

MAINE STATE LEGISLATURE

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



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

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

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 2272

9 S.P. 905

In Senate, March 26, 1986

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

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

JOY J. O'BRIEN, Secretary of the Senate

13

14 STATE OF MAINE
15

16 IN THE YEAR OF OUR LORD
17 NINETEEN HUNDRED AND EIGHTY-SIX
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 incon-
27 sistencies 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 §216. State fossil

2 "Pertica quadrifaria" shall be designated as the
3 official fossil of the State of Maine.

4 Sec. 4. 1 MRSA, §217 is enacted to read:

5 §217. State cat

6 The state cat shall be the Maine coon cat.

7 Sec. 5. 2 MRSA §6-A, sub-§1-A, as reallocated by
8 PL 1983, c. 862, §1, is repealed.

9 Sec. 6. 3 MRSA §2-A, sub-§1, as amended by PL
10 1983, c. 812, §2, and c. 853, Pt. D, §1, is repealed
11 and the following enacted in its place

12 1. State Compensation Commission established.
13 The State Compensation Commission, established by Ti-
14 tle 5, section 12004, subsection 10, shall consist of
15 5 members appointed in January of every odd-numbered
16 year as follows: Two members shall be appointed by
17 the President of the Senate; 2 members shall be ap-
18 pointed by the Speaker of the House of Representa-
19 tives; and one member shall be appointed by a majori-
20 ty of the preceding 4 commissioners and shall serve
21 as chairman of the commission. The 5 members shall be
22 residents of the State, appointed from the public. No
23 one may be appointed who is a Legislator at the time
24 of his appointment.

25 All members shall be appointed for terms to coincide
26 with the legislative biennium. Vacancies shall be
27 filled in the same manner as the original appoint-
28 ments, for the balance of the unexpired term.

29 The commission may request staff support from the
30 Legislative Council.

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

33 Sec. 7. 3 MRSA §507-B, sub-§7, as enacted by PL
34 1985, c. 309, §2, and c. 481, Pt. A, §3, is repealed
35 and the following enacted in its place

1 7. Agencies scheduled for termination on June
2 30, 1985. The following agencies scheduled for termi-
3 nation on June 30, 1985, pursuant to section 507,
4 subsection 6, paragraph B, shall continue, but shall
5 terminate, not including the grace period, no later
6 than June 30, 1989, unless continued or modified by
7 law:

8 A. Advisory Commission on Radioactive Waste.

9 Sec. 8. 3 MRSA §507-B, sub-§8, as enacted by PL
10 1985, c. 481, Pt. A, §3, is repealed and the follow-
11 ing enacted in its place:

12 8. Agencies scheduled for termination on June
13 30, 1985. The following agencies and those scheduled
14 for termination on June 30, 1985, pursuant to section
15 507, subsection 6, paragraph B, shall continue, but
16 shall terminate, not including the grace period, no
17 later than June 30, 1986, unless continued or modi-
18 fied by law:

19 A. Maine Sardine Council;

20 B. Atlantic States Marine Fisheries Commission;

21 C. Board of Directors, Maine Municipal and Rural
22 Electrification Cooperative Agency;

23 D. State Energy Resource Advisory Board;

24 E. Low-level Waste Siting Commission;

25 F. Lobster Advisory Council;

26 G. Board of Environmental Protection; and

27 H. State Board of Examiners of Psychologists.

28 Sec. 9. 3 MRSA §507-B, sub-§9 is enacted to
29 read:

30 9. Agencies scheduled for termination on June
31 30, 1985. Pursuant to section 507, subsection 6,
32 paragraph B, the following agencies scheduled for
33 termination on June 30, 1985, are continued or modi-
34 fied by an Act of the Legislature passed prior to
35 June 30, 1985:

- 1 A. Public Utilities Commission;
- 2 B. State Development Office;
- 3 C. Office of Energy Resources;
- 4 D. Maine Development Foundation;
- 5 E. Saco River Corridor Commission;
- 6 F. State Soil and Water Conservation Commission;
- 7 and
- 8 G. Atlantic Sea Run Salmon Commission.

9 Sec. 10. 4 MRSA §161, as amended by PL 1981, c.
10 456, Pt. A, §128, is further amended to read:

11 §161. Complaint justice; appointment; duties; salary

12 The Chief Judge of the District Court may autho-
13 rize any attorney-at-law, who is duly licensed to
14 practice law in the State of Maine and ~~who is also a~~
15 ~~notary public~~, to receive complaints and to issue
16 process for the arrest of persons charged with of-
17 fenses, to issue search warrants and to endorse cer-
18 tificates of commitment of the mentally ill, all in
19 accordance with law, and to perform all other such
20 acts and duties that are or may be authorized by law.
21 ~~Such That~~ attorney shall be known as a complaint jus-
22 tice.

23 ~~Any complaint so received or process so issued~~
24 ~~shall be in his capacity as a notary public.~~

25 ~~Such complaint justice shall be authorized to act~~
26 ~~only in the district of his residence, except when~~
27 ~~specifically directed to act in another and different~~
28 ~~district by the Chief Judge of the District Court.~~

29 ~~Such~~ The complaint justice shall serve at the
30 pleasure of the Chief Judge of the District Court.

31 ~~Such~~ The complaint justice shall receive such
32 salary as shall be determined by the Chief Judge and
33 paid as an expense of the District Court.

1 Sec. 11. 4 MRSA §1051, as amended by PL 1985, c.
2 50, and c. 114, §1, is repealed and the following en-
3 acted in its place:

4 §1051. Legal holidays

5 No court may be held on Sunday or any day desig-
6 nated for the annual Thanksgiving; New Year's Day,
7 January 1st; Washington's Birthday, the 3rd Monday in
8 February; Patriot's Day, the 3rd Monday in April; Me-
9 morial Day, the last Monday in May, but if the United
10 States Government designates May 30th as the date for
11 observance of Memorial Day, the 30th of May; the 4th
12 of July; Labor Day, the first Monday of September;
13 Columbus Day, the 2nd Monday in October; Veterans'
14 Day, November 11th; or on Christmas Day. The Chief
15 Justice of the Supreme Judicial Court may order that
16 court be held on a legal holiday when he finds that
17 the interests of justice and judicial economy in any
18 particular case will be served. The public offices in
19 county buildings may be closed to business on the
20 holidays set out in this section. When any one of the
21 holidays set out this section falls on Sunday, the
22 Monday following shall be observed as a holiday, with
23 all the privileges applying to any of the days set
24 out in this section.

25 Sec. 12. 5 MRSA c. 1, sub-c. II, as enacted by
26 PL 1985, c. 378, §2, is repealed.

27 Sec. 13. 5 MRSA c. 1, sub-c. II is enacted to
28 read:

29 SUBCHAPTER II

30 STATE EMPLOYEES AND STATE PROPERTY

31 §20. Definitions

32 As used in this subchapter, unless the context
33 otherwise indicates, the following terms have the
34 following meanings.

35 1. Employee of this State. "Employee of this
36 State" means an employee in the classified or unclas-
37 sified service as defined in chapters 57 and 71.

1 2. State property. "State property" means personal
2 property, including, but not limited to, furnis-
3 hings, supplies and equipment which are owned or
4 leased by or in the control of the State or any de-
5 partment or agency of the State or independent state
6 agency.

7 §20-A Acquisition of state property

8 No employee of this State may take state property
9 for personal use or for the use of others off the
10 premises of the State. Within 3 months of leaving
11 office or employment with the State, an employee of
12 this State, in accordance with rules adopted by the
13 Commissioner of Finance and Administration and this
14 chapter, may purchase, at fair market value, state
15 property that was assigned to the employee or state
16 property of which the employee was the principal user
17 at the time of his employment. The commissioner, by
18 rule, shall determine state property that may be of-
19 fered for sale under this chapter. No state property
20 may be offered for sale under this chapter until the
21 commissioner determines that the property is eligible
22 for sale and that no state agency has any need of or
23 use for the property. Nothing in this section may be
24 interpreted to prohibit an employee of this State or
25 any other person from purchasing state property at
26 fair market value in accordance with this chapter, as
27 a gift to an employee of this State upon his retire-
28 ment or leaving office.

29 Any person who violates the provisions of this
30 chapter shall be subject to the penalties set out in
31 Title 17-A, section 362.

32 Sec. 14. 5 MRSA §1742, sub-§20, ¶F, as amended
33 by PL 1985, c. 457, §4, and c. 501, Pt. B, §15, is
34 repealed and the following enacted in its place:

35 F. To levy charges, according to a rate sched-
36 ule approved by the Commissioner of Finance and
37 Administration, against all units utilizing tele-
38 communications services;

39 Sec. 15. 5 MRSA §8052, sub-§2, ¶B, as enacted by
40 PL 1981, c. 524, §2, is amended to read:

1 B. In the case of a rule authorized to be
2 adopted by a single agency member, either the
3 agency member or a person in a major
4 policy-influencing position, as listed in ~~section~~
5 ~~711~~ chapter 71, who has a policy-making responsi-
6 bility over the subject matter to be discussed at
7 the hearing, shall hold and conduct the hearing.

8 Sec. 16. 5 MRSA §12004, sub-§10, ¶A, sub-¶(80)
9 as enacted by PL 1985, c. 295, §19, and c. 372, Pt.
10 A, §4, is repealed and the following enacted in its
11 place:

12 (80) Workers' Employment Rehab- Expenses 39 MSRS §89
13 Compensation bilitation Advis- only
14 ory Board

15 Sec. 17. 5 MRSA §12004, sub-§10, ¶A, sub-¶(80-A)
16 is enacted to read:

17 (80-A) Transpor- Maine Highway Not Autho- 25 MRSA §2902
18 tation: Safety Committee rized
19 Highway

20 Sec. 18. 10 MRSA §8001, as repealed and replaced
21 by PL 1985, c. 233, §2; c. 288, §2; and c. 389, §6,
22 is repealed and the following enacted in its place:

23 §8001. Department; agencies within department

24 There is created and established the Department
25 of Business, Occupational and Professional Regula-
26 tion, in this chapter referred to as the "depart-
27 ment," to regulate financial institutions, insurance
28 companies, commercial sports, grantors of consumer
29 credit and to license and regulate professions and
30 occupations. The department shall be composed of the
31 following bureaus, boards and commissions:

- 32 Banking, Bureau of;
- 33 Consumer Credit Protection, Bureau of;
- 34 Insurance, Bureau of;
- 35 Athletic Commission, Maine;

1 Penobscot Bay and River Pilotage Commission;
2 Real Estate Commission;
3 Running Horse Racing Commission, State;
4 Arborist Examining Board;
5 Auctioneers Advisory Board;
6 Commercial Driver Education, Board of;
7 Dietetic Practice, Board of Registration of;
8 Electricians' Examining Board;
9 Foresters, State Board of Registration for Pro-
10 fessional;
11 Funeral Service, State Board of;
12 Geologists and Soil Scientists, State Board of
13 Certification for;
14 Hearing Aid Dealers and Fitters, Board of;
15 Manufactured Housing Board;
16 Nursing Home Administrators Licensing Board;
17 Occupational Therapy Practice, Board of;
18 Oil and Solid Fuel Board;
19 Physical Therapy, Board of Examiners in;
20 Plumbers' Examining Board;
21 Psychologists, State Board of Examiners of;
22 Respiratory Care Practitioners, Board of;
23 Social Worker Registration, State Board of;
24 Speech Pathology and Audiology, Board of Examin-
25 ers on; and

1 Substance Abuse Counselors, Board of Registration
2 of.

3 Sec. 19. 12 MRSA §684, first ¶, as amended by PL
4 1983, c. 812, §76, is further amended to read:

5 The commission shall elect annually, from its own
6 membership, a secretary and such other officers it
7 deems necessary. ~~The Commissioner of Conservation~~
8 ~~shall be chairman of the commission.~~ Meetings shall
9 be held at the call of the chairman or at the call of
10 more than 1/2 of the membership. ~~Such~~ These public
11 meetings shall be held at least once a month. The
12 commission, acting in accordance with the procedures
13 set forth in Title 5, chapter 375, subchapter II, may
14 adopt whatever rules it deems necessary for the con-
15 duct of its business. The secretary shall keep min-
16 utes of all proceedings of the commission, which min-
17 utes shall be a public record available and on file
18 in the office of the commission. Members of the com-
19 mission, except state employees, shall be compensated
20 as provided in Title 5, chapter 379. A quorum of
21 the commission for the transaction of business shall
22 be 4 members. No action may be taken by the commis-
23 sion unless upon approval by a vote of 4 members.

24 Sec. 20. 12 MRSA §4811, as amended by PL 1985,
25 c. 60 and as repealed by PL 1985, c. 481, Pt. A, §23,
26 is repealed.

27 Sec. 21. 12 MRSA §4812-C, as reallocated by PL
28 1985, c. 481, Pt. A, §29, and as amended by PL 1985,
29 c. 488, §2, is repealed.

30 Sec. 22. 12 MRSA §4815, as amended by PL 1985,
31 c. 206, §1, and as reallocated by PL 1985, c. 481,
32 Pt. A, §32, is repealed.

33 Sec. 23. 12 MRSA §5103, as repealed and replaced
34 by PL 1985, c. 488, §7, is repealed and the follow-
35 ing enacted in its place:

36 §5103. Reports

37 The commissioner shall prepare a series of re-
38 ports which provide:

1 1. Current and projected needs. An assessment
2 of current and projected supply and demand for forest
3 and related resources in the State.

4 A. Based on these projections, the assessment
5 shall include goals for the supply of forest re-
6 sources, including, but not limited to, timber,
7 fiber, recreation, water and wildlife.

8 B. The assessment shall be prepared on a 10-year
9 cycle with the first report due no later than
10 January 1, 1988, and subsequent reports to coin-
11 cide with the availability of inventory data from
12 the decennial United States Forest Service survey
13 of the State.

14 C. The United States Forest Service has con-
15 ducted several decennial forest surveys in this
16 State. The Department of Conservation is further
17 directed to supplement these surveys with
18 mid-cycle forest inventories in order to more ac-
19 curately assess the changes and trends occurring
20 in forests of this State. Initial emphasis
21 should be given to a mid-cycle survey in the
22 spruce-fir resource. The director shall deline-
23 ate the area of the forest resource for which up-
24 dated inventory information is critically needed
25 and shall be responsible for the conduct of the
26 inventories;

27 2. Recommendations. Recommendations for state
28 and private actions designed to address the needs
29 identified in the assessment.

30 A. State action recommendations shall be defined
31 in terms of necessary policies, programs, staff
32 and budgetary requirements to achieve specific
33 goals.

34 B. Recommendations for actions on privately held
35 forest lands shall be developed separately for
36 large, industrial ownerships and small, nonindus-
37 trial ownerships. These recommendations shall be
38 defined in terms of actions needed to achieve
39 specific goals.

1 C. This report shall be prepared on a 5-year cy-
2 cle with the first report due no later than Janu-
3 ary 1, 1988; and

4 3. Annual progress report. An annual progress
5 report on implementation of the program and its rec-
6 ommendations along with recommendations for adminis-
7 trative or legislative actions needed during the cur-
8 rent 5-year cycle. The progress report shall be due
9 on January 1st.

10 The commissioner shall obtain meaningful public
11 input during the preparation of these reports by
12 means of public hearings and other methods as appro-
13 priate. All reports prepared under this section
14 shall be submitted for review to the joint standing
15 committee of the Legislature having jurisdiction over
16 natural resources by the dates specified in this sec-
17 tion.

18 Sec. 24. 12 MRSA §6451, sub-§1, as amended by PL
19 1985, c. 237, §1, and c. 353, §1, is repealed and
20 the following enacted in its place:

21 1. Allocation of license fees. Ten dollars of
22 each \$33 fee and \$5 of each \$13 fee for each lobster
23 and crab fishing license shall be allocated to the
24 Lobster Fund, which shall be used for the purposes of
25 lobster biology research, of propagation of lobsters
26 by liberating seed and female lobsters in Maine
27 coastal waters and of establishing and supporting
28 lobster hatcheries.

29 Sec. 25. 12 MRSA §6671, sub-§3, as amended by PL
30 1985, c. 48, §1, and c. 259, is repealed and the fol-
31 lowing enacted in its place:

32 3. Shellfish conservation ordinance. Within any
33 area of the municipality, a shellfish conservation
34 ordinance may regulate or prohibit the possession of
35 shellfish; may fix the amount of shellfish that may
36 be taken; shall limit the size of soft-shell clams in
37 accordance with subchapter I, article 5; may fix the
38 qualifications for a license, including municipal
39 residency; may fix license fees; and may authorize
40 the municipal officers to open and close flats under

1 specified conditions. A program or ordinance shall
2 not regulate areas closed by regulation of the com-
3 missioner. An ordinance may also provide for enforce-
4 ment, protection and evaluation of a green crab fenc-
5 ing program. No municipal commercial license may be
6 issued unless the applicant has a current shellfish
7 license, as provided in section 6601. The municipali-
8 ty shall provide and reserve a minimum number of com-
9 mercial licenses for nonresidents which shall be a
10 number not less than 10% of the number provided for
11 residents. When the number of resident licenses is
12 less than 10 but more than 5, at least one nonresi-
13 dent license shall be provided. When the number of
14 resident licenses is 5 or less, nonresident licenses
15 shall not be required. The fee for a nonresident li-
16 cence shall be not more than 10 times the fee for a
17 resident license, provided that in no case may the
18 fee for a nonresident license exceed \$150. Notice of
19 the number and the procedure for application shall be
20 published in a trade or industry publication, or in a
21 newspaper or combination of newspapers with general
22 circulation, which the municipal officers consider
23 effective in reaching persons affected, not less than
24 10 days prior to the period of issuance and shall be
25 posted in the municipal offices until the period con-
26 cludes. The period of issuance for resident and non-
27 resident licenses shall be the same. Subsequent to
28 that period, the municipality shall make any resident
29 or nonresident licenses not granted during the period
30 available to residents or nonresidents.

31 Sec. 26. 12 MRSA §6671, sub-§9, as amended by PL
32 1983, c. 838, §5, is further amended to read:

33 9. Penalty. Notwithstanding the provisions of
34 Title 17-A, section 4-A 4-B, whoever takes or pos-
35 sesses shellfish contrary to a municipal ordinance
36 authorized by this section ~~shall~~ is guilty of a
37 crime punishable by a fine of not less than \$100 nor
38 more than \$1,000, except that fines for violation of
39 subchapter 1, article 5, shall be as provided in sec-
40 tion 6681.

41 Sec. 27. 12 MRSA §6681, sub-§6, as repealed and
42 replaced by PL 1985, c. 9, is amended to read:

1 6. Penalty. Notwithstanding the provisions of
2 Title 17-A, section 4-A 4-B, whoever violates a pro-
3 vision of this article shall be guilty of a crime
4 punishable by a fine of not less than \$100 nor more
5 than \$1,000.

6 Sec. 28. 12 MRSA §7854, sub-§7, ¶A, as amended
7 by PL 1985, c. 301, §2, and as repealed and replaced
8 by PL 1985, c. 304, §24, is repealed and the follow-
9 ing enacted in its place:

10 A. Whoever transfers the ownership or discontin-
11 ues the use of a registered all-terrain vehicle
12 shall, within 10 days, properly sign the regis-
13 tration certificate, indicating the disposition
14 of the all-terrain vehicle, and return the cer-
15 tificate to the commissioner. Except as provided
16 in paragraph B, the registration number plate
17 shall be returned with the certificate.

18 Sec. 29. 12 MRSA §7854, sub-§7, ¶C, as repealed
19 and replaced by PL 1985, c. 304, §24, is amended to
20 read:

21 C. Whenever there is a change of ownership of an
22 all-terrain vehicle for which a registration has
23 previously been issued, the new owner shall apply
24 for a new registration certificate and plate and
25 shall pay the regular \$5 \$7 fee.

26 Sec. 30. 12 MRSA §7901, sub-§5, as repealed and
27 replaced by PL 1985, c. 177, §3, and c. 304, §30, is
28 repealed and the following enacted in its place:

29 5. Habitual violators. Whenever a violation of
30 any prohibited act in chapters 701 to 721 is commit-
31 ted by an habitual violator, as defined in section
32 7001, subsection 13-A, the penalty for that violation
33 shall be a fine of not less than \$500 and a term of
34 imprisonment of not less than 3 days. This fine and
35 imprisonment are not to be suspended.

36 Sec. 31. 12 MRSA §7901, sub-§8, as enacted by PL
37 1985, c. 95, §2; c. 145; and c. 177, §4, is repealed
38 and the following enacted in its place:

1 8. Wild turkey. A violation of section 7456,
2 subsections 3, 4, 5 and 6, as they apply to turkeys,
3 is a Class E crime. A convicted person shall be fined
4 not less than \$200 and this fine is not to be sus-
5 pending. In addition, a convicted person shall be
6 fined \$200 for each turkey illegally possessed or
7 killed and this fine is not to be suspended.

8 Sec. 32. 12 MRSA §7901, sub-§§9 and 10 are en-
9 acted to read:

10 9. Violation of section 7371, subsection 3. A
11 violation of section 7371, subsection 3, as it ap-
12 plies to section 7203, subsection 1, in addition to
13 being a Class E crime is a civil violation for which
14 a forfeiture of not less than \$1,000 nor more than
15 \$10,000 may be adjudged.

16 10. Excise tax decal. A violation of section
17 7801, subsection 28, is not a crime.

18 Sec. 33. 14 MRSA §1503-D, as enacted by PL 1985,
19 c. 384, §4, is reallocated to be 14 MRSA §1502-D.

20 Sec. 34. 15 MRSA §3203-A, sub-§5, as enacted by
21 PL 1985, c. 439, §9, is amended to read:

22 5. Detention hearing. Upon petition by a juve-
23 nil caseworker, the Juvenile Court shall ~~renew~~
24 review the decision to detain a juvenile.

25 A. A detention hearing shall precede and shall
26 be separate from a bind-over or adjudicatory
27 hearing.

28 B. Following a detention hearing, a court shall
29 order a juvenile's release, in accordance with
30 subsection 4, unless it finds, by a preponderance
31 of the evidence, that continued detention is nec-
32 cessary to meet one of the purposes of detention
33 provided in that subsection. The Juvenile Court
34 shall ensure, by appropriate order, that any such
35 continued detention is otherwise in accordance
36 with the requirements of subsection 4.

37 C. No continued detention may be ordered unless
38 the Juvenile Court shall determine that there is

1 probable cause to believe that the juvenile has
2 committed a juvenile crime. That determination
3 shall be made on the basis of evidence, including
4 reliable hearsay evidence, presented in testimony
5 or affidavits.

6 Sec. 35. 17-A MRSA §15, sub-§1, ¶A, as repealed
7 and replaced by PL 1983, c. 862, §47, is amended to
8 read:

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

11 (1) Murder;

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

13 (3) Assault while hunting;

14 (4) Any offense defined in chapter 45;

15 (5) Assault, if the officer reasonably be-
16 lieves that the person may cause injury to
17 others unless immediately arrested;

18 (5-A) Assault, criminal threatening,
19 terrorizing or reckless conduct, if the of-
20 ficer reasonably believes that the person
21 and the victim are family or household mem-
22 bers, as defined in Title 15, section 301
23 321;

24 (6) Theft as defined in section 357, when
25 the value of the services is \$1,000 or less,
26 if the officer reasonably believes that the
27 person will not be apprehended unless im-
28 mediately arrested;

29 (7) Forgery, if the officer reasonably be-
30 lieves that the person will not be appre-
31 hended unless immediately arrested;

32 (8) Negotiating a worthless instrument, if
33 the officer reasonably believes that the
34 person will not be apprehended unless im-
35 mediately arrested;

1 (9) A violation of a condition of his proba-
2 tion when requested by an official of the
3 Division of Probation and Parole; or

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

7 Sec. 36. 17-A MRSA §253, sub-§2, ¶¶E and F, as
8 amended by PL 1985, c. 247, §2, and c. 495, §7, are
9 repealed and the following enacted in their place:

10 E. The other person, not his spouse, is in offi-
11 cial custody as a probationer or a parolee, or is
12 detained in a hospital, prison or other institu-
13 tion, and the actor has supervisory or discipli-
14 nary authority over that other person;

15 F. The other person, not his spouse, has not in
16 fact attained his 18th birthday and is a student
17 enrolled in a private or public elementary, sec-
18 ondary or special education school, facility or
19 institution and the actor is a teacher, employee
20 or other official having instructional, supervi-
21 sory or disciplinary authority over the student;
22 or

23 Sec. 37. 17-A MRSA §253, sub-§4, as amended by
24 PL 1985, c. 247, §2, and c. 414, §3, is repealed and
25 the following enacted in its place:

26 4. Violation of subsection 1 is a Class A crime.
27 It is, however, a defense to prosecution under sub-
28 section 1, paragraph A, which reduces the crime to a
29 Class B crime that the other person was a voluntary
30 social companion of the defendant at the time of the
31 offense and had, on that occasion, permitted him, the
32 defendant, sexual contact or voluntarily engaged in
33 sexual contact with the defendant.

34 Sec. 38. 20-A MRSA §11804, sub-§3, as amended by
35 PL 1983, c. 806, §87, is repealed.

36 Sec. 39. 20-A MRSA §11804, sub-§4, as enacted by
37 PL 1983, c. 422, §22, is repealed.

1 Sec. 40. 20-A MRSA §15603, sub-§22, ¶C, as
2 amended by PL 1985, c. 463, §2, and c. 487, §4, is
3 repealed and the following enacted in its place:

4 C. The cost of programs for gifted and talented
5 students which have been approved by the commis-
6 sioner. Federal and state grants used for gifted
7 and talented programs approved by the commis-
8 ioner may be included as allowable costs under this
9 program; and

10 Sec. 41. 20-A MRSA §15904, sub-§1, as amended by
11 PL 1985, c. 161, §4, and c. 248, §4, is repealed and
12 the following enacted in its place:

13 1. Councils and town meetings. In a municipali-
14 ty where the responsibility for final adoption of the
15 school budget is vested in a municipal council by mu-
16 nicipal charter or in a town meeting, the vote shall
17 be by referendum in accordance with the appropriate
18 provisions set forth in Title 21-A and Title 30.

19 Sec. 42. 20-A MRSA §15905, sub-§1, ¶A, as
20 amended by PL 1985, c. 248, §6, and c. 469, is re-
21 pealed and the following enacted in its place:

22 A. The state board may approve projects so long
23 as no project approval will cause debt service
24 costs, as defined in section 15603, subsection 8,
25 paragraphs A and D, to exceed \$35,000,000 in a
26 subsequent fiscal year. The state board may in-
27 crease the limit by 10% to take into account in-
28 creased requests for projects deemed necessary by
29 the state board because of the unusually heavy
30 local demand for high priority school construc-
31 tion. This paragraph shall take effect on July
32 1, 1986.

33 Sec. 43. 21 MRSA §1571-B, as repealed by PL
34 1985, c. 161, §5, and as amended by PL 1985, c. 116,
35 and c. 425, is repealed.

36 Sec. 44. 21-A MRSA §1201, sub-§5, House Dis-
37 tricts 28, 32, 39, 55 and 103, as amended, are fur-
38 ther amended to read:

1 District Number 28, in the County of Cumberland
2 consisting of that portion of the City of Port-
3 land enclosed by a line described as follows:
4 Beginning at the Fore River at its intersection
5 with Danforth Street; thence north on Danforth
6 Street to the Maine Central Railroad track;
7 thence east on the Maine Central Railroad tracks
8 to its intersection with a line representing the
9 southerly extension of Emery Street; thence
10 north along the southerly extension of Emery
11 Street to Emery Street; thence north on Emery
12 Street to Spring Street; thence west on Spring
13 Street to Thomas Street; thence north on Thomas
14 Street to Pine Street; thence west on Pine Street
15 to Carleton Street; thence north on Carleton
16 Street to Brackett Street; thence west on
17 Brackett Street to Charles Street; thence north-
18 west on Charles Street to Crescent Street; thence
19 east on Crescent Street to Ellsworth Street;
20 thence northeast on Ellsworth Street to Congress
21 Street; thence west on Congress Street to Gilman
22 Street; thence north on Gilman Street to Park Av-
23 enue; thence west on Park Avenue to St. John's
24 Street and the Maine Central Railroad bridge;
25 thence south on Maine Central Railroad to the in-
26 tersection of the Boston and Maine Railroad;
27 thence north on the Boston and Maine Railroad to
28 Brighton Avenue; thence west on Brighton Avenue
29 to Whitney Avenue; thence south on Whitney Avenue
30 to Congress Street; thence west on Congress
31 Street to Stevens Avenue; thence north on Stevens
32 Avenue to Capisic Street; thence west on Capisic
33 Street to Bancroft Street; thence north on Ban-
34 croft Street to Brighton Avenue; thence west on
35 Brighton Avenue to Dorset Street; thence north on
36 Dorset Street to Riggs Street; thence west on
37 Riggs Street to Warwick Street; thence north on
38 Warwick Street to Sunset Lane; thence northwest
39 on Sunset Lane to Pinecrest Road; thence north on
40 Pinecrest Road to Birchwood Road; ~~thence west on~~
41 ~~Birchwood Road, excluding both sides of Birchwood~~
42 Read its northernmost point; thence along a line
43 due north to the Boston and Maine Railroad;
44 thence west along the Boston and Maine Railroad
45 to its nearest point of intersection with Holm
46 Avenue; thence along a line due south to Holm Av-
47 enue; thence south along Holm Avenue to Robin

1 Street; thence east along Robin Street to Taft
2 Avenue; thence south on Taft Avenue to Godfrey
3 Street; thence east on Godfrey Street to Purchase
4 Street; thence south on Purchase Street to Popham
5 Street; thence west on Popham Street to Cabot
6 Street; thence south on Cabot Street to Brighton
7 Avenue; thence west on Brighton Avenue to the
8 Portland-Westbrook boundary; thence south on the
9 Portland-Westbrook boundary to the Portland-South
10 Portland boundary, the Fore River; thence east on
11 the Fore River to Danforth Street.

12 District Number 32, in the County of Cumberland,
13 consisting of that portion of Portland enclosed
14 by a line described as follows: Beginning at the
15 intersection of the Boston and Maine Railroad and
16 Forest Avenue; thence north along Forest Avenue
17 to Allen Avenue; thence north along Allen Avenue
18 to Summit Street; thence northwest along Summit
19 Street to Jackson Street; thence west along Jack-
20 son Street to Auburn Street; thence north along
21 Auburn Street to Hillside Road; thence east along
22 Hillside Road to Summit Street; thence northwest
23 along Summit Street to Abbey Lane; thence north
24 on Abbey Lane to Crestview Drive; thence north on
25 Crestview Drive to Bonny Street; thence north on
26 Bonny Street to Carter Street; thence north on
27 Carter Street to Panoramic View; thence northwest
28 on Panoramic View to Longview Drive; thence
29 southwest on Longview Drive to Auburn Street;
30 thence north on Auburn Street to the
31 Portland-Falmouth boundary; thence west along the
32 Portland-Falmouth boundary to
33 the Presumpscot River, Portland-Westbrook
34 boundary; thence south along the
35 Portland-Westbrook boundary to the Boston and
36 Maine Railroad; thence east along the Boston and
37 Maine Railroad to its nearest point to the inter-
38 section of Holm Avenue and Birchwood Road; thence
39 east along Birchwood Road, including both sides
40 of Birchwood Road, to Pinecrest Road; thence
41 north along Pinecrest Road to its nearest point
42 to the Boston and Maine Railroad; a line follow-
43 ing the boundary line between 153 and 159
44 Pinecrest; thence on a straight line to the
45 Boston and Maine Railroad; thence east along the
46 Boston and Maine Railroad to its intersection
47 with Stevens Avenue.

1 District Number 39, in the County of Cumberland,
2 consisting of the municipality of Falmouth and
3 that portion of the City of Portland to the north
4 and east of a line described as follows: Begin-
5 ning at the Falmouth-Portland boundary at its in-
6 tersection with Allen Avenue; thence south on
7 Allen Avenue to Summit Street; thence northwest
8 along Summit Street to Jackson Street; thence
9 west along Jackson Street to Auburn Street;
10 thence north along Auburn Street to Hillside
11 Road; thence east along Hillside Road to Summit
12 Street; thence northwest along Summit Street to
13 Abbey Lane; thence north on Abbey Lane to Crest-
14 view Drive; thence north on Crestview Drive to
15 Bonny Street; thence north on Bonny Street to
16 Carter Street; thence north on Carter Street to
17 Panoramic View; thence northwest on Panoramic
18 View to Longview Drive; thence southwest on
19 Longview Drive to Auburn Street; thence north on
20 Auburn Street to the Portland-Falmouth boundary;
21 and that portion of the municipality of Cumber-
22 land enclosed by a line described as follows: Be-
23 ginning at the intersection of State Highway 88
24 and the Cumberland-Falmouth boundary; thence
25 north along Route 88 to Heritage Lane; thence
26 west on Heritage Lane to Carriage Road; thence
27 north on Carriage Road; thence east on Carriage
28 Road to Route 88; thence north on Route 88 to
29 King's Highway; thence west on King's Highway to
30 Tuttle Road; thence west on Tuttle Road to Inter-
31 state 95; thence south on Interstate 95 to the
32 Falmouth-Cumberland boundary.

33 District Number 55, consisting of the municipali-
34 ties of Carrabassett Valley, Coplin Plantation,
35 Dallas Plantation, Eustis, Industry, Kingfield,
36 Madrid, New Vineyard, Phillips and Strong, and
37 the unorganized territories of East Franklin
38 County, North Franklin County, and Wyman Town-
39 ship, in Franklin County, the municipalities of
40 Embden, Highland Plantation and New Portland, and
41 the unorganized ~~territories~~ territory of Central
42 Somerset County, known as Lexington and ~~Ceneerd~~
43 Townships Township in Somerset County.

44 District Number 103, consisting of the municipal-
45 ities of Anson, Athens, Bingham, Brighton Planta-

1 tion, Caratunk, Dennistown Plantation, ~~Highland~~
2 ~~Plantation~~, Jackman, Moose River, Moscow, Pleas-
3 ant Ridge Plantation, Solon, The Forks Planta-
4 tion, West Forks Plantation and the unorganized
5 territories of East Somerset County, North
6 Somerset County and West Somerset County, and the
7 unorganized territory of Central Somerset County,
8 known as Concord Township in the County of
9 Somerset.

10 Sec. 45. 22 MRSA §307, sub-§2-A, as amended by
11 PL 1983, c. 722, and c. 812, §115, is repealed and
12 the following enacted in its place:

13 2-A. Certificate of Need Advisory Committee.
14 The Certificate of Need Advisory Committee, estab-
15 lished by Title 5, section 12004, subsection 10, and
16 created within the Department of Human Services,
17 shall participate with the department in the public
18 hearing process.

19 A. The committee shall be composed of 10 mem-
20 bers, 9 of whom shall be appointed by the Gover-
21 nor. The Commissioner of Human Services shall
22 name his designee to serve as an ex officio non-
23 voting member of the committee. The 9 members
24 appointed by the Governor shall be selected in
25 accordance with the following requirements.

26 (1) Four members shall be appointed to
27 represent the following.

28 (a) One member shall represent the
29 hospitals.

30 (b) One member shall represent the
31 nursing home industry.

32 (c) One member shall represent major
33 3rd-party payors.

34 (d) One member shall represent. physi-
35 cians.

36 In appointing these representatives, the
37 Governor shall consider recommendations made
38 by the Maine Hospital Association, the Maine

1 Health Care Association, the Maine Medical
2 Association, the Maine Osteopathic Associa-
3 tion and other representative organizations.

4 (2) Five public members shall be appointed
5 as consumers of health care. One of these
6 members shall be designated on an annual ba-
7 sis by the Governor as chairman of the com-
8 mittee. Neither the public members nor
9 their spouses or children may, within 12
10 months preceding the appointment, have been
11 affiliated with, employed by, or have had
12 any professional affiliation with any health
13 care facility or institution, health product
14 manufacturer or corporation or insurer pro-
15 viding coverage for hospital or medical
16 care, and provided that neither membership
17 in or subscription to a service plan main-
18 tained by a nonprofit hospital and medical
19 service organization, nor enrollment in a
20 health maintenance organization, nor member-
21 ship as a policyholder in a mutual insurer
22 or coverage under such a policy, nor the
23 purchase of or coverage under a policy is-
24 sued by a stock insurer may disqualify a
25 person from serving as a public member.

26 B. Appointed members of the committee shall
27 serve for terms of 4 years. Members shall hold
28 office until the appointment and confirmation of
29 their successors. Of the members first appointed
30 by the Governor, the member representing hospi-
31 tals and 2 public members shall hold office for 4
32 years, the member from the nursing home industry
33 and one public member shall hold office for 3
34 years, the member from the insurance field and
35 one public member shall hold office for 2 years
36 and the physician and one public member shall
37 hold office for one year.

38 C. Vacancies among appointed members shall be
39 filled by appointment by the Governor for the un-
40 expired term. A vacancy in the office of the
41 chairman shall be filled by the Governor, who
42 shall designate a new chairman for the balance
43 of the member's term as chairman. The Governor
44 may remove any appointed member who becomes dis-

1 qualified by virtue of the requirements of para-
2 graph A, or for neglect of any duty required by
3 law, or for incompetency or dishonorable conduct.

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

6 E. Five members of the committee shall consti-
7 tute a quorum. Actions of the committee shall be
8 by majority vote.

9 Sec. 46. 22 MRSA §307, sub-§3, as amended by PL
10 1985, c. 418, §7, and as enacted by PL 1985, c. 443,
11 §1, is repealed and the following enacted in its
12 place:

13 3. Reviews. To the extent practicable, a review
14 shall be completed and the department shall make its
15 decision within 90 days after the date of notifica-
16 tion under subsection 1. The department shall estab-
17 lish criteria for determining when it is not practi-
18 cable to complete a review within 90 days. Whenever
19 it is not practicable to complete a review within 90
20 days, the department may extend the review period up
21 to an additional 60 days.

22 Any review period may be extended with the written
23 consent of the applicant. The request to extend the
24 review period may be initiated by the applicant or
25 the department. If the request is initiated by the
26 department, it shall not be effective unless con-
27 sented to by the applicant in writing. If the re-
28 quest is initiated by the applicant, the department
29 shall agree to the requested extension if it deter-
30 mines that the request is for good cause. The de-
31 partment shall acknowledge the extension of the re-
32 view period in writing.

33 Sec. 47. 22 MRSA c. 265-A is enacted to read:

34 CHAPTER 265-A

35 SMOKING IN RETAIL STORES

36 §1621. Definitions

1 As used in this chapter, unless the context oth-
2 erwise indicates, the following terms have the fol-
3 lowing meanings.

4 1. Smoking. "Smoking" includes being in posses-
5 sion of or responsible for a lighted cigar, ciga-
6 rette, pipe or other lighted smoking equipment.

7 §1622. Smoking to be prohibited in retail stores

8 1. Prohibition. Smoking is prohibited in all
9 sections of retail stores, except as provided in sub-
10 section 2.

11 2. Exceptions. A retail store is exempt from
12 this chapter if the total area open to the public
13 does not exceed 4,000 square fee. Except as other-
14 wise provided by law, smoking may be permitted in all
15 or parts of private offices or work areas not gener-
16 ally open to the public at the discretion of the em-
17 ployer, other person or persons who have been given
18 that authority. Private offices or work areas not
19 generally open to the public may be designated "no
20 smoking," "smoking permitted" or sectioned into dif-
21 ferent areas at the discretion of the employer or re-
22 sponsible persons or person in charge.

23 §1623. Responsibility of proprietors, employers

24 1. Persons responsible. The person actually in
25 charge of the operation of the establishment is re-
26 sponsible for implementation of this chapter.

27 2. Posting signs. There shall be posted, in
28 conspicuous places, a sufficient number of signs pro-
29 hibiting smoking. The letters in the sign shall be
30 at least 1 1/2 inches high and proportionately wide.

31 §1624. Civil violation

32 Failure of an individual to comply with section
33 1623 is a civil violation for which a forfeiture of
34 not more than \$50 may be adjudged.

35 Sec. 48. 22 MRSA c. 266-A is enacted to read:

36 CHAPTER 266-A

1 INFORMATION AND REFERRAL SERVICES

2 §1641. Parkinson's Syndrome

3 The Department of Human Services shall establish,
4 maintain and operate an information and referral ser-
5 vice for Parkinson's Syndrome to assist in promoting
6 the general health and welfare of Maine's citizens,
7 including, but not limited to, the following specif-
8 ic purposes:

9 1. Information. To provide educational materi-
10 als to the medical community and other interested in-
11 dividuals relating to the nature and treatment of
12 Parkinson's Syndrome; and

13 2. Referral. To maintain a referral service to
14 make available, upon request, the names, addresses
15 and phone numbers, when known, of:

16 A. Physicians who have an interest or expertise
17 in Parkinson's Syndrome; and

18 B. Local or statewide support groups for
19 Parkinson's Syndrome victims or their families
20 and friends.

21 Sec. 49. 22 MRSA c. 269-A, as enacted by PL
22 1985, c. 115, is repealed.

23 Sec. 50. 22 MRSA c. 270, as enacted by PL 1985,
24 c. 102, and c. 351, is repealed and the following en-
25 acted in its place:

26 CHAPTER 270

27 SHOPPING CENTERS

28 §1671. Definitions

29 As used in this chapter, unless the context oth-
30 erwise indicates, the following terms have the fol-
31 lowing meanings.

32 1. Shopping center. "Shopping center" means any
33 building or facility containing 6 or more separate
34 retail establishments which are planned, developed,

1 owned or managed as a unit, with an off-street public
2 parking area of not less than 2 acres.

3 §1672. Public rest room facilities required

4 In any building or facility constructed specifi-
5 cally as a shopping center after September 15, 1985,
6 there shall be installed a minimum of 2 toilets for
7 the use of the public. There shall be at least one
8 separate toilet for each sex and the toilets provided
9 shall be clearly marked, maintained in a sanitary
10 condition and in good repair. Lavatory facilities
11 shall be located within or immediately adjacent to
12 all toilet rooms or vestibules. There shall be no
13 charge for their use.

14 §1673. Rules

15 The Department of Human Services may adopt, in
16 accordance with the Maine Administrative Procedure
17 Act, Title 5, chapter 375, rules to administer this
18 chapter and thereby protect the public health.

19 §1674. Enforcement

20 This chapter shall be enforced by the Division of
21 Health Engineering. Anyone violating this chapter or
22 rules under this chapter commits a civil violation
23 for which a forfeiture of not more than \$200 may be
24 adjudged. Each date of violation shall be considered
25 a separate offense.

26 Sec. 51. 22 MRSA §3773, sub-§1, as repealed and
27 replaced by PL 1983, c. 730, §5 and as amended by PL
28 1983, c. 812, §128, is repealed and the following en-
29 acted in its place:

30 1. Committee established. The Maine Aid to Fami-
31 lies with Dependent Children Coordinating Committee
32 established by Title 5, section 12004, subsection 10,
33 shall consist of the Commissioner of Human Services,
34 the Commissioner of Labor and the Commissioner of Ed-
35 ucational and Cultural Services or their designees.

36 Sec. 52. 22 MRSA §3773, sub-§3, ¶C, as repealed
37 and replaced by PL 1983, c. 730, §5, is repealed and
38 the following enacted in its place:

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

3 Sec. 53. 22 MRSA §3773, sub-§3, ¶G, as amended
4 by PL 1983, c. 730, §5, and c. 812, §129, is repealed
5 and the following enacted in its place:

6 G. Implementation of any other responsibilities
7 and duties, in accordance with any pertinent fed-
8 eral and state law, any additions thereto and any
9 regulations promulgated under that law.

10 Sec. 54. 22 MRSA §3774, sub-§1, as amended by PL
11 1983, c. 730, §6, and c. 812, §130, is repealed and
12 the following enacted in its place:

13 1. Members. The advisory council referred to in
14 section 3773, subsection 3, paragraph C shall include
15 at least the following members:

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

18 B. One representative of employers within the
19 State;

20 C. One representative of organized labor;

21 D. One member of the Maine Commission for Women;
22 and

23 E. One or more representatives of organizations
24 or agencies which have experience in addressing
25 the training, education and job needs of low-
26 income women.

27 Sec. 55. 24 MRSA §2511, as amended by PL 1985,
28 c. 185, §4, and c. 193, is repealed and the following
29 enacted in its place:

30 §2511. Immunity

31 Any person acting without malice, and any physi-
32 cian, health care provider, professional society, or
33 member of a professional competence committee or of
34 the board, in making any report or other information
35 available to the board or to a professional review

1 committee pursuant to law, or in assisting in the
2 origination, investigation or preparation of such in-
3 formation, or in assisting the board or a profession-
4 al review committee in carrying out any of its duties
5 or functions provided by law, shall be immune from
6 civil or criminal liability, except as provided in
7 section 2510, subsection 4, for any such actions.

8 Sec. 56. 24 MRSA §2902-A, as enacted by PL 1985,
9 c. 169, is reallocated to be 24-A MRSA §2902-B.

10 Sec. 57. 26 MRSA c. 6, first 2 lines are re-
11 pealed and the following enacted in their place:

12 CHAPTER 6

13 OCCUPATIONAL SAFETY RULES AND REGULATIONS BOARD

14 SUBCHAPTER I

15 GENERAL PROVISIONS

16 Sec. 58. 26 MRSA §1023, as amended by PL 1985,
17 c. 497, §8, and c. 506, Pt. B, §23, is repealed and
18 the following enacted in its place:

19 §1023. Right of university, academy or vocational-
20 technical institute employees to join labor
21 organizations

22 No one may directly or indirectly interfere with,
23 intimidate, restrain, coerce or discriminate against
24 university, academy or vocational-technical institute
25 employees or a group of university, academy or voc-
26 ational-technical institute employees in the free ex-
27 ercise of their rights, hereby given, voluntarily to
28 join, form and participate in the activities of orga-
29 nizations of their own choosing for the purposes of
30 representation and collective bargaining, or in the
31 free exercise of any other right under this chapter.

32 Sec. 59. 26 MRSA §1024-A, sub-§5, as amended by
33 PL 1985, c. 497, §9, and c. 506, Pt. B, §24, is re-
34 pealed and the following enacted in its place:

35 5. Additional bargaining units. Notwithstanding
36 subsection 1, 2 or 3, the Legislature recognizes that

1 additional or modified university system-wide units,
2 academy units or vocational-technical institute units
3 may be appropriate in the future. The employer or em-
4 ployee organizations may petition the executive di-
5 rector for the establishment of additional or modi-
6 fied university system-wide units, academy units or
7 vocational-technical institute units. The executive
8 director or his designee shall determine the appro-
9 priateness of such petitions, taking into considera-
10 tion the community of interest and the declared leg-
11 islative intent to avoid fragmentation whenever pos-
12 sible and to insure employees the fullest freedom in
13 exercising the rights guaranteed by this chapter. The
14 executive director or his designee conducting unit
15 determination proceedings may administer oaths and
16 require by subpoena the attendance and testimony of
17 witnesses, the production of books, records and other
18 evidence relative or pertinent to the issues repre-
19 sented to them. To warrant modification in the com-
20 position of that bargaining unit, any public employer
21 or any recognized or certified bargaining agent may
22 file a petition for a unit clarification, provided
23 that the parties are unable to agree on appropriate
24 modifications and there is no question concerning
25 representation.

26 Sec. 60. 26 MRSA §1026, sub-§1, ¶D, as amended
27 by PL 1985, c. 6; c. 497, §11; and c. 506, Pt. B.
28 §26, is repealed and the following enacted in its
29 place:

30 D. To execute in writing any agreements arrived
31 at, the term of any such agreement to be subject
32 to negotiation, but not to exceed 3 years; and

33 Sec. 61. 26 MRSA §1026, sub-§4, ¶C, as amended
34 by PL 1985, c. 497, §12, and c. 506, Pt. B, §27, is
35 repealed and the following enacted in its place:

36 C. In reaching a decision under this section,
37 the arbitrators shall consider the following fac-
38 tors:

39 (1) The interests and welfare of the stu-
40 dents and the public and the financial abil-
41 ity of the university, academy or vocation-
42 al-technical institutes to finance the cost

- 1 items proposed by each party to the impasse;
- 2 (2) Comparison of the wages, hours and
3 working conditions of the employees involved
4 in the arbitration proceeding with the
5 wages, hours and working conditions of other
6 employees performing similar services in
7 public and private employment competing in
8 the same labor market;
- 9 (3) The overall compensation presently re-
10 ceived by the employees, including direct
11 salary and wage compensation, vacation, hol-
12 idays, life and health insurance, retirement
13 and all other benefits received;
- 14 (4) Such other factors not confined to the
15 factors set out in subparagraphs (1) to (3),
16 which are normally and traditionally taken
17 into consideration in the resolution of dis-
18 putes involving similar subjects of collec-
19 tive bargaining in public higher education;
- 20 (5) The need of the university, academy or
21 vocational-technical institutes for quali-
22 fied employees;
- 23 (6) Conditions of employment in similar oc-
24 cupations outside the university, academy or
25 vocational-technical institutes;
- 26 (7) The need to maintain appropriate rela-
27 tionships between different occupations in
28 the university, academy or vocational-techn-
29 ical institutes; and
- 30 (8) The need to establish fair and reason-
31 able conditions in relation to job qualifi-
32 cations and responsibilities.

33 Sec. 62. 26 MRSa §1027, sub-§1, ¶E, as amended
34 by PL 1985, c. 497, §13, and c. 506, Pt. B, §28, is
35 repealed and the following enacted in its place:

36 E. Refusing to bargain collectively with the
37 bargaining agent of its employees as required by
38 section 1026; or

1 Sec. 63. 26 MRSA §1029, sub-§2, as amended by PL
2 1985, c. 497, §16, and c. 506, Pt. B, §31, is re-
3 pealed and the following enacted in its place:

4 2. Complaints. The university, any university
5 employee, any university employee organization, the
6 academy, any academy employee, any academy employee
7 organization, the vocational-technical institutes,
8 any vocational-technical institute employee, any voc-
9 ational-technical institute employee organization, or
10 any bargaining agent which believes that any person,
11 the university, any university employee, any univer-
12 sity employee organization, the academy, any academy
13 employee, any academy employee organization, the voc-
14 ational-technical institutes, any vocational-tech-
15 nical institute employee, any vocational-technical
16 institute employee organization or any bargaining
17 agent has engaged in or is engaging in any such pro-
18 hibited practice may file a complaint with the execu-
19 tive director of the board stating the charges in
20 that regard. No such complaint shall be filed with
21 the executive director until the complaining party
22 shall have served a copy thereof upon the party named
23 in the complaint. Upon receipt of such complaint, the
24 executive director or his designee shall review the
25 charge to determine whether the facts as alleged may
26 constitute a prohibited act. If it is determined that
27 the facts do not, as a matter of law, constitute a
28 violation, the charge shall be dismissed by the exec-
29 utive director, subject to review by the board. If a
30 formal hearing is deemed necessary by the executive
31 director or by the board, the executive director
32 shall serve upon the parties to the complaint a notice
33 of the prehearing conference and of the hearing
34 for the prehearing conference or the hearing, as ap-
35 propriate, provided that no hearing shall be held
36 based upon any alleged prohibited practice occurring
37 more than 6 months prior to the filing of the com-
38 plaint with the executive director. The party com-
39 plained of shall have the right to file a written an-
40 swer to the complaint and to appear in person or oth-
41 erwise and give testimony at the place and time fixed
42 for the hearing. In the discretion of the board, any
43 other person or organization may be allowed to inter-
44 vene in that proceeding and to present testimony.
45 Nothing in this subsection may restrict the right of
46 the board to require the executive director or his

1 designee to hold a prehearing conference on any pro-
2 hibited practice complaint prior to the hearing be-
3 fore the board and taking whatever action, including
4 dismissal, attempting to resolve disagreements be-
5 tween the parties or recommending an order to the
6 board, as he may deem appropriate, subject to review
7 by the board.

8 Sec. 64. 26 MRSA §1029, sub-§6, as amended by PL
9 1985, c. 497, §17, and c. 506, Pt. B, §32, is re-
10 pealed and the following enacted in its place:

11 6. Simultaneous injunctive relief. Whenever a
12 complaint is filed with the executive director of the
13 board alleging that the university, academy or voc-
14 ational-technical institutes have violated section
15 1027, subsection 1, paragraph F, or alleging that an
16 employee, employee organization or bargaining agent
17 of the university, academy or vocational-technical
18 institutes have violated section 1027, subsection 2,
19 paragraph C, the party making the complaint may
20 simultaneously seek injunctive relief from the Supe-
21 rior Court in the county in which the prohibited
22 practice is alleged to have occurred pending the fi-
23 nal adjudication of the board with respect to such
24 matter.

25 Sec. 65. 26 MRSA §1031, as amended by PL 1985,
26 c. 497, §18 and c. 506, Pt. B, §33, is repealed and
27 the following enacted in its place:

28 §1031. Scope of binding contract arbitration

29 A collective bargaining agreement between the
30 university, the academy or the vocational-technical
31 institutes and a bargaining agent may provide for
32 binding arbitration as the final step of a grievance
33 procedure but the only grievances which may be taken
34 to such binding arbitration shall be disputes between
35 the parties as to the meaning or application of the
36 specific terms of collective bargaining agreement.
37 An arbitrator with the power to make binding deci-
38 sions pursuant to any such provisions shall have no
39 authority to add to, subtract from or modify the col-
40 lective bargaining agreement.

1 Sec. 66. 26 MRSA §1191, sub-§3, as amended by PL
2 1983, c. 13, §4, and c. 305, section 3, is repealed
3 and the following enacted in its place:

4 3. Weekly benefit for partial unemployment.
5 Each eligible individual who is partially unemployed
6 in any week shall be paid with respect to the week a
7 partial benefit in an amount equal to this weekly
8 benefit amount less that part of his earnings, paid
9 or payable to him with respect to the week which is
10 in excess of \$10, except that any amounts received
11 from the Federal Government by members of the Nation-
12 al Guard and organized reserve, including base pay
13 and allowances or any amounts received as a volunteer
14 fireman or as elected members of the Legislature,
15 shall not be deemed wages for the purpose of this
16 subsection.

17 On and after January 1, 1978, each eligible individu-
18 al who, affirmatively terminated from his regular em-
19 ployment for a period in excess of 4 consecutive cal-
20 endar weeks, is employed less than 40 hours for a pe-
21 riod not exceeding 2 consecutive calendar weeks or
22 performs odd jobs shall be paid an amount equal to
23 his weekly benefit amount less:

24 A. 50% of his earnings paid or payable to him
25 with respect to that week in excess of \$10 up to
26 \$35; and

27 B. 100% of his earnings paid or payable to him
28 with respect to that week in excess of \$35.

29 Sec. 67. 26 MRSA §1193, sub-§4, ¶C, as amended
30 by PL 1985, c. 66, and c. 348, §6, is repealed and
31 the following enacted in its place:

32 C. He has obtained employment subsequent to the
33 beginning of the stoppage of work and has earned
34 at least 8 times his weekly benefit amount in em-
35 ployment by an employer or has been in employment
36 by an employer for 5 full weeks; or

37 Sec. 68. 26 MRSA §1452, as amended by PL 1985,
38 c. 147, §1, and c. 295, §41, is repealed and the
39 following enacted in its place:

1 §1452. Maine Occupational Information Coordinating
2 Committee

3 The Maine Occupational Information Coordinating
4 Committee, as authorized by Title 5, chapter 379, is
5 established to support the development, maintenance
6 and operation of a Comprehensive Career, Occupational
7 and Economic Data-based System and to foster communi-
8 cation and coordination of education, employment and
9 training programs through the use of the system. The
10 committee shall consist of the Commissioner of Labor,
11 the Commissioner of Human Services, the Commissioner
12 of Educational and Cultural Services, the Director of
13 the State Development Office, the Director of the
14 State Planning Office, the chairmen of the Maine Job
15 Training Council and the State Board of Education.
16 The Commissioner of Labor and the Commissioner of Ed-
17 ucational and Cultural Services may serve as the rep-
18 resentatives of the chairmen of the Maine Job Train-
19 ing Council and the State Board of Education, respec-
20 tively, upon the agreement of that designation by the
21 Maine Job Training Council and State Board of Educa-
22 tion. The Commissioner of Labor shall be the chair-
23 man of the committee with the Department of Labor
24 serving as the fiscal agent for the committee.

25 Sec. 69. 28 MRSA §204, first ¶, as amended by PL
26 1985, c. 306, and c. 435, §§2 to 4, is repealed and
27 the following enacted in its place:

28 All persons except public service corporations
29 operating interstate, licensed to sell spirituous or
30 vinous liquor, except table wine, shall purchase all
31 such liquor from the commission. All licensees for
32 on-premise consumption shall report all purchases of
33 that liquor to the commission on forms provided by
34 the commission.

35 Sec. 70. 28 MRSA §303, as amended by PL 1985, c.
36 85, and c. 402, §3, is repealed and the following en-
37 acted in its place:

38 §303. Credit sales; sales to certain persons re-
39 stricted

40 No licensee by himself, clerk, servant or agent
41 may sell or offer to sell any liquor except for cash,

1 excepting credits extended by a hotel or club to bona
2 fide registered guests or members; and excepting
3 credits extended by a hotel or class A restaurant to
4 the holder of a credit card which authorizes such
5 holder to charge goods or credits. A right of action
6 does not exist to collect claims for credits extended
7 contrary to this section. Nothing herein contained
8 prohibits a licensee from giving credit to a purchas-
9 er for the actual price charged for packages or orig-
10 inal containers as a credit on any sale, or from pay-
11 ing the amount actually charged for packages or orig-
12 inal containers.

13 No licensee by himself, clerk, servant or agent
14 may sell, offer to sell or furnish any liquor to any
15 person on a passbook or store order, or receive from
16 any person any goods, wares, merchandise or other ar-
17 ticles in exchange for liquor, except only such pack-
18 ages or original containers as were originally pur-
19 chased from such licensee by the person returning the
20 same. No licensee, by himself, clerk, servant or
21 agent entitled to sell malt liquor or table wine not
22 to be consumed on the premises, may sell, furnish,
23 give or deliver such malt liquor or table wine to any
24 person visibly intoxicated, to any mentally ill per-
25 son, to a known habitual drunkard, to any pauper, to
26 persons of known intemperate habits or to any minor
27 as defined in section 2, subsection 11. No licensee
28 by himself, clerk, servant or agent may sell, fur-
29 nish, give, serve or permit to be served any liquor
30 to be consumed on the premises to any person visibly
31 intoxicated, to any mentally ill person, to a known
32 habitual drunkard, to any pauper, to persons of known
33 intemperate habits or to any minor. Any licensee who
34 accepts an order or receives payment for liquor from
35 a minor shall be considered as in violation of this
36 paragraph.

37 Any minor who purchases any intoxicating liquor
38 or any minor who consumes any intoxicating liquor or
39 has on his or her person any intoxicating liquor in
40 any on-sale premises, or who presents or offers to
41 any licensee, his agent or employee any written or
42 oral evidence of age which is false, fraudulent or
43 not actually his own, or who has a false identifica-
44 tion card in his possession, or sells, furnishes or
45 gives a false identification card to a minor or who

1 uses a false identification card, for the purpose of
2 ordering, purchasing, attempting to purchase or oth-
3 erwise procuring or attempting to procure, the
4 servicing of any intoxicating liquor, or to gain access
5 to a licensed premise when minors are not allowed or
6 who has any intoxicating liquor in his possession,
7 except in the scope of his employment or in his own
8 home in the presence of a parent or guardian, commits
9 a civil violation for which a forfeiture may be ad-
10 judged of no less than \$100 nor more than \$300 for
11 the first offense; not less than \$200 nor more than
12 \$500 for the 2nd offense, none of which may be sus-
13 pended; and \$500 for the 3rd and subsequent offenses,
14 none of which may be suspended. When a person is ad-
15 judged to have committed his first offense under this
16 section, the judge shall inform that person that the
17 forfeitures for the 2nd and subsequent offenses are
18 mandatory and cannot be suspended. Failure to inform
19 the first offender that subsequent forfeitures are
20 mandatory is not a ground for suspension of any sub-
21 sequent forfeiture. If a minor is charged with ille-
22 gal possession under this section, he may not be
23 charged with illegal transportation. No minor may be
24 charged with more than one offense under this section
25 in any given instance in which the same set of facts
26 is involved.

27 Sec. 71. 28 MRSA §701-A, sub-§8, as enacted by
28 PL 1985, c. 252, §6, and c. 319, §2, is repealed and
29 the following enacted in its place:

30 8. Class X license. The following premises
31 shall be eligible for a Class X license:

32 A. Class A lounges.

33 Sec. 72. 28 MRSA §701-A, sub-§9 is enacted to
34 read:

35 9. Auxiliary license. The following premises
36 shall be eligible for an auxiliary license -- spiri-
37 tuous, vinous and malt beverages:

38 A. Premises located at a ski area which are
39 owned and operated by a Class A restaurant li-
40 icensee located at that ski area; and

1 B. Premises located at a ski area which are
2 owned and operated by a hotel licensee located at
3 that ski area.

4 Sec. 73. 28 MRSA §809, as enacted by PL 1985, c.
5 132, §2, and c. 252, §8, is repealed and the follow-
6 ing enacted in its place:

7 §809. Bottle clubs

8 1. Registration. Each bottle club as defined in
9 section 2, subsection 1-A, shall register annually
10 with the State Liquor Commission on forms provided by
11 the commission. Registration shall consist of pay-
12 ment of the registration fee and submission of the
13 information required in paragraph A.

14 A. The information each bottle club is required
15 to submit consists of only the following:

16 (1) The name and address of each owner of
17 the bottle club;

18 (2) The name and address of each operator
19 of the bottle club; and

20 (3) The regular hours of operation.

21 B. The annual fee for registration of a bottle
22 club is \$50. Each bottle club shall submit the
23 registration fee with the required information.

24 C. Any bottle club which does not register with
25 the commission commits a civil violation for
26 which a forfeiture not to exceed \$500 may be ad-
27 judged.

28 2. Minors on the premises. No minor not em-
29 ployed by the bottle club or accompanied by his par-
30 ent, legal guardian or custodian, as defined in Title
31 22, section 4002, may be permitted to remain on the
32 premises except on special occasions when liquor is
33 prohibited on the premises. A bottle club may employ
34 minors only if an employee of legal drinking age or
35 older is present in a supervisory capacity.

1 3. Consumption on premises. No bottle club may
2 permit consumption of liquor on the bottle club
3 premises by minors or persons visibly intoxicated.

4 4. Violation of state law. No bottle club may
5 knowingly allow any violation of any state law on the
6 bottle club premises.

7 5. Civil violations and jurisdiction. A bottle
8 club which violates any provision of subsections 2, 3
9 or 4 commits a civil violation for which a forfeiture
10 may be adjudged of not less than \$100 nor more than
11 \$300 for the first offense; not less than \$200 nor
12 more than \$500 for the 2nd offense; and \$500 for the
13 3rd and subsequent offenses. The District Court has
14 jurisdiction over civil violations defined in this
15 section pursuant to Title 17-A, section 9.

16 6. Right of access. Every bottle club shall al-
17 low liquor enforcement officers and other law en-
18 forcement officers to enter the premises at reason-
19 able times for the purpose of investigating compli-
20 ance with the liquor laws of this Title. The liquor
21 enforcement officers and other law enforcement offi-
22 cers have the power to enforce all provisions of this
23 Title. Entry into the premises under this subsection
24 shall be conducted in a reasonable manner so as not
25 to disrupt the operation of the bottle club. The in-
26 vestigation shall be limited to those areas involved
27 in the actual operation of the bottle club, including
28 storage areas.

29 Sec. 74. 28 MRSa §810 is enacted to read:

30 §810. Licenses for Class A lounges

31 1. Issue of licenses. The commission may issue
32 licenses for the sale of spirituous and vinous liquor
33 and malt liquor to be consumed on the premises to
34 Class A lounges as defined in section 2, subsection
35 8, paragraph K-1.

36 2. Food availability. Food shall be for sale to
37 the public at all times that liquor is for sale.

38 3. Sunset. The following provisions are re-
39 pealed on September 30, 1987:

- 1 A. Section 2, subsection 8, paragraph K-1;
2 B. Section 701, subsection 1, paragraph F;
3 C. Section 701, subsection 2, paragraph A;
4 D. Section 701-A, subsection 8, paragraph A; and
5 E. This section.

6 Prior to September 30, 1987, the State Liquor Commis-
7 sion shall evaluate the effectiveness of the Class A
8 lounge license and shall make a written report to the
9 113th Legislature.

10 Sec. 75. 29 MRSA §252-C, as enacted by PL 1985,
11 c. 205, c. 360, and c. 404, is repealed and the fol-
12 lowing enacted in its place:

13 §252-C. Temporary handicapped placards

14 Upon request from a person seeking a temporary
15 handicapped placard, the physician may prepare a pre-
16 scription request upon which shall appear the
17 person's name and an assigned expiration date speci-
18 fied by the physician.

19 Persons granted prescription requests from their
20 physicians may send or present in person this docu-
21 ment to an office administered by the Division of Mo-
22 tor Vehicles for issuance of a temporary handicapped
23 placard. The Division of Motor Vehicles shall give
24 priority consideration to these requests. A \$1 fee
25 shall be charged for each placard issued.

26 Temporary handicapped placards shall be of a de-
27 sign established by the Secretary of State and the
28 placards shall show the expiration date specified by
29 the physician who prepared the prescription request.

30 Any temporary placard issued under this section
31 may be displayed in any motor vehicle which the hand-
32 icapped person to whom the placard was provided is
33 operating, in which he is a passenger, in which he is
34 being transported or in which he is waiting for a
35 service to be rendered. The temporary placard shall
36 be so affixed that the information on the placard is
37 clearly legible from outside the motor vehicle.

1 A person to whom a temporary placard has been is-
2 sued under this section is entitled to the same
3 rights and privileges as a person to whom a plate or
4 placard is issued under section 252, during the term
5 of that temporary placard.

6 Sec. 76. 29 MRSA §§252-D and 252-E are enacted
7 to read:

8 §252-D. Firefighters; special license plates

9 On the application of an active firefighter whose
10 active status is certified to by the fire chief, as-
11 stant fire chief or acting fire chief of the fire
12 department of the active firefighter, the Secretary
13 of State shall issue a special registration plate
14 designating the vehicle as belonging to an active
15 firefighter. The Secretary of State may design this
16 special registration plate which shall be numerical
17 with the letters "F F" as a suffix. The special reg-
18 istration plate for firefighters may be used only on
19 one motor vehicle which registered gross weight shall
20 not exceed 9,000 pounds.

21 An additional one-time fee of \$5 shall be charged
22 for a plate under this section, other than the annual
23 registration fee.

24 If a firefighter ceases to be an active
25 firefighter, the fire chief shall notify the Secre-
26 tary of State, who shall recall the license plate.

27 §252-E. Former prisoners of war; special license
28 plates

29 The Secretary of State, on application and upon
30 evidence of payment of the excise tax required by Ti-
31 tle 36, section 1482, shall issue a registration cer-
32 tificate and set of special designating plates to be
33 used in lieu of regular registration plates to any
34 person who served in the United States Armed Forces
35 and who was a prisoner of war at any time during his
36 tenure of service, when that application is accompa-
37 nied by a copy of the appropriate military form cer-
38 tifying that the person is a former prisoner of war.
39 This special license plate is issued specifically to
40 former prisoners of war and the privilege of using
41 the special plate is not transferable.

1 These special designating plates shall be of a
2 design as determined by the Secretary of State.

3 Sec. 77. 29 MRSA §256, sub-§2, as amended by PL
4 1985, c. 405, and c. 429, §15, is repealed and the
5 following enacted in its place:

6 2. Municipal vehicles. All county, municipal,
7 school and water district vehicles shall be regis-
8 tered with the Secretary of State who shall furnish
9 semipermanent plates for each vehicle which shall ex-
10 pire at the end of each 10-year semipermanent plate
11 program. The vehicles shall be exempt from this Title
12 as to payment of registration fees, but shall not be
13 exempt from the inspection requirements of section
14 2502. The plate or plates shall be of a design deter-
15 mined by the Secretary of State.

16 A municipal fire department or an organized volunteer
17 fire department may be exempt from this Title as to
18 registration and payment of registration fees, but
19 shall not be exempt from the inspection requirements
20 of section 2502.

21 All vehicles owned or used by any municipal corpora-
22 tion and all vehicles loaned by automobile dealers to
23 municipalities for use in driver education in second-
24 ary schools and all motor vehicles loaned by automo-
25 bile dealers to private secondary schools for use in
26 driver education in the schools, vehicles loaned to
27 state universities used in organized programs and all
28 motor vehicles used in volunteer ambulance and rescue
29 squad services in such municipalities shall be regis-
30 tered, but shall be exempt from this Title as to the
31 registration fees, except that when the vehicles are
32 leased or rented for commercial purposes they shall
33 be subject to payment of fees as provided in this Ti-
34 tle. All such vehicles shall display registration
35 plates as required by this Title or approved by the
36 Secretary of State.

37 Sec. 78. 29 MRSA §343, sub-§1, as amended by PL
38 1985, c. 265, §4, and c. 401, §4, is repealed and the
39 following enacted in its place:

40 1. Facilities and personnel. To qualify as a
41 dealer under this subchapter, the applicant shall

1 have and maintain at least the following facilities
2 and personnel set forth in paragraphs A to E and make
3 the following disclosures set forth in paragraph F:

4 A. Proper facilities for the display of the ve-
5 hicles being handled;

6 B. Repair department for the repair of 2 vehi-
7 cles simultaneously;

8 C. Sufficient tools and equipment for proper
9 servicing of the vehicles handled;

10 D. A suitable office from which business is con-
11 ducted and records of the business are kept;

12 E. At least one mechanic, who may be the owner,
13 who has a thorough knowledge of the vehicles be-
14 ing handled; and

15 F. On all used motor vehicles being offered for
16 sale, the written vehicle history statement re-
17 quired to be conspicuously affixed to the vehicle
18 pursuant to Title 10, section 1475.

19 Each licensee shall maintain a current record of all
20 full-time personnel employed at his established place
21 of business. The record shall at all times be avail-
22 able for inspection by the Secretary of State or his
23 duly authorized agents.

24 Sec. 79. 29 MRSA §354, sub-§1, ¶A, as amended by
25 PL 1985, c. 262, §3, and c. 401, §11, is repealed and
26 the following enacted in its place:

27 A. For purposes directly connected with the
28 business of buying, selling, testing, adjusting,
29 demonstrating or exchanging those vehicles;

30 Sec. 80. 29 MRSA §354, sub-§1, ¶G, as amended by
31 PL 1985, c. 262, §4, and c. 401, §11, is repealed and
32 the following enacted in its place:

33 G. A violation of paragraphs A to F is a traffic
34 infraction for which a minimum forfeiture of \$200
35 shall be adjudged for each infraction, not to be
36 suspended; or

1 §1401. Purpose

2 The purpose of this chapter is to establish in
3 Waldo County a method of appropriating money for
4 county expenditures, according to a budget, which
5 shall first receive approval of a budget committee.
6 This chapter amends the present statutory method in
7 sections 252 and 253 by transferring the authority of
8 the Waldo County legislative delegation and the Leg-
9 islature to approve the Waldo County budget to a com-
10 mittee comprised of Waldo County and municipal offi-
11 cial. This chapter shall apply only to Waldo Coun-
12 ty.

13 §1402. Definitions

14 As used in this chapter, unless the context indi-
15 icates otherwise, the following terms have the follow-
16 ing meanings.

17 1. County commissioners. "County commissioners"
18 means the elected county commissioners of Waldo Coun-
19 ty.

20 2. Municipal officers. "Municipal officers"
21 means the mayor or councilors or selectman.

22 §1403. Waldo County Budget Committee

23 In Waldo County there shall be established a bud-
24 get committee to carry out the purposes of this chap-
25 ter.

26 1. Membership. The budget committee shall con-
27 sist of 9 members, 3 members from each commissioner
28 district selected as provided for in this section and
29 3 county commissioners who shall serve on the commit-
30 tee in an advisory capacity only and shall not vote
31 on any committee matters.

32 In 1985, and thereafter, at least 90 days prior to
33 the end of every other fiscal year, the 9 members
34 shall be elected by the following procedure.

35 A. The county commissioners shall notify all mu-
36 nicipal officers in the county to caucus by coun-
37 ty commissioner districts at a specified date,

1 time and place for the purpose of nominating at
2 least 3 municipal officers from each district as
3 candidates for the county budget committee. The
4 county commissioners shall serve as nonvoting
5 moderators for their district caucuses. Nomina-
6 tions shall be received from the floor. The 3
7 nominees receiving the most votes shall be ap-
8 proved. Any other nominees who receive a majori-
9 ty vote of those present shall also be approved.
10 The names of those duly approved shall be re-
11 corded and forwarded to the county commissioners
12 to be placed on a written ballot.

13 B. The county commissioners shall have written
14 ballots printed with the names of those candi-
15 dates selected in their districts in accordance
16 with paragraph A. The county commissioners shall
17 distribute these ballots to each municipality.
18 Each commissioner district shall require a sepa-
19 rate ballot and each ballot shall specify each
20 candidate's full name and municipality. The mu-
21 nicipal officers shall vote as a board for 3 bud-
22 get committee members from the candidates on the
23 ballot and return the ballot to the county com-
24 missioners by a certain date. The ballots shall
25 be counted at a regular meeting of the county
26 commissioners. Each vote shall be weighed ac-
27 ording to that municipality's population as a
28 proportion of the district's total population,
29 except that no municipality may have more than
30 one budget committee member. The county commis-
31 sioners shall notify each municipality, in writ-
32 ing, of the results of the election and shall
33 certify the results to the Secretary of State.

34 2. Responsibilities. It is the responsibility
35 of the county budget committee to review the budget
36 estimates prepared by the county commissioners and to
37 approve a final county budget.

38 3. Term of office. The term of office shall be
39 2 years, provided that a budget committee member re-
40 mains a municipal officer in his municipality.

41 4. Vacancies. A vacancy occurring on the budget
42 committee shall be filled by the committee for the
43 balance of the unexpired term. The person appointed

1 to fill the vacant office shall be a municipal offi-
2 cer from the same municipality as the person vacating
3 the office.

4 5. Expenses. Members shall serve without com-
5 penensation, but shall be reimbursed from the county
6 treasury for expenses lawfully incurred by them in
7 the performance of their duties.

8 §1404. Budget committee organization

9 The budget committee shall conduct its meetings
10 in public at the county courthouse. The county com-
11 missioners shall direct the county clerk to call an
12 organizational meeting of the budget committee no la-
13 ter than 60 days prior to the end of the county's
14 fiscal year. The county commissioners shall provide
15 the committee with necessary clerical assistance, of-
16 fice expenses and suitable meeting space, as well as
17 access to county files and information. The budget
18 committee shall adopt its own rules or procedures and
19 bylaws.

20 §1405. Budget procedures

21 1. Proposed budget. The county commissioners
22 shall submit an itemized budget estimate, as de-
23 scribed in sections 252 and 253, to the budget com-
24 mittee in a timely fashion, no later than 60 days
25 prior to the end of the county's fiscal year.

26 2. Budget review process. The budget committee
27 shall review the proposed itemized budget prepared by
28 the county commissioners, together with any supple-
29 mentary material prepared by the head of each county
30 department or provided by any independent board or
31 institution or another governmental agency. The bud-
32 get committee may increase, decrease, alter or revise
33 the proposed budget, provided that:

34 A. The budget committee shall enter into its
35 minutes a statement of the basis for any change
36 in the estimated expenditures and revenues as
37 initially presented by the county commissioners;
38 and

39 B. The total estimated revenues, together with

1 the amount of county tax to be levied, shall
2 equal the total estimated expenditures.

3 3. Public hearing. The budget committee shall
4 hold a public hearing in the county on the proposed
5 budget prior to the end of the county's fiscal year
6 and before the final adoption of the budget. Notice
7 of the hearing shall be given at least 10 days prior
8 to the hearing in a newspaper of general circulation
9 within the county. Written notice and a copy of the
10 proposed budget shall be sent by registered or certi-
11 fied mail with return receipt requested, or delivered
12 by hand in person, with proof received of the deliv-
13 ery, to the clerk of each municipality in the county.
14 The municipal clerk shall notify the municipal offi-
15 cers of the proposed budget.

16 4. Adoption of budget. After completion of the
17 public hearing, the budget committee may further in-
18 crease, decrease, alter and revise the proposed item-
19 ized budget, subject to the conditions and restric-
20 tions imposed in subsection 2. The proposed itemized
21 budget shall be finally adopted by a majority vote of
22 the budget committee at a duly called meeting not lat-
23 ter than the end of the county's fiscal year. The
24 approved budget shall be the final authorization for
25 the assessment of county taxes. The budget shall be
26 transmitted to the county commissioners and the coun-
27 ty tax authorized shall be apportioned and collected
28 in accordance with section 254.

29 In the event the budget is not approved before the
30 start of a fiscal year, the county shall, until a
31 budget is finally adopted, operate on an interim bud-
32 get which shall not exceed the previous year's bud-
33 get.

34 The county commissioners may transfer funds as pro-
35 vided in section 252.

36 §1406. Budget amendments

37 The approved budget shall govern the expenditures
38 of the county during the fiscal year. No expenses
39 may be incurred in excess of those shown in the ap-
40 proved budget, but the budget may be revised from
41 time to time by the preparation and submission of a

1 proposed amended budget by the county commissioners
2 to the budget committee. The budget committee shall,
3 not less than 15 calendar days, except in emergen-
4 cies, nor more than 30 days after the submission to
5 it, render a decision on any such revised budget. An
6 approved revised budget shall be transmitted to the
7 State Auditor within 15 days of the budget commit-
8 tee's action.

9 §1407. Filing of county budget

10 A copy of the final budget and subsequent amend-
11 ments, shall be filed on forms approved by the De-
12 partment of Audit, with the State Auditor, who shall
13 retain them for a period of 3 years.

14 Sec. 82-A. 30 MRSA c. 10-A is enacted to read:

15 CHAPTER 10-A

16 KENNEBEC COUNTY BUDGET ADVISORY COMMITTEE

17 §1411. Definitions.

18 As used in this chapter, unless the context oth-
19 erwise indicates, the following terms have the fol-
20 lowing meanings.

21 1. County commissioners. "County commissioners"
22 means the elected county commissioners of Kennebec
23 County.

24 2. Municipal officers. "Municipal officers"
25 means the mayor, aldermen or councilors of a city,
26 the selectmen or councilors of a town and the asses-
27 sors of a plantation located in Kennebec County.

28 §1412. Kennebec County Budget Advisory Committee

29 In Kennebec County, there is established the Ken-
30 nebec County Budget Advisory Committee to carry out
31 the purposes of this chapter. This chapter applies
32 only to Kennebec County.

33 1. Membership. The budget advisory committee
34 shall consist of 9 members, 3 members from each com-
35 missioner district to be appointed by the county com-

1 missioners. The term of each member of the budget ad-
2 visory committee shall be for 2 years.

3 2. Responsibilities. It is the responsibility
4 of the county budget advisory committee to review the
5 budget estimates prepared by the county commissioners
6 and to make recommendations to the county commission-
7 ers concerning a final county budget.

8 3. Vacancies. A vacancy occurring on the budget
9 advisory committee shall be filled by appointment by
10 the county commissioners for the balance of the unex-
11 pired term. The person appointed to fill the vacant
12 office shall be a municipal officer from the same mu-
13 nicipality as the person vacating the office.

14 4. Expenses. Members shall serve without com-
15 ensation, but shall be reimbursed from the county
16 treasury for expenses lawfully incurred by them in
17 the performance of their duties.

18 §1413. Budget advisory committee organization

19 The budget advisory committee shall conduct its
20 meetings in public at the county courthouse. The
21 county commissioners shall direct the county clerk to
22 call an organizational meeting of the budget advisory
23 committee no later than 60 days prior to the end of
24 the county's fiscal year. The county commissioners
25 shall provide the committee with necessary clerical
26 assistance, office expenses and suitable meeting
27 space, as well as access to county files and informa-
28 tion. The budget advisory committee shall select its
29 own chairman, vice-chairman and secretary. The bud-
30 get advisory committee shall adopt its own rules or
31 procedures and bylaws.

32 §1414. Budget procedures

33 1. Proposed budget. The county commissioners
34 shall submit an itemized budget estimate, as de-
35 scribed in sections 252 and 253, to the budget advis-
36 ory committee in a timely fashion, no later than 60
37 days prior to the end of the county's fiscal year.

38 2. Budget review process. The budget advisory
39 committee shall review the proposed itemized budget

1 prepared by the county commissioners, together with
2 any supplementary material prepared by the head of
3 each county department or provided by any independent
4 board, institution or other governmental agency. The
5 budget advisory committee may make recommendations
6 concerning any increase, decrease, alteration or re-
7 vision to the proposed budget.

8 3. Public hearing. The budget advisory commit-
9 tee shall hold a public hearing in the county on the
10 proposed budget prior to the end of the county's fis-
11 cal year and before the final adoption of the budget.
12 Notice of the hearing shall be given at least 10 days
13 prior to the hearing in a newspaper of general circ-
14 ulation within the county. Written notice and a copy
15 of the proposed budget shall be sent by registered or
16 certified mail with return receipt requested, or de-
17 livered by hand in person, with proof received of the
18 delivery, to the clerk of each municipality in the
19 county. The municipal clerk shall notify the municip-
20 al officers of the proposed budget.

21 4. Adoption of budget. After completion of the
22 public hearing, the county commissioners may further
23 increase, decrease, alter and revise the proposed
24 itemized budget, provided that:

25 A. The county commissioners shall enter into
26 their minutes a statement of the basis for any
27 rejection of any recommendation of the budget ad-
28 visory committee; and

29 B. The total estimated revenues, together with
30 the amount of county tax to be levied, shall
31 equal the total estimated expenditures.

32 The recommended budget shall then be transmitted by
33 the county commissioners to the Legislature for its
34 approval. The county tax authorized shall be appor-
35 tioned and collected in accordance with section 254.

36 §1415. Budget amendments

37 The approved budget shall govern the expenditures
38 of the county during the fiscal year. No expenses
39 may be incurred in excess of those shown in the ap-
40 proved budget, but the budget may be from time to

1 time revised by the commissioners with the advice of
2 the budget advisory committee.

3 §1416. Filing of county budget

4 A copy of the final budget and subsequent amend-
5 ments shall be filed, on forms approved by the De-
6 partment of Audit, with the State Auditor, who shall
7 retain them for a period of 3 years.

8 §1417. Repeal

9 This chapter is repealed on September 30, 1988.

10 Sec. 82-B. 30 MRSA c. 10-B is enacted to read:

11 CHAPTER 10

12 AROOSTOOK COUNTY BUDGET COMMITTEE

13 §1421. Purpose

14 The purpose of this chapter is to establish in
15 Aroostook County a method of appropriating money for
16 county expenditures, including expenditures for mu-
17 nicipal services in the unorganized territory, ac-
18 cording to a budget, which shall first be adopted by
19 a budget committee and shall then be approved by the
20 Legislature. This chapter amends the present statuto-
21 ry method in sections 252 and 253 by creating a com-
22 mittee elected by Aroostook County municipal officers
23 with authority to adopt or amend the budget. The Leg-
24 islature shall continue to have authority to approve,
25 but not to amend, the budget. This chapter applies
26 only to Aroostook County.

27 §1422. Definitions

28 As used in this chapter, unless the context oth-
29 erwise indicates, the following terms have the fol-
30 lowing meanings.

31 1. County commissioners. "County commissioners"
32 means the elected county commissioners of Aroostook
33 County.

1 2. Municipal officials. "Municipal officials"
2 means the mayor, aldermen, councillors or manager of
3 a city, the selectmen, councillors or manager of a
4 town and the assessors of a plantation located in
5 Aroostook County. The municipal officer means
6 elected mayor, aldermen or councillors of a city, the
7 selectmen or councillors of a town and the assessors
8 of a plantation located in Aroostook County.

9 §1423. Aroostook County Budget Committee

10 In Aroostook County there shall be established a
11 budget committee to carry out the purposes of this
12 chapter.

13 1. Membership. The budget committee shall con-
14 sist of 10 members, 3 members from each commissioner
15 district selected as provided for in this section and
16 one member selected pursuant to paragraph C. The
17 county commissioners shall serve on the committee in
18 an advisory capacity only and shall not vote on any
19 committee matters.

20 In 1985, and every 3rd year thereafter, at least 90
21 days prior to the end of the fiscal year, the 10 mem-
22 bers shall be elected by the following procedure.

23 A. The county commissioners shall notify all mu-
24 nicipal officers in the county to caucus by coun-
25 ty commissioner districts at a specified date,
26 time and place for the purpose of nominating at
27 least 3 residents of the district of voting age
28 as candidates for the county budget committee. A
29 county commissioner shall serve as nonvoting mod-
30 erator for his district caucus. Nominations
31 shall be received from the floor and require a
32 majority vote of those present to be approved.
33 The names of those duly nominated shall be re-
34 corded and forwarded to the county commissioners
35 to be placed on a written ballot.

36 B. The county commissioners shall have written
37 ballots printed with the names of those candi-
38 dates selected in his district in accordance with
39 paragraph A. The county commissioners shall dis-
40 tribute these ballots to each municipality. Each
41 commissioner district shall require a separate

1 ballot and each ballot shall specify each candi-
2 date's full name and municipality. The municipal
3 officers shall vote, as a board, for 3 budget
4 committee members from the candidates on the bal-
5 lot and return the ballot to the county commis-
6 sioners by a certain date. The ballots shall be
7 counted at a regular meeting of the county com-
8 missioners. Each vote shall be weighted accord-
9 ing to that municipality's population as a pro-
10 portion of the district's total population. The
11 county commissioners shall notify each municipal-
12 ity, in writing, of the results of the election
13 and shall certify the results to the Secretary of
14 State.

15 C. The county commissioners shall appoint one
16 qualified budget committee member from the unor-
17 ganized territory of Aroostook County to serve on
18 the budget committee.

19 D. It is the responsibility of the county budget
20 committee to review the budget and estimates, in-
21 cluding the budget for municipal services in the
22 unorganized territory prepared by the county com-
23 missioners, and to approve a final county and un-
24 organized budget.

25 E. The term of office shall be 3 years.

26 F. A vacancy occurring on the budget committee
27 shall be filled by the committee for the balance
28 of the unexpired term. The person appointed to
29 fill the vacant office shall be from the same mu-
30 nicipality or unorganized territory as the person
31 vacating the office.

32 G. Members shall serve without compensation.

33 §1424. Budget committee organization

34 The budget committee shall conduct its meetings
35 in public at the county courthouse. The county com-
36 missioners shall direct the county clerk to call an
37 organizational meeting of the budget committee no la-
38 ter than 60 days prior to the end of the county's
39 fiscal year. The county commissioners shall provide
40 the committee with necessary clerical assistance, of-

1 office expenses and suitable meeting space, as well as
2 access to county files and information. The budget
3 committee shall select its own chairman, vice-
4 chairman and secretary. The budget committee shall
5 adopt its own rules or procedures and bylaws.

6 §1425. Budget procedures

7 1. Proposed budget. The county commissioners
8 shall submit itemized budget estimates, as described
9 in sections 252, 253 and 5903, to the budget commit-
10 tee in a timely fashion, no later than 60 days prior
11 to the end of the county's fiscal year.

12 2. Budget review process. The budget committee
13 shall review the proposed itemized budgets prepared
14 by the county commissioners, together with any sup-
15 plementary material prepared by the head of each
16 county department or provided by any independent
17 board or institution or another governmental agency.
18 The budget committee may increase, decrease, alter or
19 review the proposed budgets provided that:

20 A. The budget committee shall enter into its
21 minutes a statement of the basis for any change
22 in the estimated expenditures and revenues as
23 initially presented by the county commissioners;
24 and

25 B. The total estimated revenues, together with
26 the amount of county tax to be levied, shall
27 equal the total estimated expenditures.

28 3. Public hearing. The budget committee shall
29 hold a public hearing in the county on the proposed
30 budget prior to the end of the county's fiscal year
31 and before the final adoption of the budget. Notice
32 of the hearing shall be given at least 10 days prior
33 to the hearing in all newspapers of general circula-
34 tion within the county. Written notice and a copy of
35 the proposed budget shall be sent by registered or
36 certified mail with return receipt requested, or de-
37 livered by hand in person, with proof received of the
38 delivery, to the clerk of each municipality in the
39 county. The municipal clerk shall notify the municip-
40 al officials of the proposed budget.

1 4. Adoption of budget. After completion of the
2 public hearing, the budget committee may further in
3 crease, decrease, alter and revise the proposed item-
4 ized budgets, subject to the conditions and restric-
5 tions imposed in subsection 2. The proposed itemized
6 budget shall be finally adopted by a majority vote of
7 the budget committee at a duly called meeting not la-
8 ter than the end of the county's fiscal year.

9 5. Final budget approval. Prior to January 15th
10 of the fiscal year for which the budget is prepared,
11 the budget committee shall submit the proposed budget
12 to the Legislature. The Legislature shall approve or
13 disapprove the budget as submitted prior to April 1st
14 of each year.

15 If the Legislature disapproves of the budget, the
16 budget committee shall submit within 15 calendar
17 days, new budget proposals in accordance with subsec-
18 tion 1 and the provisions of this section shall be
19 followed until a budget is finally approved.

20 The budget as approved by the Legislature shall be
21 the final authorization for the assessment of county
22 taxes. The budget shall be transmitted to the county
23 commissioners and the county tax authorized shall be
24 apportioned and collected in accordance with section
25 254. The budget for the unorganized territories will
26 be transmitted to the State as provided by section
27 5903.

28 The county shall, until a budget is finally adopted,
29 operate on an interim budget which shall not exceed
30 the previous year's budget.

31 The county commissioners may transfer funds as pro-
32 vided in section 252.

33 §1426. Budget amendments

34 The approved budget shall govern the expenditures
35 of the county during the fiscal year. No expenses
36 may be incurred in excess of those shown in the ap-
37 proved budget, but the budget may be from time to
38 time revised by the preparation and submission of a
39 proposed amended budget by the county commissioners
40 to the budget committee. The budget committee shall

1 within 15 calendar days approve, disapprove or amend
2 this revised budget. In the event that the proposed
3 revised budget is approved or amended, the budget
4 committee within this same time period shall forward
5 the revised budget to the Legislature for final ap-
6 proval. The Legislature shall have 15 calendar days
7 to render a decision on the revised budget. A report
8 of approval of a revised budget shall be transmitted
9 to the State Auditor within 15 days of an approval of
10 a revised budget by the Legislature on the revised
11 budget.

12 §1427. Filing of county budget

13 A copy of the final budget, and subsequent amend-
14 ments, shall be filed on forms approved by the De-
15 partment of Audit, with the State Auditor, who shall
16 retain them for a period of 3 years.

17 §1428. Repeal

18 This chapter is repealed on September 30, 1988.

19 Sec. 83. 34-A MRSA 3003, sub-§1, as amended by
20 PL 1985, c. 59, and c. 266, §2, is repealed and the
21 following enacted in its place:

22 1. Limited disclosure. All orders of commit-
23 ment, medical and administrative records, applica-
24 tions and reports, and facts contained in them, per-
25 taining to any person receiving services from the de-
26 partment, shall be kept confidential and may not be
27 disclosed by any person, except that criminal history
28 record information may be disseminated in accordance
29 with Title 16, chapter 3, subchapter VIII, and docu-
30 ments, other than those documents pertaining to in-
31 formation obtained by the department for the purpose
32 of evaluating a committed offender's ability to par-
33 ticipate in a community-based program or from
34 informants in a correctional facility for the purpose
35 of determining whether prison rules have been vio-
36 lated, or a victim's request for notice of release,
37 may be disclosed:

38 A. To any person, if the person receiving ser-
39 VICES, his legal guardian, if any, or, if he is a
40 minor, his parent or legal guardian, gives his

1 informed written consent to the disclosure of the
2 documents referred to in this subsection after
3 being given the opportunity to review the docu-
4 ments sought to be disclosed;

5 B. To any state agency if necessary to carry out
6 the statutory functions of that agency; and

7 C. If ordered by a court of record, subject to
8 any limitation in the Maine Rules of Evidence,
9 Rule 503.

10 Sec. 84. 35 MRSA §15, sub-§13, as amended by PL
11 1985, c. 481, Pt. A, §71, and Pt. C, §3, is repealed
12 and the following enacted in its place:

13 13. Public utility. "Public utility" includes
14 every gas company, natural gas pipeline company,
15 electrical company, telephone company, telegraph com-
16 pany, water company, public heating company and water
17 carrier, as those terms are defined in this section,
18 and each of those utilities is declared to be a pub-
19 lic utility and to be subject to the jurisdiction,
20 control and regulation of the commission, and to this
21 Title. "Public utility" does not include the opera-
22 tion of a radio paging service, as that term is de-
23 defined in this section. Nothing in this subsection
24 precludes the jurisdiction, control and regulation by
25 the commission pursuant to private and special act of
26 the Legislature.

27 Sec. 85. 35 MRSA c. 5, first 2 lines are re-
28 pealed and the following enacted in their place:

29 CHAPTER 5

30 REGULATION AND CONTROL OF PUBLIC UTILITIES

31 SUBCHAPTER I

32 GENERAL PROVISIONS

33 Sec. 86. 35 MRSA §171, §1, as amended by PL
34 1985, c. 241, §1, and c. 481, Pt. C, §12, is repealed
35 and the following enacted in its place:

36 1. Conditions precedent to issuance generally.

1 Any public utility, now organized and existing or
2 hereafter incorporated under and by virtue of the
3 laws of this State and doing business in this State,
4 may issue stocks, bonds which may be secured by mort-
5 gages on its property, franchises or otherwise, notes
6 or other evidences of indebtedness, payable at peri-
7 ods of more than 12 months after the date of issua-
8 ance, when necessary for the acquisition of property
9 to be used for the purpose of carrying out its corpo-
10 rate powers, the construction, completion, extension
11 or improvement of its facilities, or for the improve-
12 ment or maintenance of its service, or for the dis-
13 charge or lawful refunding of its obligations, in-
14 cluding capital stock, or to reimburse its treasury
15 for money used for the acquisition of property, the
16 construction, completion, extension or improvement of
17 its facilities, for the discharge or lawful refunding
18 of its obligations, and which actually were expended
19 from income or from other money in the treasury of
20 the corporation not secured by or obtained from the
21 issue of stocks, bonds, notes or other evidences of
22 indebtedness of that corporation, or for any other
23 lawful purposes, provided, and not otherwise, that
24 upon written application, setting forth such informa-
25 tion as the commission may require, there shall have
26 been secured from the commission an order authorizing
27 the issue and the amount of the issue and stating
28 that in the opinion of the commission the sum of the
29 capital to be secured by the issue of the stocks,
30 bonds, notes or other evidences of indebtedness is
31 required in good faith for purposes enumerated in
32 this section. In determining whether to grant its
33 authorization, the commission may consider the rea-
34 sonableness of the purpose or purposes for which the
35 proceeds of the issue shall be applied, other re-
36 sources which the utility has available or may have
37 available for those purposes, the justness and rea-
38 sonableness of the estimated cost to the utility of
39 the issue and the effect of the issue upon the
40 utility's capital structure. The commission's deci-
41 sion shall be in writing and shall contain findings
42 setting forth the reasons for the decision. Every
43 such order authorizing the issue of stock shall, if
44 authorized to be sold at less than its par value,
45 specify a minimum price at which the shares so autho-
46 rized are to be sold, and any and all shares of
47 stock, issued in accordance with such an order, shall

1 be fully paid stock and not liable to any further
2 call or payment, notwithstanding it may have been au-
3 thorized for sale at less than its par value. The
4 commission may at the request of any public utility
5 approve the issue of any stocks, bonds, notes or oth-
6 er evidences of indebtedness authorized but not is-
7 sued. For the purpose of enabling the commission to
8 determine whether it shall issue such an order, the
9 commission shall make such inquiries for investiga-
10 tion, hold such hearings and examine such witnesses,
11 books, papers, documents or contracts as it may deem
12 of importance in enabling it to reach a determina-
13 tion. The commission may determine whether and in
14 what manner notice of the application shall be given
15 and whether a hearing should be held. In view of the
16 public interest in the prompt resolution of questions
17 affecting the issuance of securities by public utili-
18 ties, in cases in which a hearing is held or the ap-
19 plication is contested, the commission shall issue
20 its final order within 60 days of the filing of the
21 application or 30 days of the close of the hearing on
22 the application, whichever first occurs, unless the
23 commission makes an affirmative determination that
24 additional time is necessary for a proper resolution
25 of issues concerning the application and, notwith-
26 standing any other provisions of law, shall establish
27 such accelerated notice periods, schedules and limi-
28 tations on hearings as may be necessary in further-
29 ance of the resolution of those issues. No order of
30 the commission authorizing the issue of any stocks,
31 bonds, notes or other evidences of indebtedness may
32 limit or restrict the powers of the commission in de-
33 termining and fixing any rate, fare, toll, charge,
34 classification, schedule or joint rate as provided in
35 this Title. No public utility may be required to ap-
36 ply to the commission for authority to issue stocks,
37 bonds, notes or other evidences of indebtedness for
38 the acquisition of property, for the purposes of car-
39 rying out its corporate powers, the construction,
40 completion, extension or improvement of its facili-
41 ties, or the improvement or maintenance of its ser-
42 vice outside the State, and this proviso shall apply
43 to section 172.

44 Sec. 87. 35 MRSa §294, first ¶, as amended by PL
45 1985, c. 433, §5, and c. 481, Pt. C, §14, is re-
46 pealed and the following enacted in its place:

1 If upon such formal public hearing the rates,
2 tolls, charges, schedules or joint rates shall be
3 found to be unjust, unreasonable, insufficient or un-
4 justly discriminatory or otherwise in violation of
5 this Title, the commission may fix and order substi-
6 tuted for them such rate or rates, tolls, charges or
7 schedules as shall be just or reasonable. If upon
8 such public hearing it shall be found that any regu-
9 lation, measurement, practice, act or service com-
10 plained of is unjust, unreasonable, insufficient or
11 unjustly discriminatory or otherwise in violation of
12 any of the provisions of this Title or if it is found
13 that any service is inadequate or that any reasonable
14 service cannot be obtained, the commission may estab-
15 lish and substitute for it such other regulation,
16 measurement, practice, service or act, and make such
17 order respecting and such changes in such regulation,
18 measurement, practice, service and act as shall be
19 just and reasonable. In determining the justness and
20 reasonableness of the order, the commission shall as-
21 sure rate stability.

22 Sec. 88. 36 MRSA §1760, sub-§46, as enacted by
23 PL 1983, c. 851; c. 855, §7; and as repealed by PL
24 1985, c. 504, §1, is repealed and the following en-
25 acted in its place:

26 46. Residential facilities for medical patients
27 and their families. Incorporated nonprofit organiza-
28 tions providing temporary residential accommodations
29 to pediatric patients suffering from critical illness
30 or disease, such as cancer, or who are accident vic-
31 tims, and adult patients with cancer, or the families
32 of the patients;

33 Sec. 89. 36 MRSA §1760, sub-§48, as enacted by
34 PL 1985, c. 504, §2, and c. 477, §1, is repealed
35 and the following enacted in its place:

36 48. Scheduled airlines. The sale or lease of an
37 aircraft, or replacement or repair parts of an air-
38 craft, used by a scheduled airline, based in this
39 State, and which is regularly used in the performance
40 of service under the regulations of the Civil Aero-
41 navics Board, Part 298. This subsection is repealed
42 on July 1, 1987;

1 Sec. 90. 36 MRSA §1760, sub-§49 is enacted to
2 read:

3 49. Community action agencies. Sales to commu-
4 nity action agencies designated in accordance with
5 Title 5, section 3519;

6 Sec. 91. 36 MRSA §1760, sub-§51, as enacted by
7 PL 1985, c. 417, and c. 473, is repealed and the
8 following enacted in its place:

9 51. Veterans' Memorial Cemetery Associations.
10 Sales to incorporated nonprofit Veterans' Memorial
11 Cemetery Associations;

12 Sec. 92. 36 MRSA §1760, sub-§52 is enacted to
13 read:

14 52. Railroad track materials. Railroad track
15 materials purchased and installed on railroad lines
16 located within the boundaries of the State. The track
17 materials shall include rail, ties, ballast, joint
18 bars and associated materials, such as bolts, nuts,
19 tie plates, spikes, culverts, steel, concrete or
20 stone, switch stands, switch points, frogs, switch
21 ties, bridge ties and bridge steel.

22 In order for a taxpayer to qualify for an exemption
23 under this subsection, the taxpayer may not require
24 any landowner to pay any fee or charge for mainte-
25 nance or repair or to assume liability for crossings
26 or rights-of-way if the landowner was not required to
27 do so prior to July 1, 1981, and the taxpayer must
28 continue to maintain crossings and rights-of-way
29 which it was required to maintain on that date and
30 may not remove the crossings if there is any objec-
31 tion to their being removed; and

32 Sec. 93. 36 MRSA §1760, sub-§53 is enacted to
33 read:

34 53. Nonprofit volunteer search and rescue orga-
35 nizations. Sales to incorporated, nonprofit volun-
36 teer search and rescue organizations.

37 Sec. 94. 36 MRSA §2013, sub-§1, ¶C, as amended
38 by PL 1985, c. 411, §1, and c. 447, §1, is repealed

1 and the following enacted in its place:

2 C. "Depreciable machinery and equipment" means
3 that part of the following machinery and equip-
4 ment for which depreciation is allowable under
5 the United States Internal Revenue Code:

6 (1) New or used machinery and equipment for
7 use directly and primarily in commercial ag-
8 ricultural production, including self-
9 propelled vehicles, but excluding motor ve-
10 hicles as defined in section 1752, subsec-
11 tion 7, attachments and equipment for the
12 production of field and orchard crops; new
13 or used machinery and equipment used in pro-
14 duction of milk and in animal husbandry and
15 production of livestock, including poultry;
16 or

17 (2) New or used watercraft used directly
18 and primarily for commercial fishing; and
19 nets, traps, cables, tackle and related
20 equipment necessary to the operation of a
21 commercial fishing venture, but excluding
22 motor vehicles as defined in section 1752,
23 subsection 7.

24 Sec. 95. 36 MRSA §4312, first ¶, as amended by
25 PL 1985, c. 75, and c. 295, §55, is repealed and the
26 following enacted in its place:

27 A Blueberry Advisory Committee, as authorized by
28 Title 5, chapter 379, shall be appointed by the Maine
29 Blueberry Commission. The committee shall consist of
30 7 members who are active in and representative of the
31 blueberry industry. The duty of the committee shall
32 be to advise and work with the University of Maine to
33 develop and approve a plan of work and budgets for
34 research and extension programs related to the pro-
35 duction and marketing of blueberries.

36 Sec. 96. 36 MRSA §4312-B, as amended by PL 1983,
37 c. 812, §272, and as repealed and replaced by PL
38 1983, c. 836, §10, is repealed and the following en-
39 acted in its place:

40 §4312-B. Maine Blueberry Commission

1 The Maine Blueberry Commission, as established by
2 Title 5, section 12004, subsection 9, shall be reor-
3 ganized as follows.

4 1. Appointment. Appointments shall be made by
5 the Commissioner of Agriculture, Food and Rural Re-
6 sources.

7 2. Membership. The commission shall consist of 8
8 members who are active in and representative of the
9 blueberry industry. Three members shall be grower
10 representatives. Five members shall be processor
11 representatives.

12 3. Term of appointments. Members of the Maine
13 Blueberry Commission with current appointments shall
14 continue to serve for the duration of their appoint-
15 ments. The term of office for each new appointment
16 or reappointment shall commence on September 1st of
17 the year appointed and continue for a term of 4 years
18 or until a successor is duly appointed and qualified,
19 except that, when making the 3 additional appoint-
20 ments in 1984, 2 appointments shall be for terms of 3
21 years and one for 4 years. To fill any vacancy, how-
22 ever caused, the commissioner shall appoint a succes-
23 sor for the duration of the unexpired term.

24 4. Organization. Members of the commission shall
25 elect annually by majority vote one member of the
26 commission who shall serve as chairman. The chairman
27 may appoint an executive director or such personnel
28 as he deems necessary to administer policies and pro-
29 grams established by the commission. These officers
30 or personnel shall not be subject to the Personnel
31 Laws of the State.

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

35 6. Function of commission. It is the responsi-
36 bility of the commission to utilize and allocate such
37 funds as may be available from the funds collected
38 under section 4307 and the commission may make con-
39 tracts or enter into contracts with any local, state,
40 federal or private agency, department, firm, corpora-
41 tion or association as may be necessary to carry out

1 the purposes of this chapter.

2 Sec. 97. 36 MRSA §5122, sub-§2, ¶A, as amended
3 by PL 1985, c. 344, §97, and c. 506, Pt. A. §78, is
4 repealed and the following enacted in its place:

5 A. Interest or dividends on obligations of the
6 United States and its territories and possessions
7 or of any authority, commission or instrumentali-
8 ty of the United States or on a seller-sponsored
9 loan, as defined by Title 10, chapter 110, to the
10 extent includable in gross income for federal in-
11 come tax purposes, but exempt from state income
12 taxes under the laws of the United States, pro-
13 vided that the amount subtracted shall be de-
14 creased by any expenses incurred in the produc-
15 tion of the interest or dividend income to the
16 extent that these expenses, including amortizable
17 bond premiums, are deductible in determining fed-
18 eral adjusted gross income;

19 Sec. 98. 37-A MRSA §124, sub-§1, as amended by
20 PL 1983, c. 812, §283, and as repealed by PL 1983,
21 c. 816, Pt. B, §11, is repealed.

22 Sec. 99. 37-A MRSA §124, sub-§5, as repealed and
23 replaced by PL 1983, c. 812, §284, and c. 460, §2;
24 and as reallocated by PL 1983, c. 816, Pt. B, §13, is
25 repealed.

26 Sec. 100. 37-A MRSA §56-A, sub-§1, as amended by
27 PL 1983, c. 812, §282, and as reallocated by PL
28 1983, c. 816, Pt. B, §9, is repealed.

29 Sec. 101. 37-B MRSA §954, sub-§1, as amended by
30 PL 1983, c. 812, §287, and c. 816, Pt. B, §19, is
31 repealed and the following enacted in its place:

32 1. Created. There is created a Radiological
33 Emergency Preparedness Committee, as established by
34 Title 5, section 12004, subsection 10, shall be com-
35 posed of 7 voting members as listed in this subsec-
36 tion. The duties of the committee shall be purely ad-
37 visory. Members from state agencies shall serve ex
38 officio. The committee shall consist of:

39 A. The Director of Civil Emergency Preparedness,

1 agraph may be construed to permit a municipality to
2 regulate, under this chapter, a structure which is
3 located more than 250 feet above the normal high wa-
4 ter mark.

5 Sec. 105. 38 MRSA §1305-A, sub-§2, as amended by
6 PL 1981, c. 653, §§1 to 3, is further amended to
7 read:

8 2. Site review. All persons who make application
9 for a license to construct, operate or substantially
10 expand a commercial hazardous waste facility shall,
11 at the same time, give written notice to the municip-
12 al officers of the municipality in which the pro-
13 posed facility will be located. The municipality
14 through its municipal officers shall be granted in-
15 tervenor status in any proceeding for site review of
16 a commercial hazardous waste facility. The department
17 shall reimburse the municipalities' direct costs, not
18 to exceed \$5,000, for participation in the proceed-
19 ings.

20 The Governor may appoint a person to facilitate com-
21 munications between the applicant and the municipali-
22 ty and between the department and the municipality.

23 The State may accept public and private funds from
24 any source for the purpose of carrying out responsi-
25 bilities under this section.

26 The board shall hold at least one public hearing
27 within the municipality in which the facility will be
28 located.

29 During any proceeding for site review of a commercial
30 hazardous waste facility, the ~~municipal~~ legislative
31 body of the municipality in which the facility is to
32 be located may appoint 4 representatives to the
33 board. If the facility is proposed to be located
34 within an unorganized township, the county commis-
35 sioners of that county may appoint 4 representatives.
36 These representatives may vote on board decisions re-
37 lated to the proposed commercial hazardous waste fa-
38 cility. All representatives appointed under this sub-
39 section shall participate on the board only for that
40 site review, until final disposition of the applica-
41 tion, including any administrative or judicial ap-

1 peals. The municipal members shall receive the same
2 pay for each day and expenses as regular board mem-
3 bers during the period of their service, to be paid
4 by the department.

5 Sec. 106. 38 MRSA §1451, sub-§3-A, as enacted by
6 PL 1985, c. 309, §5, is amended to read:

7 3-A. Commission. "Commission" means the Advis-
8 ory Commission on Radioactive Waste established by
9 section ~~1454~~ 1453.

10 Sec. 107. 38 MRSA §1453, sub-§2, as amended by
11 PL 1985, c. 522, §1, and c. 524, is repealed and the
12 following enacted in its place:

13 2. Membership; appointment. The commission
14 shall consist of 14 members, who shall be appointed
15 as follows. The Governor may appoint a person from
16 the Executive Department, Office of the Governor; the
17 Commissioner of Environmental Protection; the Commis-
18 sioner of Human Services; and the State Geologist, or
19 their designees shall be members of the commission.
20 The President of the Senate shall appoint 3 Senators,
21 2 from the majority party and one from the minority
22 party; one person from an organization that holds a
23 license for the use of radioactive material; and one
24 person from the general public. The Speaker of the
25 House of Representatives shall appoint 3 Representa-
26 tives, 2 from the majority party and one from the mi-
27 nority party; one person from an organization that
28 holds a license for the use of radioactive material;
29 and one person from the general public. The terms of
30 legislative members of the commission shall expire
31 the first Wednesday in December 1986, and in even-
32 numbered years. The terms of the public member ap-
33 pointed by the President of the Senate and the li-
34 censee member appointed by the Speaker of the House
35 of Representatives shall expire December 31, 1986,
36 and every 2 years thereafter; and the terms of the
37 public member appointed by the Speaker of the House
38 of Representatives and the licensee member appointed
39 by the President of the Senate shall expire December
40 31, 1987, and every 2 years thereafter. Notwith-
41 standing this subsection, any public member or li-
42 censee member may be removed by the appointing au-
43 thority, at the pleasure of the appointing authority

1 and a new member may be appointed to complete the
2 term of the preceding appointee. Members may contin-
3 ue to serve until their replacements are designated.
4 Vacancies shall be filled by the appointing authority
5 to complete the term of the preceding appointee.

6 The commission shall elect a chairman from its legis-
7 lative membership. The Commissioner of Environmental
8 Protection shall serve as vice-chairman.

9 Sec. 108. 39 MRSA §2, sub-§5, ¶A, as amended by
10 PL 1983, c. 402, and c. 554, is repealed and the
11 following enacted in its place:

12 A. "Employee" includes officials of the State,
13 counties, cities, towns, water districts and all
14 other quasi-public corporations of a similar
15 character, every duly elected or appointed execu-
16 tive officer of a private corporation, other than
17 a charitable, religious, educational or other
18 nonprofit corporation, and every person in the
19 service of another under any contract of hire,
20 express or implied, oral or written, except that:

21 (1) Persons engaged in maritime employment
22 or in interstate or foreign commerce, who
23 are within the exclusive jurisdiction of ad-
24 miralty law or the laws of the United
25 States; and persons operating as sternmen as
26 defined in Title 36, section 5102, subsec-
27 tion 8-A;

28 (2) Firefighters, including volunteer fire-
29 fighters who are active members of a volun-
30 teer fire fighters' association, as defined
31 in Title 30, section 3771; volunteer emer-
32 gency medical services' persons, as defined
33 in Title 32, section 83, subsection 12; and
34 policemen shall be deemed employees within
35 the meaning of this Act. In computing the
36 average weekly wage of an injured volunteer
37 firefighter or volunteer emergency services'
38 person, the average weekly wage shall be
39 taken to be the earning capacity of the in-
40 jured employee in the occupation in which he
41 is regularly engaged. Employers who hire
42 workmen within this State to work outside

1 the State may agree with such workmen that
2 the remedies under this Act shall be exclu-
3 sive as regards injuries received outside
4 this State arising out of and in the course
5 of that employment; and all contracts of
6 hiring in this State, unless otherwise spec-
7 ified, shall be presumed to include such an
8 agreement. Any reference to an employee who
9 has been injured shall, when the employee is
10 dead, include his legal representatives, de-
11 pendents and other persons to whom compensa-
12 tion may be payable;

13 (3) Notwithstanding any other provisions of
14 this Act any charitable, religious, educa-
15 tional or other nonprofit corporation that
16 may be or may become an assenting employer
17 under this Act may cause any duly elected or
18 appointed executive officer to be an employ-
19 ee of the corporation by specifically in-
20 cluding the executive officer among those to
21 whom the corporation secures payment of com-
22 ensation in conformity with subchapter II;
23 and the executive officer shall remain an
24 employee of the corporation under this Act
25 while such payment is so secured. With re-
26 spect to any corporation that secures com-
27 ensation by making a contract of workers'
28 compensation insurance, specific inclusion
29 of the executive officer in the contract
30 shall cause the officer to be an employee of
31 the corporation under this Act;

32 (4) Any person who states in writing to the
33 commission that he waives all the benefits
34 and privileges provided by the workers' com-
35 ensation laws, provided that the commission
36 shall have found that person to be a bona
37 fide owner of at least 20% of the outstand-
38 ing voting stock of the corporation by which
39 he is employed and that this waiver was not
40 a prerequisite condition to employment.

41 Any person may revoke or rescind his waiver
42 upon 30 days' written notice to the commis-
43 sion and his employer. The parent, spouse or
44 child of a person who has made a waiver un-

1 der the previous sentence may state, in
2 writing, that he waives all the benefits and
3 privileges provided by the workers' compen-
4 sation laws if the commissioner finds that
5 the waiver is not a prerequisite condition
6 to employment and if the parent, spouse or
7 child is employed by the same corporation
8 which employs the person who has made the
9 first waiver;

10 (5) The parent, spouse or child of a sole
11 proprietor who is employed by that sole pro-
12 prietor or the parent, spouse or child of a
13 partner who is employed by the partnership
14 of that partner may state, in writing, that
15 he waives all the benefits and privileges
16 provided by the workers' compensation laws
17 if the commission finds that the waiver is
18 not a prerequisite condition to employment;
19 or

20 (6) Employees of an agricultural employer
21 when harvesting 150 cords of wood or less
22 each year from farm wood lots, provided that
23 the employer is covered under an employer's
24 liability insurance policy as required in
25 subsection 1-A.

26 Sec. 109. 39 MRSA §4, as repealed and replaced
27 by PL 1985, c. 249, §2, is amended to read:

28 §4. Applicability to certain actions and employers;
29 exemptions

30 An employer who has secured the payment of com-
31 ensation in conformity with sections 21-A to 27 is
32 exempt from civil actions, either at common law or
33 under sections 141 to 148, Title 14, sections 101
34 8101 to 8118, and Title 18-A, section 2-804, involv-
35 ing personal injuries sustained by an employee aris-
36 ing out of and in the course of his employment, or
37 for death resulting from those injuries. This exemp-
38 tion from liability applies to all employees, super-
39 visors, officers and directors of the employer for
40 any personal injuries arising out of and in the
41 course of employment, or for death resulting from
42 those injuries. These exemptions also apply to occu-

1 pational diseases sustained by an employee or for
2 death resulting from those diseases.

3 Sec. 110. 39 MRSA §92, sub-§2, as repealed and
4 replaced by PL 1985, c. 63, Pt. G, and c. 65, §2, is
5 repealed and the following enacted in its place:

6 2. Employees. The chairman shall appoint an as-
7 stant to the chairman, who shall serve at his plea-
8 sure. The chairman shall appoint, supervise and di-
9 rect an Assistant Director of Administrative Ser-
10 VICES, whose salary shall be equal to employees in
11 supervisory services and, subject to the Personnel
12 Law, a Director of Administrative Services, full-time
13 or part-time reporters and such legal, professional
14 and clerical assistance as may be necessary.

15 Sec. 111. 39 MRSA §92, sub-§6, as amended by PL
16 1985, c. 65, §3, and c. 372, Pt. A, §30, is repealed
17 and the following enacted in its place:

18 6. Office of Employee Assistants. The chairman
19 shall provide adequate funding for an Office of Em-
20 ployee Assistants and shall, subject to the Personnel
21 Law, appoint the assistants to staff the Augusta of-
22 fice and district offices. Assistants are not attor-
23 neys, but should demonstrate a level of expertise
24 roughly equivalent to that of insurance claims' ana-
25 lysts. The purpose of employee assistants is to pro-
26 vide advice and assistance to employees under this
27 Act, and particularly to assist employees in prepar-
28 ing for and assisting at informal conferences under
29 section 94-B. In addition, if an employer appeals a
30 decision of the commission or institutes any proceed-
31 ing against an employee under this Act, the Office of
32 Employee Assistants shall, upon request, advise an
33 employee how to best prepare for and proceed with his
34 case.

35 No employee of the Office of Employee Assistants may
36 represent before the commission any insurer, self-
37 insurer, group self-insurer, adjusting company or
38 self-insurance company for a period of 2 years after
39 terminating employment with the office.

40 The chairman shall appoint 6 employee assistants. Af-
41 ter January 1, 1984, the chairman may appoint up to 4

1 additional assistants if, in the chairman's judgment,
2 the additional assistants are necessary to effectuate
3 the purposes of this subsection.

4 Sec. 112. PL 1985, c. 506, Pt. A, §38, first 3
5 lines are repealed and the following enacted in their
6 place:

7 Sec. 38. 20-A MRSA §15509 as repealed by PL
8 1983, c. 859, Pt. G, §§1 and 4, and as amended by PL
9 1983, c. 859, Pt. K, §§4 and 5, is repealed.

10 Sec. 113. PL 1985, c. 506, Pt. A, §43, first 2
11 lines are repealed and the following enacted in their
12 place:

13 Sec. 43. 22 MRSA §4008, sub-§3, ¶D, as amended
14 by PL 1983, c. 327, §4, and c. 470, §12, is further
15 amended to read:

16 Sec. 114. PL 1985, c. 506, Pt. A, §44, first 4
17 lines are repealed and the following enacted in their
18 place:

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

22 PART B

23 Sec. 1. 1 MRSA §74, as enacted by PL 1977, c.
24 78, §1, is amended to read:

25 §74. Revision authorized

26 The following revisions to the laws of Maine are
27 authorized:

28 1. References to Executive Council in public
29 laws. Notwithstanding any other provision of law, af-
30 ter January 4, 1977, wherever in any public law,
31 whether allocated to the Maine Revised Statutes or
32 not, the words "Executive Council" and "council" used
33 as an abbreviation for Executive Council, or any oth-
34 er reference to the Executive Council appear, the
35 public laws shall read as if those words were not
36 contained in that public law. This section shall not

1 affect any application of any public law prior to
2 January 4, 1977. The ~~Director of Legislative~~
3 ~~Research~~ Revisor of Statutes may assist any
4 republication of any public law after January 4,
5 1977, to ensure deletion of any reference in that
6 public law to the Executive Council.

7 2. References to Executive Council in private
8 and special laws. Notwithstanding any other provision
9 of law, after January 4, 1977, wherever in any private
10 and special law the words "Executive Council"
11 and "council" used as an abbreviation for Executive
12 Council, or any other reference to the Executive
13 Council appear the private and special law shall read
14 as if those words were not contained in that law.
15 This section shall not affect any application of any
16 private and special law prior to January 4, 1977. The
17 ~~Director of Legislative Research~~ Revisor of Statutes
18 may assist any republication of any private and special
19 law after January 4, 1977, to ensure deletion of
20 any reference to the Executive Council.

21 Sec. 2. 3 MRSA §273, as amended by PL 1969, c.
22 238, is further amended to read:

23 §273. Organization and procedure

24 The commission shall organize by the choice of
25 one of its members to be its chairman. The ~~office of~~
26 ~~the Legislative Finance Officer~~ Office of Fiscal and
27 Program Review shall serve as the secretariat of the
28 commission. The commission may enact such rules governing
29 its procedure and the conduct of its affairs
30 not inconsistent with law as it may see fit.

31 Sec. 3. 3 MRSA §504, sub-§3, as repealed and replaced
32 by PL 1979, c. 654, §1, is amended to read:

33 3. Submittal of justification reports. Departments
34 and independent agencies designated in section
35 507 shall submit their justification reports to the
36 Legislature, through the Legislative Administrative
37 Director Office of Executive Director of the Legislative
38 Council, according to the following schedule:

39 Group A-1 no later than October 31, 1978;

- 1 Group A-2 no later than October 31, 1979;
2 Group B-1 no later than October 31, 1980;
3 Group B-2 no later than October 31, 1981;
4 Group C-1 no later than October 31, 1982;
5 Group C-2 no later than October 31, 1983;
6 Group D-1 no later than October 31, 1984;
7 Group D-2 no later than October 31, 1985;
8 Group E-1 no later than October 31, 1986; and
9 Group E-2 no later than October 31, 1987.

10 Sec. 4. 3 MRSA §801, sub-§2, as enacted by PL
11 1985, c. 507, §1, is amended to read:

12 2. Reports from Executive Director of the Legis-
13 lative Council. The Legislative Administrative
14 Director Executive Director of the Legislative
15 Council shall submit to the board a statement showing
16 the name, title, compensation, sex, date of birth and
17 length of service of each member and any other infor-
18 mation as the board may require at such times as the
19 board may require.

20 Sec. 5. 5 MRSA §21, sub-§2, as enacted by PL
21 1985, c. 167, is amended to read:

22 2. Nonpartisan staff. "Nonpartisan staff" means
23 the directors and staffs of the Office of Legislative
24 Assistants Policy and Legal Analysis, the Legislative
25 Finance Office Office of Fiscal and Program Review,
26 the Legislative Research Office of Revisor of
27 Statutes, the Legislative Information Office and the
28 Office of the Legislative Administrative Director Ex-
29 ecutive Director of the Legislative Council.

30 Sec. 6. 5 MRSA §1507, sub-§7, as enacted by PL
31 1975, c. 771, §67, is amended to read:

32 7. Procedure. All allocations from the State
33 Contingent Account shall be supported by a statement

1 of facts setting forth the necessity for the allocation.
2 A copy of each order for an allocation, together
3 with the statement of facts, shall be provided
4 to the Legislative Finance Officer Office of Fiscal
5 and Program Review, to the President of the Senate
6 and to the Speaker of the House of Representatives
7 when the allocation is made.

8 Sec. 7. 5 MRSA §1585, sub-§1, as amended by PL
9 1983, c. 477, Pt. E, sub-pt. 11, is further amended
10 to read:

11 1. Transfer procedures. Any balance of any ap-
12 propriation or subdivision of an appropriation made
13 by the Legislature for any state department or agen-
14 cy, which at any time may not be required for the
15 purpose named in such appropriations or subdivision,
16 may be transferred at any time prior to the closing
17 of the books to any other appropriation or subdivi-
18 sion of an appropriation made by the Legislature for
19 the use of the same department or agency for the same
20 fiscal year subject to review by the joint standing
21 committee of the Legislature having jurisdiction over
22 appropriations and financial affairs. Financial or-
23 ders describing such transfers shall be submitted by
24 the Bureau of the Budget to the Legislative Finance
25 Office of Fiscal and Program Review 30 days before
26 the transfer is to be implemented. In case of extra-
27 ordinary emergency transfers, the 30-day prior sub-
28 mission requirement may be waived by vote of the com-
29 mittee.

30 Sec. 8. 5 MRSA §1662, sub-§6, as enacted by PL
31 1985, c. 174, Pt. J. §2, is amended to read:

32 6. Necessary data. To require all departments
33 and other agencies in the Executive, Legislative and
34 Judicial Departments of State Government to prepare
35 and submit for review such data, information or
36 records as may be deemed necessary by the State Bud-
37 get Officer to facilitate the Bureau of the Budget's
38 efforts regarding this section. Copies of these mate-
39 rials shall be made available to the Legislative
40 Finance Office of Fiscal and Program Review by the
41 Bureau of the Budget upon request of the Legislative
42 Finance Officer Director of Fiscal and Program
43 Review.

1 planning and for improvement of criminal justice con-
2 sistent with the intent of the applicable state and
3 federal legislation, as amended, to any agency or or-
4 ganization in law enforcement, criminal justice ad-
5 ministration and delinquency prevention activities.
6 When the board approves such grants to departments
7 and agencies of State Government, the executive di-
8 rector shall forward a copy of the approved grant ap-
9 plication to the Joint Standing Committee on Appro-
10 priations and Financial Affairs through the Legisla-
11 tive Finance Office of Fiscal and Program Review.
12 Such information will include expected length of
13 funding of such programs and restrictions or limita-
14 tions placed on the grant application.

15 Sec. 13. 5 MRSA §8053-A, as enacted by PL 1985,
16 c. 270, is amended to read:

17 §8053-A. Notice to legislative committees

18 At least 20 days prior to the adoption of any
19 rule, the agency shall provide copies of the rule to
20 the Legislative Administrative Director of the
21 Legislature Office of Executive Director of the Leg-
22 islative Council. The Legislative Administrative
23 executive director, or his designee, shall refer the
24 rule to the appropriate joint standing committee or
25 committees of the Legislature for review.

26 1. Additional information to be submitted. In
27 addition to providing the Legislative Administrative
28 executive director with a sufficient number of copies
29 of a proposed rule for each member of the appropriate
30 committee or committees, the agency shall also pro-
31 vide to the Legislative Administrative Director suf-
32 ficient copies of a fact sheet providing:

33 A. A citation of the statutory authority for the
34 adoption of the rule;

35 B. A concise statement of the principal reasons
36 for the rule;

37 C. An analysis of the rule; and

38 D. An estimated fiscal impact of the rule.

1 2. Approval. Nothing in this section may be
2 construed to require legislative approval of a rule
3 prior to an agency's adoption of the rule.

4 Sec. 14. 5 MRSA §11111, sub-§3, as enacted by PL
5 1981, c. 524, §15, is amended to read:

6 3. Director. "Director" means the Legislative
7 Administrative Executive Director of the Legislative
8 Council.

9 Sec. 15. 5 MRSA §11112, first ¶, as enacted by
10 PL 1981, c. 524, §15, is amended to read:

11 Any group of 100 or more registered voters, who
12 have a substantial interest in a rule, or any person
13 who may be directly, substantially and adversely af-
14 fected by the application of a rule, may file an ap-
15 plication for review with the Legislative
16 Administrative executive director. The applicant
17 shall state with specificity on a form prepared by
18 the director, the following:

19 Sec. 16. 5 MRSA §11113, first ¶, as enacted by
20 PL 1981, c. 524, §15, is amended to read:

21 The Legislative Administrative executive director
22 shall, upon receipt of an application for review, de-
23 termine the appropriate joint standing committee of
24 the Legislature responsible for review of the rule in
25 question and send the application and a copy of the
26 rule in question to each member of the committee.
27 Each member of the committee shall individually re-
28 view the application to determine whether the appli-
29 cant is qualified and whether the public interest
30 would be served by a review of the rule in question
31 by the full committee. If a committee member decides
32 that the review should be made, he shall notify the
33 director within 15 days after notice was sent. If 1/3
34 or more of the full committee notify the director
35 that a review of the rule should be made, the direc-
36 tor shall advise the chairman of the committee, who
37 shall schedule a meeting of the committee to review
38 the rule. If the committee votes not to review the
39 rule, a report to that effect shall be prepared by
40 the director and sent to the applicant and the Legis-
41 lative Council.

1 Sec. 17. 5 MRSA §11115, first ¶, as enacted by
2 PL 1981, c. 524, §15, is amended to read:

3 If the committee determines that any of the cri-
4 teria for review have not been met, it may discuss
5 their findings with the agency. No agency may, on the
6 basis of these discussions or any subsequent report
7 of the committee, terminate a rule that is required
8 by law. If the committee determines that the rule in
9 question is inappropriate or unnecessary, it shall
10 notify the applicant of its decision and may direct
11 the Office of Legislative Assistants Policy and Legal
12 Analysis to draft legislation to amend the law to
13 provide that the authority of the agency to adopt the
14 rule is clarified, modified or limited. Only by a ma-
15 jority vote of the committee shall legislation be in-
16 troduced to amend or enact legislation pursuant to
17 this section. No legislation may be introduced to im-
18 plement a decision of a minority of the committee.

19 Sec. 18. 12 MRSA §7034, sub-§6, as enacted by PL
20 1979, c. 420, §1, is amended to read:

21 6. Biennial revision of fish and wildlife laws.
22 As soon as practicable after the adjournment of the
23 Legislature, the Director of Legislative Research Re-
24 visor of Statutes, with the assistance of the commis-
25 sioner, shall issue a revision of all the public laws
26 relating to inland fisheries and wildlife. The revi-
27 sion shall be printed in a pamphlet of the same size
28 pages as the Maine Revised Statutes Annotated, and
29 its printing and distribution shall be the same as
30 that of the biennial laws, except that the commis-
31 sioner may issue as many extra copies of chapters 701
32 to 721 in whatever size pamphlet seems best to inform
33 the people about the fish and wildlife laws.

34 Sec. 19. 22 MRSA §2387, sub-§5, as amended by PL
35 1985, c. 481, Pt. A, §51, is further amended to
36 read:

37 5. Records. Any officer, department or agency
38 having custody or property subject to forfeiture un-
39 der subsection 1, paragraph A, B or C, or having dis-
40 posed of the property shall keep and maintain full
41 and complete records showing from whom it received
42 the property, under what authority it held or re-

1 received or disposed of the property, to whom it deliv-
2 ered the property, the date and manner of destruction
3 or disposition of the property and the exact kinds,
4 quantities and forms of the property. Said The
5 records shall be open to inspection by all federal
6 and state officers charged with enforcement of feder-
7 al and state drug control laws. Persons making final
8 disposition or destruction of said the property under
9 court order shall report, under oath, to the court
10 the exact circumstances of said the disposition or
11 destruction.

12 The Department of Public Safety shall be responsible
13 for maintaining a centralized record of property
14 seized, held by and ordered to the department. A re-
15 port of the disposition of property previously held
16 by the department and ordered by the court to any
17 governmental entity shall be provided at least quar-
18 terly to the Commissioner of Finance and Administra-
19 tion and the Legislative Finance Office of Fiscal and
20 Program Review for review. These records shall in-
21 clude an estimate as to the fair market value of
22 items seized.

23 Sec. 20. 23 MRSA §1652, 2nd ¶, as repealed and
24 replaced by PL 1983, c. 457, §2, is amended to read:

25 Any balance of any allocation or subdivision of
26 an allocation from the Highway Fund made by the Leg-
27 islature for any department or agency, which at any
28 time may not be required for the purposes named in
29 that allocation or subdivision, may be transferred at
30 any time prior to the closing of the books, to any
31 other allocation or subdivision of an allocation from
32 the Highway Fund made by the Legislature for the same
33 fiscal year subject to review by the joint standing
34 committee of the Legislature having jurisdiction over
35 transportation. Financial orders describing these
36 transfers shall be submitted by the Bureau of the
37 Budget to the Legislative Finance Office of Fiscal
38 and Program Review 30 days before the transfer is to
39 be implemented.

40 Sec. 21. 23 MRSA §1654, 3rd ¶, as enacted by PL
41 1983, c. 457, §3, is amended to read:

42 All such allocations from the highway fund sur-

1 Part B, section 15.

2 Section 15. Corrects an internal reference.

3 Sections 16 and 17. Corrects a conflict in
4 duplicative subparagraph numbering and provides that
5 the Maine Highway Safety Commission is authorized to
6 receive expenses.

7 Section 18. Incorporates provisions from Public
8 Law 1985, chapter 233, section 2; chapter 288, sec-
9 tion 2; and chapter 389, section 6, to avoid a con-
10 flict.

11 Section 19. This section removes any ambiguity
12 in the method of selecting the Maine Land Use Regula-
13 tion Commission chairman, which is provided for in
14 the Maine Revised Statutes, Title 12, section 684

15 Sections 20 and 104. Properly places a shore-
16 land zoning provision in the Maine Revised Statutes,
17 Title 38, section 435.

18 Section 21. Removes a conflict; changes made by
19 Public Law 1985, chapter 488, are incorporated now in
20 the Maine Revised Statutes, Title 38, section 441,
21 subsection 3, paragraph C.

22 Section 22. Removes conflicting changes made by
23 Public Law 1985, chapter 206, which are now incorpo-
24 rated in the Maine Revised Statutes, Title 38, sec-
25 tion 444.

26 Section 23. Corrects punctuation and format of
27 the provision.

28 Section 24. Incorporates changes by Public Law
29 1985, chapter 237, section 1, and chapter 353, sec-
30 tion 1.

31 Section 25. Incorporates changes made by Public
32 Law 1985, chapter 48, section 1, and chapter 259.

33 Section 26. Corrects a reference to the Maine
34 Revised Statutes as repealed and enacted by Public
35 Law 1985, c. 282, sections 2 and 3.

1 Section 27. Corrects a reference to the Maine
2 Criminal Code.

3 Sections 28 and 29. Incorporates changes made
4 by Public Law 1985, chapter 301, section 2, and chap-
5 ter 304, section 24.

6 Section 30. Eliminates a conflict between Pub-
7 lic Law 1985, chapter 177, section 3, and chapter
8 304, section 30.

9 Sections 31 and 32. Corrects a conflict created
10 by 3 substantively different provisions enacted with
11 same subsection designation.

12 Section 33. Corrects a statutory reference.

13 Section 34. Replaces a wrong word with the cor-
14 rect one.

15 Section 35. Corrects an internal cross refer-
16 ence.

17 Section 36. Corrects format error resulting
18 from enactment of Public Law 1985, chapter 247, sec-
19 tion 2, and chapter 495, section 7.

20 Section 37. Incorporates changes made by Public
21 Law 1985, chapter 247, section 2, and chapter 414,
22 section 3.

23 Section 38. The provisions of Public Law 1983,
24 chapter 806, section 87 are included in the Maine Re-
25 vised Statutes, Title 20-A, section 11804-A as en-
26 acted by Public Law 1983, chapter 862, section 67.

27 Section 39. The provisions from Public Law
28 1983, chapter 422, section 22, are included in the
29 Maine Revised Statutes, Title 20-A, section 11804-A
30 as enacted by Public Law 1983, chapter 862, section
31 67.

32 Section 40. Incorporates changes made by Public
33 Law 1985, chapter 463, section 2, and chapter 487,
34 section 4.

35 Section 41. Provides correct reference to the

1 elections laws, now Maine Revised Statutes, Title
2 21-A.

3 Section 42. Incorporates changes made by Public
4 Law 1985, chapter 248, section 6, and chapter 469.

5 Section 43. Repeals provisions in Maine Revised
6 Statutes, Title 21 which was replaced by the Maine
7 Revised Statutes, Title 21-A by Public Law 1985,
8 chapter 161.

9 Section 44. Incorporates into the Maine Revised
10 Statutes, Title 21-A changes made to House of Repre-
11 sentatives districts by Public Law 1985, chapter 116,
12 and chapter 425.

13 Section 45. Incorporates changes made by Public
14 Law 1983, chapter 722, and chapter 812, section 115.

15 Section 46. Incorporates changes made in Public
16 Law 1985, chapter 418, section 7, and chapter 443,
17 section 1.

18 Sections 47, 48, 49 and 50. These sections
19 clarify provisions whereby 4 substantially different
20 chapters of the Maine Revised Statutes were enacted
21 using the same section numbers.

22 Sections 51, 52 and 53. Corrects inconsisten-
23 cies enacted by Public Law 1983, chapter 730, and
24 chapter 812.

25 Section 54. Corrects conflict between Public
26 Law 1983, chapter 730, section 6 and chapter 812,
27 section 130.

28 Section 55. Resolves a conflict between Public
29 Law 1985, chapter 185, section 4, and chapter 193,
30 using the law earlier enacted which actually defines
31 "profession review committee."

32 Section 56. This section reallocates a statuto-
33 ry provision which was inadvertently enacted in the
34 wrong Title.

35 Section 57. Corrects a numbering error.

1 Section 58. Removes a conflict between Public
2 Law 1985, chapter 497, section 8, and chapter 506,
3 Part B, section 23.

4 Section 59. Incorporates changes made by Public
5 Law 1985, chapter 497, section 9, and chapter 506,
6 Pt. B, section 24.

7 Section 60. Incorporates changes made by Public
8 Law 1985, chapter 6; chapter 496, section 11; and
9 chapter 506, Part B, section 26.

10 Section 61. Incorporates changes made by Public
11 Law 1985, chapter 506, Part B, section 27.

12 Section 62. Incorporates a technical difference
13 made by Public Law 1985, chapter 497, section 13, and
14 chapter 506, Part B, section 28.

15 Section 63. Incorporates minor style change
16 from Public Law 1985, chapter 497, section 16 which
17 was not made by Public Law 1985, chapter 506, Part B,
18 section 31.

19 Section 64. Incorporates a technical difference
20 between Public Law 1985, chapter 497, section 17, and
21 chapter 506, Part B, section 32.

22 Section 65. Incorporates a technical difference
23 between Public Law 1985, chapter 497, section 18, and
24 chapter 506, Part B, section 33.

25 Section 66. Incorporates changes made by Public
26 Law 1983, chapter 13, section 4, and chapter 305,
27 section 3.

28 Section 67. Incorporates a change made by Pub-
29 lic Law 1985, chapter 348, section 6

30 Section 68. Incorporates a necessary reference
31 in Public Law 1985, chapter 147, section 1.

32 Section 69. Incorporates changes made by Public
33 Law 1985, chapter 306, and chapter 435, sections 2 to
34 4.

35 Section 70. Incorporates changes made by Public

1 Law 1985, chapter 85, and chapter 402, section 3.

2 Sections 71 and 72. These sections correct an
3 inconsistency caused by 2 substantively different
4 provisions having the same subsection designation.

5 Sections 73 and 74. Corrects an error whereby 2
6 substantively different provisions were given the
7 same section number.

8 Sections 75 and 76. Reconciles 3 substantially
9 different sections all with same section number.

10 Section 77. Incorporates changes made by Public
11 Law 1985, chapter 405, and chapter 429, section 15

12 Section 78. Incorporates changes made by Public
13 Law 1985, chapter 265, and chapter 401.

14 Section 79. Incorporates changes made by Public
15 Law 1985, chapter 401, section 11.

16 Section 80. Incorporates changes made by Public
17 Law 1985, chapter 262, section 4.

18 Section 81. Incorporates changes made by Public
19 Law 1985, chapter 429, and chapter 26.

20 Sections 82, 82-A and 82-B. These sections cor-
21 rect inconsistencies where the budget committees of 3
22 different counties were given the same chapter and
23 section designation to the Maine Revised Statutes.

24 Section 83. Incorporates changes made by Public
25 Law 1985, chapter 59, and chapter 266.

26 Section 84. Incorporates changes made by Public
27 Law 1985, chapter 481, Part A, section 71, and Part
28 C, section 3.

29 Section 85. Incorporates necessary subchapter
30 designations.

31 Section 86. Reconciles changes made in Public
32 Law 1985, chapter 241, section 1, and chapter 481,
33 Part C, section 12.

1 Section 87. Incorporates changes made in Public
2 Law 1985, chapter 433, section 5, and chapter 481,
3 Part C, section 14.

4 Sections 88, 89, 90, 91, 92 and 93. These sec-
5 tions correct conflicts created by duplicative sub-
6 section number designations.

7 Section 94. Incorporates changes made by Public
8 Law 1985, chapter 411, section 1, and chapter 447,
9 section 1.

10 Section 95. Incorporates changes made by Public
11 Law 1985, chapter 75, and chapter 295, section 55.

12 Section 96. Incorporates changes to the estab-
13 lishment of the Maine Blueberry Commission in light
14 of the Maine Revised Statutes, Title 5, chapter 379.

15 Section 97. Corrects an internal reference to
16 the Maine Revised Statutes.

17 Section 98. Repeals a provision which is now
18 codified as the Maine Revised Statutes, Title 37-B,
19 section 954, subsection 1.

20 Section 99. Repeals a provision which was
21 reallocated to be the Maine Revised Statutes, Title
22 37-B, section 954, subsection 5.

23 Section 100. Repeals a provision amended by
24 Public Law 1983, chapter 812, section 282, which was
25 reallocated as amended by Public Law 1983, chapter
26 816, Part B, section 9.

27 Section 101. Includes a necessary reference
28 made in Public Law 1983, chapter 812, section 287,
29 but not in chapter 816, Part B, section 19.

30 Section 102. Corrects a reference to compensa-
31 tion of the the Radiological Emergency Preparedness
32 Committee which was provided in Public Law 1983,
33 chapter 812, section 284, but which was not included
34 when this provision was allocated by Public Law 1983,
35 chapter 816, Part B, section 13.

36 Section 103. Incorporates necessary subchapter

1 designation.

2 Section 105. Clarifies the reference to the
3 legislative body of the municipality in which a haz-
4 ardous waste is to be located.

5 Section 106. Corrects an internal reference.

6 Section 107. Incorporates changes made by Pub-
7 lic Law 1985, chapter 522, section 1, and chapter
8 524.

9 Section 108. Incorporates changes made by Pub-
10 lic Law 1983, chapter 402, and chapter 554.

11 Section 109. This corrects an erroneous cross
12 reference to a statutory provision.

13 Section 110. Incorporates changes made by Pub-
14 lic Law 1985, chapter 63, Part G, and chapter 65,
15 section 2.

16 Section 111. Incorporates changes made by Pub-
17 lic Law 1985, chapter 65, section 3, and chapter 372,
18 Part A, section 30.

19 Sections 112, 113 and 114. Corrects the amend-
20 ing clause from the errors bill from the First Regu-
21 lar Session of the 112th Legislature.

22 PART B

23 Part B makes changes in the legislative staff of-
24 fices to implement changes already adopted by the
25 Legislative Council pursuant to its reorganization of
26 those offices.

27

6938032486