

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 (New Draft of S.P. 905, L.D. 2272)
3 SECOND REGULAR SESSION
4

5 ONE HUNDRED AND TWELFTH LEGISLATURE
6

7 Legislative Document

No. 2405

9 S.P. 965

In Senate, April 16, 1986

10 Reported by Sen. Chalmers of Knox from the Committee on Judiciary
11 and printed under Joint Rule 2. Original bill sponsored by Senator Carpenter
of Aroostook. Cosponsored by Representative Kane of So. Portland.

12 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 inconsi-
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 "Pertica quadrifaria" shall be designated as the
2 official fossil of the State of Maine.

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

4 §217. State cat

5 The state cat shall be the Maine coon cat.

6 Sec. 5. 2 MRSA §6-A, sub-§1-A, as reallocated by
7 PL 1983, c. 862, §1, is repealed and the following
8 enacted in its place:

9 1-A. Commission members. The salary of members
10 of the commission shall be \$46,800.

11 Sec. 6. 2 MRSA §6-A, sub-§2, as amended by PL
12 1983, c. 863, Pt. B, §§2, 45, is repealed.

13 Sec. 7. 3 MRSA §2-A, sub-§1, as amended by PL
14 1983, c. 812, §2, and c. 853, Pt. D, §1, is repealed
15 and the following enacted in its place

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

29 All members shall be appointed for terms to coincide
30 with the legislative biennium. Vacancies shall be
31 filled in the same manner as the original appoint-
32 ments, for the balance of the unexpired term.

33 The commission may request staff support from the
34 Legislative Council.

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

1 Sec. 8. 3 MRSA §317, sub-§2, as repealed and re-
2 placed by PL 1979, c. 632, §2, is amended to read:

3 2. Annual report. By no later than 30 days On or
4 before January 30th following the end of the year in
5 which any person lobbied pursuant to section 313, the
6 lobbyist and his employer shall file with the Secre-
7 tary of State a joint report which shall contain the
8 information required in subsection 1, except that the
9 report shall summarize all lobbying activities for
10 the calendar year and report in detail only those
11 legislative actions not previously reported, as re-
12 quired by subsection 1, paragraphs H and I.

13 The reports required by subsection 1 shall be signed
14 by the lobbyist. The reports required by this subsec-
15 tion shall be signed by both the lobbyist and employ-
16 er.

17 If the date any report required by this section is
18 due falls on a day other than a regular business day,
19 the report shall be due on the first regular business
20 day next following the due date.

21 Sec. 9. 3 MRSA §507-B, sub-§7, as enacted by PL
22 1985, c. 309, §2, and c. 481, Pt. A, §3, is repealed
23 and the following enacted in its place

24 7. Agencies scheduled for termination on June
25 30, 1985. The following agencies scheduled for termi-
26 nation on June 30, 1985, pursuant to section 507,
27 subsection 6, paragraph B, shall continue, but shall
28 terminate, not including the grace period, no later
29 than June 30, 1989, unless continued or modified by
30 law:

31 A. Advisory Commission on Radioactive Waste.

32 Sec. 10. 3 MRSA §507-B, sub-§8, as enacted by PL
33 1985, c. 481, Pt. A, §3, is repealed and the follow-
34 ing enacted in its place:

35 8. Agencies scheduled for termination on June
36 30, 1985. The following agencies and those scheduled
37 for termination on June 30, 1985, pursuant to section
38 507, subsection 6, paragraph B, shall continue, but
39 shall terminate, not including the grace period, no

1 later than June 30, 1986, unless continued or modi-
2 fied by law:

3 A. Maine Sardine Council;

4 B. Atlantic States Marine Fisheries Commission;

5 C. Board of Directors, Maine Municipal and Rural
6 Electrification Cooperative Agency;

7 D. State Energy Resource Advisory Board;

8 E. Lobster Advisory Council;

9 F. Board of Environmental Protection; and

10 G. State Board of Examiners of Psychologists.

11 Sec. 11. 3 MRSA §507-B, sub-§9 is enacted to
12 read:

13 9. Agencies scheduled for termination on June
14 30, 1985. Pursuant to section 507, subsection 6,
15 paragraph B, the following agencies scheduled for
16 termination on June 30, 1985, are continued or modi-
17 fied by an Act of the Legislature passed prior to
18 June 30, 1985:

19 A. Public Utilities Commission;

20 B. State Development Office;

21 C. Office of Energy Resources;

22 D. Maine Development Foundation;

23 E. Saco River Corridor Commission;

24 F. State Soil and Water Conservation Commission;
25 and

26 G. Atlantic Sea Run Salmon Commission.

27 Sec. 12. 4 MRSA §161, as amended by PL 1981, c.
28 456, Pt. A, §128, is further amended to read:

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

1 The Chief Judge of the District Court may autho-
2 rize any attorney-at-law, who is duly licensed to
3 practice law in the State of Maine and who is also a
4 notary public, to receive complaints and to issue
5 process for the arrest of persons charged with of-
6 fenses, to issue search warrants and to endorse cer-
7 tificates of commitment of the mentally ill, all in
8 accordance with law, and to perform all other such
9 acts and duties that are or may be authorized by law.
10 ~~Such That~~ attorney shall be known as a complaint jus-
11 tice.

12 Any complaint so received or process so issued
13 shall be in his capacity as a notary public.

14 ~~Such complaint justice shall be authorized to act~~
15 ~~only in the district of his residence, except when~~
16 ~~specifically directed to act in another and different~~
17 ~~district by the Chief Judge of the District Court.~~

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

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

23 Sec. 13. 4 MRSA §1051, as amended by PL 1985, c.
24 50, and c. 114, §1, is repealed and the following en-
25 acted in its place:

26 §1051. Legal holidays

27 No court may be held on Sunday or any day desig-
28 nated for the annual Thanksgiving; New Year's Day,
29 January 1st; Washington's Birthday, the 3rd Monday in
30 February; Patriot's Day, the 3rd Monday in April; Me-
31 memorial Day, the last Monday in May, but if the United
32 States Government designates May 30th as the date for
33 observance of Memorial Day, the 30th of May; the 4th
34 of July; Labor Day, the first Monday of September;
35 Columbus Day, the 2nd Monday in October; Veterans'
36 Day, November 11th; or on Christmas Day. The Chief
37 Justice of the Supreme Judicial Court may order that
38 court be held on a legal holiday when he finds that
39 the interests of justice and judicial economy in any
40 particular case will be served. The public offices in

1 county buildings may be closed to business on the
2 holidays set out in this section. When any one of the
3 holidays set out this section falls on Sunday, the
4 Monday following shall be observed as a holiday, with
5 all the privileges applying to any of the days set
6 out in this section.

7 Sec. 14. 5 MRSA c. 1, sub-c. II, as enacted by
8 PL 1985, c. 378, §2, is repealed.

9 Sec. 15. 5 MRSA c. 1, sub-c. II is enacted to
10 read:

11 SUBCHAPTER II

12 STATE EMPLOYEES AND STATE PROPERTY

13 §20. Definitions

14 As used in this subchapter, unless the context
15 otherwise indicates, the following terms have the
16 following meanings.

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

20 2. State property. "State property" means per-
21 sonal property, including, but not limited to, fur-
22 nishings, supplies and equipment which are owned or
23 leased by or in the control of the State or any de-
24 partment or agency of the State or independent state
25 agency.

26 §20-A Acquisition of state property

27 No employee of this State may take state property
28 for personal use or for the use of others off the
29 premises of the State. Within 3 months of leaving
30 office or employment with the State, an employee of
31 this State, in accordance with rules adopted by the
32 Commissioner of Finance and Administration and this
33 chapter, may purchase, at fair market value, state
34 property that was assigned to the employee or state
35 property of which the employee was the principal user
36 at the time of his employment. The commissioner, by
37 rule, shall determine state property that may be of-

1 ferred for sale under this chapter. No state property
2 may be offered for sale under this chapter until the
3 commissioner determines that the property is eligible
4 for sale and that no state agency has any need of or
5 use for the property. Nothing in this section may be
6 interpreted to prohibit an employee of this State or
7 any other person from purchasing state property at
8 fair market value in accordance with this chapter, as
9 a gift to an employee of this State upon his retire-
10 ment or leaving office.

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

14 Sec. 16. 5 MRSA §1742, sub-§20, ¶F, as amended
15 by PL 1985, c. 457, §4, and c. 501, Pt. B, §15, is
16 repealed and the following enacted in its place:

17 F. To levy charges, according to a rate sched-
18 ule approved by the Commissioner of Finance and
19 Administration, against all units utilizing tele-
20 communications services;

21 Sec. 17. 5 MRSA §8052, sub-§2, ¶B, as enacted by
22 PL 1981, c. 524, §2, is amended to read:

23 B. In the case of a rule authorized to be
24 adopted by a single agency member, either the
25 agency member or a person in a major
26 policy-influencing position, as listed in ~~section~~
27 ~~71~~ chapter 71, who has a policy-making responsi-
28 bility over the subject matter to be discussed at
29 the hearing, shall hold and conduct the hearing.

30 Sec. 18. 5 MRSA §12004, sub-§10, ¶A, sub-¶(80)
31 as enacted by PL 1985, c. 295, §19, and c. 372, Pt.
32 A, §4, is repealed and the following enacted in its
33 place:

34	<u>(80) Workers'</u>	<u>Employment Rehab-</u>	<u>Expenses</u>	<u>39 MRSA</u>
35	<u>Compensation</u>	<u>ilitation Advis-</u>	<u>only</u>	
36		<u>ory Board</u>		

37 Sec. 19. 5 MRSA §12004, sub-§10, ¶A, sub-¶(80-A)
38 is enacted to read:

1 (80-A) Transpor- Maine Highway Expenses 25 MRSA §2902
2 tation: Safety Committee Only
3 Highway

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

7 §8001. Department; agencies within department

8 There is created and established the Department
9 of Business, Occupational and Professional Regula-
10 tion, in this chapter referred to as the "depart-
11 ment," to regulate financial institutions, insurance
12 companies, commercial sports, grantors of consumer
13 credit and to license and regulate professions and
14 occupations. The department shall be composed of the
15 following bureaus, boards and commissions:

16 Banking, Bureau of;

17 Consumer Credit Protection, Bureau of;

18 Insurance, Bureau of;

19 Athletic Commission, Maine;

20 Penobscot Bay and River Pilotage Commission;

21 Real Estate Commission;

22 Running Horse Racing Commission, State;

23 Arborist Examining Board;

24 Auctioneers Advisory Board;

25 Commercial Driver Education, Board of;

26 Dietetic Practice, Board of Registration of;

27 Electricians' Examining Board;

28 Foresters, State Board of Registration for Pro-
29 fessional;

30 Funeral Service, State Board of;

1 Geologists and Soil Scientists, State Board of
2 Certification for;
3 Hearing Aid Dealers and Fitters, Board of;
4 Manufactured Housing Board;
5 Nursing Home Administrators Licensing Board;
6 Occupational Therapy Practice, Board of;
7 Oil and Solid Fuel Board;
8 Physical Therapy, Board of Examiners in;
9 Plumbers' Examining Board;
10 Psychologists, State Board of Examiners of;
11 Respiratory Care Practitioners, Board of;
12 Social Worker Registration, State Board of;
13 Speech Pathology and Audiology, Board of Examin-
14 ers on; and .
15 Substance Abuse Counselors, Board of Registration
16 of.

17 Sec. 21. 12 MRSA §684, first ¶, as amended by PL
18 1983, c. 812, §76, is further amended to read:

19 The commission shall elect annually, from its own
20 membership, a secretary and such other officers it
21 deems necessary. ~~The Commissioner of Conservation~~
22 ~~shall be chairman of the commission.~~ Meetings shall
23 be held at the call of the chairman or at the call of
24 more than 1/2 of the membership. ~~Such~~ These public
25 meetings shall be held at least once a month. The
26 commission, acting in accordance with the procedures
27 set forth in Title 5, chapter 375, subchapter II, may
28 adopt whatever rules it deems necessary for the con-
29 duct of its business. The secretary shall keep min-
30 utes of all proceedings of the commission, which min-
31 utes shall be a public record available and on file
32 in the office of the commission. Members of the com-
33 mission, except state employees, shall be compensated

1 as provided in Title 5, chapter 379. A quorum of
2 the commission for the transaction of business shall
3 be 4 members. No action may be taken by the commis-
4 sion unless upon approval by a vote of 4 members.

5 Sec. 22. 12 MRSA §4811, as amended by PL 1985,
6 c. 60 and as repealed by PL 1985, c. 481, Pt. A, §23,
7 is repealed.

8 Sec. 23. 12 MRSA §4812-C, as reallocated by PL
9 1985, c. 481, Pt. A, §29, and as amended by PL 1985,
10 c. 488, §2, is repealed.

11 Sec. 24. 12 MRSA §4815, as amended by PL 1985,
12 c. 206, §1, and as reallocated by PL 1985, c. 481,
13 Pt. A, §32, is repealed.

14 Sec. 25. 12 MRSA §5103, as repealed and replaced
15 by PL 1985, c. 488, §7, is repealed and the follow-
16 ing enacted in its place:

17 §5103. Reports

18 The commissioner shall prepare a series of re-
19 ports which provide:

20 1. Current and projected needs. An assessment
21 of current and projected supply and demand for forest
22 and related resources in the State.

23 A. Based on these projections, the assessment
24 shall include goals for the supply of forest re-
25 sources, including, but not limited to, timber,
26 fiber, recreation, water and wildlife.

27 B. The assessment shall be prepared on a 10-year
28 cycle with the first report due no later than
29 January 1, 1988, and subsequent reports to coin-
30 cide with the availability of inventory data from
31 the decennial United States Forest Service survey
32 of the State.

33 C. The United States Forest Service has con-
34 ducted several decennial forest surveys in this
35 State. The Department of Conservation is further
36 directed to supplement these surveys with
37 mid-cycle forest inventories in order to more ac-

1 curately assess the changes and trends occurring
2 in forests of this State. Initial emphasis
3 should be given to a mid-cycle survey in the
4 spruce-fir resource. The director shall deline-
5 ate the area of the forest resource for which up-
6 dated inventory information is critically needed
7 and shall be responsible for the conduct of the
8 inventories;

9 2. Recommendations. Recommendations for state
10 and private actions designed to address the needs
11 identified in the assessment.

12 A. State action recommendations shall be defined
13 in terms of necessary policies, programs, staff
14 and budgetary requirements to achieve specific
15 goals.

16 B. Recommendations for actions on privately held
17 forest lands shall be developed separately for
18 large, industrial ownerships and small, nonindus-
19 trial ownerships. These recommendations shall be
20 defined in terms of actions needed to achieve
21 specific goals.

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

25 3. Annual progress report. An annual progress
26 report on implementation of the program and its rec-
27 ommendations along with recommendations for adminis-
28 trative or legislative actions needed during the cur-
29 rent 5-year cycle. The progress report shall be due
30 on January 1st.

31 The commissioner shall obtain meaningful public
32 input during the preparation of these reports by
33 means of public hearings and other methods as appro-
34 priate. All reports prepared under this section
35 shall be submitted for review to the joint standing
36 committee of the Legislature having jurisdiction over
37 natural resources by the dates specified in this sec-
38 tion.

39 Sec. 26. 12 M RSA §6451, sub-§1, as amended by PL
40 1985, c. 237, §1, and c. 353, §1, is repealed and
41 the following enacted in its place:

1 1. Allocation of license fees. Ten dollars of
2 each \$33 fee and \$5 of each \$13 fee for each lobster
3 and crab fishing license shall be allocated to the
4 Lobster Fund, which shall be used for the purposes of
5 lobster biology research, of propagation of lobsters
6 by liberating seed and female lobsters in Maine
7 coastal waters and of establishing and supporting
8 lobster hatcheries.

9 Sec. 27. 12 MRSA §6671, sub-§3, as amended by PL
10 1985, c. 48, §1, and c. 259, is repealed and the fol-
11 lowing enacted in its place:

12 3. Shellfish conservation ordinance. Within any
13 area of the municipality, a shellfish conservation
14 ordinance may regulate or prohibit the possession of
15 shellfish; may fix the amount of shellfish that may
16 be taken; shall limit the size of soft-shell clams in
17 accordance with subchapter I, article 5; may fix the
18 qualifications for a license, including municipal
19 residency; may fix license fees; and may authorize
20 the municipal officers to open and close flats under
21 specified conditions. A program or ordinance shall
22 not regulate areas closed by regulation of the com-
23 missioner. An ordinance may also provide for enforce-
24 ment, protection and evaluation of a green crab fenc-
25 ing program. No municipal commercial license may be
26 issued unless the applicant has a current shellfish
27 license, as provided in section 6601. The municipali-
28 ty shall provide and reserve a minimum number of com-
29 mercial licenses for nonresidents which shall be a
30 number not less than 10% of the number provided for
31 residents. When the number of resident licenses is
32 less than 10 but more than 5, at least one nonresi-
33 dent license shall be provided. When the number of
34 resident licenses is 5 or less, nonresident licenses
35 shall not be required. The fee for a nonresident li-
36 cence shall be not more than 10 times the fee for a
37 resident license, provided that in no case may the
38 fee for a nonresident license exceed \$150. Notice of
39 the number and the procedure for application shall be
40 published in a trade or industry publication, or in a
41 newspaper or combination of newspapers with general
42 circulation, which the municipal officers consider
43 effective in reaching persons affected, not less than
44 10 days prior to the period of issuance and shall be

1 posted in the municipal offices until the period con-
2 cludes. The period of issuance for resident and non-
3 resident licenses shall be the same. Subsequent to
4 that period, the municipality shall make any resident
5 or nonresident licenses not granted during the period
6 available to residents or nonresidents.

7 Sec. 28. 12 MRSA §6671, sub-§9, as amended by PL
8 1983, c. 838, §5, is further amended to read:

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

17 Sec. 29. 12 MRSA §6681, sub-§6, as repealed and
18 replaced by PL 1985, c. 9, is amended to read:

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

24 Sec. 30. 12 MRSA §7854, sub-§7, ¶A, as amended
25 by PL 1985, c. 301, §2, and as repealed and replaced
26 by PL 1985, c. 304, §24, is repealed and the follow-
27 ing enacted in its place:

28 A. Whoever transfers the ownership or discontin-
29 ues the use of a registered all-terrain vehicle
30 shall, within 10 days, properly sign the regis-
31 tration certificate, indicating the disposition
32 of the all-terrain vehicle, and return the cer-
33 tificate to the commissioner. Except as provided
34 in paragraph B, the registration number plate
35 shall be returned with the certificate.

36 Sec. 31. 12 MRSA §7901, sub-§5, as repealed and
37 replaced by PL 1985, c. 177, §3, and c. 304, §30, is
38 repealed and the following enacted in its place:

1 5. Habitual violators. Whenever a violation of
2 any prohibited act in chapters 701 to 721 is commit-
3 ted by an habitual violator, as defined in section
4 7001, subsection 13-A, the penalty for that violation
5 shall be a fine of not less than \$500 and a term of
6 imprisonment of not less than 3 days. This fine and
7 imprisonment are not to be suspended.

8 Sec. 32. 12 MRSA §7901, sub-§8, as enacted by PL
9 1985, c. 95, §2; c. 145; and c. 177, §4, is repealed
10 and the following enacted in its place:

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

18 Sec. 33. 12 MRSA §7901, sub-§§9 and 10 are en-
19 acted to read:

20 9. Violation of section 7371, subsection 3. A
21 violation of section 7371, subsection 3, as it ap-
22 plies to section 7203, subsection 1, in addition to
23 being a Class E crime is a civil violation for which
24 a forfeiture of not less than \$1,000 nor more than
25 \$10,000 may be adjudged.

26 10. Excise tax decal. A violation of section
27 7801, subsection 28, is not a crime.

28 Sec. 34. 13-B MRSA §201, sub-§3, as amended by
29 PL 1981, c. 698, §85, is further amended to read:

30 3. Corporations which may elect to be organized
31 under this chapter. The following types of corpora-
32 tions may elect to be organized under and governed by
33 applicable provisions of this chapter or under any
34 other applicable statutory provisions:

35 B. Proprietors of lands and wharves, as that
36 term is used in Title 13, ~~section 2691 et seq~~
37 chapter 91;

1 C. Fraternal beneficiary associations, as that
2 term is used in Title 24-A, ~~section 4101 et seq~~
3 chapter 55;

4 D. Cemetery corporations which do not issue
5 shares, as that term is used in Title 13, ~~section~~
6 ~~1031 et seq~~ chapter 83;

7 E. County and local agricultural societies, as
8 that term is used in Title 7, ~~section 61 et seq~~
9 chapter 3; and

10 F. Local development corporations, as that term
11 is used in Title 10, ~~section 671; et seq-~~ chapter
12 102; and

13 G. Volunteer fire associations, as that term is
14 used in Title 30, chapter 228.

15 If any of the foregoing corporations are organized
16 under applicable provisions of this Act, they shall
17 be governed by the provisions of this chapter unless
18 clearly inapplicable; provided further that if any of
19 the foregoing corporations files a biennial report
20 pursuant to section 1301 of this Act, the filing of
21 the report shall be deemed an election by that corpo-
22 ration to be governed by all of the provisions of
23 this chapter unless clearly inapplicable.

24 Sec. 35. 14 MRSA §1503-D, as enacted by PL 1985,
25 c. 384, §4, is reallocated to be 14 MRSA §1502-D.

26 Sec. 36. 15 MRSA §3203-A, sub-§5, as enacted by
27 PL 1985, c. 439, §9, is amended to read:

28 5. Detention hearing. Upon petition by a juve-
29 nile caseworker, the Juvenile Court shall ~~renew~~
30 review the decision to detain a juvenile.

31 A. A detention hearing shall precede and shall
32 be separate from a bind-over or adjudicatory
33 hearing.

34 B. Following a detention hearing, a court shall
35 order a juvenile's release, in accordance with
36 subsection 4, unless it finds, by a preponderance
37 of the evidence, that continued detention is nec-

1 essary to meet one of the purposes of detention
2 provided in that subsection. The Juvenile Court
3 shall ensure, by appropriate order, that any such
4 continued detention is otherwise in accordance
5 with the requirements of subsection 4.

6 C. No continued detention may be ordered unless
7 the Juvenile Court shall determine that there is
8 probable cause to believe that the juvenile has
9 committed a juvenile crime. That determination
10 shall be made on the basis of evidence, including
11 reliable hearsay evidence, presented in testimony
12 or affidavits.

13 Sec. 37. 15 MRSA §3301, sub-§7, as amended by PL
14 1985, c. 439, §11, is further amended to read:

15 7. Nonapplication of section. The provisions of
16 this section do not apply to a juvenile charged with
17 the juvenile crime defined in section 3103, subsec-
18 tion 1, paragraph F, and a petition may be filed
19 without recommendation by a juvenile caseworker. The
20 provisions of section ~~3203~~ 3203-A apply in the case
21 of a juvenile charged with the juvenile crime defined
22 in section 3103, subsection 1, paragraph F.

23 Sec. 38. 17 MRSA §2003-A, sub-§4 is enacted to
24 read:

25 4. Violation. Violation of this section is a
26 Class E crime.

27 Sec. 39. 17-A MRSA §15, sub-§1, ¶A, as repealed
28 and replaced by PL 1983, c. 862, §47, is amended to
29 read:

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

- 32 (1) Murder;
- 33 (2) Any Class A, Class B or Class C crime;
- 34 (3) Assault while hunting;
- 35 (4) Any offense defined in chapter 45;

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

4 (5-A) Assault, criminal threatening,
5 terrorizing or reckless conduct, if the of-
6 ficer reasonably believes that the person
7 and the victim are family or household mem-
8 bers, as defined in Title 15, section 301
9 321;

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

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

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

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

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

28 Sec. 40. 17-A MRSA §253, sub-§2, ¶¶E and F, as
29 amended by PL 1985, c. 247, §2, and c. 495, §7, are
30 repealed and the following enacted in their place:

31 E. The other person, not his spouse, is in offi-
32 cial custody as a probationer or a parolee, or is
33 detained in a hospital, prison or other institu-
34 tion, and the actor has supervisory or disciplin-
35 ary authority over that other person;

36 F. The other person, not his spouse, has not in
37 fact attained his 18th birthday and is a student
38 enrolled in a private or public elementary, sec-

1 ondary or special education school, facility or
2 institution and the actor is a teacher, employee
3 or other official having instructional, supervi-
4 sory or disciplinary authority over the student;
5 or

6 Sec. 41. 20-A MRSA §11804, sub-§3, as amended by
7 PL 1983, c. 806, §87, is repealed.

8 Sec. 42. 20-A MRSA §11804, sub-§4, as enacted by
9 PL 1983, c. 422, §22, is repealed.

10 Sec. 43. 20-A MRSA §11804-A, sub-§2, as amended
11 by PL 1985, c. 455, §§5 and 11, is further amended to
12 read:

13 2. Forgiveness. Any student who, upon the con-
14 clusion of his or her professional education, includ-
15 ing, if applicable, internship, residency,
16 fellowship, obligated public health service and obli-
17 gated national service, elects to serve as a practi-
18 tioner of allopathic medicine, dentistry, optometry
19 or veterinary medicine in a designated, underserved
20 area in the State shall be forgiven 25% of the out-
21 standing indebtedness for each year of that practice.

22 Sec. 44. 20-A MRSA §15603, sub-§22, ¶C, as
23 amended by PL 1985, c. 463, §2, and c. 487, §4, is
24 repealed and the following enacted in its place:

25 C. The cost of programs for gifted and talented
26 students which have been approved by the commis-
27 sioner. Federal and state grants used for gifted
28 and talented programs approved by the commis-
29 ioner may be included as allowable costs under this
30 program; and

31 Sec. 45. 20-A MRSA §15904, sub-§1, as amended by
32 PL 1985, c. 161, §4, and c. 248, §4, is repealed and
33 the following enacted in its place:

34 1. Councils and town meetings. In a municipali-
35 ty where the responsibility for final adoption of the
36 school budget is vested in a municipal council by mu-
37 nicipal charter or in a town meeting, the vote shall
38 be by referendum in accordance with the appropriate
39 provisions set forth in Title 21-A and Title 30.

1 Sec. 46. 20-A MRSA §15905, sub-§1, ¶A, as
2 amended by PL 1985, c. 248, §6, and c. 469, is re-
3 pealed and the following enacted in its place:

4 A. The state board may approve projects so long
5 as no project approval will cause debt service
6 costs, as defined in section 15603, subsection 8,
7 paragraphs A and D, to exceed \$35,000,000 in a
8 subsequent fiscal year. The state board may in-
9 crease the limit by 10% to take into account in-
10 creased requests for projects deemed necessary by
11 the state board because of the unusually heavy
12 local demand for high priority school construc-
13 tion. This paragraph shall take effect on July
14 1, 1986.

15 Sec. 47. 22 MRSA §307, sub-§2-A, as amended by
16 PL 1983, c. 722, and c. 812, §115, is repealed and
17 the following enacted in its place:

18 2-A. Certificate of Need Advisory Committee.
19 The Certificate of Need Advisory Committee, estab-
20 lished by Title 5, section 12004, subsection 10, and
21 created within the Department of Human Services,
22 shall participate with the department in the public
23 hearing process.

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

31 (1) Four members shall be appointed to
32 represent the following.

33 (a) One member shall represent the
34 hospitals.

35 (b) One member shall represent the
36 nursing home industry.

37 (c) One member shall represent major
38 3rd-party payors.

1 (d) One member shall represent physi-
2 cians.

3 In appointing these representatives, the
4 Governor shall consider recommendations made
5 by the Maine Hospital Association, the Maine
6 Health Care Association, the Maine Medical
7 Association, the Maine Osteopathic Associa-
8 tion and other representative organizations.

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

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

1 C. Vacancies among appointed members shall be
2 filled by appointment by the Governor for the un-
3 expired term. A vacancy in the office of the
4 chairman shall be filled by the Governor, who
5 shall designate a new chairman for the balance
6 of the member's term as chairman. The Governor
7 may remove any appointed member who becomes dis-
8 qualified by virtue of the requirements of para-
9 graph A, or for neglect of any duty required by
10 law, or for incompetency or dishonorable conduct.

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

13 E. Five members of the committee shall consti-
14 tute a quorum. Actions of the committee shall be
15 by majority vote.

16 Sec. 48. 22 MRSA §307, sub-§3, as amended by PL
17 1985, c. 418, §7, and as enacted by PL 1985, c. 443,
18 §1, is repealed and the following enacted in its
19 place:

20 3. Reviews. To the extent practicable, a review
21 shall be completed and the department shall make its
22 decision within 90 days after the date of notifica-
23 tion under subsection 1. The department shall estab-
24 lish criteria for determining when it is not practi-
25 cable to complete a review within 90 days. Whenever
26 it is not practicable to complete a review within 90
27 days, the department may extend the review period up
28 to an additional 60 days.

29 Any review period may be extended with the written
30 consent of the applicant. The request to extend the
31 review period may be initiated by the applicant or
32 the department. If the request is initiated by the
33 department, it shall not be effective unless con-
34 sented to by the applicant in writing. If the re-
35 quest is initiated by the applicant, the department
36 shall agree to the requested extension if it deter-
37 mines that the request is for good cause. The de-
38 partment shall acknowledge the extension of the re-
39 view period in writing.

40 Sec. 49. 22 MRSA c. 265-A is enacted to read:

1 CHAPTER 265-A

2 SMOKING IN RETAIL STORES

3 §1621. Definitions

4 As used in this chapter, unless the context oth-
5 erwise indicates, the following terms have the fol-
6 lowing meanings.

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

10 §1622. Smoking to be prohibited in retail stores

11 1. Prohibition. Smoking is prohibited in all
12 sections of retail stores, except as provided in sub-
13 section 2.

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

26 §1623. Responsibility of proprietors, employers

27 1. Persons responsible. The person actually in
28 charge of the operation of the establishment is re-
29 sponsible for implementation of this chapter.

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

34 §1624. Civil violation

1 Failure of an individual to comply with section
2 1623 is a civil violation for which a forfeiture of
3 not more than \$50 may be adjudged.

4 Sec. 50. 22 MRSA c. 266-A is enacted to read:

5 CHAPTER 266-A

6 INFORMATION AND REFERRAL SERVICES

7 §1641. Parkinson's Syndrome

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

14 1. Information. To provide educational materi-
15 als to the medical community and other interested in-
16 dividuals relating to the nature and treatment of
17 Parkinson's Syndrome; and

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

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

23 B. Local or statewide support groups for
24 Parkinson's Syndrome victims or their families
25 and friends.

26 Sec. 51. 22 MRSA c. 269-A, as enacted by PL
27 1985, c. 115, is repealed.

28 Sec. 52. 22 MRSA c. 270, as enacted by PL 1985,
29 c. 102, and c. 351, is repealed and the following en-
30 acted in its place:

31 CHAPTER 270

32 SHOPPING CENTERS

33 §1671. 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. Shopping center. "Shopping center" means any
5 building or facility containing 6 or more separate
6 retail establishments which are planned, developed,
7 owned or managed as a unit, with an off-street public
8 parking area of not less than 2 acres.

9 §1672. Public rest room facilities required

10 In any building or facility constructed specifi-
11 cally as a shopping center after September 19, 1985,
12 there shall be installed a minimum of 2 toilets for
13 the use of the public. There shall be at least one
14 separate toilet for each sex and the toilets provided
15 shall be clearly marked, maintained in a sanitary
16 condition and in good repair. Lavatory facilities
17 shall be located within or immediately adjacent to
18 all toilet rooms or vestibules. There shall be no
19 charge for their use.

20 §1673. Rules

21 The Department of Human Services may adopt, in
22 accordance with the Maine Administrative Procedure
23 Act, Title 5, chapter 375, rules to administer this
24 chapter and thereby protect the public health.

25 §1674. Enforcement

26 This chapter shall be enforced by the Division of
27 Health Engineering. Anyone violating this chapter or
28 rules under this chapter commits a civil violation
29 for which a forfeiture of not more than \$200 may be
30 adjudged. Each date of violation shall be considered
31 a separate offense.

32 Sec. 53. 22 MRSA §3773, sub-§1, as repealed and
33 replaced by PL 1983, c. 730, §5 and as amended by PL
34 1983, c. 812, §128, is repealed and the following en-
35 acted in its place:

36 1. Committee established. The Maine Aid to Fami-
37 lies with Dependent Children Coordinating Committee
38 established by Title 5, section 12004, subsection 10,

1 shall consist of the Commissioner of Human Services,
2 the Commissioner of Labor and the Commissioner of Ed-
3 ucational and Cultural Services or their designees.

4 Sec. 54. 22 MRSA §3773, sub-§3, ¶C, as repealed
5 and replaced by PL 1983, c. 730, §5, is repealed and
6 the following enacted in its place:

7 C. Establishment of an advisory council, autho-
8 riized by Title 5, section 12004, subsection 10;

9 Sec. 55. 22 MRSA §3773, sub-§3, ¶G, as amended
10 by PL 1983, c. 730, §5, and c. 812, §129, is repealed
11 and the following enacted in its place:

12 G. Implementation of any other responsibilities
13 and duties, in accordance with any pertinent fed-
14 eral and state law, any additions thereto and any
15 regulations promulgated under that law.

16 Sec. 56. 22 MRSA §3774, sub-§1, as amended by PL
17 1983, c. 730, §6, and c. 812, §130, is repealed and
18 the following enacted in its place:

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

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

24 B. One representative of employers within the
25 State;

26 C. One representative of organized labor;

27 D. One member of the Maine Commission for Women;
28 and

29 E. One or more representatives of organizations
30 or agencies which have experience in addressing
31 the training, education and job needs of low-
32 income women.

33 Sec. 57. 24 MRSA §2511, as amended by PL 1985,
34 c. 185, §4, and c. 193, is repealed and the following
35 enacted in its place:

1 §2511. Immunity

2 Any person acting without malice, and any physi-
3 cian, health care provider, professional society, or
4 member of a professional competence committee or of
5 the board, in making any report or other information
6 available to the board or to a professional review
7 committee or a professional competence committee pur-
8 suant to law, or in assisting in the origination, in-
9 vestigation or preparation of such information, or in
10 assisting the board or a professional review commit-
11 tee or a professional competence committee in carry-
12 ing out any of its duties or functions provided by
13 law, shall be immune from civil or criminal liabili-
14 ty, except as provided in section 2510, subsection 4,
15 for any such actions.

16 Sec. 58. 24 MRSA §2902-A, as enacted by PL 1985,
17 c. 169, is reallocated to be 24-A MRSA §2902-B.

18 Sec. 59. 25 MRSA §2902, last ¶, as enacted by PL
19 1983, c. 489, §13, is amended to read:

20 Unless specified otherwise by statute, department
21 personnel shall be appointed subject to the Personnel
22 Law. Persons holding major policy-influencing posi-
23 tions under Title 5, section ~~711~~, ~~subsection 2~~, ~~para-~~
24 ~~graph A 948~~, shall be appointed by and serve at the
25 pleasure of the commissioner, except as otherwise
26 provided by law.

27 Sec. 60. 26 MRSA c. 6, first 2 lines are re-
28 pealed and the following enacted in their place:

29 CHAPTER 6

30 OCCUPATIONAL SAFETY RULES AND REGULATIONS BOARD

31 SUBCHAPTER I

32 GENERAL PROVISIONS

33 Sec. 61. 26 MRSA §1023, as amended by PL 1985,
34 c. 497, §8, and c. 506, Pt. B, §23, is repealed and
35 the following enacted in its place:

1 §1023. Right of university, academy or vocational-
2 technical institute employees to join labor
3 organizations

4 No one may directly or indirectly interfere with,
5 intimidate, restrain, coerce or discriminate against
6 university, academy or vocational-technical institute
7 employees or a group of university, academy or voc-
8 ational-technical institute employees in the free ex-
9 ercise of their rights, hereby given, voluntarily to
10 join, form and participate in the activities of orga-
11 nizations of their own choosing for the purposes of
12 representation and collective bargaining, or in the
13 free exercise of any other right under this chapter.

14 Sec. 62. 26 MRSA §1024-A, sub-§5, as amended by
15 PL 1985, c. 497, §9 and c. 506, Pt. B, §24, is re-
16 pealed and the following enacted in its place:

17 5. Additional bargaining units. Notwithstanding
18 subsection 1, 2 or 3, the Legislature recognizes that
19 additional or modified university system-wide units,
20 academy units or vocational-technical institute units
21 may be appropriate in the future. The employer or
22 employee organizations may petition the executive di-
23 rector for the establishment of additional or modi-
24 fied university system-wide units, academy units or
25 vocational-technical institute units. The executive
26 director or his designee shall determine the appro-
27 priateness of those petitions, taking into considera-
28 tion the community of interest and the declared leg-
29 islative intent to avoid fragmentation whenever pos-
30 sible and to insure employees the fullest freedom in
31 exercising the rights guaranteed by this chapter.
32 The executive director or his designee conducting
33 unit determination proceedings may administer oaths
34 and require by subpoena the attendance and testimony
35 of witnesses, the production of books, records and
36 other evidence relative or pertinent to the issues
37 represented to them.

38 Sec. 63. 26 MRSA §1026, sub-§1, ¶D, as amended
39 by PL 1985, c. 6; c. 497, §11; and c. 506, Pt. B.
40 §26, is repealed and the following enacted in its
41 place:

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

4 Sec. 64. 26 MRSA §1026, sub-§4, ¶C, as amended
5 by PL 1985, c. 497, §12, and c. 506, Pt. B, §27, is
6 repealed and the following enacted in its place:

7 C. In reaching a decision under this section,
8 the arbitrators shall consider the following fac-
9 tors:

10 (1) The interests and welfare of the stu-
11 dents and the public and the financial abil-
12 ity of the university, academy or vocation-
13 al-technical institutes to finance the cost
14 items proposed by each party to the impasse;

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

22 (3) The overall compensation presently re-
23 ceived by the employees, including direct
24 salary and wage compensation, vacation, hol-
25 idays, life and health insurance, retirement
26 and all other benefits received;

27 (4) Such other factors not confined to the
28 factors set out in subparagraphs (1) to (3),
29 which are normally and traditionally taken
30 into consideration in the resolution of dis-
31 putes involving similar subjects of collec-
32 tive bargaining in public higher education;

33 (5) The need of the university, academy or
34 vocational-technical institutes for quali-
35 fied employees;

36 (6) Conditions of employment in similar oc-
37 cupations outside the university, academy or
38 vocational-technical institutes;

1 (7) The need to maintain appropriate rela-
2 tionships between different occupations in
3 the university, academy or vocational-tech-
4 nical institutes; and

5 (8) The need to establish fair and reason-
6 able conditions in relation to job qualifi-
7 cations and responsibilities.

8 Sec. 65. 26 MRS §1027, sub-§1, ¶E, as amended
9 by PL 1985, c. 497, §13, and c. 506, Pt. B, §28, is
10 repealed and the following enacted in its place:

11 E. Refusing to bargain collectively with the
12 bargaining agent of its employees as required by
13 section 1026; or

14 Sec. 66. 26 MRS §1029, sub-§2, as amended by PL
15 1985, c. 497, §16, and c. 506, Pt. B, §31, is re-
16 pealed and the following enacted in its place:

17 2. Complaints. The university, any university
18 employee, any university employee organization, the
19 academy, any academy employee, any academy employee
20 organization, the vocational-technical institutes,
21 any vocational-technical institute employee, any voc-
22 ational-technical institute employee organization, or
23 any bargaining agent which believes that any person,
24 the university, any university employee, any univer-
25 sity employee organization, the academy, any academy
26 employee, any academy employee organization, the voc-
27 ational-technical institutes, any vocational-tech-
28 nical institute employee, any vocational-technical
29 institute employee organization or any bargaining
30 agent has engaged in or is engaging in any such pro-
31 hibited practice may file a complaint with the execu-
32 tive director of the board stating the charges in
33 that regard. No such complaint shall be filed with
34 the executive director until the complaining party
35 shall have served a copy thereof upon the party named
36 in the complaint. Upon receipt of such complaint, the
37 executive director or his designee shall review the
38 charge to determine whether the facts as alleged may
39 constitute a prohibited act. If it is determined that
40 the facts do not, as a matter of law, constitute a
41 violation, the charge shall be dismissed by the execu-
42 tive director, subject to review by the board. If a

1 formal hearing is deemed necessary by the executive
2 director or by the board, the executive director
3 shall serve upon the parties to the complaint a no-
4 tice of the prehearing conference and of the hearing
5 for the prehearing conference or the hearing, as ap-
6 propriate, provided that no hearing shall be held
7 based upon any alleged prohibited practice occurring
8 more than 6 months prior to the filing of the com-
9 plaint with the executive director. The party com-
10 plained of shall have the right to file a written an-
11 swer to the complaint and to appear in person or oth-
12 erwise and give testimony at the place and time fixed
13 for the hearing. In the discretion of the board, any
14 other person or organization may be allowed to inter-
15 vene in that proceeding and to present testimony.
16 Nothing in this subsection may restrict the right of
17 the board to require the executive director or his
18 designee to hold a prehearing conference on any pro-
19 hibited practice complaint prior to the hearing be-
20 fore the board and taking whatever action, including
21 dismissal, attempting to resolve disagreements be-
22 tween the parties or recommending an order to the
23 board, as he may deem appropriate, subject to review
24 by the board.

25 Sec. 67. 26 MRSAs §1029, sub-§6, as amended by PL
26 1985, c. 497, §17, and c. 506, Pt. B, §32, is re-
27 pealed and the following enacted in its place:

28 6. Simultaneous injunctive relief. Whenever a
29 complaint is filed with the executive director of the
30 board alleging that the university, academy or voc-
31 ational-technical institutes have violated section
32 1027, subsection 1, paragraph F, or alleging that an
33 employee, employee organization or bargaining agent
34 of the university, academy or vocational-technical
35 institutes have violated section 1027, subsection 2,
36 paragraph C, the party making the complaint may
37 simultaneously seek injunctive relief from the Supe-
38 rior Court in the county in which the prohibited
39 practice is alleged to have occurred pending the fi-
40 nal adjudication of the board with respect to such
41 matter.

42 Sec. 68. 26 MRSAs §1031, as amended by PL 1985,
43 c. 497, §18 and c. 506, Pt. B, §33, is repealed and
44 the following enacted in its place:

1 §1031. Scope of binding contract arbitration

2 A collective bargaining agreement between the
3 university, the academy or the vocational-technical
4 institutes and a bargaining agent may provide for
5 binding arbitration as the final step of a grievance
6 procedure but the only grievances which may be taken
7 to such binding arbitration shall be disputes between
8 the parties as to the meaning or application of the
9 specific terms of collective bargaining agreement.
10 An arbitrator with the power to make binding deci-
11 sions pursuant to any such provisions shall have no
12 authority to add to, subtract from or modify the col-
13 lective bargaining agreement.

14 Sec. 69. 26 MRSA §1191, sub-§3, as amended by PL
15 1983, c. 13, §4, and c. 305, section 3, is repealed
16 and the following enacted in its place:

17 3. Weekly benefit for partial unemployment.
18 Each eligible individual who is partially unemployed
19 in any week shall be paid with respect to the week a
20 partial benefit in an amount equal to this weekly
21 benefit amount less that part of his earnings, paid
22 or payable to him with respect to the week which is
23 in excess of \$10, except that any amounts received
24 from the Federal Government by members of the Nation-
25 al Guard and organized reserve, including base pay
26 and allowances or any amounts received as a volunteer
27 fireman or as elected members of the Legislature,
28 shall not be deemed wages for the purpose of this
29 subsection.

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

37 A. 50% of his earnings paid or payable to him
38 with respect to that week in excess of \$10 up to
39 \$35; and

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

1 Sec. 70. 26 MRSA §1193, sub-§4, ¶C, as amended
2 by PL 1985, c. 66, and c. 348, §6, is repealed and
3 the following enacted in its place:

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

9 Sec. 71. 26 MRSA §1452, as amended by PL 1985,
10 c. 147, §1, and c. 295, §41, is repealed and the
11 following enacted in its place:

12 §1452. Maine Occupational Information Coordinating
13 Committee

14 The Maine Occupational Information Coordinating
15 Committee, as authorized by Title 5, chapter 379, is
16 established to support the development, maintenance
17 and operation of a Comprehensive Career, Occupational
18 and Economic Data-based System and to foster communi-
19 cation and coordination of education, employment and
20 training programs through the use of the system. The
21 committee shall consist of the Commissioner of Labor,
22 the Commissioner of Human Services, the Commissioner
23 of Educational and Cultural Services, the Director of
24 the State Development Office, the Director of the
25 State Planning Office and the chairmen of the Maine
26 Job Training Council and the State Board of Educa-
27 tion. The Commissioner of Labor and the Commissioner
28 of Educational and Cultural Services may serve as the
29 representatives of the chairmen of the Maine Job
30 Training Council and the State Board of Education,
31 respectively, upon the agreement of that designation
32 by the Maine Job Training Council and State Board of
33 Education. The Commissioner of Labor shall be the
34 chairman of the committee with the Department of La-
35 bor serving as the fiscal agent for the committee.

36 Sec. 72. 28 MRSA §204, first ¶, as amended by PL
37 1985, c. 306, and c. 435, §§2 to 4, is repealed and
38 the following enacted in its place:

39 All persons except public service corporations
40 operating interstate, licensed to sell spirituous or
41 vinous liquor, except table wine, shall purchase all

1 such liquor from the commission. All licensees for
2 on-premise consumption shall report all purchases of
3 that liquor to the commission on forms provided by
4 the commission.

5 Sec. 73. 28 MRSA §701-A, sub-§8, as enacted by
6 PL 1985, c. 252, §6, and c. 319, §2, is repealed and
7 the following enacted in its place:

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

10 A. Class A lounges.

11 Sec. 74. 28 MRSA §701-A, sub-§9 is enacted to
12 read:

13 9. Auxiliary license. The following premises
14 shall be eligible for an auxiliary license -- spiri-
15 tuous, vinous and malt beverages:

16 A. Premises located at a ski area which are
17 owned and operated by a Class A restaurant li-
18 icensee located at that ski area; and

19 B. Premises located at a ski area which are
20 owned and operated by a hotel licensee located at
21 that ski area.

22 Sec. 75. 28 MRSA §809, as enacted by PL 1985, c.
23 132, §2, and c. 252, §8, is repealed and the follow-
24 ing enacted in its place:

25 §809. Bottle clubs

26 1. Registration. Each bottle club as defined in
27 section 2, subsection 1-A, shall register annually
28 with the State Liquor Commission on forms provided by
29 the commission. Registration shall consist of pay-
30 ment of the registration fee and submission of the
31 information required in paragraph A.

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

34 (1) The name and address of each owner of
35 the bottle club;

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

3 (3) The regular hours of operation.

4 B. The annual fee for registration of a bottle
5 club is \$50. Each bottle club shall submit the
6 registration fee with the required information.

7 C. Any bottle club which does not register with
8 the commission commits a civil violation for
9 which a forfeiture not to exceed \$500 may be ad-
10 judged.

11 2. Minors on the premises. No minor not em-
12 ployed by the bottle club or accompanied by his par-
13 ent, legal guardian or custodian, as defined in Title
14 22, section 4002, may be permitted to remain on the
15 premises except on special occasions when liquor is
16 prohibited on the premises. A bottle club may employ
17 minors only if an employee of legal drinking age or
18 older is present in a supervisory capacity.

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

22 4. Violation of state law. No bottle club may
23 knowingly allow any violation of any state law on the
24 bottle club premises.

25 5. Civil violations and jurisdiction. A bottle
26 club which violates any provision of subsections 2, 3
27 or 4 commits a civil violation for which a forfeiture
28 may be adjudged of not less than \$100 nor more than
29 \$300 for the first offense; not less than \$200 nor
30 more than \$500 for the 2nd offense; and \$500 for the
31 3rd and subsequent offenses. The District Court has
32 jurisdiction over civil violations defined in this
33 section pursuant to Title 17-A, section 9.

34 6. Right of access. Every bottle club shall al-
35 low liquor enforcement officers and other law en-
36 forcement officers to enter the premises at reason-
37 able times for the purpose of investigating compli-
38 ance with the liquor laws of this Title. The liquor
39 enforcement officers and other law enforcement offi-

1 cers have the power to enforce all provisions of this
2 Title. Entry into the premises under this subsection
3 shall be conducted in a reasonable manner so as not
4 to disrupt the operation of the bottle club. The in-
5 vestigation shall be limited to those areas involved
6 in the actual operation of the bottle club, including
7 storage areas.

8 Sec. 76. 28 MRSA §811 is enacted to read:

9 §811. Licenses for Class A lounges

10 1. Issue of licenses. The commission may issue
11 licenses for the sale of spirituous and vinous liquor
12 and malt liquor to be consumed on the premises to
13 Class A lounges as defined in section 2, subsection
14 8, paragraph K-1.

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

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

19 A. Section 2, subsection 8, paragraph K-1;

20 B. Section 701, subsection 1, paragraph F;

21 C. Section 701, subsection 2, paragraph A;

22 D. Section 701-A, subsection 8, paragraph A; and

23 E. This section.

24 Prior to September 30, 1987, the State Liquor Commis-
25 sion shall evaluate the effectiveness of the Class A
26 lounge license and shall make a written report to the
27 113th Legislature.

28 Sec. 77. 29 MRSA §252-C, as enacted by PL 1985,
29 c. 205, c. 360, and c. 404, is repealed and the fol-
30 lowing enacted in its place:

31 §252-C. Temporary handicapped placards

32 Upon request from a person seeking a temporary
33 handicapped placard, the physician may prepare a pre-

1 scription request upon which shall appear the
2 person's name and an assigned expiration date speci-
3 fied by the physician.

4 Persons granted prescription requests from their
5 physicians may send or present in person this docu-
6 ment to an office administered by the Division of Mo-
7 tor Vehicles for issuance of a temporary handicapped
8 placard. The Division of Motor Vehicles shall give
9 priority consideration to these requests. A \$1 fee
10 shall be charged for each placard issued.

11 Temporary handicapped placards shall be of a de-
12 sign established by the Secretary of State and the
13 placards shall show the expiration date specified by
14 the physician who prepared the prescription request.

15 Any temporary placard issued under this section
16 may be displayed in any motor vehicle which the hand-
17 icapped person to whom the placard was provided is
18 operating, in which he is a passenger, in which he is
19 being transported or in which he is waiting for a
20 service to be rendered. The temporary placard shall
21 be so affixed that the information on the placard is
22 clearly legible from outside the motor vehicle.

23 A person to whom a temporary placard has been is-
24 ssued under this section is entitled to the same
25 rights and privileges as a person to whom a plate or
26 placard is issued under section 252, during the term
27 of that temporary placard.

28 Sec. 78. 29 MRSA §§252-D and 252-E are enacted
29 to read:

30 §252-D. Firefighters; special license plates

31 On the application of an active firefighter whose
32 active status is certified to by the fire chief, as-
33 stant fire chief or acting fire chief of the fire
34 department of the active firefighter, the Secretary
35 of State shall issue a special registration plate
36 designating the vehicle as belonging to an active
37 firefighter. The Secretary of State may design this
38 special registration plate which shall be numerical
39 with the letters "F F" as a suffix. The special reg-
40 istration plate for firefighters may be used only on

1 one motor vehicle which registered gross weight shall
2 not exceed 9,000 pounds.

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

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

9 §252-E. Former prisoners of war; special license
10 plates

11 The Secretary of State, on application and upon
12 evidence of payment of the excise tax required by Ti-
13 tle 36, section 1482, shall issue a registration cer-
14 tificate and set of special designating plates to be
15 used in lieu of regular registration plates to any
16 person who served in the United States Armed Forces
17 and who was a prisoner of war at any time during his
18 tenure of service, when that application is accompa-
19 nied by a copy of the appropriate military form cer-
20 tifying that the person is a former prisoner of war.
21 This special license plate is issued specifically to
22 former prisoners of war and the privilege of using
23 the special plate is not transferable.

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

26 Sec. 79. 29 MRSA §256, sub-§2, as amended by PL
27 1985, c. 405, and c. 429, §15, is repealed and the
28 following enacted in its place:

29 2. Municipal vehicles. All county, municipal,
30 school and water district vehicles shall be regis-
31 tered with the Secretary of State who shall furnish
32 semipermanent plates for each vehicle which shall ex-
33 pire at the end of each 10-year semipermanent plate
34 program. The vehicles shall be exempt from this Title
35 as to payment of registration fees, but shall not be
36 exempt from the inspection requirements of section
37 2502. The plate or plates shall be of a design deter-
38 mined by the Secretary of State.

1 A municipal fire department or an organized volunteer
2 fire department may be exempt from this Title as to
3 registration and payment of registration fees, but
4 shall not be exempt from the inspection requirements
5 of section 2502.

6 All vehicles owned or used by any municipal corpora-
7 tion and all vehicles loaned by automobile dealers to
8 municipalities for use in driver education in second-
9 ary schools and all motor vehicles loaned by automo-
10 bile dealers to private secondary schools for use in
11 driver education in the schools, vehicles loaned to
12 state universities used in organized programs and all
13 motor vehicles used in volunteer ambulance and rescue
14 squad services in such municipalities shall be regis-
15 tered, but shall be exempt from this Title as to the
16 registration fees, except that when the vehicles are
17 leased or rented for commercial purposes they shall
18 be subject to payment of fees as provided in this Ti-
19 tle. All such vehicles shall display registration
20 plates as required by this Title or approved by the
21 Secretary of State.

22 Sec. 80. 29 MRSA §343, sub-§1, as amended by PL
23 1985, c. 265, §4, and c. 401, §4, is repealed and the
24 following enacted in its place:

25 1. Facilities and personnel. To qualify as a
26 dealer under this subchapter, the applicant shall
27 have and maintain at least the following facilities
28 and personnel set forth in paragraphs A to E and make
29 the following disclosures set forth in paragraph F:

30 A. Proper facilities for the display of the ve-
31 hicles being handled;

32 B. Repair department for the repair of 2 vehi-
33 cles simultaneously;

34 C. Sufficient tools and equipment for proper
35 servicing of the vehicles handled;

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

38 E. At least one mechanic, who may be the owner,
39 who has a thorough knowledge of the vehicles be-
40 ing handled; and

1 F. On all used motor vehicles being offered for
2 sale, the written vehicle history statement re-
3 quired to be conspicuously affixed to the vehicle
4 pursuant to Title 10, section 1475.

5 Each licensee shall maintain a current record of all
6 full-time personnel employed at his established place
7 of business. The record shall at all times be avail-
8 able for inspection by the Secretary of State or his
9 duly authorized agents.

10 Sec. 81. 29 MRSA §354, sub-§1, ¶A, as amended by
11 PL 1985, c. 262, §3, and c. 401, §11, is repealed and
12 the following enacted in its place:

13 A. For purposes directly connected with the
14 business of buying, selling, testing, adjusting,
15 demonstrating or exchanging those vehicles;

16 Sec. 82. 29 MRSA §354, sub-§1, ¶G, as amended by
17 PL 1985, c. 262, §4, and c. 401, §11, is repealed and
18 the following enacted in its place:

19 G. A violation of paragraphs A to F is a traffic
20 infraction for which a minimum forfeiture of \$200
21 shall be adjudged for each infraction, not to be
22 suspended; or

23 Sec. 83. 30 MRSA c. 10, as enacted by PL 1985,
24 c. 223; c. 367; and c. 428, is repealed and the fol-
25 lowing enacted in its place:

26 CHAPTER 10

27 WALDO COUNTY BUDGET COMMITTEE

28 §1401. Purpose

29 The purpose of this chapter is to establish in
30 Waldo County a method of appropriating money for
31 county expenditures, according to a budget, which
32 shall first receive approval of a budget committee.
33 This chapter amends the present statutory method in
34 sections 252 and 253 by transferring the authority of
35 the Waldo County legislative delegation and the Leg-
36 islature to approve the Waldo County budget to a com-
37 mittee comprised of Waldo County and municipal offi-

1 cial. This chapter shall apply only to Waldo County.
2

3 §1402. Definitions

4 As used in this chapter, unless the context indi-
5 icates otherwise, the following terms have the follow-
6 ing meanings.

7 1. County commissioners. "County commissioners"
8 means the elected county commissioners of Waldo County.
9

10 2. Municipal officers. "Municipal officers"
11 means the mayor or councilors or selectman.

12 §1403. Waldo County Budget Committee

13 In Waldo County there shall be established a bud-
14 get committee to carry out the purposes of this chap-
15 ter.

16 1. Membership. The budget committee shall con-
17 sist of 9 members, 3 members from each commissioner
18 district selected as provided for in this section and
19 3 county commissioners who shall serve on the commit-
20 tee in an advisory capacity only and shall not vote
21 on any committee matters.

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

25 A. The county commissioners shall notify all mu-
26 nicipal officers in the county to caucus by coun-
27 ty commissioner districts at a specified date,
28 time and place for the purpose of nominating at
29 least 3 municipal officers from each district as
30 candidates for the county budget committee. The
31 county commissioners shall serve as nonvoting
32 moderators for their district caucuses. Nomina-
33 tions shall be received from the floor. The 3
34 nominees receiving the most votes shall be ap-
35 proved. Any other nominees who receive a majori-
36 ty vote of those present shall also be approved.
37 The names of those duly approved shall be re-
38 corded and forwarded to the county commissioners
39 to be placed on a written ballot.

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

22 2. Responsibilities. It is the responsibility
23 of the county budget committee to review the budget
24 estimates prepared by the county commissioners and to
25 approve a final county budget.

26 3. Term of office. The term of office shall be
27 2 years, provided that a budget committee member re-
28 mains a municipal officer in his municipality.

29 4. Vacancies. A vacancy occurring on the budget
30 committee shall be filled by the committee for the
31 balance of the unexpired term. The person appointed
32 to fill the vacant office shall be a municipal offi-
33 cer from the same municipality as the person vacating
34 the office.

35 5. Expenses. Members shall serve without com-
36 penetration, but shall be reimbursed from the county
37 treasury for expenses lawfully incurred by them in
38 the performance of their duties.

39 §1404. Budget committee organization

40 The budget committee shall conduct its meetings
41 in public at the county courthouse. The county com-

1 missioners shall direct the county clerk to call an
2 organizational meeting of the budget committee no la-
3 ter than 60 days prior to the end of the county's
4 fiscal year. The county commissioners shall provide
5 the committee with necessary clerical assistance, of-
6 ice expenses and suitable meeting space, as well as
7 access to county files and information. The budget
8 committee shall adopt its own rules or procedures and
9 bylaws.

10 §1405. Budget procedures

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

16 2. Budget review process. The budget committee
17 shall review the proposed itemized budget prepared by
18 the county commissioners, together with any supple-
19 mentary material prepared by the head of each county
20 department or provided by any independent board or
21 institution or another governmental agency. The bud-
22 get committee may increase, decrease, alter or revise
23 the proposed budget, provided that:

24 A. The budget committee shall enter into its
25 minutes a statement of the basis for any change
26 in the estimated expenditures and revenues as
27 initially presented by the county commissioners;
28 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 3. Public hearing. The budget committee shall
33 hold a public hearing in the county on the proposed
34 budget prior to the end of the county's fiscal year
35 and before the final adoption of the budget. Notice
36 of the hearing shall be given at least 10 days prior
37 to the hearing in a newspaper of general circulation
38 within the county. Written notice and a copy of the
39 proposed budget shall be sent by registered or certi-
40 fied mail with return receipt requested, or delivered
41 by hand in person, with proof received of the deliv-

1 ery, to the clerk of each municipality in the county.
2 The municipal clerk shall notify the municipal offi-
3 cers of the proposed budget.

4 4. Adoption of budget. After completion of the
5 public hearing, the budget committee may further in-
6 crease, decrease, alter and revise the proposed item-
7 ized budget, subject to the conditions and restric-
8 tions imposed in subsection 2. The proposed itemized
9 budget shall be finally adopted by a majority vote of
10 the budget committee at a duly called meeting not la-
11 ter than the end of the county's fiscal year. The
12 approved budget shall be the final authorization for
13 the assessment of county taxes. The budget shall be
14 transmitted to the county commissioners and the coun-
15 ty tax authorized shall be apportioned and collected
16 in accordance with section 254.

17 In the event the budget is not approved before the
18 start of a fiscal year, the county shall, until a
19 budget is finally adopted, operate on an interim bud-
20 get which shall not exceed the previous year's bud-
21 get.

22 The county commissioners may transfer funds as pro-
23 vided in section 252.

24 §1406. Budget amendments

25 The approved budget shall govern the expenditures
26 of the county during the fiscal year. No expenses
27 may be incurred in excess of those shown in the ap-
28 proved budget, but the budget may be revised from
29 time to time by the preparation and submission of a
30 proposed amended budget by the county commissioners
31 to the budget committee. The budget committee shall,
32 not less than 15 calendar days, except in emergen-
33 cies, nor more than 30 days after the submission to
34 it, render a decision on any such revised budget. An
35 approved revised budget shall be transmitted to the
36 State Auditor within 15 days of the budget commit-
37 tee's action.

38 §1407. Filing of county budget

39 A copy of the final budget and subsequent amend-
40 ments, shall be filed on forms approved by the De-

1 partment of Audit, with the State Auditor, who shall
2 retain them for a period of 3 years.

3 Sec. 83-A. 30 MRSA c. 10-A is enacted to read:

4 CHAPTER 10-A

5 KENNEBEC COUNTY BUDGET ADVISORY COMMITTEE

6 §1411. Definitions

7 As used in this chapter, unless the context oth-
8 erwise indicates, the following terms have the fol-
9 lowing meanings.

10 1. County commissioners. "County commissioners"
11 means the elected county commissioners of Kennebec
12 County.

13 2. Municipal officers. "Municipal officers"
14 means the mayor, aldermen or councilors of a city,
15 the selectmen or councilors of a town and the asses-
16 sors of a plantation located in Kennebec County.

17 §1412. Kennebec County Budget Advisory Committee

18 In Kennebec County, there is established the Ken-
19 nebec County Budget Advisory Committee to carry out
20 the purposes of this chapter. This chapter applies
21 only to Kennebec County.

22 1. Membership. The budget advisory committee
23 shall consist of 9 members, 3 members from each com-
24 missioner district to be appointed by the county com-
25 missioners. The term of each member of the budget ad-
26 visory committee shall be for 2 years.

27 2. Responsibilities. It is the responsibility
28 of the county budget advisory committee to review the
29 budget estimates prepared by the county commissioners
30 and to make recommendations to the county commissioners
31 concerning a final county budget.

32 3. Vacancies. A vacancy occurring on the budget
33 advisory committee shall be filled by appointment by
34 the county commissioners for the balance of the unex-
35 pired term. The person appointed to fill the vacant

1 office shall be a municipal officer from the same mu-
2 nicipality as the person vacating the office.

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

7 §1413. Budget advisory committee organization

8 The budget advisory committee shall conduct its
9 meetings in public at the county courthouse. The
10 county commissioners shall direct the county clerk to
11 call an organizational meeting of the budget advisory
12 committee no later than 60 days prior to the end of
13 the county's fiscal year. The county commissioners
14 shall provide the committee with necessary clerical
15 assistance, office expenses and suitable meeting
16 space, as well as access to county files and informa-
17 tion. The budget advisory committee shall select its
18 own chairman, vice-chairman and secretary. The bud-
19 get advisory committee shall adopt its own rules or
20 procedures and bylaws.

21 §1414. Budget procedures

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

27 2. Budget review process. The budget advisory
28 committee shall review the proposed itemized budget
29 prepared by the county commissioners, together with
30 any supplementary material prepared by the head of
31 each county department or provided by any independent
32 board, institution or other governmental agency. The
33 budget advisory committee may make recommendations
34 concerning any increase, decrease, alteration or re-
35 vision to the proposed budget.

36 3. Public hearing. The budget advisory commit-
37 tee shall hold a public hearing in the county on the
38 proposed budget prior to the end of the county's fis-
39 cal year and before the final adoption of the budget.
40 Notice of the hearing shall be given at least 10 days

1 prior to the hearing in a newspaper of general circu-
2 lation within the county. Written notice and a copy
3 of the proposed budget shall be sent by registered or
4 certified mail with return receipt requested, or de-
5 livered by hand in person, with proof received of the
6 delivery, to the clerk of each municipality in the
7 county. The municipal clerk shall notify the municipi-
8 pal officers of the proposed budget.

9 4. Adoption of budget. After completion of the
10 public hearing, the county commissioners may further
11 increase, decrease, alter and revise the proposed
12 itemized budget, provided that:

13 A. The county commissioners shall enter into
14 their minutes a statement of the basis for any
15 rejection of any recommendation of the budget ad-
16 visory committee; and

17 B. The total estimated revenues, together with
18 the amount of county tax to be levied, shall
19 equal the total estimated expenditures.

20 The recommended budget shall then be transmitted by
21 the county commissioners to the Legislature for its
22 approval. The county tax authorized shall be appor-
23 tioned and collected in accordance with section 254.

24 §1415. Budget amendments

25 The approved budget shall govern the expenditures
26 of the county during the fiscal year. No expenses
27 may be incurred in excess of those shown in the ap-
28 proved budget, but the budget may be from time to
29 time revised by the commissioners with the advice of
30 the budget advisory committee.

31 §1416. Filing of county budget

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

36 §1417. Repeal

37 This chapter is repealed on September 30, 1988.

1 Sec. 83-B. 30 MRSA c. 10-B is enacted to read:

2 CHAPTER 10-B

3 AROOSTOOK COUNTY BUDGET COMMITTEE

4 §1421. Purpose

5 The purpose of this chapter is to establish in
6 Aroostook County a method of appropriating money for
7 county expenditures, including expenditures for mu-
8 nicipal services in the unorganized territory, ac-
9 ording to a budget, which shall first be adopted by
10 a budget committee and shall then be approved by the
11 Legislature. This chapter amends the present statuto-
12 ry method in sections 252 and 253 by creating a com-
13 mittee elected by Aroostook County municipal officers
14 with authority to adopt or amend the budget. The Leg-
15 islature shall continue to have authority to approve,
16 but not to amend, the budget. This chapter applies
17 only to Aroostook County.

18 §1422. Definitions

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

22 1. County commissioners. "County commissioners"
23 means the elected county commissioners of Aroostook
24 County.

25 2. Municipal officials. "Municipal officials"
26 means the mayor, aldermen, councillors or manager of
27 a city, the selectmen, councillors or manager of a
28 town and the assessors of a plantation located in
29 Aroostook County. The municipal officer means
30 elected mayor, aldermen or councillors of a city, the
31 selectmen or councillors of a town and the assessors
32 of a plantation located in Aroostook County.

33 §1423. Aroostook County Budget Committee

34 In Aroostook County there shall be established a
35 budget committee to carry out the purposes of this
36 chapter.

1 1. Membership. The budget committee shall consist of 10 members, 3 members from each commissioner district selected as provided for in this section and one member selected pursuant to paragraph C. The county commissioners shall serve on the committee in an advisory capacity only and shall not vote on any committee matters.

8 In 1985, and every 3rd year thereafter, at least 90 days prior to the end of the fiscal year, the 10 members shall be elected by the following procedure.

11 A. The county commissioners shall notify all municipal officers in the county to caucus by county commissioner districts at a specified date, time and place for the purpose of nominating at least 3 residents of the district of voting age as candidates for the county budget committee. A county commissioner shall serve as nonvoting moderator for his district caucus. Nominations shall be received from the floor and require a majority vote of those present to be approved. The names of those duly nominated shall be recorded and forwarded to the county commissioners to be placed on a written ballot.

24 B. The county commissioners shall have written ballots printed with the names of those candidates selected in his district in accordance with paragraph A. The county commissioners shall distribute these ballots to each municipality. Each commissioner district shall require a separate ballot and each ballot shall specify each candidate's full name and municipality. The municipal officers shall vote, as a board, for 3 budget committee members from the candidates on the ballot and return the ballot to the county commissioners by a certain date. The ballots shall be counted at a regular meeting of the county commissioners. Each vote shall be weighted according to that municipality's population as a proportion of the district's total population. The county commissioners shall notify each municipality, in writing, of the results of the election and shall certify the results to the Secretary of State.

1 C. The county commissioners shall appoint one
2 qualified budget committee member from the unor-
3 ganized territory of Aroostook County to serve on
4 the budget committee.

5 D. It is the responsibility of the county budget
6 committee to review the budget and estimates, in-
7 cluding the budget for municipal services in the
8 unorganized territory prepared by the county com-
9 missioners, and to approve a final county and un-
10 organized budget.

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

12 F. A vacancy occurring on the budget committee
13 shall be filled by the committee for the balance
14 of the unexpired term. The person appointed to
15 fill the vacant office shall be from the same mu-
16 nicipality or unorganized territory as the person
17 vacating the office.

18 G. Members shall serve without compensation.

19 §1424. Budget committee organization

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

32 §1425. Budget procedures

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

1 2. Budget review process. The budget committee
2 shall review the proposed itemized budgets prepared
3 by the county commissioners, together with any sup-
4 plementary material prepared by the head of each
5 county department or provided by any independent
6 board or institution or another governmental agency.
7 The budget committee may increase, decrease, alter or
8 review the proposed budgets provided that:

9 A. The budget committee shall enter into its
10 minutes a statement of the basis for any change
11 in the estimated expenditures and revenues as
12 initially presented by the county commissioners;
13 and

14 B. The total estimated revenues, together with
15 the amount of county tax to be levied, shall
16 equal the total estimated expenditures.

17 3. Public hearing. The budget committee shall
18 hold a public hearing in the county on the proposed
19 budget prior to the end of the county's fiscal year
20 and before the final adoption of the budget. Notice
21 of the hearing shall be given at least 10 days prior
22 to the hearing in all newspapers of general circula-
23 tion within the county. Written notice and a copy of
24 the proposed budget shall be sent by registered or
25 certified mail with return receipt requested, or de-
26 livered by hand in person, with proof received of the
27 delivery, to the clerk of each municipality in the
28 county. The municipal clerk shall notify the municipi-
29 pal officials of the proposed budget.

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

38 5. Final budget approval. Prior to January 15th
39 of the fiscal year for which the budget is prepared,
40 the budget committee shall submit the proposed budget
41 to the Legislature. The Legislature shall approve or
42 disapprove the budget as submitted prior to April 1st
43 of each year.

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

6 The budget as approved by the Legislature shall be
7 the final authorization for the assessment of county
8 taxes. The budget shall be transmitted to the county
9 commissioners and the county tax authorized shall be
10 apportioned and collected in accordance with section
11 254. The budget for the unorganized territories will
12 be transmitted to the State as provided by section
13 5903.

14 The county shall, until a budget is finally adopted,
15 operate on an interim budget which shall not exceed
16 the previous year's budget.

17 The county commissioners may transfer funds as pro-
18 vided in section 252.

19 §1426. Budget amendments

20 The approved budget shall govern the expenditures
21 of the county during the fiscal year. No expenses
22 may be incurred in excess of those shown in the ap-
23 proved budget, but the budget may be from time to
24 time revised by the preparation and submission of a
25 proposed amended budget by the county commissioners
26 to the budget committee. The budget committee shall
27 within 15 calendar days approve, disapprove or amend
28 this revised budget. In the event that the proposed
29 revised budget is approved or amended, the budget
30 committee within this same time period shall forward
31 the revised budget to the Legislature for final ap-
32 proval. The Legislature shall have 15 calendar days
33 to render a decision on the revised budget. A report
34 of approval of a revised budget shall be transmitted
35 to the State Auditor within 15 days of an approval of
36 a revised budget by the Legislature on the revised
37 budget.

38 §1427. Filing of county budget

39 A copy of the final budget, and subsequent amend-
40 ments, shall be filed on forms approved by the De-

1 partment of Audit, with the State Auditor, who shall
2 retain them for a period of 3 years.

3 §1428. Repeal

4 This chapter is repealed on September 30, 1988.

5 Sec. 84. 30 MRSA §3771, sub-§3, as enacted by PL
6 1973, c. 680, §5, is amended to read:

7 3. Volunteer fire association. A volunteer fire
8 association shall mean an organized firefighting unit
9 incorporated pursuant to Title 13, chapter 81, or Ti-
10 tle 13-B, and which is officially recognized by the
11 municipality. Any volunteer fire association incorpo-
12 rated under either Title 13-B or Title 13, chapter
13 81, on or after January 1, 1978, shall be considered
14 incorporated for the purposes of this section. An ap-
15 propriation of money by the municipality toward the
16 support of a volunteer fire association is sufficient
17 evidence of official recognition.

18 Sec. 85. 30 MRSA §4751, 5th ¶, as enacted by PL
19 1983, c. 589, is amended to read:

20 Seventy-five percent of the aggregate amount of
21 qualified mortgage bonds that may be issued during
22 any calendar year in accordance with the United
23 States Internal Revenue Code of 1954, Section
24 103A(g), as amended, is allocated to the state au-
25 thority. For calendar year 1986, the allocation pro-
26 visions of Title 10, chapter 9, shall supersede this
27 allocation.

28 Sec. 86. 30 MRSA §4751, 6th ¶, as amended by PL
29 1985, c. 594, §11, is further amended to read:

30 In case any of the commissioners or officers of
31 the authority whose signatures appear on any bonds or
32 coupons shall cease to be such commissioners or offi-
33 cers before the delivery of such bonds, such
34 signatures shall, nevertheless, be valid and suffi-
35 cient for all purposes, the same as if such commis-
36 sioners or officers had remained in office until such
37 delivery. For calendar year 1986, the allocation
38 provisions of Title 10, chapter 9 shall supersede
39 this allocation.

1 Sec. 87. 32 MRSA §4151, sub-§3 is amended to
2 read:

3 3. Sardine. "Sardine" shall be held to include
4 any canned, small size, clupeoid fish, ~~being the fish~~
5 ~~commonly called herring,~~ particularly the clupea
6 harengus.

7 Sec. 88. 34-A MRSA §3003, sub-§1, as amended by
8 PL 1985, c. 59, and c. 266, §2, is repealed and the
9 following enacted in its place:

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

26 A. To any person, if the person receiving ser-
27 vices, his legal guardian, if any, or, if he is a
28 minor, his parent or legal guardian, gives his
29 informed written consent to the disclosure of the
30 documents referred to in this subsection after
31 being given the opportunity to review the docu-
32 ments sought to be disclosed;

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

35 C. If ordered by a court of record, subject to
36 any limitation in the Maine Rules of Evidence,
37 Rule 503.

38 Sec. 89. 35 MRSA §15, sub-§13, as amended by PL
39 1985, c. 481, Pt. A, §71, and Pt. C, §3, is repealed
40 and the following enacted in its place:

1 13. Public utility. "Public utility" includes
2 every gas company, natural gas pipeline company,
3 electrical company, telephone company, telegraph com-
4 pany, water company, public heating company and water
5 carrier, as those terms are defined in this section,
6 and each of those utilities is declared to be a pub-
7 lic utility and to be subject to the jurisdiction,
8 control and regulation of the commission, and to this
9 Title. "Public utility" does not include the opera-
10 tion of a radio paging service, as that term is de-
11 finied in this section. Nothing in this subsection
12 precludes the jurisdiction, control and regulation by
13 the commission pursuant to private and special act of
14 the Legislature.

15 Sec. 90. 35 MRSA c. 5, first 2 lines are re-
16 pealed and the following enacted in their place:

17

CHAPTER 5

18

REGULATION AND CONTROL OF PUBLIC UTILITIES

19

SUBCHAPTER I

20

GENERAL PROVISIONS

21 Sec. 91. 35 MRSA §171, sub-§1, as amended by PL
22 1985, c. 241, §1, and c. 481, Pt. C, §12, is repealed
23 and the following enacted in its place:

24

25 1. Conditions precedent to issuance generally.
26 Any public utility, now organized and existing or
27 hereafter incorporated under and by virtue of the
28 laws of this State and doing business in this State,
29 may issue stocks, bonds which may be secured by mort-
30 gages on its property, franchises or otherwise, notes
31 or other evidences of indebtedness, payable at peri-
32 ods of more than 12 months after the date of issu-
33 ance, when necessary for the acquisition of property
34 to be used for the purpose of carrying out its corpo-
35 rate powers, the construction, completion, extension
36 or improvement of its facilities, or for the improve-
37 ment or maintenance of its service, or for the dis-
38 charge or lawful refunding of its obligations, in-
39 cluding capital stock, or to reimburse its treasury
40 for money used for the acquisition of property, the
construction, completion, extension or improvement of

1 its facilities, for the discharge or lawful refunding
2 of its obligations, and which actually were expended
3 from income or from other money in the treasury of
4 the corporation not secured by or obtained from the
5 issue of stocks, bonds, notes or other evidences of
6 indebtedness of that corporation, or for any other
7 lawful purposes, provided, and not otherwise, that
8 upon written application, setting forth such informa-
9 tion as the commission may require, there shall have
10 been secured from the commission an order authorizing
11 the issue and the amount of the issue and stating
12 that in the opinion of the commission the sum of the
13 capital to be secured by the issue of the stocks,
14 bonds, notes or other evidences of indebtedness is
15 required in good faith for purposes enumerated in
16 this section.

17 In determining whether to grant its authorization,
18 the commission may consider the reasonableness of the
19 purpose or purposes for which the proceeds of the is-
20 ssue shall be applied, other resources which the util-
21 ity has available or may have available for those
22 purposes, the justness and reasonableness of the es-
23 timated cost to the utility of the issue and the ef-
24 fect of the issue upon the utility's capital struc-
25 ture. The commission's decision shall be in writing
26 and shall contain findings setting forth the reasons
27 for the decision. Every such order authorizing the
28 issue of stock shall, if authorized to be sold at
29 less than its par value, specify a minimum price at
30 which the shares so authorized are to be sold, and
31 any and all shares of stock, issued in accordance
32 with such an order, shall be fully paid stock and not
33 liable to any further call or payment, notwithstand-
34 ing it may have been authorized for sale at less than
35 its par value. The commission may at the request of
36 any public utility approve the issue of any stocks,
37 bonds, notes or other evidences of indebtedness au-
38 thorized but not issued. For the purpose of enabling
39 the commission to determine whether it shall issue
40 such an order, the commission shall make such in-
41 quiries for investigation, hold such hearings and ex-
42 amine such witnesses, books, papers, documents or
43 contracts as it may deem of importance in enabling it
44 to reach a determination. The commission may deter-
45 mine whether and in what manner notice of the appli-
46 cation shall be given and whether a hearing should be

1 held. In view of the public interest in the prompt
2 resolution of questions affecting the issuance of se-
3 curities by public utilities, in cases in which a
4 hearing is held or the application is contested, the
5 commission shall issue its final order within 60 days
6 of the filing of the application or 30 days of the
7 close of the hearing on the application, whichever
8 first occurs, unless the commission makes an affirma-
9 tive determination that additional time is necessary
10 for a proper resolution of issues concerning the ap-
11 plication and, notwithstanding any other provisions
12 of law, shall establish such accelerated notice peri-
13 ods, schedules and limitations on hearings as may be
14 necessary in furtherance of the resolution of those
15 issues. No order of the commission authorizing the
16 issue of any stocks, bonds, notes or other evidences
17 of indebtedness may limit or restrict the powers of
18 the commission in determining and fixing any rate,
19 fare, toll, charge, classification, schedule or joint
20 rate as provided in this Title.

21 No public utility may be required to apply to the
22 commission for authority to issue stocks, bonds,
23 notes or other evidences of indebtedness for the ac-
24 quisition of property, for the purposes of carrying
25 out its corporate powers, the construction, comple-
26 tion, extension or improvement of its facilities, or
27 the improvement or maintenance of its service outside
28 the State, and this proviso shall apply to section
29 172.

30 Sec. 92. 36 MRSAs §1760, sub-§48, as enacted by
31 PL 1985, c. 477, §1, is repealed.

32 Sec. 93. 36 MRSAs §1760, sub-§51, as enacted by
33 PL 1985, c. 417, and c. 473, is repealed and the
34 following enacted in its place:

35 51. Veterans' Memorial Cemetery Associations.
36 Sales to incorporated nonprofit Veterans' Memorial
37 Cemetery Associations;

38 Sec. 94. 36 MRSAs §1760, sub-§52 is enacted to
39 read:

40 52. Railroad track materials. Railroad track
41 materials purchased and installed on railroad lines

1 located within the boundaries of the State. The track
2 materials shall include rail, ties, ballast, joint
3 bars and associated materials, such as bolts, nuts,
4 tie plates, spikes, culverts, steel, concrete or
5 stone, switch stands, switch points, frogs, switch
6 ties, bridge ties and bridge steel.

7 In order for a taxpayer to qualify for an exemption
8 under this subsection, the taxpayer may not require
9 any landowner to pay any fee or charge for mainte-
10 nance or repair or to assume liability for crossings
11 or rights-of-way if the landowner was not required to
12 do so prior to July 1, 1981, and the taxpayer must
13 continue to maintain crossings and rights-of-way
14 which it was required to maintain on that date and
15 may not remove the crossings if there is any objec-
16 tion to their being removed; and

17 Sec. 95. 36 MRSA §1760, sub-§53 is enacted to
18 read:

19 53. Nonprofit volunteer search and rescue orga-
20 nizations. Sales to incorporated, nonprofit volun-
21 teer search and rescue organizations.

22 Sec. 96. 36 MRSA §2013, sub-§1, ¶C, as amended
23 by PL 1985, c. 411, §1, and c. 447, §1, is repealed
24 and the following enacted in its place:

25 C. "Depreciable machinery and equipment" means
26 that part of the following machinery and equip-
27 ment for which depreciation is allowable under
28 the United States Internal Revenue Code:

29 (1) New or used machinery and equipment for
30 use directly and primarily in commercial ag-
31 ricultural production, including self-
32 propelled vehicles, but excluding motor ve-
33 hicles as defined in section 1752, subsec-
34 tion 7, attachments and equipment for the
35 production of field and orchard crops; new
36 or used machinery and equipment used in pro-
37 duction of milk and in animal husbandry and
38 production of livestock, including poultry;
39 or

1 (2) New or used watercraft used directly
2 and primarily for commercial fishing; and
3 nets, traps, cables, tackle and related
4 equipment necessary to the operation of a
5 commercial fishing venture, but excluding
6 motor vehicles as defined in section 1752,
7 subsection 7.

8 Sec. 97. 36 MRSA §4312, first ¶, as amended by
9 PL 1985, c. 75, and c. 295, §55, is repealed and the
10 following enacted in its place:

11 A Blueberry Advisory Committee, as authorized by
12 Title 5, chapter 379, shall be appointed by the Maine
13 Blueberry Commission. The committee shall consist of
14 7 members who are active in and representative of the
15 blueberry industry. The duty of the committee shall
16 be to advise and work with the University of Maine to
17 develop and approve a plan of work and budgets for
18 research and extension programs related to the pro-
19 duction and marketing of blueberries.

20 Sec. 98. 36 MRSA §4312-B, as amended by PL 1983,
21 c. 812, §272, and as repealed and replaced by PL
22 1983, c. 836, §10, is repealed and the following en-
23 acted in its place:

24 §4312-B. Maine Blueberry Commission

25 The Maine Blueberry Commission, as established by
26 Title 5, section 12004, subsection 9, shall be reor-
27 ganized as follows.

28 1. Appointment. Appointments shall be made by
29 the Commissioner of Agriculture, Food and Rural Re-
30 sources.

31 2. Membership. The commission shall consist of 8
32 members who are active in and representative of the
33 blueberry industry. Three members shall be grower
34 representatives. Five members shall be processor
35 representatives.

36 3. Term of appointments. Members of the Maine
37 Blueberry Commission with current appointments shall
38 continue to serve for the duration of their appoint-
39 ments. The term of office for each new appointment

1 or reappointment shall commence on September 1st of
2 the year appointed and continue for a term of 4 years
3 or until a successor is duly appointed and qualified,
4 except that, when making the 3 additional appoint-
5 ments in 1984, 2 appointments shall be for terms of 3
6 years and one for 4 years. To fill any vacancy, how-
7 ever caused, the commissioner shall appoint a succes-
8 sor for the duration of the unexpired term.

9 4. Organization. Members of the commission shall
10 elect annually by majority vote one member of the
11 commission who shall serve as chairman. The chairman
12 may appoint an executive director or such personnel
13 as he deems necessary to administer policies and pro-
14 grams established by the commission. These officers
15 or personnel shall not be subject to the Personnel
16 Laws of the State.

17 5. Compensation of commissioners. Members of the
18 commission shall be compensated in accordance with
19 Title 5, chapter 379.

20 6. Function of commission. It is the responsi-
21 bility of the commission to utilize and allocate such
22 funds as may be available from the funds collected
23 under section 4307 and the commission may make con-
24 tracts or enter into contracts with any local, state,
25 federal or private agency, department, firm, corpora-
26 tion or association as may be necessary to carry out
27 the purposes of this chapter.

28 Sec. 99. 36 MRS §4692, sub-§3 is amended to
29 read:

30 3. Sardine. "Sardine" shall be held to include
31 any canned, small size, clupeoid fish, being the fish
32 commonly called herring, particularly the clupea
33 harengus.

34 Sec. 100. 36 MRS §5122, sub-§2, ¶A, as amended
35 by PL 1985, c. 344, §97, and c. 506, Pt. A. §78, is
36 repealed and the following enacted in its place:

37 A. Interest or dividends on obligations of the
38 United States and its territories and possessions
39 or of any authority, commission or instrumentali-
40 ty of the United States or on a seller-sponsored

1 loan, as defined by Title 10, chapter 110, to the
2 extent includable in gross income for federal in-
3 come tax purposes, but exempt from state income
4 taxes under the laws of the United States, pro-
5 vided that the amount subtracted shall be de-
6 creased by any expenses incurred in the produc-
7 tion of the interest or dividend income to the
8 extent that these expenses, including amortizable
9 bond premiums, are deductible in determining fed-
10 eral adjusted gross income;

11 Sec. 101. 37-A MRSA §124, sub-§1, as amended by
12 PL 1983, c. 812, §283, and as repealed by PL 1983,
13 c. 816, Pt. B, §11, is repealed.

14 Sec. 102. 37-A MRSA §124, sub-§5, as repealed
15 and replaced by PL 1983, c. 812, §284, and c. 460,
16 §2; and as reallocated by PL 1983, c. 816, Pt. B,
17 §13, is repealed.

18 Sec. 103. 37-A MRSA §56-A, sub-§1, as amended by
19 PL 1983, c. 812, §282, and as reallocated by PL
20 1983, c. 816, Pt. B, §9, is repealed.

21 Sec. 104. 37-B MRSA §706, sub-§1, as reallocated
22 by PL 1983, c. 816, Pt. B, §9, is amended to read:

23 1. Commission. The Citizens' Civil Emergency
24 Commission is, established by Title 5, section
25 12004, subsection 10, shall serve as follows.

26 A. The commission shall consist of 9 members who
27 shall serve 2-year terms. Seven members shall be
28 appointed by the Governor. One member shall be
29 appointed by the President of the Senate and one
30 member shall be appointed by the Speaker of the
31 House of Representatives. The member appointed
32 by the President of the Senate shall be a member
33 of the Senate. The member appointed by the Speak-
34 er of the House of Representatives shall be a
35 member of the House of Representatives. Each
36 member shall be a Maine resident. Members of the
37 commission shall select a chairman from among
38 themselves by a majority vote.

39 B. Commission members shall be compensated ~~for~~
40 ~~travel expenses to and from all commission meet-~~

1 ings and hearings at the same rate as state
2 employees according to the provisions of Title 5,
3 chapter 379.

4 C. The commission shall review civil protection
5 plans designated to deal with nuclear weapons
6 hazards, hold public hearings as required by sub-
7 section 2, monitor the development and implemen-
8 tation of nuclear civil protection plans, encour-
9 age public discussion of the plans and report its
10 findings and recommendations to the Governor, the
11 Legislature, appropriate counties and municipali-
12 ties and other interested parties.

13 Sec. 105. 37-B MRSA §954, sub-§1, as amended by
14 PL 1983, c. 812, §287, and c. 816, Pt. B, §19, is
15 repealed and the following enacted in its place:

16 1. Created. There is created a Radiological
17 Emergency Preparedness Committee, as established by
18 Title 5, section 12004, subsection 10, shall be com-
19 posed of 7 voting members as listed in this subsec-
20 tion. The duties of the committee shall be purely ad-
21 visory. Members from state agencies shall serve ex
22 officio. The committee shall consist of:

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

25 B. The Director of Health Engineering, or his
26 designee;

27 C. The Commissioner of Public Safety, or his
28 designee;

29 D. Three public members, one designated by the
30 Governor, one designated by the President of the
31 Senate and one designated by the Speaker of the
32 House of Representatives; and

33 E. The license holder for a particular nuclear
34 power plant, or his designee, who shall serve on
35 the committee for matters relating to emergency
36 planning for that plant.

37 Sec. 106. 37-B MRSA §954, sub-§5, as reallocated
38 by PL 1983, c. 816, Pt. B, §13, is repealed and the
39 following enacted in its place:

1 No public utility, water district, sanitary dis-
2 trict or any utility company of any kind may install
3 services to any new structure located in a shoreland
4 area, as defined by section ~~4811~~ 435, unless written
5 authorization attesting to the validity and currency
6 of all local permits required under this chapter has
7 been issued by the appropriate municipal officials.
8 Following installation of service, the company or
9 district shall forward the written authorization to
10 the municipal officials indicating that installation
11 has been completed.

12 Sec. 111. 38 MRSA §1305-A, sub-§2, as amended by
13 PL 1981, c. 653, §§1 to 3, is further amended to
14 read:

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

27 The Governor may appoint a person to facilitate com-
28 munications between the applicant and the municipali-
29 ty and between the department and the municipality.

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

33 The board shall hold at least one public hearing
34 within the municipality in which the facility will be
35 located.

36 During any proceeding for site review of a commercial
37 hazardous waste facility, the ~~municipal~~ legislative
38 body of the municipality in which the facility is to
39 be located may appoint 4 representatives to the
40 board. If the facility is proposed to be located
41 within an unorganized township, the county commis-

1 sioners of that county may appoint 4 representatives.
2 These representatives may vote on board decisions re-
3 lated to the proposed commercial hazardous waste fa-
4 cility. All representatives appointed under this sub-
5 section shall participate on the board only for that
6 site review, until final disposition of the applica-
7 tion, including any administrative or judicial ap-
8 peals. The municipal members shall receive the same
9 pay for each day and expenses as regular board mem-
10 bers during the period of their service, to be paid
11 by the department.

12 Sec. 112. 38 MRSA §1451, sub-§3-A, as enacted by
13 PL 1985, c. 309, §5, is amended to read:

14 3-A. Commission. "Commission" means the Advis-
15 ory Commission on Radioactive Waste established by
16 section ~~1454~~ 1453.

17 Sec. 113. 38 MRSA §1453, sub-§2, as amended by
18 PL 1985, c. 522, §1, and c. 525, is repealed and the
19 following enacted in its place:

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

1 public member appointed by the Speaker of the House
2 of Representatives and the licensee member appointed
3 by the President of the Senate shall expire December
4 31, 1987, and every 2 years thereafter. Notwith-
5 standing this subsection, any public member or li-
6 cencee member may be removed by the appointing au-
7 thority, at the pleasure of the appointing authority
8 and a new member may be appointed to complete the
9 term of the preceding appointee. Members may contin-
10 ue to serve until their replacements are designated.
11 Vacancies shall be filled by the appointing authority
12 to complete the term of the preceding appointee.

13 The commission shall elect a chairman from its legis-
14 lative membership. The Commissioner of Environmental
15 Protection shall serve as vice-chairman.

16 Sec. 114. 39 MRSA §2, sub-§5, ¶A, as amended by
17 PL 1983, c. 402, and c. 554, is repealed and the
18 following enacted in its place:

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

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

35 (2) Firefighters, including volunteer fire-
36 fighters who are active members of a volun-
37 teer fire fighters' association, as defined
38 in Title 30, section 3771; volunteer emer-
39 gency medical services' persons, as defined
40 in Title 32, section 83, subsection 12; and
41 policemen shall be deemed employees within
42 the meaning of this Act. In computing the

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average weekly wage of an injured volunteer firefighter or volunteer emergency services' person, the average weekly wage shall be taken to be the earning capacity of the injured employee in the occupation in which he is regularly engaged. Employers who hire workmen within this State to work outside the State may agree with such workmen that the remedies under this Act shall be exclusive as regards injuries received outside this State arising out of and in the course of that employment; and all contracts of hiring in this State, unless otherwise specified, shall be presumed to include such an agreement. Any reference to an employee who has been injured shall, when the employee is dead, include his legal representatives, dependents and other persons to whom compensation may be payable;

(3) Notwithstanding any other provisions of this Act any charitable, religious, educational or other nonprofit corporation that may be or may become an assenting employer under this Act may cause any duly elected or appointed executive officer to be an employee of the corporation by specifically including the executive officer among those to whom the corporation secures payment of compensation in conformity with subchapter II; and the executive officer shall remain an employee of the corporation under this Act while such payment is so secured. With respect to any corporation that secures compensation by making a contract of workers' compensation insurance, specific inclusion of the executive officer in the contract shall cause the officer to be an employee of the corporation under this Act;

(4) Any person who states in writing to the commission that he waives all the benefits and privileges provided by the workers' compensation laws, provided that the commission shall have found that person to be a bona fide owner of at least 20% of the outstanding voting stock of the corporation by which

1 he is employed and that this waiver was not
2 a prerequisite condition to employment.

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

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

25 (6) Employees of an agricultural employer
26 when harvesting 150 cords of wood or less
27 each year from farm wood lots, provided that
28 the employer is covered under an employer's
29 liability insurance policy as required in
30 subsection 1-A; or

31 (7) An independent contractor.

32 Sec. 115. 39 MRSA §4, as repealed and replaced
33 by PL 1985, c. 249, §2, is amended to read:

34 §4. Applicability to certain actions and employers;
35 exemptions

36 An employer who has secured the payment of com-
37 pensation in conformity with sections 21-A to 27 is
38 exempt from civil actions, either at common law or
39 under sections 141 to 148, Title 14, sections ~~101~~
40 8101 to 8118, and Title 18-A, section 2-804, involv-

1 ing personal injuries sustained by an employee arising
2 out of and in the course of his employment, or
3 for death resulting from those injuries. This exemp-
4 tion from liability applies to all employees, super-
5 visors, officers and directors of the employer for
6 any personal injuries arising out of and in the
7 course of employment, or for death resulting from
8 those injuries. These exemptions also apply to occu-
9 pational diseases sustained by an employee or for
10 death resulting from those diseases.

11 Sec. 116. PL 1985, c. 506, Pt. A, §38, first 3
12 lines are repealed and the following enacted in their
13 place:

14 Sec. 38. 20-A MRSA §15509 as repealed by PL
15 1983, c. 859, Pt. G, §§1 and 4, and as amended by PL
16 1983, c. 859, Pt. K, §§4 and 5, is repealed.

17 Sec. 117. PL 1985, c. 506, Pt. A, §43, first 2
18 lines are repealed and the following enacted in their
19 place:

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

23 Sec. 118. PL 1985, c. 506, Pt. A, §44, first 4
24 lines are repealed and the following enacted in their
25 place:

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

29 PART B

30 Sec. 1. 1 MRSA §74, as enacted by PL 1977, c.
31 78, §1, is amended to read:

32 §74. Revision authorized

33 The following revisions to the laws of Maine are
34 authorized:

35 1. References to Executive Council in public
36 laws. Notwithstanding any other provision of law, af-

1 ter January 4, 1977, wherever in any public law,
2 whether allocated to the Maine Revised Statutes or
3 not, the words "Executive Council" and "council" used
4 as an abbreviation for Executive Council, or any other
5 reference to the Executive Council appear, the
6 public laws shall read as if those words were not
7 contained in that public law. This section shall not
8 affect any application of any public law prior to
9 January 4, 1977. The ~~Director of Legislative~~
10 ~~Research~~ Revisor of Statutes may assist any
11 republication of any public law after January 4,
12 1977, to ensure deletion of any reference in that
13 public law to the Executive Council.

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

28 Sec. 2. 3 MRSA §273, as amended by PL 1969, c.
29 238, is further amended to read:

30 §273. Organization and procedure

31 The commission shall organize by the choice of
32 one of its members to be its chairman. The ~~office of~~
33 ~~the Legislative Finance Officer~~ Office of Fiscal and
34 Program Review shall serve as the secretariat of the
35 commission. The commission may enact such rules governing
36 its procedure and the conduct of its affairs
37 not inconsistent with law as it may see fit.

38 Sec. 3. 3 MRSA §504, sub-§3, as repealed and re-
39 placed by PL 1979, c. 654, §1, is amended to read:

40 3. Submittal of justification reports. Depart-
41 ments and independent agencies designated in section

1 507 shall submit their justification reports to the
2 Legislature, through the Legislative Administrative
3 Director Office of Executive Director of the Legisla-
4 tive Council, according to the following schedule:

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

6 Group A-2 no later than October 31, 1979;

7 Group B-1 no later than October 31, 1980;

8 Group B-2 no later than October 31, 1981;

9 Group C-1 no later than October 31, 1982;

10 Group C-2 no later than October 31, 1983;

11 Group D-1 no later than October 31, 1984;

12 Group D-2 no later than October 31, 1985;

13 Group E-1 no later than October 31, 1986; and

14 Group E-2 no later than October 31, 1987.

15 Sec. 4. 3 MRSA §801, sub-§2, as enacted by PL
16 1985, c. 507, §1, is amended to read:

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

25 Sec. 5. 5 MRSA §21, sub-§2, as enacted by PL
26 1985, c. 167, is amended to read:

27 2. Nonpartisan staff. "Nonpartisan staff" means
28 the directors and staffs of the Office of Legislative
29 Assistants Policy and Legal Analysis, the Legislative
30 Finance Office Office of Fiscal and Program Review,
31 the Legislative Research Office of Revisor of
32 Statutes, the Legislative Information Office and the
33 Office of the Legislative Administrative Director Ex-
34 ecutive Director of the Legislative Council.

1 Sec. 6. 5 MRSA §1507, sub-§7, as enacted by PL
2 1975, c. 771, §67, is amended to read:

3 7. Procedure. All allocations from the State
4 Contingent Account shall be supported by a statement
5 of facts setting forth the necessity for the allocation.
6 A copy of each order for an allocation, together
7 with the statement of facts, shall be provided
8 to the Legislative Finance Officer Office of Fiscal
9 and Program Review, to the President of the Senate
10 and to the Speaker of the House of Representatives
11 when the allocation is made.

12 Sec. 7. 5 MRSA §1585, sub-§1, as amended by PL
13 1983, c. 477, Pt. E, sub-pt. 11, is further amended
14 to read:

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

34 Sec. 8. 5 MRSA §1662, sub-§6, as enacted by PL
35 1985, c. 174, Pt. J. §2, is amended to read:

36 6. Necessary data. To require all departments
37 and other agencies in the Executive, Legislative and
38 Judicial Departments of State Government to prepare
39 and submit for review such data, information or
40 records as may be deemed necessary by the State Bud-
41 get Officer to facilitate the Bureau of the Budget's
42 efforts regarding this section. Copies of these mate-

1 rials shall be made available to the Legislative
2 Finance Office of Fiscal and Program Review by the
3 Bureau of the Budget upon request of the Legislative
4 Finance Officer Director of Fiscal and Program
5 Review.

6 Sec. 9. 5 MRSA §1669, as amended by PL 1983, c.
7 824, Pt. L, is further amended to read:

8 §1669. Federal funds

9 No state department or agency may make expendi-
10 tures of any federal funds or expenditures in antici-
11 pation of receipt of federal funds for any new or ex-
12 panded programs, unless such federal funds are ap-
13 proved by the Legislature. The Governor may authorize
14 the expenditure of such federal funds for a period
15 not to exceed 12 calendar months and shall notify the
16 Legislative Finance Office of Fiscal and Program
17 Review of such action.

18 Sec. 10. 5 MRSA §1705, as enacted by PL 1977, c.
19 378, is amended to read:

20 §1705. Legislative review of federal grant applica-
21 tions

22 The director of a state agency shall submit, at
23 the same time that a federal grant application is
24 submitted to the Federal Government, a copy of each
25 such application to the Legislative Finance Officer
26 Director of Fiscal and Program Review.

27 Sec. 11. 5 MRSA §1817 is amended to read:

28 §1817. Printing of laws

29 When the Director of Legislative Research Revisor
30 of Statutes shall have prepared material for a revi-
31 sion of the statutes or for a volume containing the
32 laws passed at a session of the Legislature with ac-
33 companying material, he shall deliver the same pre-
34 pared for printing to the State Purchasing Agent who
35 shall contract for the printing, binding and delivery
36 to the State of a sufficient number of volumes to
37 meet the needs of the State and for sale as provided.

1 Sec. 12. 5 MRSA §3354, as repealed and replaced
2 by PL 1977, c. 406, §3, is amended to read:

3 §3354. Grants to other agencies

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

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

21 §8053-A. Notice to legislative committees

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

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

37 A. A citation of the statutory authority for the
38 adoption of the rule;

39 B. A concise statement of the principal reasons
40 for the rule;

1 C. An analysis of the rule; and

2 D. An estimated fiscal impact of the rule.

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

6 Sec. 14. 5 MRSA §11111, sub-§3, as enacted by PL
7 1981, c. 524, §15, is amended to read:

8 3. Director. "Director" means the Legislative
9 Administrative Executive Director of the Legislative
10 Council.

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

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

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

23 The Legislative Administrative executive director
24 shall, upon receipt of an application for review, de-
25 termine the appropriate joint standing committee of
26 the Legislature responsible for review of the rule in
27 question and send the application and a copy of the
28 rule in question to each member of the committee.
29 Each member of the committee shall individually re-
30 view the application to determine whether the appli-
31 cant is qualified and whether the public interest
32 would be served by a review of the rule in question
33 by the full committee. If a committee member decides
34 that the review should be made, he shall notify the
35 director within 15 days after notice was sent. If 1/3
36 or more of the full committee notify the director
37 that a review of the rule should be made, the direc-
38 tor shall advise the chairman of the committee, who
39 shall schedule a meeting of the committee to review

1 the rule. If the committee votes not to review the
2 rule, a report to that effect shall be prepared by
3 the director and sent to the applicant and the Legis-
4 lative Council.

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

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

23 Sec. 18. 12 MRSA §7034, sub-§6, as enacted by PL
24 1979, c. 420, §1, is amended to read:

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

38 Sec. 19. 22 MRSA §2387, sub-§5, as amended by PL
39 1985, c. 481, Pt. A, §51, is further amended to
40 read:

1 5. Records. Any officer, department or agency
2 having custody or property subject to forfeiture under
3 subsection 1, paragraph A, B or C, or having disposed
4 of the property shall keep and maintain full
5 and complete records showing from whom it received
6 the property, under what authority it held or received
7 or disposed of the property, to whom it delivered
8 the property, the date and manner of destruction
9 or disposition of the property and the exact kinds,
10 quantities and forms of the property. ~~Said~~ The
11 records shall be open to inspection by all federal
12 and state officers charged with enforcement of federal
13 and state drug control laws. Persons making final
14 disposition or destruction of ~~said~~ the property under
15 court order shall report, under oath, to the court
16 the exact circumstances of ~~said~~ the disposition or
17 destruction.

18 The Department of Public Safety shall be responsible
19 for maintaining a centralized record of property
20 seized, held by and ordered to the department. A report
21 of the disposition of property previously held
22 by the department and ordered by the court to any
23 governmental entity shall be provided at least quarterly
24 to the Commissioner of Finance and Administration and the
25 Legislative Finance Office of Fiscal and
26 Program Review for review. These records shall include
27 an estimate as to the fair market value of
28 items seized.

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

31 Any balance of any allocation or subdivision of
32 an allocation from the Highway Fund made by the Legislature
33 for any department or agency, which at any time may not
34 be required for the purposes named in that allocation or
35 subdivision, may be transferred at any time prior to the
36 closing of the books, to any other allocation or subdivision
37 of an allocation from the Highway Fund made by the Legislature
38 for the same fiscal year subject to review by the joint standing
39 committee of the Legislature having jurisdiction over
40 transportation. Financial orders describing these transfers
41 shall be submitted by the Bureau of the Budget to the
42 Legislative Finance Office of Fiscal and Program Review
43 30 days before the transfer is to be implemented.
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1 Sections 14 and 15. Correct conflicts in the
2 numbering of sections.

3 Section 16. Corrects a conflict between Public
4 Law 1985, chapter 457, section 4, and chapter 501,
5 Part B, section 15.

6 Section 17. Corrects an internal reference.

7 Sections 18 and 19. Correct a conflict in
8 duplicative subparagraph numbering and provides that
9 the Maine Highway Safety Commission is authorized to
10 receive expenses.

11 Section 20. Incorporates provisions from Public
12 Law 1985, chapter 233, section 2; chapter 288, sec-
13 tion 2; and chapter 389, section 6, to avoid a con-
14 flict.

15 Section 21. This section removes any ambiguity
16 in the method of selecting the Maine Land Use Regula-
17 tion Commission chairman, which is provided for in
18 the Maine Revised Statutes, Title 12, section 684

19 Sections 22 and 108. Properly place a shoreland
20 zoning provision in the Maine Revised Statutes, Title
21 38, section 435.

22 Sections 23 and 109. Properly place a provision
23 concerning the duties of code enforcement officers in
24 the Maine Revised Statutes, Title 38, section 441,
25 subsection 3, paragraph C.

26 Sections 24 and 110. Properly place a shoreland
27 zoning enforcement provision in the Maine Revised
28 Statutes, Title 38, section 444, and corrects a ref-
29 erence.

30 Section 25. Corrects punctuation and format of
31 the provision.

32 Section 26. Incorporates changes by Public Law
33 1985, chapter 237, section 1, and chapter 353, sec-
34 tion 1.

35 Section 27. Incorporates changes made by Public
36 Law 1985, chapter 48, section 1, and chapter 259.

1 Section 28. Corrects a reference to the Maine
2 Revised Statutes as repealed and enacted by Public
3 Law 1985, c. 282, sections 2 and 3.

4 Section 29. Corrects a reference to the Maine
5 Criminal Code.

6 Sections 30. Incorporates changes made by Pub-
7 lic Law 1985, chapter 301, section 2, and chapter
8 304, section 24.

9 Section 31. Eliminates a conflict between Pub-
10 lic Law 1985, chapter 177, section 3, and chapter
11 304, section 30.

12 Sections 32 and 33. Correct a conflict created
13 by 3 substantively different provisions enacted with
14 same subsection designation.

15 Sections 34 and 84. Correct an inconsistency be-
16 tween the new nonprofit corporations' law and the
17 Maine Tort Claims Act regarding volunteer fire asso-
18 ciations.

19 Section 35. Corrects a statutory reference.

20 Section 36. Replaces a wrong word with the cor-
21 rect one.

22 Section 37. Corrects a reference.

23 Section 38. Re-enacts the penalty for public
24 drinking which was enacted by Public Law 1985, chap-
25 ter 474, but left off in the printing process.

26 Section 39. Corrects an internal cross refer-
27 ence.

28 Section 40. Corrects format error resulting
29 from enactment of Public Law 1985, chapter 247, sec-
30 tion 2, and chapter 495, section 7.

31 Section 41. The provisions of Public Law 1983,
32 chapter 806, section 87, are included in the Maine
33 Revised Statutes, Title 20-A, section 11804-A as en-
34 acted by Public Law 1983, chapter 862, section 67.

1 Section 42. The provisions from Public Law
2 1983, chapter 422, section 22, are included in the
3 Maine Revised Statutes, Title 20-A, section 11804-A
4 as enacted by Public Law 1983, chapter 862, section
5 67.

6 Section 43. Incorporates the original language to
7 be consistent with the Maine Revised Statutes, Title
8 20-A, section 4.

9 Section 44. Incorporates changes made by Public
10 Law 1985, chapter 463, section 2, and chapter 487,
11 section 4.

12 Section 45. Provides correct reference to the
13 elections laws, now Maine Revised Statutes, Title
14 21-A.

15 Section 46. Incorporates changes made by Public
16 Law 1985, chapter 248, section 6, and chapter 469.

17 Section 47. Incorporates changes made by Public
18 Law 1983, chapter 722, and chapter 812, section 115.

19 Section 48. Incorporates changes made in Public
20 Law 1985, chapter 418, section 7, and chapter 443,
21 section 1.

22 Sections 49, 50, 51 and 52. These sections
23 clarify provisions whereby 4 substantially different
24 chapters of the Maine Revised Statutes were enacted
25 using the same section numbers.

26 Sections 53, 54 and 55. Correct inconsistencies
27 enacted by Public Law 1983, chapter 730, and chapter
28 812.

29 Section 56. Corrects conflict between Public
30 Law 1983, chapter 730, section 6, and chapter 812,
31 section 130.

32 Section 57. Resolves a conflict between Public
33 Law 1985, chapter 185, section 4, and chapter 193.

34 Section 58. This section reallocates a statuto-
35 ry provision which was inadvertently enacted in the
36 wrong Title.

- 1 Section 59. Corrects a reference.
- 2 Section 60. Corrects a numbering error.
- 3 Section 61. Removes a conflict between Public
4 Law 1985, chapter 497, section 8, and chapter 506,
5 Part B, section 23.
- 6 Section 62. Eliminates duplication resulting
7 from Public Law 1985, chapter 497, section 9, and
8 chapter 506, Pt. B, section 24.
- 9 Section 63. Incorporates changes made by Public
10 Law 1985, chapter 6; chapter 497, section 11; and
11 chapter 506, Part B, section 26.
- 12 Section 64. Incorporates changes made by Public
13 Law 1985, chapter 506, Part B, section 27.
- 14 Section 65. Incorporates a technical difference
15 made by Public Law 1985, chapter 497, section 13, and
16 chapter 506, Part B, section 28.
- 17 Section 66. Incorporates minor style change
18 from Public Law 1985, chapter 497, section 16, which
19 was not made by Public Law 1985, chapter 506, Part B,
20 section 31.
- 21 Section 67. Incorporates a technical difference
22 between Public Law 1985, chapter 497, section 17, and
23 chapter 506, Part B, section 32.
- 24 Section 68. Incorporates a technical difference
25 between Public Law 1985, chapter 497, section 18, and
26 chapter 506, Part B, section 33.
- 27 Section 69. Incorporates changes made by Public
28 Law 1983, chapter 13, section 4, and chapter 305,
29 section 3.
- 30 Section 70. Incorporates a change made by Pub-
31 lic Law 1985, chapter 348, section 6
- 32 Section 71. Incorporates a necessary reference
33 in Public Law 1985, chapter 147, section 1.

1 Section 72. Incorporates changes made by Public
2 Law 1985, chapter 306, and chapter 435, sections 2 to
3 4.

4 Sections 73 and 74. These sections correct an
5 inconsistency caused by 2 substantively different
6 provisions having the same subsection designation.

7 Sections 75 and 76. Correct an error whereby 2
8 substantively different provisions were given the
9 same section number.

10 Sections 77 and 78. Reconcile 3 substantively
11 different sections, all with same section number.

12 Section 79. Incorporates changes made by Public
13 Law 1985, chapter 405, and chapter 429, section 15

14 Section 80. Incorporates changes made by Public
15 Law 1985, chapter 265, and chapter 401.

16 Section 81. Incorporates changes made by Public
17 Law 1985, chapter 401, section 11.

18 Section 82. Incorporates changes made by Public
19 Law 1985, chapter 262, section 4.

20 Sections 83, 83-A and 83-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 Sections 85 and 86. Correct placement of a sen-
25 tence.

26 Sections 87 and 99. Amend the definition of
27 sardine as was intended by Public Law 1985, c. 622.

28 Section 88. Incorporates changes made by Public
29 Law 1985, chapter 59, and chapter 266.

30 Section 89. Incorporates changes made by Public
31 Law 1985, chapter 481, Part A, section 71, and Part
32 C, section 3.

33 Section 90. Incorporates necessary subchapter
34 designations.

1 Section 91. Reconciles changes made in Public
2 Law 1985, chapter 241, section 1, and chapter 481,
3 Part C, section 12.

4 Sections 92, 93, 94 and 95. These sections cor-
5 rect conflicts created by duplicate subsection number
6 designations.

7 Section 96. Incorporates changes made by Public
8 Law 1985, chapter 411, section 1, and chapter 447,
9 section 1.

10 Section 97. Incorporates changes made by Public
11 Law 1985, chapter 75, and chapter 295, section 55.

12 Section 98. 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 100. Corrects an internal reference to
16 the Maine Revised Statutes.

17 Section 101. Repeals a provision which is now
18 codified as the Maine Revised Statutes, Title 37-B,
19 section 954, subsection 1.

20 Section 102. Repeals a provision which was
21 reallocated to be the Maine Revised Statutes, Title
22 37-B, section 954, subsection 5.

23 Section 103. 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 104. Includes necessary references made
28 in Public Law 1983, chapter 812, section 282, but not
29 made in Public Law 1983, chapter 816, Part B, section
30 9.

31 Section 105. Includes a necessary reference
32 made in Public Law 1983, chapter 812, section 287,
33 but not in chapter 816, Part B, section 19.

34 Section 106. Corrects a reference to compensa-
35 tion of the Radiological Emergency Preparedness Com-
36 mittee which was provided in Public Law 1983, chapter

1 812, section 284, but which was not included when
2 this provision was allocated by Public Law 1983,
3 chapter 816, Part B, section 13.

4 Section 107. Incorporates necessary subchapter
5 designation.

6 Section 111. Clarifies the reference to the
7 legislative body of the municipality in which a haz-
8 ardous waste is to be located.

9 Section 112. Corrects an internal reference.

10 Section 113. Incorporates changes made by Pub-
11 lic Law 1985, chapter 522, section 1, and chapter
12 525.

13 Section 114. Incorporates changes made by Pub-
14 lic Law 1983, chapter 402, and chapter 554.

15 Section 115. This corrects an erroneous cross
16 reference to a statutory provision.

17 Sections 116, 117 and 118. Corrects the amend-
18 ing clause from the errors bill from the First Regu-
19 lar Session of the 112th Legislature.

20 **PART B**

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

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