

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 (New Draft of H.P. 1734, L.D. 2427)  
3 SECOND SPECIAL SESSION  
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5 ONE HUNDRED AND TWELFTH LEGISLATURE  
6

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7 Legislative Document

No. 2433

9 H.P. 1748

House of Representatives, May 29, 1986

10 Reported by Representative Paradis from the Committee on Judiciary  
11 and printed under Joint Rule 2. Original bill sponsored by Representative  
12 Paradis of Augusta.

EDWIN H. PERT, Clerk

13  
14 STATE OF MAINE  
15

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

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

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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 incons-  
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 personnel matters, budgeting and financial matters,  
2 purchasing and clerical and support services, and to  
3 perform such other duties as the commissioner may  
4 designate.

5       Sec. 3. 5 MRSA §350, as amended by PL 1985, c.  
6 785, Pt. A, §35, is further amended to read:

7       §350. Statement of purpose; Advisory Committee on  
8       State Telecommunications

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

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

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

30       Sec. 5. 5 MRSA §1885, first ¶, as enacted by PL  
31 1985, c. 785, Pt. A, §78, is amended to read:

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

39       Sec. 6. 5 MRSA §7041, sub-§2, ¶G, as enacted by  
40 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	(1-C)	<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 after 1986  
23 if the percentage of change, calculated to the near-  
24 est whole percentage point, between the Index at the  
25 end of the preceding year and the Reference Base In-  
26 dex is 20% or 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 ventures 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  
13 Part 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<sub>7</sub>; the Minimum Lot Size Law, sec-  
18 tions 4807 to 4807-G<sub>7</sub>; the Wetlands Law, Title  
19 38, sections 471 to 478<sub>7</sub>; the Great Ponds Law,  
20 Title 38, chapter 3, subchapter 1, ~~Article~~  
21 article 1-A; or the Stream Alteration Law, ~~see~~  
22 sections 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<sub>7</sub>; the Minimum  
32 Lot Size Law, sections 4807 to 4807-G<sub>7</sub>; the Wet-  
33 lands Law, Title 38, sections 471 to 478<sub>7</sub>; the  
34 Great Ponds Law, Title 38, section 422<sub>7</sub>; 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. 21-A MRSA §157, first ¶, as amended by  
39 PL 1985, c. 614, §11, is further amended to read:

40 In a city or town which has a board of registra-  
41 tion, the clerk shall accept applications for regis-  
42 tration and enrollment when the board is not in ses-

1 sion, except during the closed period prior to elec-  
2 tion day under section 122.

3 **Sec. 21. Effective date.** Section 20 of this  
4 Part shall take effect July 16, 1986.

5 **Sec. 22.** 21-A MRSA §622, as amended by PL 1985,  
6 c. 614, §16, is further amended to read:

7 §622. Warrant

8 The warrant for announcing an election must read  
9 substantially as follows.

10 (Title of election) ELECTION WARRANT

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

12 To (name of constable or resident), a constable  
13 (or resident) of (name of municipality): You are  
14 hereby required in the name of the State of Maine to  
15 notify the voters of this municipality of the elec-  
16 tion described in this warrant.

17 To the voters of (name of municipality and voting  
18 district, if any):

19 You are hereby notified that an (~~title of elec-~~  
20 ~~tion~~) election will be held at (name of voting place)  
21 on (day and date of election) for the purpose of  
22 (nomination or election) to the following offices:  
23 (list of offices); and determining the following ref-  
24 erendum questions: (list of questions).

25 The polls shall be opened at \_\_\_\_\_ a.m. and  
26 closed at \_\_\_\_\_ p.m.

27 The registrar of voters or board of registration  
28 will hold office hours while the polls are open to  
29 correct any error in or change a name or address on  
30 the voting list; to accept the registration of any  
31 person eligible to vote and to accept new  
32 enrollments.

33 A person who is not registered as a voter may not  
34 vote in any election. A voter who is not enrolled  
35 in a political party may not vote in a primary elec-

1 tion.

2 Dated

3 (date signed).

4 \_\_\_\_\_  
5 \_\_\_\_\_  
6 \_\_\_\_\_  
7 \_\_\_\_\_  
8 \_\_\_\_\_

9 Majority of municipal officers  
10 of (name of municipality)

11 Sec. 23. Effective date. Section 22 of this  
12 Part shall take effect July 16, 1986.

13 Sec. 24. 22 MRSA §16, as repealed by 22 MRSA  
14 §16, sub-§3, and as amended by PL 1985, c. 668, §2,  
15 is reenacted to read:

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

18 1. Definitions. For the purposes of this sec-  
19 tion, unless the context indicates otherwise, the  
20 following terms have the following meanings.

21 A. "Financial institution" means a trust compa-  
22 ny, savings bank, industrial bank, commercial  
23 bank, savings and loan association or credit un-  
24 ion organized under the laws of this State or  
25 otherwise authorized to do business in this  
26 State.

27 B. "Match" means a comparison by name and social  
28 security number of individuals included in any  
29 public assistance roll with individuals included  
30 in records of deposit accounts in any financial  
31 institution.

32 C. "Public assistance" means aid, assistance or  
33 benefits available through:

34 (1) A program of aid to families with de-  
35 pendent children administered in this State  
36 pursuant to chapter 1053;

1                   (2) A program of medical assistance admin-  
2                   istered in this State pursuant to chapter  
3                   855; or

4                   (3) Any other program that is based on need  
5                   and is conducted or administered by this  
6                   State.

7                   D. "Public assistance roll" means a list of in-  
8                   dividuals who are receiving aid, assistance or  
9                   benefits in this State under one or more public  
10                   assistance programs. The list may include indi-  
11                   viduals whose applications for aid, assistance or  
12                   benefits are pending at the time of the match.

13                   2. Verification procedure. Upon written request  
14                   from the commissioner and at the expense of the de-  
15                   partment, each financial institution in this State  
16                   shall match its records of deposit accounts against  
17                   public assistance rolls provided to the financial in-  
18                   stitution by the department and shall compile for the  
19                   department a list of accounts that, as a result of  
20                   the match, appear to be owned in whole or in part by  
21                   recipients of or applicants for public assistance.  
22                   The list of accounts shall include the name and so-  
23                   cial security number of each matched applicant or re-  
24                   recipient and the type of deposit account, the account  
25                   number and the account balance that appear in the  
26                   records of the financial institution. The department  
27                   shall be responsible for making its computer data  
28                   compatible with the data of any financial institution  
29                   with which a match is sought.

30                   The department may not automatically terminate or de-  
31                   ny public assistance benefits solely on the basis of  
32                   information received through a match, nor shall any-  
33                   thing in this section be construed to create a lien  
34                   on or otherwise encumber deposit accounts that are  
35                   subject to a match. The department shall ensure that  
36                   the privacy of individuals involved in matching will  
37                   be protected to the maximum extent possible.

38                   Sec. 25. 22 MRSA §4011, sub-§1, as amended by PL  
39                   1985, c. 530, §1, and c. 739, §7, is repealed and  
40                   the following enacted in its place:

41                   1. Reasonable cause to suspect. When, while act-

1 ing in his professional capacity, a medical or  
2 osteopathic physician, resident, intern, emergency  
3 medical services' person, medical examiner,  
4 physician's assistant, dentist, dental hygienist,  
5 dental assistant, chiropractor, podiatrist, regis-  
6 tered or licensed practical nurse, Christian Science  
7 practitioner, teacher, guidance counselor, school of-  
8 ficial, social worker, homemaker, home health aide,  
9 medical or social service worker, psychologist, child  
10 care personnel, mental health professional, law en-  
11 forcement official, state fire inspector, municipal  
12 code enforcement official or municipal fire inspector  
13 knows or has reasonable cause to suspect that a child  
14 has been or is likely to be abused or neglected, he  
15 shall immediately report or cause a report to be made  
16 to the department.

17 A. Whenever a person is required to report in  
18 his capacity as a member of the staff of a medi-  
19 cal or public or private institution, agency or  
20 facility, he shall immediately notify the person  
21 in charge of the institution, agency or facility,  
22 or his designated agent, who shall then cause a  
23 report to be made. The staff may also make a re-  
24 port directly to the department.

25 B. Any person may make a report if that person  
26 knows or has reasonable cause to suspect that a  
27 child has been or is likely to be abused or ne-  
28 glected.

29 D. When, while acting in his professional capac-  
30 ity, any person required to report under this  
31 section knows or has reasonable cause to suspect  
32 that a child has been abused or neglected by a  
33 person not responsible for the child, he shall  
34 immediately report or cause a report to be made  
35 to the appropriate district attorney's office,  
36 except as provided in subsection 1-A.

37 Sec. 26. Effective date. Section 25 of this  
38 Part shall take effect July 16, 1986.

39 Sec. 27. 32 MRSA §2102, sub-§2, ¶B, as repealed  
40 and replaced by PL 1985, c. 724, §2, is amended to  
41 read:

1 B. Medical diagnosis or prescription of  
2 therapeutic or corrective measures when those  
3 services are delegated by a licensed ~~or otherwise~~  
4 ~~legally authorized~~ physician to a registered  
5 nurse who has completed the necessary additional  
6 educational program required for the proper per-  
7 formance of those services and whose credentials  
8 must be approved by the board.

9 The board may adopt, pursuant to the Maine Admin-  
10 istrative Procedure Act, Title 5, chapter 375,  
11 subchapter II, rules defining the appropriate  
12 scope of practice for nurses practicing under  
13 this paragraph. The rules shall also define the  
14 appropriate relationship with the physician. In  
15 adopting the rules, the board shall invite com-  
16 ment from the Board of Registration in Medicine;

17 Sec. 28. Effective date. Section 27 of this  
18 Part shall take effect July 16, 1986.

19 Sec. 29. 32 MRSA §2151, as amended by PL 1985,  
20 c. 280, is further amended to read:

21 §2151. Appointment; term; removal

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

40 Sec. 30. Effective date. Section 29 of this  
41 Part shall take effect July 16, 1986.



1           Sec. 31. 32 MRSA §2153, first ¶, as amended by  
2 PL 1985, c. 724, §14, is further amended to read:

3           The board shall hold annual meetings at which it  
4 shall elect from its members a ~~president~~ chairman and  
5 a secretary. It may hold such other meetings during  
6 the year as may be deemed necessary to transact its  
7 business. Special meetings shall be called by the  
8 secretary on request of any 2 members. ~~Four~~ Five  
9 members of the board shall constitute a quorum at any  
10 meeting.

11           Sec. 32. Effective date. Section 31 of this  
12 Part shall take effect July 16, 1986.

13           Sec. 33. 32 MRSA §2261, sub-§1, as enacted by PL  
14 1985, c. 724, §29, is amended to read:

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

37           Sec. 34. Effective date. Section 33 of this  
38 Part shall take effect July 16, 1986.

39           Sec. 35. 32 MRSA §2261, sub-§2, as enacted by PL  
40 1985, c. 724, §29, is amended to read:

1           2. Staff The commission shall be provided staff  
2 support by the Office of Data Research and Vital Sta-  
3 tics. Fund for staff support and data collection  
4 shall come from the dedicated revenue fund of the  
5 State Board of Nursing.

6           Sec. 36. Effective date. Section 35 of this  
7 Part shall take effect July 16, 1986.

8           Sec. 37. 36 MRSA §841-B, as repealed by PL 1985,  
9 c. 764, §14 and as amended by PL 1985, c. 785, Pt. A,  
10 §111, is repealed.

11           Sec. 38. 36 MRSA §844, sub-§1, as enacted by PL  
12 1985, c. 764, §18, is amended to read:

13           1. Municipalities without board of assessment  
14 review. Except where the municipality has adopted a  
15 board of assessment review or has been designated as  
16 a primary assessing area, if the assessors or the mu-  
17 nicipal officers refuse to make the abatement asked  
18 for, the applicant may apply to the county commis-  
19 sioners within 60 days after notice of the decisions  
20 from which the appeal is being taken or within 60  
21 days after the application is deemed to have been de-  
22 nied. If the ~~assessors~~ commissioners think that the  
23 applicant is over-assessed, the applicant shall be  
24 granted such reasonable abatement as the ~~assessors~~  
25 commissioners think proper. If the applicant has paid  
26 the tax, he shall be reimbursed out of the municipal  
27 treasury, with costs in either case. If the appli-  
28 cant fails, the commissioners shall allow costs to  
29 the municipality, taxed as in a civil action in the  
30 Superior Court, and issue their warrant of distress  
31 against him for collection of such amount as may be  
32 due the municipality. The commissioners may require  
33 the assessors or municipal clerk to produce the valu-  
34 ation by which the assessment was made or a copy of  
35 it. Either party may appeal from the decision of the  
36 county commissioners to the Superior Court, in ac-  
37 cordance with the Maine Rules of Civil Procedure,  
38 Rule 80B. If the county commissioners fail to give  
39 written notice of their decision within 60 days of  
40 the date the application is filed, unless the appli-  
41 cant agrees in writing to further delay, the applica-  
42 tion shall be deemed denied and the applicant may ap-  
43 peal to the Superior Court as if there had been a

1 written denial or the applicant may appeal to the  
2 State Board of Property Tax Review by following the  
3 procedures specified in section 843, subsection 2.

4       Sec. 39. Effective date. Section 38 of this  
5 Part shall take effect July 16, 1986.

6       Sec. 40. 36 MRSa §1760, sub-§3, as amended by PL  
7 1985, c. 691, §10, and as repealed and replaced by PL  
8 1985, c. 783, §4, is repealed and the following en-  
9 acted in its place:

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

11       A. Meals served on or off the premises of the  
12       retailer;

13       B. Drinks or food furnished, prepared or served  
14       for consumption at tables, chairs or counters, or  
15       from trays, glasses, dishes or other tableware  
16       provided by the retailer;

17       C. Those products which ordinarily are sold by  
18       the retailer for immediate consumption on or near  
19       the location of the retailer, even though the  
20       products are sold on a "take out" or "to go" or-  
21       der and are actually packaged or wrapped and  
22       taken from the premises;

23       D. Those made from a retail location from which  
24       food ordinarily is sold for consumption without  
25       further preparation or storage, even though the  
26       products are packaged or wrapped in bulk quanti-  
27       ties; and

28       E. Sales of heated food or drinks; sandwiches;  
29       ice cream or ice milk in a cone or cup, including  
30       sundaes, sodas, frappes and the like, ice cream  
31       or ice milk novelties and popsicles.

32       Sec. 41. Effective date. Section 40 of this  
33 Part shall take effect July 16, 1986.

34       Sec. 42. 36 MRSa §1760, sub-§54 is enacted to  
35 read:

36       54. Food stamp purchases. Sales of items pur-

1 chased with federal food stamps distributed by the  
2 Department of Human Services.

3       Sec. 43. Effective date. Section 42 of this  
4 Part shall take effect July 16, 1986.

5       Sec. 44. 39 MRSA §2, sub-§5, ¶A, as repealed and  
6 replaced by PL 1985, c. 737, Pt. A, §116, is amended  
7 to read:

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

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

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

1 this State arising out of and in the course  
2 of that employment; and all contracts of  
3 hiring in this State, unless otherwise spec-  
4 ified, shall be presumed to include such an  
5 agreement. Any reference to an employee who  
6 has been injured shall, when the employee is  
7 dead, include his legal representatives, de-  
8 pendents and other persons to whom compensa-  
9 tion may be payable;

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

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

38 Any person may revoke or rescind his waiver  
39 upon 30 days' written notice to the commis-  
40 sion and his employer. The parent, spouse or  
41 child of a person who has made a waiver un-  
42 der the previous sentence may state, in  
43 writing, that he waives all the benefits and  
44 privileges provided by the workers' compen-

1 sation laws if the commissioner finds that  
2 the waiver is not a prerequisite condition  
3 to employment and if the parent, spouse or  
4 child is employed by the same corporation  
5 which employs the person who has made the  
6 first waiver;

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

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

22 (7) An independent contractor.

23 Sec. 45. PL 1985, c. 672, §4, is amended to  
24 read:

25 Sec. 4. Effective date. This Act shall be ef-  
26 fective only if:

27 1. The United States enacts legislation:

28 A. Ratifying and approving Maine Public Law ~~1985~~  
29 1981, chapter 675, without modification; and

30 B. Amending the United States Public Law 96-420,  
31 Section 6 (e), United States Code, Title 25, Sec-  
32 tion 1725 (e), to provide the consent of the  
33 United States for amendments to the Maine Imple-  
34 menting Act, with respect to the Houlton Band of  
35 Maliseet Indians, provided that such amendment of  
36 the Maine Implementing Act is made with the  
37 agreement of the Houlton Band of Maliseet Indi-  
38 ans; and

1           2. Within 60 days of adjournment of the Legisla-  
2           ture, the Secretary of State receives written certi-  
3           fication by the council of the Houlton Band of  
4           Maliseet Indians that the band has agreed to this Act  
5           pursuant to the United States Code, Title 25, Section  
6           1725(e)(1), copies of which shall be submitted by the  
7           Secretary of State to the Secretary of the Senate and  
8           the Clerk of the House of Representatives; provided  
9           that in no event shall this Act become effective un-  
10          til 90 days after adjournment of the Legislature.

11           Sec. 46. Effective date. Section 45 of this  
12          Part shall take effect July 16, 1986.

13           Sec. 47. PL 1985, c. 761, Pt. A, under the head-  
14           ing "HUMAN SERVICES, DEPARTMENT OF," under the cap-  
15           tion "Bureau of Maine's Elderly," 3rd line is amended  
16           to read:

17           All Other	111,830	7,278
18		<u>37,278</u>

19           Sec. 48. PL 1985, c. 783, is amended by striking  
20          out all of the emergency clause.

21           Sec. 49. PL 1985, c. 783, §38, is repealed and  
22          the following enacted in its place:

23           Sec. 38. 36 MRS §5220, sub-§2, as amended by PL  
24          1979, c. 711, Pt. H, §6, is further amended to read:

25           2. Nonresident individuals. Every nonresident  
26           individual who has ~~taxable~~ income for the year from  
27           sources within this State.

28           Sec. 50. Effective date. Section 49 of this  
29          Part shall take effect July 16, 1986.

30           Sec. 51. PL 1985, c. 783, §43 is amended to  
31          read:

32           Sec. 43. Application. Sections 17 and 19 to 41  
33           shall apply to tax years beginning ~~on~~ on or after  
34           January 1, 1986.

35           Sec. 52. Effective date. Section 51 of this  
36          Part shall take effect July 16, 1986.

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PART B

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Sec. 1. 5 MRSA §931, sub-§2, as enacted by PL 1985, c. 785, Pt. A, §45, is repealed.

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Sec. 2. Effective date. Section 1 of this Part shall take effect on July 1, 1986.

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Sec. 3. 5 MRSA §1891, as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

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§1891. Information Services Policy Board established; purpose of board

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The Information Services Policy Board, as authorized by chapter 379, is established to assist the deputy commissioner to meet the purpose and mission of this chapter.

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Sec. 4. Effective date. Section 3 of this Part shall take effect on July 1, 1986.

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Sec. 5. 9-A MRSA §2-201, sub-§7, as repealed and replaced by PL 1985, c. 763, §22, is amended to read:

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7. The finance charge on any transaction involving the credit sale of goods or services used in the modernization, rehabilitation, repair, alteration or improvement of real property, in which the seller or his agent installs the goods or provides the services related to the modernization, rehabilitation, repair, alteration or improvement of the real property, may not exceed 18% per year on the unpaid ~~balance~~ balances of the amount financed.

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Sec. 6. Effective date. Section 5 of this Part shall take effect on July 1, 1986.

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Sec. 7. 12 MRSA §7108, as amended by PL 1985, c. 718, §3 and as repealed by 12 MRSA, §7108, sub-§6, is reenacted to read:

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§7108. Coyote hunting permit

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1. Eligibility. Any person who possesses a valid hunting license is eligible to obtain a permit from the commissioner to hunt coyotes at night, ex-

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1 cept that no permit may be issued to any person who  
2 has been convicted of a violation of section 7406,  
3 subsection 5 within 5 years of the date of applica-  
4 tion for the permit.

5 2. Issuance. The commissioner shall issue a  
6 permit to hunt coyotes at night to eligible persons  
7 at a fee of \$2.

8 3. Open season. Notwithstanding section 7406,  
9 subsection 5, there shall be an open season for hunt-  
10 ing coyotes at night in all counties of the State  
11 from January 1st to March 31st. The commissioner may  
12 terminate this open season at any time in any area  
13 if, in his opinion, an immediate emergency action is  
14 necessary due to adverse weather conditions or ille-  
15 gal hunting activity.

16 4. Restrictions. The following restrictions ap-  
17 ply during the open season for hunting coyotes at  
18 night.

19 A. All hunting shall be limited to the hours be-  
20 tween 1/2 hour after sunset and 9 p.m. and to the  
21 hours between 4 a.m. and 1/2 hour before sunrise.

22 E. Any person hunting coyotes at night shall be  
23 in possession of an electronic, hand-held or  
24 mouth-operated predator calling device.

25 5. Revocation. Any hunting license of a person  
26 convicted of a violation of this section shall be  
27 revoked and he shall not be eligible to obtain any  
28 hunting license for a period of one year from the  
29 date of conviction.

30 Sec. 8. 38 MRSA §342, sub-§2, as amended by PL  
31 1985, c. 746, §4 and c. 785, Pt. B, §177, is repealed  
32 and the following enacted in its place:

33 2. Employment of personnel. He may employ, sub-  
34 ject to the Civil Service Law, such personnel and  
35 prescribe the duties of such employees, except per-  
36 sons occupying the positions defined in Title 5, sec-  
37 tion 938, subsection 1, as he deems necessary, to  
38 fulfill the duties of the department and of the Board  
39 of Environmental Protection.



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

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

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

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

14 Section 9. Amends a provision of the Maine Con-  
15 sumer Code recently amended by Public Law 1985, chap-  
16 ter 763, section 16, the Sunset Review bill, to re-  
17 move an ambiguity created by the amendment. This  
18 change makes it clear that dollar amounts in the Code  
19 are to change once every 4 years, beginning in 1990,  
20 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-  
38 erinary Board within the Department of Professional

1 and Financial Regulation.

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

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

6 Sections 20 and 21. Correct a reference to a  
7 section of the Maine Revised Statutes.

8 Sections 22 and 23. Clarify the provision set-  
9 ting out the requirements for an election warrant.

10 Sections 14 and 24. Implement the intent of Pub-  
11 lic Law 1985, chapter 668, to prevent repeal of the  
12 computer match program.

13 Sections 25 and 26. Correct an inconsistency be-  
14 tween Public Law 1985, chapters 739 and 530.

15 Sections 27 and 28. Delete language that was  
16 overlooked in the adopted amendment (s-458) to LD  
17 2061. The exact language was deleted in another sec-  
18 tion of the amendment, but was overlooked here.

19 Sections 29 and 30. Change the composition and  
20 number of board members because the section is in  
21 conflict with the provisions of Public Law 1985,  
22 chapter 724.

23 Sections 31 and 32. Change the number constitut-  
24 ing a quorum from 4 to 5 members since the total num-  
25 ber of board members was changed from 7 to 9 in Pub-  
26 lic Law 1985, chapter 724. The title "president" is  
27 changed to "chairman" for general consistency with  
28 other professional licensing boards.

29 Sections 33 and 34. Correct the reference to the  
30 Maine Health Care Association Longterm Care Nursing  
31 Council. It also changes the term of the commission  
32 from 3 years to 5 years. This change was necessary  
33 in order to be consistent with the rest of the sec-  
34 tion.

35 Sections 35 and 36. Correct the reference to the  
36 Office of Data Research and Vital Statistics.

1 Section 37. Repeals the Land Classification Ap-  
2 peals Board which was replaced by the State Board of  
3 Property Tax Review in Public Law 1985, c. 764

4 Sections 38 and 39. Correct references to the  
5 county commissioners.

6 Sections 40 and 41. Clarify that it is necessary  
7 to resolve the conflict arising from the enactment of  
8 2 different versions of the Maine Revised Statutes,  
9 Title 36, section 1760, section 3, effective July 16,  
10 1986.

11 Sections 42 and 43. This provision is necessary  
12 to resolve the conflict arising from the enactment of  
13 the Maine Revised Statutes, Title 36, section 1760,  
14 subsection 3, it is more appropriate to provide a  
15 separate exemption. Inasmuch as the the Department  
16 of Agriculture has approve a delay in its requirement  
17 for this exemption until October 1, 1987, it is to  
18 the State's advantage to modify the effective date  
19 accordingly. It is estimated that enactment of this  
20 provision will result in the following increase in  
21 revenues for fiscal year 1987: General Fund -  
22 \$142,350 and Local Government Fund - \$7,650.

23 Section 44. Corrects a technical error.

24 Sections 45 and 46. Correct inaccurate statutory  
25 references and a reference to a 1981 Public Law con-  
26 cerning the Houlton Band of Maliseet Indians.

27 Section 47. Corrects a faulty appropriation fig-  
28 ure.

29 Section 48. Removes an emergency clause that was  
30 inadvertently included on the enacted and chaptered  
31 version of Public Law 1985, chapter 783.

32 Sections 49 and 50. Public Law 1985, chapter  
33 783, section 38 included language that was already  
34 repealed in Public Law 1979, chapter 711, Part H,  
35 section 6.

36 Sections 51 and 52. Correct the wording of the  
37 application section to Public Law 1985, c. 783.

1

PART B

2           Sections 1 and 2 repeal a provision of the civil  
3 service laws enacted by Public Law 1985, chapter 785,  
4 which "grandfathered" state employees in a position  
5 which becomes a major policy influencing position.  
6 This "grandfathering" was already accomplished in  
7 Public Law 1983, chapter 729, section 9.

8           Sections 3 and 4 add a cross reference to the Ti-  
9 tle 5, chapter 379, list of state boards and commis-  
10 sions.

11           Sections 5 and 6 change the phrase "unpaid bal-  
12 ance" to "unpaid balances" correcting a typographical  
13 omission.

14           Section 7 reenacts a provision of law which was  
15 inadvertently sunsetted on April 1, 1986.

16           Sections 8 and 9 incorporate changes made by Pub-  
17 lic Law 1985, chapter 746 and chapter 785.

18           Section 10 corrects a reference to the Revised  
19 Statutes.

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