>From 42,001 pounds gross weight to 46,000 pounds</u>
28	<u>gross weight \$304</u>
29	<u>From 46,001 pounds gross weight to 50,000 pounds</u>
30	<u>gross weight \$327</u>
31	<u>From 50,001 pounds gross weight to 54,000 pounds</u>
32	<u>gross weight \$350</u>

1 Sec. 96. 29 MRSA §246-A, sub-§9, as amended by
2 PL 1983, c. 817, §4, is further amended to read:

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

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

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

28 Sec. 97. 29 MRSA §247 is amended to read:

29 §247. -- antique motor vehicles

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

34 Antique motor vehicles ~~\$7.50~~ \$10 each.

35 Sec. 98. 29 MRSA 1362, as amended by PL 1985, c.
36 82 and c. 108, §10, is repealed and the following en-
37 acted in its place:

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
41 of any one part shall not leave the vehicle without
42 operative brakes. No signaling device may be unnec-
43 essarily sounded nor any braking or acceleration un-
44 necessarily made so as to cause a harsh, objection-
45 able or unreasonable noise, and no bell or siren may
46 be installed or used on any motor vehicle, except

1 that fire and police department vehicles and ambu-
2 lances, and vehicles operated by state, city and town
3 fire inspectors, city and town fire chiefs, assistant
4 fire chiefs, police chiefs and assistant police
5 chiefs may be so equipped for use only when respond-
6 ing to emergency calls, such motor vehicles used by
7 forest rangers or personnel engaged in forest fire
8 control as may be designated by the Department of
9 Conservation, and such motor vehicles used by sher-
10 iffs and deputy sheriffs, and such motor vehicles
11 used by inland fisheries and game wardens as may be
12 designated by the Department of Inland Fisheries and
13 Wildlife and such motor vehicles used by coastal war-
14 denes as may be designated by the Department of Marine
15 Resources, and such motor vehicles used by the United
16 States Government law enforcement officials, and such
17 motor vehicles used by a state or municipal depart-
18 ment which controls or supervises electrical alarm
19 and communication systems.

20 Sec. 99. 29 MRSA §2241, sub-§1, ¶L, as repealed
21 by PL 1983, c. 334, §1 and as amended by PL 1983, c.
22 455, §28, is repealed.

23 Sec. 100. 29 MRSA §2241, sub-§1-A, as enacted by
24 PL 1983, c. 334, §2, is amended to read:

25 1-A. Suspension for failure to comply with tax
26 law. The Secretary of State or any Deputy Secretary
27 of State may suspend all the certificates of regis-
28 tration and all the fuel use identification decals
29 issued by the State to any motor carrier without pre-
30 liminary hearing upon showing by records or other
31 sufficient evidence that the person responsible for
32 complying with the payment of reporting provisions of
33 Title 36, chapter 453, 457 ~~or~~, 459 or 463-A has
34 failed to comply with the provisions in these chap-
35 ters. The Secretary of State shall notify the motor
36 carrier that all certificates of registration and all
37 fuel use identification decals issued to that motor
38 carrier are in suspension and that the motor carrier
39 may request a hearing in writing within 10 days. Any
40 suspension shall remain in effect pending the outcome
41 of the hearing.

42 Sec. 101. 29 MRSA §2713, sub-§1, as amended by
43 PL 1983, c. 234, §6 and c. 480, Pt. A, §36, is re-
44 pealed and the following enacted in its place:

1 1. Deposit of funds. All revenues derived from
2 fees and fines authorized by this chapter shall be
3 deposited with the Treasurer of State in a separate
4 account to be known as the Transportation Safety
5 Fund.

6 Sec. 102. 30 MRSA §254-B, as repealed by PL
7 1983, c. 435, §2 and as amended by PL 1983, c. 439,
8 is repealed.

9 Sec. 103. 30 MRSA §853, sub-§3, as amended by PL
10 1977, c. 650, §3, is further amended to read:

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

21 Sec. 104. 30 MRSA §2252 is amended to read:

22 §2252. Title to municipal office

23 A person who claims to have been elected to any
24 municipal office may proceed against another who
25 claims title to the office within 15 days after elec-
26 tion day by following the procedure outlined in Title
27 ~~21~~ 21-A, section ~~1212~~ 746.

28 Sec. 105. 30 MRSA §2352, sub-§3, ¶A-1 is enacted
29 to read:

30 A-1. Certificate of birth, marriage or death, \$5
31 for the first copy and \$2 for each additional
32 copy;

33 Sec. 106. 30 MRSA § 4761, next to last ¶, as en-
34 acted by PL 1979, c. 473, §2, is amended to read:

35 For any Capital Reserve Fund to which, under the
36 resolution establishing the Capital Reserve Fund, ~~the~~
37 ~~3rd paragraph from the end of this section~~ subsection

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. 107. 30 MRSA §4761, last ¶, as amended by
7 PL 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. 108. 30 MRSA §4864, sub-§1, as amended by
15 PL 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. 109. 32 MRSA §1153-A, as repealed and re-
34 placed by PL 1973, c. 363, is amended to read:

35 §1153-A. Standards; installation

36 All installations of electrical equipment shall
37 comply with ~~the then current edition of the National~~
38 ~~Electrical Code, pamphlet #70, published by National~~
39 ~~Fire Protection Association~~ and with all applicable
40 statutes of the State and all applicable ordinances,

1 orders, rules and regulations of any city or town or
2 of the Electricians' Examining Board.

3 Sec. 110. 32 MRSA §1552, sub-§2, ¶C, as enacted
4 by PL 1977, c. 398, §10, is amended to read:

5 C. Upon inmates or residents of institutions of
6 the Department of Mental Health and Mental Retar-
7 dation and the Department of Corrections;

8 Sec. 111. 32 MRSA §2351, first ¶, as amended by
9 PL 1983, c. 553, §36 and c. 812, §218, is repealed
10 and the following enacted in its place:

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

20 Sec. 112. 32 MRSA §3282, sub-§5, ¶N, as amended
21 by PL 1983, c. 176, Pt. A, §17 and as repealed by PL
22 1983, c. 378, §52, is repealed.

23 Sec. 113. 34-B MRSA §1001, sub-§9, as enacted by
24 PL 1983, c. 459, §7, is amended to read:

25 9. Written political material. "Written politi-
26 cal material" means flyers, handbills or other
27 nonperiodical publications which are subject to the
28 restrictions of Title ~~21~~ 21-A, chapter ~~35~~ 13.

29 Sec. 114. 34-B MRSA §1401, sub-§4, as enacted by
30 PL 1983, c. 459, §7, is amended to read:

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

35 Sec. 115. 35 MRSA §17, sub-§4, as amended by PL
36 1983, c. 821, §2, is further amended to read:

1 4. Use of funds. The Public Utilities Commission
2 is authorized to fund 35 29 employees beginning in
3 the 1984-85 fiscal year from the revenues provided in
4 this section to defray the costs incurred by the com-
5 mission pursuant to this Title and to include admin-
6 istrative expenses, general regulatory expenses, con-
7 sulting fees and all other reasonable costs incurred
8 to administer this Title. Notwithstanding any other
9 provision of law, the number of employees funded by
10 this section shall be increased by 10 on the effec-
11 tive date of this Act establishing the Public Advo-
12 cate to compensate for an equivalent reduction in the
13 number of employees funded by the General Fund reve-
14 nues which elsewhere in this section are appropriated
15 for the use of the Public Advocate.

16 116. 35 MRSA §19, as enacted by PL 1983, c.
17 815, §1 and as reallocated by PL 1983, c. 862, §78,
18 is repealed and the following enacted in its place:

19 §19. Reimbursement fund

20 All money collected by the Public Utilities Com-
21 mission in the form of filing fees or expense reim-
22 bursements ordered by the commission shall be depos-
23 ited with the Treasurer of State in an account to be
24 known as the Public Utilities Commission Reimburse-
25 ment Fund, which shall be a continuous carrying ac-
26 count for reimbursement of commission expenses in-
27 curring in processing the associated matters which
28 generated the filing fee or expense reimbursement and
29 so much thereof as may be required is appropriated
30 for these purposes and for refund of the unexpended
31 portion of the filing fee. All such payments shall
32 be made to the commission after approval of the State
33 Controller and in no event may the payments exceed
34 the amounts received by the Treasurer of State from
35 the Public Utilities Commission.

36 Fines collected by the Public Utilities Commis-
37 sion which do not constitute a reimbursement of com-
38 mission expenses shall be deposited in the General
39 Fund of the State Treasury. Upon certification by
40 the secretary of the commission that certain amounts
41 in the Public Utilities Commission Reimbursement Fund
42 are not required by the commission, the Treasurer of
43 State shall transfer the amounts to the General Fund.

1 The commission shall report annually, before Feb-
2 ruary 1st, to the joint standing committee of the
3 Legislature having jurisdiction over public utili-
4 ties, on a case by case basis, on the waiver, exemp-
5 tion, receipt and expenditure of any filing fees, ex-
6 pende reimbursements or fines collected under this
7 Title.

8 Sec. 117. 35 MRSA §20 is enacted to read:
9 §20. Funding of intervenors by the commission

10 Notwithstanding sections 3, 4 and 313, the com-
11 mission shall not order compensation of intervenors
12 by any utility except as authorized by this section.
13 Compensation of intervenors may be ordered only to
14 the extent that compensation is specifically required
15 by the Public Utilities Regulatory Policies Act of
16 1978, United States Code, Title 16, Section 2601, et
17 seq.

18 Sec. 118. 35 MRSA §2483, sub-§19, as repealed
19 and replaced by PL 1967, c. 262, §6, is amended to
20 read:

21 19. Rights of applicable licensing authority.
22 Nothing in Title 30, section ~~2151~~, subsection 2, par-
23 agraph H 2158, shall may be deemed to impair the
24 rights of the applicable licensing authority.

25 Sec. 119. 36 MRSA §655, sub-§1, ¶P, as repealed
26 by PL 1983, c. 92, Pt. B, §7 and as amended by PL
27 1983, c. 632, Pt. A, §4, is repealed and the follow-
28 ing enacted in its place:

29 P. All items of individually owned personal
30 property with a just value of less than \$1,000,
31 except:

32 (1) Items used for industrial or commercial
33 purposes; and

34 (2) Vehicles and camp trailers as defined
35 in section 1481 not subject to an excise
36 tax.

1 Sec. 120. 36 MRSAs §841-B, as amended by PL 1983,
2 c. 812, §271 and c. 855, §4, is repealed and the fol-
3 lowing enacted in its place:

4 §841-B. Land Classification Appeals Board; purpose,
5 composition

6 The Land Classification Appeals Board, as estab-
7 lished by Title 5, section 12004, subsection 2, is
8 established to hear appeals from decisions of municip-
9 al tax assessors, chief assessors and the State Tax
10 Assessor acting as assessor of the unorganized terri-
11 tory relating to the Maine Tree Growth Tax Law and
12 the Farm and Open Space Tax Law. The board shall be
13 composed of 4 voting members: The Commissioner of
14 Conservation or his designee; the Commissioner of Ag-
15 riculture, Food and Rural Resources or his designee;
16 the person who, pursuant to section 584, is currently
17 serving on the Forest Land Valuation Advisory Council
18 as the landowner member; and the person who, pursuant
19 to section 584, is currently serving on the Forest
20 Land Valuation Advisory Council as the municipal of-
21 ficer. The Commissioner of Finance and Administra-
22 tion or his designee shall serve in an advisory ca-
23 pacitv as a nonvoting member and as chairman of the
24 board. In the case of a tie vote, the Commissioner of
25 Finance and Administration or his designee shall vote
26 to break the tie. The landowner member and the munic-
27 ipal officer shall be compensated according to Title
28 5, chapter 379. All other members shall be compen-
29 sated by the agency they represent for actual ex-
30 penses incurred in the performance of their duties
31 under this section.

32 Sec. 121. 36 MRSAs §1752, sub-§14-A, as amended
33 by PL 1981, c. 706, Pt. R, §1, is repealed.

34 Sec. 122. 36 MRSAs §1760, sub-§46, as enacted by
35 PL 1983, c. 851, c. 854 and c. 855, §7, is repealed
36 and the following enacted in its place:

37 46. Community action agencies. Sales to commu-
38 nity action agencies designated in accordance with
39 Title 5, section 3519.

40 Sec. 123. 36 MRSAs §1760, sub-§§48 and 49 are en-
41 acted to read:

1 48. Residential facilities for medical patients
2 and their families. Incorporated nonprofit organiza-
3 tions providing temporary residential accommodations
4 to pediatric patients suffering from critical illness
5 or disease, such as cancer, or who are accident vic-
6 tims, and adult patients with cancer, or the families
7 of the patients.

8 49. Scheduled airlines. The sale or lease of
9 an aircraft, or replacement or repair of parts of an
10 aircraft, used by a scheduled airline, based in this
11 State, and which is regularly used in the performance
12 of service under the regulations of the Civil Aero-
13 navitics Board, Part 298. This subsection is repealed
14 on July 1, 1985.

15 Sec. 124. 36 MRSA §3203, as repealed and re-
16 placed by PL 1983, c. 817, §7 and as amended by PL
17 1983, c. 828, §8, is repealed and the following en-
18 acted in its place:

19 §3203. Tax levied

20 An excise tax is levied and imposed upon all sup-
21 pliers of special fuel sold or used in this State on
22 each gallon of distillates at the rate prescribed in
23 section 2903 and on each gallon of low-energy fuel at
24 the rate prescribed in section 2903, less 1¢, except
25 sales of special fuel made to the State or any polit-
26 ical subdivision thereof; such special fuel sold or
27 used in such form and under such circumstances as
28 shall preclude the collection of this tax by reasons
29 of the laws of the United States; sold only for ex-
30 portation from this State; brought into the State in
31 a noncommercial vehicle having a standard fuel tank
32 capacity of 30 gallons or less owned by a nonresi-
33 dent; delivered into a tank used solely for heating
34 or cooking purposes, sold for resale to a licensed
35 supplier; and sold to a person for the generation of
36 power for resale or manufacturing. Where special fu-
37 el is delivered by a supplier on a consignment basis
38 to a consumer or to a retail outlet, whether the re-
39 tail outlet is wholly owned by the supplier or not,
40 it shall be considered to have been "sold" within the
41 meaning of the Special Fuel Tax Act. All taxes col-
42 lected under this section shall be credited to the
43 Highway Fund. Where kerosene is delivered into a

1 separate tank for retail sale, the excise tax is not
2 to be collected by the supplier, rather licensed us-
3 ers shall remit the tax in accordance with section
4 3207.

5 Sec. 125. 36 MRSA §3461, sub-§2, as amended by
6 PL 1983, c. 480, Pt. A, §44 and c. 571, §11, is re-
7 pealed and the following enacted in its place:

8 2. Life insurance. All proceeds of life insur-
9 ance policies upon the life of a decedent payable to
10 his estate or to his personal representatives except,
11 if testate, such part thereof as is bequeathed to a
12 widow or widower, or issue, or, if intestate, such
13 part thereof as descends to a surviving widow, widow-
14 er or issue.

15 Sec. 126. 36 MRSA §4312-B, sub-§§1 and 5, as
16 amended by PL 1983, c. 812, §272 and as repealed and
17 replaced by PL 1983, c. 836, §10, are repealed and
18 the following enacted in it their place:

19 1. Established. The Maine Blueberry Commis-
20 sion, as established by Title 5, section 12004, sub-
21 section 10, shall consist of 5 members who shall be
22 appointed by the Commissioner of Agriculture, Food
23 and Rural Resources. Each member appointed to this
24 commission shall assume office on September 1st of
25 the year appointed and shall serve for a term of 3
26 years or until a successor is duly appointed and
27 qualified, except that, when the commission is first
28 organized under this section, one member shall be ap-
29 pointed for a term of one year; 2 members shall be
30 appointed for terms of 2 years; and 2 members shall
31 be appointed for terms of 3 years. To fill any vacan-
32 cy, however caused, the commissioner shall appoint a
33 successor for the duration of the unexpired term.

34 5. Compensation of commissioners. Members of
35 the commission shall be compensated in accordance
36 with Title 5, chapter 379.

37 Sec. 127. 36 MRSA §4569, as amended by PL 1983,
38 c. 766, §2, is further amended to read:

39 §4569. Records and reports

1 Every shipper shall, on or before the 15th day of
2 each month, report to the State Tax Assessor the
3 quantity of potatoes received, sold or shipped by him
4 during the preceding calendar month and any addition-
5 al information which the State Tax Assessor deems
6 pertinent, on forms furnished by the State Tax Asses-
7 sor. At the time of filing the report, each shipper
8 shall pay to the State Tax Assessor a tax at the rate
9 of \$.05 per hundredweight upon all potatoes so re-
10 ported as purchased, sold or shipped. The State Tax
11 Assessor shall pay over all receipts from such tax to
12 the Treasurer of State daily.

13 Sec. 128. 36 MRS.A §5122, sub-§2, as amended by
14 PL 1983, c. 798, c. 828, §22 and c. 855, §17, is re-
15 pealed and the following enacted in its place:

16 2. Subtractions. For tax years beginning on or
17 after January 1, 1977, federal adjusted gross income
18 shall be reduced by:

19 A. Interest or dividends on obligations of the
20 United States and its territories and possessions
21 or of any authority, commission or instrumentali-
22 ty of the United States or on a seller-sponsored
23 loan, as defined by Title 10, section 983, sub-
24 section 16, to the extent includable in gross in-
25 come for federal income tax purposes, but exempt
26 from state income taxes under the laws of the
27 United States, provided that the amount sub-
28 tracted shall be decreased by any expenses in-
29 curring in the production of the interest or divi-
30 dend income to the extent that these expenses,
31 including amortizable bond premiums, are deduct-
32 ible in determining federal adjusted gross in-
33 come;

34 B. An amount equal to the taxpayer's federal new
35 jobs credit as determined under the laws of the
36 United States;

37 C. Social security benefits and tier 1 railroad
38 retirement benefits paid by the United States, to
39 the extent included in federal adjusted gross in-
40 come; and

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

6 Sec. 129. 37-B MRSA §954, sub-§1, as amended by
7 PL 1983, c. 812, §287 and as repealed and replaced
8 by PL 1983, c. 816, Pt. B, §19, is repealed and the
9 following enacted in its place:

10 1. Created. The Radiological Emergency
11 Preparedness Committee, as established by Title 5,
12 section 12004, subsection 10, shall be composed of
13 the following 7 voting members as listed in this sub-
14 section. The duties of the committee shall be purely
15 advisory. Members from state agencies shall serve ex
16 officio. The committee shall consist of:

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

19 B. The Director of Health Engineering or his
20 designee;

21 C. The Commissioner of Public Safety or his des-
22 ignee;

23 D. Three public members, one designated by the
24 Governor, one designated by the President of the
25 Senate and one designated by the Speaker of the
26 House of Representatives; and

27 E. The license holder for a particular nuclear
28 power plant or his designee, who shall serve on
29 the committee for matters relating to emergency
30 planning for that plant.

31 Sec. 130. 38 MRSA §390-A, sub-§1, as amended by
32 PL 1983, c. 483, §7 and c. 566, § 12, is repealed and
33 the following enacted in its place:

34 1. Fund purposes and administration. There is
35 established a nonlapsing Lake Restoration and Protec-
36 tion Fund, from which the commissioner may pay an
37 amount equal to the local share from state appropria-
38 tions of the eligible costs incurred in a lake resto-

1 ration or protection project. Eligible costs in-
2 clude all costs except those related to land acquisi-
3 tion, legal fees and debt service. All money cred-
4 ited to that fund shall be used by the department for
5 projects to improve or maintain the quality of lake
6 waters in the State and for no other purpose.

7 The Commissioner of Environmental Protection may au-
8 thorize the State Controller to draw his warrant for
9 such funds as may be necessary to pay the lawful ex-
10 penditures of the lake restoration or protection project,
11 up to the limits of the money duly authorized. Any
12 balance remaining in the fund shall continue without
13 lapse from year to year and remain available for the
14 purposes for which the fund is established and no
15 other purpose.

16 Sec. 131. 38 MRSA §418, sub-§1, as amended by PL
17 1983, c. 375, §1 and c. 566, §20, is repealed and
18 the following enacted in its place:

19 1. Prohibitions. No person, firm, corporation
20 or other legal entity may place logs or pulpwood into
21 the inland waters of this State for the purpose of
22 driving the logs or pulpwood to pulp mills, lumber
23 mills or any other destination, except to transport
24 logs or pulpwood from islands to the mainland.

25 No person, firm, corporation or other legal entity
26 may place logs or pulpwood on the ice of any inland
27 waters of this State, except to transport logs or
28 pulpwood from islands to the mainland.

29 No person, firm, corporation or other legal entity
30 may place logs or pulpwood into the inland waters of
31 this State for the purpose of storage or curing the
32 logs or pulpwood, or for other purposes incidental to
33 the processing of forest products, or to transport
34 logs or pulpwood from islands to the mainland, with-
35 out a permit from the board as described in subsec-
36 tion 2.

37 Sec. 132. 38 MRSA §625, as amended by PL 1983,
38 c. 453, §7 and as repealed by PL 1983, c. 458, §16,
39 is repealed.

1 Sec. 133. 38 MRSA §1303-A, sub-§1, as repealed
2 and replaced by PL 1983, c. 816, Pt. B, §21 and as
3 amended by PL 1983, c. 666, is repealed and the fol-
4 lowing enacted in its place:

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

19 Hazardous waste may be identified as follows.

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

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

37 (1) Carcinogenicity;

38 (2) Mutagenicity;

39 (3) Teratogenicity; or

1 (4) Infectiousness.

2 Rules adopted under this paragraph shall be sub-
3 mitted to the joint standing committee of the
4 Legislature having jurisdiction over natural re-
5 sources for review. These rules shall remain in
6 effect until 90 days after adjournment of the
7 next regular session of the Legislature unless
8 adopted by legislative enactment.

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

13 D. In addition to hazardous waste identified under
14 paragraphs A and B, the Legislature identi-
15 fies the following chemicals, materials, sub-
16 stances or waste as being hazardous waste:

17 (1) Polychlorinated biphenyls and any sub-
18 stance containing polychlorinated biphenyls.

19 Sec. 134. 39 MRSA §2, sub-§5, ¶A, as amended by
20 PL 1983, c. 402 and c. 554, is repealed and the fol-
21 lowing enacted in its place:

22 A. "Employee" shall include officials of the
23 State, counties, cities, towns, water districts
24 and all other quasi-public corporations of a sim-
25 ilar character, every duly elected or appointed
26 executive officer of a private corporation, other
27 than a charitable, religious, educational or oth-
28 er nonprofit corporation and every person in the
29 service of another under any contract of hire,
30 express or implied, oral or written, except:

31 (1) Persons engaged in maritime employment,
32 or in interstate or foreign commerce, who
33 are within the exclusive jurisdiction of ad-
34 miralty law or the laws of the United
35 States; and persons operating as sternmen as
36 defined in Title 36, section 5102, subsec-
37 tion 8-A;

38 (2) An independent contractor. Firefight-
39 ers, including volunteer firefighters who

1 are active members of a volunteer firefight-
2 ers' association, as defined in Title 30,
3 section 3771; volunteer emergency medical
4 services' persons, as defined in Title 32,
5 section 83, subsection 12; and policemen
6 shall be deemed employees within the meaning
7 of this Act. In computing the average week-
8 ly wage of an injured volunteer firefighter
9 or volunteer emergency services' person, the
10 average weekly wage shall be taken to be the
11 earning capacity of the injured employee in
12 the occupation in which he is regularly en-
13 gaged. Employers who hire workmen within
14 this State to work outside the State may
15 agree with these workmen that the remedies
16 under this Act shall be exclusive as regards
17 injuries received outside this State arising
18 out of and in the course of that employment;
19 and all contracts of hiring in this State,
20 unless otherwise specified, shall be pre-
21 sumed to include that agreement. Any refer-
22 ence to an employee who has been injured
23 shall, when the employee is dead, include
24 his legal representatives, dependents and
25 other persons to whom compensation may be
26 payable;

27 (3) Notwithstanding any other provisions of
28 this Act, any charitable, religious, educa-
29 tional or other nonprofit corporation that
30 may be or become an assenting employer under
31 this Act, may cause any duly elected or ap-
32 pointed executive officer to be an employee
33 of that corporation by specifically includ-
34 ing that executive officer among those to
35 whom the corporation secures payment of com-
36 pensation in conformity with subchapter II;
37 and that executive officer shall remain an
38 employee of that corporation under this Act
39 while the payment is so secured. With re-
40 spect to any such corporation that secures
41 compensation by making a contract of work-
42 ers' compensation insurance, specific inclu-
43 sion of that executive officer in the con-
44 tract shall cause that officer to be an em-
45 ployee of the corporation under this Act;

1 (4) Any person who states in writing to the
2 commission that he waives all the benefits
3 and privileges provided by the workers' com-
4 pen-sation laws, provided that the commission
5 shall have found such person to be a bona
6 fide owner of at least 20% of the outstand-
7 ing voting stock of the corporation by which
8 he is employed and that this waiver was not
9 a prerequisite condition to employment.

10 Any person may revoke or rescind his waiver
11 upon 30 days' written notice to the commis-
12 sion and his employer. The parent, spouse or
13 child of a person who has made a waiver un-
14 der the previous sentence may state, in
15 writing, that he waives all the benefits and
16 privileges provided by the workers' compen-
17 sation laws if the commissioner finds that
18 the waiver is not a prerequisite condition
19 to employment and if the parent, spouse or
20 child is employed by the same corporation
21 which employs the person who has made the
22 first waiver;

23 (5) The parent, spouse or child of a sole
24 proprietor who is employed by that sole pro-
25 prietor or the parent, spouse or child of a
26 partner who is employed by the partnership
27 of that partner may state, in writing, that
28 he waives all the benefits and privileges
29 provided by the workers' compensation laws
30 if the commission finds that the waiver is
31 not a prerequisite condition to employment;
32 or

33 (6) Employees of an agricultural employer
34 when harvesting 150 cords of wood or less
35 each year from farm wood lots, provided that
36 the employer is covered under an employer's
37 liability insurance policy as required in
38 subsection 1-A.

39 Sec. 135. 39 MRSA §97, 2nd ¶, as amended by PL
40 1983, c. 38 and c. 479, §20, is repealed and the fol-
41 lowing enacted in its place:

1 Except that, for good cause shown, a single com-
2 missioner may permit the late filing of any pleading
3 permissible under this Act. If the subject of the
4 petition has been considered in an informal confer-
5 ence under section 94-B, the period for filing and
6 mailing of answers shall be 7 days.

7 Sec. 136. PL 1983, c. 859, Pt. K, §1, first 2
8 lines are repealed and the following enacted in their
9 place:

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

12 Sec. 137. Resolves 1983, c. 85, first ¶, last
13 sentence is amended to read:

14 The Governor shall appoint the nonlegislative commit-
15 tee members in the following manner: The Members
16 representing the Paper Industry Information Office,
17 the Maine Chapter of the Society of American Forest-
18 ers and the Small Woodlot Owners Association of Maine
19 shall be chosen from lists of 3 individuals submitted
20 by the respective organizations, and the members
21 representing woodcutters and the public shall be cho-
22 sen by the Governor in such manner as the Governor
23 deems proper; and be it further

24 Sec. 138. Resolves 1983, c. 85, 2nd ¶, last sen-
25 tence is amended to read:

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

28 Emergency clause. In view of the emergency cited
29 in the preamble, this Act shall take effect when ap-
30 proved.

1 STATEMENT OF FACT

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

5 Section 2. Repeals a provision to avoid a con-
6 flict with Public Law 1983, chapter 863, section 2.

7 Section 3. Incorporates changes made by Public
8 Law 1983, chapter 812, section 2 and chapter 853, Pt.
9 D., sections 1 and 2 to correct a possible inconsis-
10 tency.

11 Section 4. Incorporates changes made by Public
12 Law 1983, chapter 688, section 2 and chapter 825,
13 section 1 to correct a potential conflict.

14 Section 5. Incorporates changes made by Public
15 Law 1983, chapter 631 and chapter 812, section 10 to
16 correct a possible inconsistency.

17 Sections 6 and 7. Corrects a possible inconsis-
18 tency where 2 substantively different paragraphs were
19 enacted with the same letter designation.

20 Section 8. This provision was inadvertently
21 omitted from L.D. 392 which amends this section of
22 the law. It is important that all notices be in the
23 "consolidated notice" so that the public may be aware
24 of changes in rule-making procedures.

25 Section 9. The intention of this section is to
26 make copies of proposed rules available upon request.
27 The intent was to make them available at a predictable
28 time before the adoption of rules. When the Maine
29 Revised Statutes, Title 5, section 8053, subsection
30 3-A was adopted, it inadvertently failed to link the
31 availability of rules to the close of the comment pe-
32 riod. The current law is inconsistent with the in-
33 tent of this subsection since an agency could make
34 rules available 20 days prior to the adoption of a
35 rule, but after the comment period had closed.

36 Section 10. Corrects an internal reference to
37 ensure consistency with the election laws recodifica-
38 tion, Public Law 1985, chapter 161.

1 Section 11. Corrects a wording error.

2 Section 12. Corrects an inconsistency created
3 by Public Law 1983, chapter 761, sections 1 and 2.

4 Section 13. Incorporates changes made by Public
5 Law 1983, chapter 465, section 2 and chapter 336,
6 section 3 to correct a possible inconsistency.

7 Section 14. Corrects an internal reference to
8 Administrative Court procedures.

9 Section 15. Incorporates changes made by Public
10 Law 1983, chapter 834, section 1 and chapter 812,
11 section 55 to correct a possible inconsistency.

12 Section 16. The Revised Statutes, Title 9-B,
13 section 855, is amended to give credit units the same
14 right to make second mortgage loans pursuant to the
15 Revised Statutes, Title 9-B, section 436, as exists
16 for other financial institutions. It also clarifies
17 that the maximum 30-year loan term applies to each
18 individual advance secured by a mortgage under the
19 Revised Statutes, Title 9-B, section 436. This pre-
20 vents an interpretation that a future advance made
21 close to the expiration of 30 years from the initial
22 execution of a mortgage must be repaid before expira-
23 tion of that 30-year period. Finally, it limits the
24 application of the loan-to-value requirement to first
25 mortgage loans made for the acquisition of real es-
26 tate, thereby allowing credit unions to make a future
27 advance on an open-end mortgage even though the
28 amount of the advance exceeds 80% of the equity value
29 of the mortgage property.

30 Section 17. Repeals a subsection which was
31 amended by Public Law 1983, chapter 88, section 1,
32 but which is within an entire section which was re-
33 pealed by Public Law 1983, chapter 345, sections 8
34 and 14.

35 Section 18. Incorporates the effective date of
36 Public Law 1983, chapter 700.

37 Section 19. Repeals Title 10, section 1458,
38 which, by its own terms, terminated on April 1, 1981.

1 Section 20. Incorporates changes made by Public
2 Law 1983, chapter 758, section 1 and chapter 746,
3 section 1 to correct a possible inconsistency.

4 Section 21. Incorporates changes made by Public
5 Law 1983, chapter 833, section 1 and chapter 819, Pt.
6 A, section 8 to correct a possible inconsistency.

7 Section 22. Corrects the format of the section.

8 Section 23. Repeals a section to avoid a con-
9 flict with Public Law 1983, chapter 556, section 4.

10 Section 24. Repeals a subsection which by its
11 own terms was repealed March 1, 1984.

12 Section 25. This section clarifies the penalty
13 provisions of the new 2-inch clam law, passed in the
14 last regular session. This change will be consistent
15 with the general practice of having criminal penalty
16 provisions imposed for violations of marine resource
17 laws.

18 Section 26. Repeals Title 12, section 7107,
19 which, by its own terms, was repealed March 1, 1983.

20 Sections 27, 28 and 29. These sections elimi-
21 nate the requirement that whitewater guides be li-
22 censed to hunt and fish and establish a flat license
23 fee, thereby limiting the State's possible exposure
24 to any award of attorney's fees which might be made
25 pursuant to the United States Civil Rights Act, Sec-
26 tion 1988, the United States Code, Title 42, Section
27 1983 et seq., as a result of a suit currently pending
28 in the United States District Court for the District
29 of Maine.

30 Section 30. Corrects a technical and punctua-
31 tion problem.

32 Section 31. Corrects an error in syntax.

33 Section 32. Incorporates changes made by Public
34 Law 1983, chapter 556, section 7 and chapter 819, Pt.
35 A, section 39 to correct a potential conflict.

36 Section 33. Removes a reference to fees which

1 are now set by the Supreme Judicial Court.

2 Section 34. Clarifies the intent of Public Law
3 1985, chapter 131.

4 Sections 35, 36 and 37. Amend certain statutory
5 provisions to conform them to provisions amended by
6 Public Law 1983, chapter 688..

7 Section 38. Repeals a statutory section which
8 has been incorporated into the current provisions of
9 Title 34-A.

10 Section 39. Corrects a potential inconsistency
11 in an internal reference.

12 Section 40. Repeals a statutory provision which
13 is now incorporated in Title 20-A. The amendments
14 made to this section by 2 1983 public laws are al-
15 ready incorporated into Title 20-A.

16 Section 41. Repeals a statutory provision which
17 is now incorporated, as amended, in Title 20-A.

18 Section 42. Repeals a statutory provision which
19 is now incorporated, as amended, in Title 20-A.

20 Section 43. Repeals a statutory provision which
21 is now incorporated, as amended, in Title 20-A.

22 Section 44. Repeals a statutory provision which
23 is now found, as amended, in Title 20-A, section
24 13020.

25 Section 45. Repeals a statutory provision which
26 is now incorporated, as amended, in Title 20-A.

27 Section 46. Repeals a statutory provision which
28 is now incorporated, as amended, in Title 20-A.

29 Section 47. Repeals a statutory provision which
30 is now incorporated, as amended, in Title 20-A.

31 Section 48. Repeals a statutory provision which
32 is now incorporated, as amended, in Title 20-A.

33 Section 49. Corrects conflict between Public

1 Law 1983, chapter 315, chapter 422 and chapter 816.

2 Section 50. It reenacts a provision of Title 20
3 which was omitted in the recodification.

4 Sections 51 and 52. Correct a conflict between
5 Public Law 1983, chapter 859 and chapter 862.

6 Sections 53 and 54. Correct a conflict between
7 Public Law 1983, chapter 859 and chapter 862.

8 Sections 55 and 56. Correct a conflict between
9 Public Law 1983, chapter 859 and 862.

10 Section 57. Corrects a conflict between Public
11 Law 1983, chapter 704 and chapter 806.

12 Section 58. Corrects faulty wording in the
13 statute to reflect changes made by Public Law 1983,
14 chapter 862.

15 Sections 59 and 60. Clarify the intent of Pub-
16 lic Law 1983, chapter 859.

17 Section 61. Corrects spelling error in District
18 Number 38 and deletes repeated phrase in District
19 Number 116 and 117.

20 Section 62. Incorporates changes made by Public
21 Law 1983, chapter 722 and chapter 812, section 115 to
22 correct a potential conflict.

23 Sections 63, 64 and 65. These sections incorpo-
24 rate changes made by Public Law 1983, chapter 730,
25 and chapter 812 to correct possible inconsistencies
26 and correct duplicative letters given to
27 substantively different provisions.

28 Section 66. Corrects possible inconsistency be-
29 tween Public Law 1983, chapter 730, section 6 and
30 chapter 812, section 130.

31 Sections 67 and 68. Reallocate a statutory sub-
32 section which was assigned the same subsection number
33 as another statutory provision.

34 Sections 69, 70 and 71. Reallocate a paragraph

1 within a statutory section which was assigned to the
2 paragraph as another paragraph.

3 Section 72. The addition of a definition sec-
4 tion negates any confusion when cross-referencing
5 this law with the Child and Family Services and Child
6 Protection Act, the Maine Revised Statutes, Title 22,
7 chapter 1071, and the Adult Protective Services Act,
8 the Maine Revised Statutes, Title 22, chapter 958-A.

9 Sections 73 and 74. These sections correct the
10 references to 3 substantially different provisions
11 enacted in 1983 which were assigned the same subsec-
12 tion number.

13 Section 75. Repeals a statutory paragraph which
14 was repealed by one public law and amended by ano-
15 ther.

16 Section 76. This section clarifies and cor-
17 rects classifications for health insurance benefits
18 for alcohol and drug abuse treatments by establishing
19 a separate benefit level for nonresidential rehabili-
20 tation treatments. Currently such treatments are
21 classified as a type of outpatient care.

22 Section 77. This section clarifies and cor-
23 rects classifications for health insurance benefits
24 for alcohol and drug abuse treatments by establishing
25 a separate benefit level for nonresidential rehabili-
26 tation treatments. Currently such treatments are
27 classified as a type of outpatient care.

28 Section 78. This section clarifies and cor-
29 rects classifications for health insurance benefits
30 for alcohol and drug abuse treatments by establishing
31 a separate benefit level for nonresidential rehabili-
32 tation treatments. Currently such treatments are
33 classified as a type of outpatient care.

34 Section 79. This section clarifies and cor-
35 rects classifications for health insurance benefits
36 for alcohol and drug abuse treatments by establishing
37 a separate benefit level for nonresidential rehabili-
38 tation treatments. Currently such treatments are
39 classified as a type of outpatient care.

1 Sections 80 and 81. These sections clarify and
2 correct classifications for health insurance benefits
3 for alcohol and drug abuse treatments by establishing
4 a separate benefit level for nonresidential rehabilita-
5 tion treatments. Currently such treatments are
6 classified as a type of outpatient care.

7 Sections 82 and 83. Reallocate statutory sec-
8 tion which was assigned to the same section number as
9 another statutory section.

10 Section 84. Incorporates changes made by Public
11 Law 1983, chapter 13, section 8 and chapter 305, sec-
12 tion 4.

13 Section 85. This section contains a reference
14 to "Rule C" with respect to certain determinations.
15 The reference should be to "Rule B." All the compan-
16 ion labor relations acts provide for review under
17 "Rule B" in precisely similar situations.

18 Section 86. This section contains a reference
19 to "Rule C" with respect to review of certain deter-
20 minations. The reference should be to "Rule B." All
21 the companion labor relations acts provide for review
22 under "Rule B" in precisely similar situations.

23 Section 87. Changes references of liquor in-
24 spectors to liquor enforcement officers to provide
25 consistency within the Maine Revised Statutes, Title
26 28.

27 Sections 88 and 89. Correct an error in format.

28 Section 90. This section clarifies that li-
29 censees purchasing liquors at the Kittery Liquor
30 Store for resale must purchase at the regular retail
31 price.

32 Section 91. Corrects references to the percent
33 of alcohol in table wines which was increased from
34 14% to 14.5% by Public Law 1981, chapter 589.

35 Section 92. Corrects references to percent of
36 alcohol in table wines which was increased from 14%
37 to 14.5% by Public Law 1981, chapter 589.

1 Section 93. Corrects references to percent of
2 alcohol in table wines which was increased from 14%
3 to 14.5% by Public Law 1981, chapter 589.

4 Section 94. Corrects references to percent of
5 alcohol in table wines which was increased from 14%
6 to 14.5% by Public Law 1981, chapter 589.

7 Section 95. Corrects conflict between Public
8 Law 1983, chapter 30 and chapter 94.

9 Section 96. Corrects an internal cross-
10 reference.

11 Section 97. Amends the registration fee for an-
12 tique motor vehicles under Title 29, section 247 to
13 provide consistency with Title 29, section 114.

14 Section 98. Incorporates changes made by Public
15 Law 1985, chapter 108, section 10 and chapter 82 to
16 correct a potential inconsistency.

17 Section 99. Repeals a provision which was
18 amended by Public Law 1983, chapter 455, section 28,
19 but which was incorporated into a new provision in
20 Public Law 1983, chapter 334, section 1

21 Section 100. Corrects internal references.

22 Section 101. Corrects conflict between Public
23 Law 1983, chapter 234, and chapter 480.

24 Section 102. Repeals an obsolete provision in
25 the statutes.

26 Section 103. Corrects an inconsistency between
27 Maine Revised Statutes, Title 30, section 853, sub-
28 section 3 and section 958, subsection 2.

29 Section 104. Corrects an internal reference to
30 ensure consistency with the election laws
31 recodification, Public Law 1985, chapter 161.

32 Section 105. This section clarifies the intent
33 of Public Law 1985, chapter 98.

34 Sections 106 and 107. Clarify internal refer-

1 ences in the Maine State Housing Authority laws to
2 reflect changes made by Public Law 1985, chapter 151,
3 sections 9 and 10.

4 Section 108. Corrects grammatical error.

5 Section 109. This section removes the reference
6 to the National Electrical Code from the statute,
7 thereby giving the Electricians' Examining Board com-
8 plete authority to promulgate rules governing the in-
9 stallation of electrical equipment.

10 Section 110. Corrects a reference to the De-
11 partment of Mental Health and Corrections which has
12 been divided into 2 departments.

13 Section 111. Corrects a possible inconsistency
14 between Public Law 1983, chapter 553, section 36 and
15 chapter 812, section 218.

16 Section 112. Corrects a conflict between Public
17 Law 1983, chapter 378 and chapter 176, Pt. A, section
18 17.

19 Section 113. Corrects an internal reference to
20 ensure consistency with the election laws recodifica-
21 tion, Public Law 1985, chapter 161.

22 Section 114. Corrects an internal reference to
23 ensure consistency with the election laws recodifica-
24 tion, Public Law 1985, chapter 161.

25 Section 115. To change the number "35" to "29"
26 in Title 35, section 17, subsection 4, first sen-
27 tence. This correction reflects the Legislature's
28 intent to increase the number of persons in the Pub-
29 lic Utilities Commission by 4 positions.

30 Sections 116 and 117. Correct a numbering con-
31 flict between 2 statutes assigned the same section
32 number.

33 Section 118. Corrects reference to statutory
34 provision which has been repealed.

35 Section 119. Corrects an inconsistency between
36 Public Law 1983, chapter 632, Pt. A, section 4 and

1 chapter 92, Pt. B, section 7.

2 Section 120. Incorporates changes made by Public
3 Law 1983, chapter 812, section 271 and chapter
4 855, section 4 to correct a possible inconsistency.

5 Section 121. Repeals a section that is no
6 longer in effect.

7 Sections 122 and 123. These sections correct
8 the references to 3 substantially different provi-
9 sions enacted in 1983 which were assigned the same
10 subsection number.

11 Section 124. Corrects inconsistencies between
12 Public Law 1983, chapter 817, section 7 and chapter
13 828, section 8.

14 Section 125. Incorporates changes made by Public
15 Law 1983, chapter 480, Pt. A, section 44 and
16 chapter 571, section 11 to correct a possible incon-
17 consistency.

18 Section 126. Avoids a conflict between Public
19 Law 1983, chapter 836, section 10 and chapter 812,
20 section 272.

21 Section 127. 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 128. Incorporates changes made by Public
26 Law 1983, chapter 798, chapter 828, section 22
27 and chapter 855, section 17 to correct possible
28 inconsistencies.

29 Section 129. Incorporates changes made by Public
30 Law 1983, chapter 812, section 287 and chapter
31 816, Pt. B, section 19 to correct a potential incon-
32 consistency.

33 Section 130. Corrects conflict between Public
34 Law 1983, chapter 483 and chapter 566.

35 Section 131. Corrects conflict between Public
36 Law 1983, chapter 375 and chapter 566.

1 Section 132. Repeals a provision to reflect
2 provisions repealed and enacted in Public Law 1983,
3 chapter 458.

4 Section 133. Corrects conflict between Public
5 Law 1983, chapter 666 and chapter 816.

6 Section 134. Corrects conflict between Public
7 Law 1983, chapter 402 and chapter 554.

8 Section 135. Corrects conflicts between Public
9 Law 1983, chapter 38 and chapter 479.

10 Section 136. Corrects a reference to a Title of
11 the Maine Revised Statutes.

12 Sections 137 and 138. Correct technical errors
13 in Resolves 1983, chapter 85.

14

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