

MAINE STATE LEGISLATURE

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1 (EMERGENCY)
2 SECOND SPECIAL SESSION
3

4 ONE HUNDRED AND TWELFTH LEGISLATURE
5

6 Legislative Document

No. 2427

7
8 H.P. 1734

House of Representatives, May 28, 1986

9 Approved for introduction by a majority of the Legislative Council
10 pursuant to Joint Rule 26.

11 Received by the Clerk of the House on May 27, 1986. Referred to the
Committee on Judiciary, and ordered printed pursuant to Joint Rule 14.

EDWIN H. PERT, Clerk

Presented by Representative Paradis of Augusta.
12

13 STATE OF MAINE
14

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

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

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

24 Whereas, Acts of this and previous Legislatures
25 have resulted in certain technical errors and inconsis-
26 tencies in the laws of Maine; and

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

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

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

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

9 Sec. 1. 4 MRSA §1051, as repealed and replaced
10 by PL 1985, c. 737, Part A, §13, and c. 787, §2, is
11 repealed and the following enacted in its place:

12 §1051. Legal holidays

13 No court may be held on Sunday or any day desig-
14 nated for the annual Thanksgiving; New Year's Day,
15 January 1st; Martin Luther King, Jr., Day, the 3rd
16 Monday in January; Washington's Birthday, the 3rd
17 Monday in February; Patriot's Day, the 3rd Monday in
18 April; Memorial Day, the last Monday in May, but if
19 the Federal Government designates May 30th as the
20 date for observance of Memorial Day, the 30th of May;
21 the 4th of July; Labor Day, the first Monday of Sep-
22 tember; Columbus Day, the 2nd Monday in October; Vet-
23 erans' Day, November 11th; or on Christmas Day. The
24 Chief Justice of the Supreme Judicial Court may order
25 that court be held on a legal holiday when he finds
26 that the interests of justice and judicial economy in
27 any particular case will be served. The public of-
28 fices in county buildings may be closed to business
29 on the holidays named in this section. When any one
30 of the holidays named in this section falls on Sun-
31 day, the Monday following shall be observed as a hol-
32 iday, with all the privileges applying to any of the
33 days named in this section.

34 Sec. 2. 5 MRSA §284 is enacted to read:

35 §284. Division of Administrative Services

36 The Division of Administrative Services is estab-
37 lished to provide assistance to the Commissioner of
38 Finance and to the agencies within the department in
39 personnel matters, budgeting and financial matters,
40 purchasing and clerical and support services, and to

1 perform such other duties as the commissioner may
2 designate.

3 Sec. 3. 5 MRSA §350, as amended by PL 1985, c.
4 785, Pt. A, §35, is further amended to read:

5 §350. Statement of purpose; Advisory Committee on
6 State Telecommunications

7 The Department of Administration, as the princi-
8 pal administrative and ~~fi~~ department of the State
9 Government, has responsibilities for the general ad-
10 ministration of state telecommunications services,
11 including, but not limited to, telephone services,
12 radio, teletype, microwave and data transmission
13 links. It is recognized that the department should
14 serve to provide needed coordination between state
15 agencies utilizing telecommunications services in
16 such areas as engineering assistance, systems mainte-
17 nance, frequency allocation, systems planning, and
18 the purchase of services and equipment. The Advisory
19 Committee on State Telecommunications, established by
20 section 12004, subsection 10, shall assist the De-
21 partment of Administration in providing for the coor-
22 dination of state telecommunications services.

23 Sec. 4. 5 MRSA §1876, sub-§1, ¶F, as enacted by
24 PL 1985, c. 785, Pt. A, §78, is amended to read:

25 F. The Bureau of Purchases, the head of which
26 shall be the ~~Director of Purchases~~ State Purchas-
27 ing Agent;

28 Sec. 5. 5 MRSA §1885, first ¶, as enacted by PL
29 1985, c. 785, Pt. A, §78, is amended to read:

30 The Office of Information Services shall be under
31 the direction of the Deputy Commissioner of Adminis-
32 tration for Information Services and shall be respon-
33 sible for providing information services in data pro-
34 cessing, planning for the coordination of data pro-
35 cessing through the State Government.

36 Sec. 6. 5 MRSA §7041, sub-§2, ¶G, as enacted by
37 PL 1985, c. 785, Pt. B, §38, is amended to read:

1 G. Two persons appointed by the Governor who are
2 not state employees and who are well qualified by
3 experience, training and education in personnel
4 systems in the private sector with firms which
5 have implemented progressive personnel systems.

6 Sec. 7. 5 MRSA §12004, sub-§8, ¶A, sub-¶(1-C) is
7 enacted to read:

8	<u>(1-C)</u>	<u>Administration</u>	<u>Information</u>	<u>Expenses</u>	<u>5 MRSA</u>
9			<u>Services</u>	<u>Only</u>	<u>§1891</u>
10			<u>Policy</u>		
11			<u>Board</u>		

12 Sec. 8. 8 MRSA §350, as enacted by PL 1985, c.
13 785, Pt. A, §86, is amended to read:

14 §350. Bureau of Lottery

15 The State Lottery Bureau of Lottery is estab-
16 lished within the Department of Finance to carry out
17 the purposes of this chapter.

18 Sec. 9. 9-A MRSA §1-106, sub-§2, as amended by
19 PL 1985, c. 763, Pt. A, §16, is further amended to
20 read:

21 2. The designated dollar amounts may change on
22 July 1st of every 4th even-numbered year if the per-
23 centage of change, calculated to the nearest whole
24 percentage point, between the Index at the end of the
25 preceding year and the Reference Base Index is 20% or
26 more, except that:

27 A. The portion of the percentage change in the
28 Index in excess of a multiple of 20% shall be
29 disregarded and the dollar amounts shall change
30 only in multiples of 20% of the amounts appearing
31 in this Act on the date of enactment; and

32 B. The dollar amounts shall not change if the
33 amounts required by this section are those cur-
34 rently in effect pursuant to this Act as a result
35 of earlier application of this section.

36 Sec. 10. 9-A MRSA §2-306, as enacted by PL 1973,

1 c. 762, §1, is repealed

2 Sec. 11. 9-A MRSA §2-308, sub-§1, as amended by
3 PL 1985, c. 763, §29, is further amended to read:

4 1. Except as provided in section 3-308, super-
5 vised loans, not made pursuant to open-end credit and
6 in which the amount financed is ~~§1,000~~ \$700 or less
7 and the principal of which is payable in more than a
8 single payment, shall be scheduled to be payable in
9 substantially equal installments at equal periodic
10 intervals except to the extent that the schedule of
11 payments is adjusted to the seasonal or irregular in-
12 come of the debtor and over a period of not more than
13 25 months.

14 Sec. 12. 9-A MRSA §2-504, first ¶, as amended by
15 PL 1985, c. 316, §1, is further amended to read:

16 Subject to section 2-308, with respect to a con-
17 sumer credit transaction, the creditor may, by agree-
18 ment with the consumer, refinance the unpaid balance
19 and may contract for and receive a finance charge
20 based on the amount financed resulting from the refi-
21 nancing at a rate not exceeding by 1% per year the
22 rate charged in the original agreement and stated to
23 the consumer pursuant to the provisions on disclo-
24 sure. This section shall not apply to consumer loans
25 in which the principal thereof is payable in a single
26 payment on demand or at a specified time and the fi-
27 nance charge, calculated according to the actuarial
28 method, does not exceed 12 1/4% per year, or to con-
29 sumer loans which, at the time of refinancing, are
30 ~~subject to the provisions of federal laws or regula-~~
31 ~~tions governing interest on deposits secured by a~~
32 savings or time deposit, provided that the difference
33 between the rate of interest earned on the savings or
34 time deposit and the rate of interest charged on the
35 loan secured by that deposit does not exceed the dif-
36 ference between the rate of interest earned on the
37 savings or time deposit and the rate of interest
38 charged on the loan secured by that deposit for the
39 loan that is being refinanced or upon voluntarily
40 providing different collateral than that securing the
41 original loan, provided that the consumer has not
42 been in default on the loan with the creditor within
43 the 12-month period preceding the refinancing of the

1 loan. This section also does not apply to consumer
2 loans in which the principal is payable in a single
3 payment on demand or at a specified time and the debt
4 is secured by an interest in securities, bonds, de-
5 bentures or other corporate obligations. For the
6 purpose of determining the finance charge permitted,
7 the amount financed resulting from the refinancing
8 comprises the following:

9 **Sec. 13.** 9-A MRSA §3-201, sub-§2, as enacted by
10 PL 1973, c. 762, §1, is amended to read:

11 2. Without limiting the generality of subsection
12 1 and without requiring a statement of rate of fi-
13 nance charge if the finance charge is not more than
14 \$5 when the amount financed does not exceed \$75, or
15 \$7.50 when the amount financed exceeds \$75, an adver-
16 tisement with respect to a consumer credit
17 transaction made by the posting of a public sign, or
18 by catalog, magazine, newspaper, radio, television or
19 similar mass media, is misleading if:

20 A. It states the rate of finance charge and the
21 rate is not stated in the form required by the
22 provisions on disclosure; or

23 B. It states the dollar amounts of the finance
24 charge or instalment payments, and does not also
25 state the rate of any finance charge and the num-
26 ber and amount of the ~~instalment~~ installment pay-
27 ments.

28 **Sec. 14.** 9-B MRSA §161, sub-§2, ¶I, as repealed
29 by 9-B MRSA §161, sub-§2, ¶I and as amended by PL
30 1985, c. 668, § 2, is reenacted to read:

31 I. Any disclosure of records made pursuant to
32 Title 22, section 16; or

33 **Sec. 15.** 10 MRSA §8001, as repealed and replaced
34 by PL 1985, c. 748, §15, is amended to read:

35 §8001. Department; organization

36 There is created and established the Department
37 of Professional and Financial Regulation, in this
38 chapter referred to as the "department," to regulate

1 financial institutions, insurance companies, commer-
2 cial sports, grantors of consumer credit and to li-
3 cense and regulate professions and occupations. The
4 department shall be composed of the following bu-
5 reaus, boards and commissions:

6 Banking, Bureau of;

7 Consumer Credit Protection, Bureau of;

8 Insurance, Bureau of;

9 Athletic Commission, Maine;

10 Pilotage Commission, Maine State;

11 Real Estate Commission;

12 Running Horse Racing Commission, State;

13 Arborist Examining Board;

14 Auctioneers, Board of Licensing of;

15 Barbers, State Board of;

16 Commercial Driver Education, Board of;

17 Dietetic Practice, Board of Registration of;

18 Electricians' Examining Board;

19 Foresters, State Board of Registration for Pro-
20 fessional;

21 Funeral Service, State Board of;

22 Geologists and Soil Scientists, State Board of
23 Certification for;

24 Hearing Aid Dealers and Fitters, Board of;

25 Manufactured Housing Board;

26 Nursing Home Administrators Licensing Board;

27 Occupational Therapy Practice, Board of;

1 Oil and Solid Fuel Board;
2 Physical Therapy, Board of Examiners in;
3 Plumbers' Examining Board;
4 Psychologists, State Board of Examiners of;
5 Respiratory Care Practitioners, Board of;
6 Social Worker Registration, State Board of;
7 Speech Pathology and Audiology, Board of Examin-
8 ers on; and
9 Substance Abuse Counselors, Board of Registration
10 of-; and
11 Veterinary Board.

12 **Sec. 16. Effective date.** Section 15 of this Act
13 shall take effect July 16, 1986.

14 **Sec. 17. 12 MRSA §550-A, sub-§1,** as enacted by
15 PL 1985, c. 201, §3, is amended to read:

16 1. Anticipated filing, notices of intent to
17 file. Companies anticipating to file for a permit
18 under Title 38, ~~Article~~ chapter 3, subchapter I,
19 article 6 to mine a metallic mineral deposit on a
20 site larger than 20 acres on state land or privately-
21 owned land shall file a notice of intent to file with
22 the director at least 6 months prior to the date when
23 an application for a site location permit will be
24 filed.

25 Companies shall publish the notice of intent in a
26 daily or weekly newspaper having general circulation
27 in the municipality in which the deposit is located,
28 on the earliest date practicable following the filing
29 of the notice with the director, and shall repeat the
30 publication of the notice at weekly intervals for a
31 total of 4 successive weeks.

32 **Sec. 18. 12 MRSA 685-B, sub-§1, ¶C,** as amended
33 by PL 1979, c. 127, §68, is further amended to read:

1 C. No person ~~shall~~ may commence any construction
2 or operation of any development without a permit
3 issued by the commission.

4 The commission may waive the requirement of a
5 hearing for any person having received approval
6 by the Board of Environmental Protection pursuant
7 to the Site Location of Department Law, Title 38,
8 sections 481 to 488.

9 Approval by the commission that the proposed de-
10 velopment meets the requirements of subsection 4,
11 and of the land use standards, ~~and rules and~~
12 ~~regulations~~ adopted by the commission shall be a
13 sufficient basis to support, but shall not re-
14 quire, a finding by the administering agency that
15 the development meets the requirements of the
16 Site Location of Development Law, Title 38, sec-
17 tions 481 to 488~~;~~; the Minimum Lot Size Law, sec-
18 tions 4807 to 4807-G~~;~~; the Wetlands Law, Title
19 38, sections 471 to 478~~;~~; the Great Ponds Law,
20 Title 38, chapter 3, subchapter 1, ~~Article~~
21 ~~article 1-A;~~ or the Stream Alteration Law, ~~see-~~
22 ~~tions 2206 to 2212~~ Title 38, chapter 3, subchap-
23 ter I, article 2-A; and the rules ~~and regulations~~
24 adopted with respect to any of such statutes, as
25 any of such statutes, rules or regulations may
26 apply. Disapproval by the commission shall be a
27 sufficient basis to support, but shall not re-
28 quire, a finding by the administering agency that
29 the proposed development does not meet the re-
30 quirements of the Site Location of Development
31 Law, Title 38, sections 481 to 488~~;~~; the Minimum
32 Lot Size Law, sections 4807 to 4807-G~~;~~; the Wet-
33 lands Law, Title 38, sections 471 to 478~~;~~; the
34 Great Ponds Law, Title 38, section 422~~;~~; or the
35 Stream Alteration Law, ~~sections 2206 to 2212~~ Ti-
36 tle 38, chapter 3, subchapter I, article 2-A; and
37 the rules ~~and regulations~~ adopted with respect to
38 any of such statutes, as any of such statutes,
39 rules or regulations may apply.

40 The commission may establish standards within
41 which authority may be delegated to its staff, to
42 approve with reasonable conditions or deny appli-
43 cations submitted hereunder. Any person aggrieved
44 by a decision of the staff shall have the right

1 to a review of such decision by the commission
2 members.

3 The commission shall establish coordination and
4 assistance procedures for all land use permits
5 issued by agencies of the State for proposed de-
6 velopment within the unorganized townships and
7 plantations. Such procedures shall, to the extent
8 practicable, ensure: The availability to the pub-
9 lic of necessary information concerning such land
10 use permits; the provision of assistance to ap-
11 plicants in obtaining such permits from such
12 agencies; the coordination of application proce-
13 dures, time schedules, application forms and sim-
14 ilar requirements so as to reduce delay and du-
15 plication of effort by applicants and the issuing
16 agencies. Such permit issuing agencies shall co-
17 operate with the commission in the development
18 and effectuation of such coordination and assist-
19 ance procedures.

20 **Sec. 19.** 12 MRSA §685-B, sub-§4, ¶A, as amended
21 by PL 1979, c. 127, §69, is further amended to read:

22 A. Adequate technical and financial provision
23 has been made for complying with the requirements
24 of the state's air and water pollution control
25 and other environmental laws, and those standards
26 and regulations adopted with respect thereto, in-
27 cluding without limitation the Site Location of
28 Development Law, Title 38, sections 481 to 488,
29 the Minimum Lot Size Law, sections 4807 to
30 4807-G, the Wetlands Law, Title 38, sections 471
31 to 478, the Great Ponds Law, Title 38, chapter 3,
32 subchapter 1, ~~Article~~ article 1-A, and the Stream
33 Alteration Law, ~~sections 2206 to 2212~~ Title 38,
34 chapter 3, subchapter I, article 2-A, for solid
35 waste disposal, for controlling of offensive
36 odors and for the securing and maintenance of
37 sufficient healthful water supplies; and

38 **Sec. 20.** 20-A MRSA §7804, sub-§§2 and 3, as en-
39 acted by PL 1985, c. 768, §1, are amended to read:

40 2. Rules. The committee shall promulgate rules
41 in accordance with the Maine Administrative Procedure
42 Act, Title 5, chapter 375, that assure participation

1 at the local level by agencies currently serving
2 handicapped youths in transition from school to com-
3 munity. They shall require that existing resources
4 for providing services to handicapped youths in tran-
5 sition be exhausted prior to using grants funds to
6 provide services.

7 3. Fiscal agent The agency, institution or
8 school administrative unit receiving a grant under
9 this chapter may function only in the role of fiscal
10 agent, as described in rules promulgated by the de-
11 partment in accordance with the Maine Administrative
12 Procedure Act, Title 5, chapter 375, for regulating
13 the local administration of these programs.

14 **Sec. 21. Effective date.** Section 20 of this Act
15 shall take effect July 16, 1986.

16 **Sec. 22. 21-A MRSA §157, first ¶, as amended by**
17 **PL 1985, c. 614, §11, is further amended to read:**

18 In a city or town which has a board of registra-
19 tion, the clerk shall accept applications for regis-
20 tration and enrollment when the board is not in ses-
21 sion, except during the closed period prior to elec-
22 tion day under section 122.

23 **Sec. 23. Effective Date.** Section 22 of this Act
24 shall take effect July 16, 1986.

25 **Sec. 24. 21-A MRSA §622, as amended by PL 1985,**
26 **c. 614, §16, is further amended to read:**

27 §622. Warrant

28 The warrant for announcing an election must read
29 substantially as follows.

30 (Title of election) ELECTION WARRANT

31 (Name of county), ss. State of Maine

32 To (name of constable or resident), a constable
33 (or resident) of (name of municipality): You are
34 hereby required in the name of the State of Maine to
35 notify the voters of this municipality of the elec-
36 tion described in this warrant.

1 To the voters of (name of municipality and voting
2 district, if any):

3 You are hereby notified that an (~~title of elec-~~
4 ~~tion~~) election will be held at (name of voting place)
5 on (day and date of election) for the purpose of
6 (nomination or election) to the following offices:
7 (list of offices); and determining the following ref-
8 erendum questions: (list of questions).

9 The polls shall be opened at _____ a.m. and
10 closed at _____ p.m.

11 The registrar of voters or board of registration
12 will hold office hours while the polls are open to
13 correct any error in or change a name or address on
14 the voting list; to accept the registration of any
15 person eligible to vote and to accept new
16 enrollments.

17 A person who is not registered as a voter may not
18 vote in any election. A voter who is not enrolled
19 in a political party may not vote in a primary elec-
20 tion.

21 Dated

(date signed).

22 _____
23 _____
24 _____
25 _____
26 _____
27 _____

28 Majority of municipal officers
29 of (name of municipality)

30 Sec. 25. Effective date. Section 23 of this Act
31 shall take effect July 16, 1986.

32 Sec. 26. 22 MRSA §16, as repealed by 22 MRSA
33 §16, sub-§3, and as amended by PL 1985, c. 668, §2,
34 is reenacted to read:

35 §16. Access to financial records of deposit accounts
36 of recipients of public assistance

1 1. Definitions. For the purposes of this section,
2 unless the context indicates otherwise, the
3 following terms have the following meanings.

4 A. "Financial institution" means a trust compa-
5 ny, savings bank, industrial bank, commercial
6 bank, savings and loan association or credit un-
7 ion organized under the laws of this State or
8 otherwise authorized to do business in this
9 State.

10 B. "Match" means a comparison by name and social
11 security number of individuals included in any
12 public assistance roll with individuals included
13 in records of deposit accounts in any financial
14 institution.

15 C. "Public assistance" means aid, assistance or
16 benefits available through:

17 (1) A program of aid to families with de-
18 pendent children administered in this State
19 pursuant to chapter 1053;

20 (2) A program of medical assistance admin-
21 istered in this State pursuant to chapter
22 855; or

23 (3) Any other program that is based on need
24 and is conducted or administered by this
25 State.

26 D. "Public assistance roll" means a list of in-
27 dividuals who are receiving aid, assistance or
28 benefits in this State under one or more public
29 assistance programs. The list may include indi-
30 viduals whose applications for aid, assistance or
31 benefits are pending at the time of the match.

32 2. Verification procedure. Upon written request
33 from the commissioner and at the expense of the de-
34 partment, each financial institution in this State
35 shall match its records of deposit accounts against
36 public assistance rolls provided to the financial in-
37 stitution by the department and shall compile for the
38 department a list of accounts that, as a result of
39 the match, appear to be owned in whole or in part by

1 recipients of or applicants for public assistance.
2 The list of accounts shall include the name and so-
3 cial security number of each matched applicant or re-
4 ipient and the type of deposit account, the account
5 number and the account balance that appear in the
6 records of the financial institution. The department
7 shall be responsible for making its computer data
8 compatible with the data of any financial institution
9 with which a match is sought.

10 The department may not automatically terminate or de-
11 ny public assistance benefits solely on the basis of
12 information received through a match, nor shall any-
13 thing in this section be construed to create a lien
14 on or otherwise encumber deposit accounts that are
15 subject to a match. The department shall ensure that
16 the privacy of individuals involved in matching will
17 be protected to the maximum extent possible.

18 Sec. 27. 22 MRSA §4011, sub-§1, as amended by PL
19 1985, c. 530, §1, and c. 739, §7, is repealed and
20 the following enacted in its place:

21 1. Reasonable cause to suspect. When, while act-
22 ing in his professional capacity, a medical or
23 osteopathic physician, resident, intern, emergency
24 medical services' person, medical examiner,
25 physician's assistant, dentist, dental hygienist,
26 dental assistant, chiropractor, podiatrist, regis-
27 tered or licensed practical nurse, Christian Science
28 practitioner, teacher, guidance counselor, school of-
29 ficial, social worker, homemaker, home health aide,
30 medical or social service worker, psychologist, child
31 care personnel, mental health professional, law en-
32 forcement official, state fire inspector, municipal
33 code enforcement official or municipal fire inspector
34 knows or has reasonable cause to suspect that a child
35 has been or is likely to be abused or neglected, he
36 shall immediately report or cause a report to be made
37 to the department.

38 A. Whenever a person is required to report in
39 his capacity as a member of the staff of a medi-
40 cal or public or private institution, agency or
41 facility, he shall immediately notify the person
42 in charge of the institution, agency or facility,
43 or his designated agent, who shall then cause a

1 report to be made. The staff may also make a re-
2 port directly to the department.

3 B. Any person may make a report if that person
4 knows or has reasonable cause to suspect that a
5 child has been or is likely to be abused or ne-
6 glected.

7 D. When, while acting in his professional capac-
8 ity, any person required to report under this
9 section knows or has reasonable cause to suspect
10 that a child has been abused or neglected by a
11 person not responsible for the child, he shall
12 immediately report or cause a report to be made
13 to the appropriate district attorney's office,
14 except as provided in subsection 1-A.

15 **Sec. 28. Effective date.** Section 27 of this Act
16 shall take effect July 16, 1986.

17 **Sec. 29.** 30 MRSA §1991-B, sub-§2, as enacted by
18 PL 1985, c. 765, §5, is amended to read:

19 2. Rulemaking. The Director of the State Plan-
20 ning Office may adopt rules according to the Maine
21 Administrative Procedure Act, Title 5, chapter 375,
22 to create standarized contracts, administrative and
23 audit requirements for state funds received by re-
24 gional councils.

25 **Sec. 30. Effective date.** Section 29 of this Act
26 shall take effect July 16, 1986.

27 **Sec. 31.** 32 MRSA §2102, sub-§2, ¶B, as repealed
28 and replaced by PL 1985, c. 724, §2, is amended to
29 read:

30 B. Medical diagnosis or prescription of
31 therapeutic or corrective measures when those
32 services are delegated by a licensed ~~or otherwise~~
33 ~~legally authorized~~ physician to a registered
34 nurse who has completed the necessary additional
35 educational program required for the proper per-
36 formance of those services and whose credentials
37 must be approved by the board.

38 The board may adopt, pursuant to the Maine Admin-

1 istrative Procedure Act, Title 5, chapter 375,
2 subchapter II, rules defining the appropriate
3 scope of practice for nurses practicing under
4 this paragraph. The rules shall also define the
5 appropriate relationship with the physician. In
6 adopting the rules, the board shall invite com-
7 ment from the Board of Registration in Medicine;

8 **Sec. 32. Effective date.** Section 31 of this Act
9 shall take effect July 16, 1986.

10 **Sec. 33. 32 MRSA §2151, as amended by PL 1985,**
11 **c. 280, is further amended to read:**

12 §2151. Appointment; term; removal

13 A State Board of Nursing, as established by Title
14 5, section 12004, subsection 1, shall consist of ~~7~~ 9
15 members who shall be appointed by the Governor. Five
16 members of the board shall be professional nurses,
17 ~~one of whom shall be active in practical nurse educa-~~
18 ~~tion or in a school of practical nursing at the time~~
19 ~~of appointment. One member~~ Two members shall be a
20 licensed practical nurse nurses. ~~One member~~ Two
21 members shall be a representative representatives of
22 the public. Except to fill vacancies in unexpired
23 terms, all appointments shall be for a term of 5
24 years after such appointment or until their succes-
25 sors have been duly appointed and qualified. No per-
26 son may be eligible for more than one reappointment.
27 Any vacancy on the board shall be filled for the un-
28 expired term by the appointment of another member by
29 the Governor. Any members of the board may be re-
30 moved from office for cause by the Governor.

31 **Sec. 34. Effective date.** Section 33 of this Act
32 shall take effect July 16, 1986.

33 **Sec. 35. 32 MRSA §2153, first ¶, as amended by**
34 **PL 1985, c. 724, §14, is further amended to read:**

35 The board shall hold annual meetings at which it
36 shall elect from its members a ~~president~~ chairman and
37 a secretary. It may hold such other meetings during
38 the year as may be deemed necessary to transact its
39 business. Special meetings shall be called by the
40 secretary on request of any 2 members. ~~Four~~ Five

1 members of the board shall constitute a quorum at any
2 meeting.

3 **Sec. 36. Effective date.** Section 35 of this Act
4 shall take effect July 16, 1986.

5 **Sec. 37. 32 MRSA §2261, sub-§1, as enacted by PL**
6 **1985, c. 724, §29, is amended to read:**

7 1. Commission established. There is established
8 a Commission on Nursing Supply and Educational Acces-
9 sibility. This commission shall be composed of 15
10 persons appointed by the Governor, with 2 members
11 representing the general public and 13 members repre-
12 senting respectively the Maine State Nurses' Associa-
13 tion, the Maine Council of Nursing Service Adminis-
14 trators, the Maine Hospital Association, the Maine
15 Society for Hospital Personnel Administrators, the
16 Maine Licensed Practical Nurses' Association, the
17 Maine Community Health Association, the State Board
18 of Nursing, ~~the~~ Maine Health Care Association
19 Longterm Care Nursing Council, Consortium United
20 Maine Nurses, public baccalaureate nursing education,
21 private baccalaureate nursing education, Vocational-
22 technical institutes and Maine Council of Associate
23 Degree Nursing Programs. All regions of the State
24 must be fairly represented. Appointments shall be
25 for 3-year terms, except that no more than 3 members'
26 terms may expire in any one calendar year and ap-
27 pointments for terms of less than 3 years may be made
28 in order to comply with this limitation.

29 **Sec. 38. Effective date.** Section 37 of this Act
30 shall take effect July 16, 1986.

31 **Sec. 39. 32 MRSA §2261, sub-§2, as enacted by PL**
32 **1985, c. 724, §29, is amended to read:**

33 2. Staff The commission shall be provided staff
34 support by the Office of Data Research and Vital Sta-
35 tistics. Fund for staff support and data collection
36 shall come from the dedicated revenue fund of the
37 State Board of Nursing.

38 **Sec. 40. Effective date.** Section 39 of this Act
39 shall take effect July 16, 1986.

1 Sec. 41. 36 MRSa §841-B, as repealed by PL 1985,
2 c. 764, §14 and as amended by PL 1985, c. 785, Pt. A,
3 §111, is repealed.

4 Sec. 42. 36 MRSa §844, sub-§1, as enacted by PL
5 1985, c. 764, §18, is amended to read:

6 1. Municipalities without board of assessment
7 review. Except where the municipality has adopted a
8 board of assessment review or has been designated as
9 a primary assessing area, if the assessors or the mu-
10 nicipal officers refuse to make the abatement asked
11 for, the applicant may apply to the county commis-
12 sioners within 60 days after notice of the decisions
13 from which the appeal is being taken or within 60
14 days after the application is deemed to have been de-
15 nied. If the ~~assessors~~ commissioners think that the
16 applicant is over-assessed, the applicant shall be
17 granted such reasonable abatement as the assessors
18 think proper. If the applicant has paid the tax, he
19 shall be reimbursed out of the municipal treasury,
20 with costs in either case. If the applicant fails,
21 the commissioners shall allow costs to the municipal-
22 ity, taxed as in a civil action in the Superior
23 Court, and issue their warrant of distress against
24 him for collection of such amount as may be due the
25 municipality. The commissioners may require the as-
26 sors or municipal clerk to produce the valuation
27 by which the assessment was made or a copy of it. Ei-
28 ther party may appeal from the decision of the county
29 commissioners to the Superior Court, in accordance
30 with the Maine Rules of Civil Procedure, Rule 80B.
31 If the county commissioners fail to give written no-
32 tice of their decision within 60 days of the date the
33 application is filed, unless the applicant agrees in
34 writing to further delay, the application shall be
35 deemed denied and the applicant may appeal to the Su-
36 perior Court as if there had been a written denial or
37 the applicant may appeal to the State Board of Prop-
38 erty Tax Review by following the procedures specified
39 in section 843, subsection 2.

40 Sec. 42-A. Effective date. Section 42 of this
41 Act shall take effect July 16, 1986.

42 Sec. 43. 36 MRSa §1752, sub-§18-A, as repealed
43 and replaced by PL 1985, c. 783, §3, is amended to

1 read:

2 18-A. Telephone or telegraph service. "Telephone
3 or telegraph service" means all telecommunications or
4 telegraph service, including installation or use of
5 telecommunication or telegraphic equipment, but not
6 including telecommunications or telegraph service
7 originating or terminating outside this State.
8 "Telecommunications and telegraphic equipment" means
9 any 2-way interactive communications device, system
10 or process for transmitting or receiving electromag-
11 netic signals and capable of exchanging audio, data
12 base or textual information. ~~Telecommunications ser-~~
13 ~~vice includes access services provided by a local ex-~~
14 ~~change carrier to an interstate or intrastate inter-~~
15 ~~exchange carrier. Notwithstanding subsection 11, a~~
16 ~~sale of access services shall be considered a retail~~
17 ~~sale.~~ "Telephone or telegraph service" does not in-
18 clude directory advertising service.

19 Sec. 44. Effective date. Section 43 of this Act
20 shall take effect January 1, 1988.

21 Sec. 45. 36 MRSA §1760, sub-§3, as amended by PL
22 1985, c. 691, §10, and as repealed and replaced by PL
23 1985, c. 783, §4, is repealed and the following en-
24 acted in its place:

25 3. Food products. Sales of food products except:

26 A. Meals served on or off the premises of the
27 retailer;

28 B. Drinks or food furnished, prepared or served
29 for consumption at tables, chairs or counters, or
30 from trays, glasses, dishes or other tableware
31 provided by the retailer;

32 C. Those products which ordinarily are sold by
33 the retailer for immediate consumption on or near
34 the location of the retailer, even though the
35 products are sold on a "take out" or "to go" or-
36 der and are actually packaged or wrapped and
37 taken from the premises;

38 D. Those made from a retail location from which
39 food ordinarily is sold for consumption without

1 further preparation or storage, even though the
2 products are packaged or wrapped in bulk quanti-
3 ties; and

4 E. Sales of heated food or drinks; sandwiches;
5 ice cream or ice milk in a cone or cup, including
6 sundaes, sodas, frappes and the like, ice cream
7 or ice milk novelties and popsicles.

8 Sec. 46. Effective date. Section 45 of this Act
9 shall take effect July 16, 1986.

10 Sec. 47. 36 MRSA §1760, sub-§54 is enacted to
11 read:

12 54. Food stamp purchases. Sales of items pur-
13 chased with federal food stamps distributed by the
14 Department of Human Services.

15 Sec. 48. Effective date. Section 47 of this Act
16 shall take effect October 1, 1987.

17 Sec. 49. 38 MRSA §1304, sub-§12, ¶¶A and D as
18 enacted by PL 1985, c. 746, §29, are amended to read:

19 A. Whenever, after investigation, the commis-
20 sioner determines that there is or has been an
21 unauthorized discharge of hazardous waste, con-
22 stituents of hazardous waste, or waste oil into
23 the environment which where there is a reasonable
24 basis to believe that that discharge is endanger-
25 ing or causing damage to public health or the en-
26 vironment or that any person has violated or is
27 in violation of any requirement of this subchap-
28 ter, including rules adopted thereunder, relating
29 to hazardous waste which is endangering or caus-
30 ing damage to public health or the environment or
31 waste oil activities, he may issue an order re-
32 quiring compliance immediately or within a speci-
33 fied time period or requiring corrective action
34 or other response measures as necessary to remove
35 the dangers to public health and safety or the
36 environment.

37 The commissioner may require assurance of finan-
38 cial ability for completing corrective action and
39 may require, where necessary, that corrective ac-

1 tion be taken beyond a facility or site to remove
2 the danger to the public health or the environ-
3 ment unless the person to whom the order is di-
4 rected demonstrates to the commissioner that, de-
5 spite that person's best efforts, he was unable
6 to obtain the necessary permission to undertake
7 such actions.

8 D. The person to whom the order is directed
9 shall comply immediately or within a specified
10 time period. That person may apply to the board
11 within 10 days after receipt of the order for a
12 hearing on the order. The hearing shall be held
13 by a majority of the board members within 14 days
14 after receipt of the application. Within 7 days
15 after the hearing, the board shall make findings
16 of fact and shall continue, revoke or modify the
17 order. ~~At the hearing, all witnesses shall be~~
18 ~~sworn and the department shall establish the ba-~~
19 ~~sis for the order and for naming the person to~~
20 ~~whom the order was directed.~~ The decision of the
21 board may be appealed to the Superior Court in
22 accordance with the Maine Administrative Proce-
23 dure Act, Title 5, chapter 375, subchapter VII.

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

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

40 (2) Firefighters, including volunteer fire-
41 fighters who are active members of a volun-
42 teer fire fighters' association, as defined
43 in Title 30, section 3771; volunteer emer-

1 agency medical services' persons, as defined
2 in Title 32, section 83, subsection 12; and
3 policemen shall be deemed employees within
4 the meaning of this Act. In computing the
5 average weekly wage of an injured volunteer
6 firefighter or volunteer emergency services'
7 person, the average weekly wage shall be
8 taken to be the earning capacity of the in-
9 jured employee in the occupation in which he
10 is regularly engaged. Employers who hire
11 workmen within this State to work outside
12 the State may agree with such workmen that
13 the remedies under this Act shall be exclu-
14 sive as regards injuries received outside
15 this State arising out of and in the course
16 of that employment; and all contracts of
17 hiring in this State, unless otherwise spec-
18 ified, shall be presumed to include such an
19 agreement. Any reference to an employee who
20 has been injured shall, when the employee is
21 dead, include his legal representatives, de-
22 pendents and other persons to whom compensa-
23 tion may be payable;

24 (3) Notwithstanding any other provisions of
25 this Act any charitable, religious, educa-
26 tional or other nonprofit corporation that
27 may be or may become an assenting employer
28 under this Act may cause any duly elected or
29 appointed executive officer to be an employ-
30 ee of the corporation by specifically in-
31 cluding the executive officer among those to
32 whom the corporation secures payment of com-
33 pensation in conformity with subchapter II;
34 and the executive officer shall remain an
35 employee of the corporation under this Act
36 while such payment is so secured. With re-
37 spect to any corporation that secures com-
38 pensation by making a contract of workers'
39 compensation insurance, specific inclusion
40 of the executive officer in the contract
41 shall cause the officer to be an employee of
42 the corporation under this Act;

43 (4) Any person who states in writing to the
44 commission that he waives all the benefits
45 and privileges provided by the workers' com-

1 pensation laws, provided that the commission
2 shall have found that person to be a bona
3 fide owner of at least 20% of the outstand-
4 ing voting stock of the corporation by which
5 he is employed and that this waiver was not
6 a prerequisite condition to employment.

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

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

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

35 (7) An independent contractor.

36 Sec. 49-A. Effective date. Section 49 of this
37 Act shall take effect July 16, 1986.

38 Sec. 50. 39 MRSA §2, sub-§5, ¶A, as repealed and
39 replaced by PL 1985, c. 737, Pt. A, §116, is amended
40 to read:

1 A. "Employee" includes officials of the State,
2 counties, cities, towns, water districts and all
3 other quasi-public corporations of a similar
4 character, every duly elected or appointed execu-
5 tive officer of a private corporation, other than
6 a charitable, religious, educational or other
7 nonprofit corporation, and every person in the
8 service of another under any contract of hire,
9 express or implied, oral or written, except that:

10 (1) Persons engaged in maritime employment
11 or in interstate or foreign commerce, who
12 are within the exclusive jurisdiction of ad-
13 miralty law or the laws of the United
14 States; and persons operating as sternmen as
15 defined in Title 36, section 5102, subsec-
16 tion 8-A;

17 (2) Firefighters, including volunteer fire-
18 fighters who are active members of a volun-
19 teer fire fighters' association, as defined
20 in Title 30, section 3771; volunteer emer-
21 gency medical services' persons, as defined
22 in Title 32, section 83, subsection 12; and
23 policemen shall be deemed employees within
24 the meaning of this Act. In computing the
25 average weekly wage of an injured volunteer
26 firefighter or volunteer emergency services'
27 person, the average weekly wage shall be
28 taken to be the earning capacity of the in-
29 jured employee in the occupation in which he
30 is regularly engaged. Employers who hire
31 workmen within this State to work outside
32 the State may agree with such workmen that
33 the remedies under this Act shall be exclu-
34 sive as regards injuries received outside
35 this State arising out of and in the course
36 of that employment; and all contracts of
37 hiring in this State, unless otherwise spec-
38 ified, shall be presumed to include such an
39 agreement. Any reference to an employee who
40 has been injured shall, when the employee is
41 dead, include his legal representatives, de-
42 pendents and other persons to whom compensa-
43 tion may be payable;

44 (3) Notwithstanding any other provisions of

1 this Act any charitable, religious, educa-
2 tional or other nonprofit corporation that
3 may be or may become an assenting employer
4 under this Act may cause any duly elected or
5 appointed executive officer to be an employ-
6 ee of the corporation by specifically in-
7 cluding the executive officer among those to
8 whom the corporation secures payment of com-
9 pensation in conformity with subchapter II;
10 and the executive officer shall remain an
11 employee of the corporation under this Act
12 while such payment is so secured. With re-
13 spect to any corporation that secures com-
14 pensation by making a contract of workers'
15 compensation insurance, specific inclusion
16 of the executive officer in the contract
17 shall cause the officer to be an employee of
18 the corporation under this Act;

19 (4) Any person who states in writing to the
20 commission that he waives all the benefits
21 and privileges provided by the workers' com-
22 pensation laws, provided that the commission
23 shall have found that person to be a bona
24 fide owner of at least 20% of the outstand-
25 ing voting stock of the corporation by which
26 he is employed and that this waiver was not
27 a prerequisite condition to employment.

28 Any person may revoke or rescind his waiver
29 upon 30 days' written notice to the commis-
30 sion and his employer. The parent, spouse or
31 child of a person who has made a waiver un-
32 der the previous sentence may state, in
33 writing, that he waives all the benefits and
34 privileges provided by the workers' compen-
35 sation laws if the commissioner finds that
36 the waiver is not a prerequisite condition
37 to employment and if the parent, spouse or
38 child is employed by the same corporation
39 which employs the person who has made the
40 first waiver;

41 (5) The parent, spouse or child of a sole
42 proprietor who is employed by that sole pro-
43 prietor or the parent, spouse or child of a
44 partner who is employed by the partnership

1 of that partner may state, in writing, that
2 he waives all the benefits and privileges
3 provided by the workers' compensation laws
4 if the commission finds that the waiver is
5 not a prerequisite condition to employment;

6 (6) Employees of an agricultural employer
7 when harvesting 150 cords of wood or less
8 each year from farm wood lots, provided that
9 the employer is covered under an employer's
10 liability insurance policy as required in
11 subsection 1-A; or

12 (7) An independent contractor.

13 Sec. 51. PL 1981, c. 675, §8 is repealed and the
14 following enacted in its place:

15 Sec. 8. Effective date. This Act shall be ef-
16 fective only upon enactment of legislation by the
17 United States:

18 1. Ratifying and approving this Act without mod-
19 ification; and

20 2. Amending United States Public Law 96-420,
21 Section 5(d), United States Code, Title 25, Section
22 1724(d), in order to provide the consent of the
23 United States to the transfer of funds from the Land
24 Acquisition Fund established for the Houlton Band of
25 Maliseet Indians to the Houlton Band Tax Fund de-
26 scribed in this Act and also to provide for a rever-
27 sionary interest of the Penobscot Nation and the
28 Passamaquoddy Tribe in the funds so transferred in
29 the event the Houlton Band of Maliseet Indians should
30 terminate its interest in the Houlton Band Trust
31 Fund.

32 In no event shall this Act become effective until
33 90 days after the adjournment of the Legislature, as
34 required by the Constitution of Maine, Article IV,
35 Part Third, Section 16.

36 Sec. 52. PL 1985, c. 672, §4, is amended to
37 read:

38 Sec. 4. Effective date. This Act shall be ef-

1 fective only if:

2 1. The United States enacts legislation:

3 A. Ratifying and approving Maine Public Law 1985
4 1981, chapter 675, without modification; and

5 B. Amending the United States Public Law 96-420,
6 Section 6 (e), United States Code, Title 25, Sec-
7 tion 1725 (e), to provide the consent of the
8 United States for amendments to the Maine Imple-
9 menting Act, with respect to the Houlton Band of
10 Maliseet Indians, provided that such amendment of
11 the Maine Implementing Act is made with the
12 agreement of the Houlton Band of Maliseet Indi-
13 ans; and

14 2. Within 60 days of adjournment of the Legisla-
15 ture, the Secretary of State receives written certi-
16 fication by the council of the Houlton Band of
17 Maliseet Indians that the band has agreed to this Act
18 pursuant to the United States Code, Title 25, Section
19 1725(e)(1), copies of which shall be submitted by the
20 Secretary of State to the Secretary of the Senate and
21 the Clerk of the House of Representatives; provided
22 that in no event shall this Act become effective un-
23 til 90 days after adjournment of the Legislature.

24 Sec. 53. Effective date. Section 52 of this Act
25 shall take effect July 16, 1986.

26 Sec. 54. PL 1985, c. 718, is amended by adding
27 at the end a new section to read:

28 Sec. 10. Retroactive. Section 3 of this Act
29 shall apply retroactively to March 31, 1986.

30 Sec. 55. PL 1985, c. 761, Pt. A, under the head-
31 ing "HUMAN SERVICES, DEPARTMENT OF," under the cap-
32 tion "Bureau of Maine's Elderly," 3rd line is amended
33 to read:

34 All Other	111,830	7,278
35		<u>37,278</u>

36 Sec. 56. PL 1985, c. 783, emergency clause is
37 repealed.

1 title for that position.

2 Section 5. Corrects a reference to the Deputy
3 Commissioner of Administration for Information Ser-
4 vices.

5 Section 6. Clarifies that the Governor appoints
6 the 2 nonstate employees to the Policy Review Board,
7 as evidenced by the transition provision of Public
8 Law 1985, chapter 785, Part E, section 1.

9 Section 7. Places the reference to the Informa-
10 tion Services Policy Board, established by Public Law
11 1985, chapter 785 in the Maine Revised Statutes, Ti-
12 tle 5, chapter 379.

13 Section 8. Corrects a reference to the Bureau of
14 Lottery.

15 Section 9. Amends a provision of the Maine Con-
16 sumer Code recently amended by Public Law 1985, chap-
17 ter 763, section 16, the Sunset Review bill, to re-
18 move an ambiguity created by the amendment. This
19 change makes it clear that dollar amounts in the Code
20 are to change once every 4 years, not every 8 years.

21 Section 10. Repeals a section that cross refer-
22 ences a part of the Maine Consumer Credit Code that
23 has been repealed.

24 Section 11. Changes the figures \$1,000 to \$700
25 to conform to similar changes made to the Code by the
26 Sunset Review bill. This section should have been
27 changed in the Sunset bill, but was inadvertently
28 overlooked.

29 Section 12. Removes a reference to federal laws
30 and regulations that maintained ceilings on time and
31 demand deposits. Those regulations were repealed on
32 March 1, 1986 so reference to them in Maine law
33 should be eliminated.

34 Section 13. Inserts the word "transaction" that
35 was unintentionally omitted from the Maine Consumer
36 Code when enacted.

37 Sections 15 and 16. Correctly reference the Vet-

1 erinary Board within the Department of Professional
2 and Financial Regulation.

3 Sections 17 and 18. Correct an internal refer-
4 ence to the Maine Revised Statutes.

5 Section 19. To replace an incorrect reference
6 with the correct one.

7 Sections 20 and 21. Incorporate references to
8 the Maine Administrative Procedure Act concerning
9 rule-making authority.

10 Sections 22 and 23. Correct a reference to a
11 section of the Maine Revised Statutes.

12 Sections 24 and 25. Clarify the provision set-
13 ting out the requirements for an election warrant.

14 Sections 14 and 26. Implement the intent of Pub-
15 lic Law 1985, chapter 668, to prevent repeal of the
16 computer match program

17 Sections 27 and 28. Correct an inconsistency be-
18 tween Public Law 1985, chapters 739 and 530.

19 Sections 29 and 30. These sections insert a ref-
20 erence to the Maine Administrative Procedure Act to
21 identify the rule-making authority of the Director of
22 the State Planning Office regarding regional coun-
23 cils.

24 Sections 31 and 32. Delete language that was
25 overlooked in the adopted amendment (s-458) to LD
26 2061. The exact language was deleted in another sec-
27 tion of the amendment, but was overlooked here.

28 Sections 33 and 34. Change the composition and
29 number of board members because the section is in
30 conflict with the provisions of Public Law 1985,
31 chapter 724.

32 Sections 35 and 36. Change the number constitut-
33 ing a quorum from 4 to 5 members since the total num-
34 ber of board members was changed from 7 to 9 in Pub-
35 lic Law 1985, chapter 724. The title "president" is
36 changed to "chairman" for consistency with other pro-

1 fessional licensing boards.

2 Sections 37 and 38. Correct the reference to the
3 Maine Health Care Association Longterm Care Nursing
4 Council. It also changes the term of the commission
5 from 3 years to 5 years. This change was necessary
6 in order to be consistent with the rest of the sec-
7 tion.

8 Sections 39 and 40. Correct the reference to the
9 Office of Data Research and Vital Statistics. year
10 1987: General Fund - \$142,350 and Local Government
11 Fund - \$7,650.

12 Section 41. Repeals the Land Classification Ap-
13 peals Board which was replaced by the State Board of
14 Property Tax Review in Public Law 1985, c. 764

15 Sections 42 and 42-A. Correct a reference to the
16 county commissioners.

17 Sections 43 and 44. The Taxation Committee had
18 intended that the sales tax on telephone access
19 charges be sunsetted as of January 1, 1988.

20 Sections 45 and 46. Clarify that it is necessary
21 to resolve the conflict arising from the enactment of
22 2 different versions of the Maine Revised Statutes,
23 Title 36, section 1760, section 3, effective July 16,
24 1986.

25 Sections 47 and 48. This provision is necessary
26 to resolve the conflict arising from the enactment of
27 the Maine Revised Statutes, Title 36, section 1760,
28 subsection 3, it is more appropriate to provide a
29 separate exemption. Inasmuch as the the Department
30 of Agriculture has approve a delay in its requirement
31 for this exemption until October 1, 1987, it is to
32 the State's advantage to modify the effective date
33 accordingly. It is estimated that enactment of this
34 provision will result in the following increase in
35 revenues for fiscal

36 Sections 49 and 49-A. Incorporate provisions re-
37 lated to Department of Environment Protection compli-
38 ance orders which were approved by the Energy and
39 Natural Resources Committee but which were inadvert-

1 ently omitted from the new committee draft of a De-
2 partment of Environmental Protection omnibus bill in
3 the 2nd Regular Session of the 112th Legislature

4 Section 50. Corrects a technical error.

5 Section 51. Amends Public Law 1981, chapter
6 675, section 8 to delete subsection 2. That subsec-
7 tion made the Act, chapter 675, effective contingent
8 upon the United States amending the Maine Indian
9 Claims Settlement Act to permit the State to amend
10 the Implementing Act with the consent of the Band.
11 Congress has already given its consent to the State
12 and the Band to negotiate and execute agreements re-
13 lating to certain matters including the Houlton Band
14 Tax Fund. Therefore, subsection 2 is unnecessary and
15 is surplus.

16 Sections 52 and 53. Amend Public Law 1985, chap-
17 ter 672, section 4 by deleting subsection 1, para-
18 graph B, which is identical to the language already
19 included in section 51 of this bill. It also cor-
20 rects inaccurate statutory references and a reference
21 to a 1981 Public Law concerning the Houlton Band of
22 Maliseet Indians.

23 Section 54. This section clarifies the intent of
24 1985 Public Law, chapter 718, section 3 which re-
25 pealed the repeal provision in the Maine Revised
26 Statutes, Title 12, section 7108 and was intended to
27 leave the rest of the section intact.

28 Section 55. Corrects a faulty appropriation fig-
29 ure.

30 Section 56. Removes an emergency clause that was
31 inadvertently included on the enacted and chaptered
32 version of Public Law 1985, chapter 783.

33 Sections 57 and 58. Public Law 1985, chapter
34 783, section 38 included language that was already
35 repealed in Public Law 1979, chapter 711, Part H,
36 section 6.

1 Sections 59 and 60. Correct the wording of the
2 application section to Public Law 1985, c. 783.

3

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