

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. 2441

7
8 H.P. 1761

House of Representatives, May 30, 1986

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

Reference to the Committee on Judiciary suggested and ordered printed.

11 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 Making 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 incon-
26 sistencies 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 PART A

10 Sec. 1. 4 MRSA §1051, as repealed and replaced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12 repealed and the following enacted in its place:

13 §1051. Legal holidays

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

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

36 §284. Division of Administrative Services

37 The Division of Administrative Services is estab-
38 lished to provide assistance to the Commissioner of
39 Finance and to the agencies within the department in

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 coor-
24 dination 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) Administration Information Expenses 5 MRSA
9 Services Only §1891
10 Policy
11 Board

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 ~~\$17,000~~ \$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; 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. 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 registra-
42 tion 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

(date signed).

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 PL1985, 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 cipient 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 tistics. 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 assessers commissioners think that the
23 applicant is over-assessed, the applicant shall be
24 granted such reasonable abatement as the assessers
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 October 1, 1987.

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
42 this State arising out of and in the course

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

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

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

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

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

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

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

21 (7) An independent contractor.

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

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

26 1. The United States enacts legislation:

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

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

38 2. Within 60 days of adjournment of the Legisla-

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

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

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

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

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

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

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

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

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

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

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

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

1 §7108. Coyote hunting permit

2 1. Eligibility. Any person who possesses a val-
3 id hunting license is eligible to obtain a permit
4 from the commissioner to hunt coyotes at night, ex-
5 cept that no permit may be issued to any person who
6 has been convicted of a violation of section 7406,
7 subsection 5 within 5 years of the date of applica-
8 tion for the permit.

9 2. Issuance. The commissioner shall issue a
10 permit to hunt coyotes at night to eligible persons
11 at a fee of \$2.

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

20 4. Restrictions. The following restrictions ap-
21 ply during the open season for hunting coyotes at
22 night.

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

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

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

34 Sec. 6. 38 MRSA §342, sub-§2, as amended by PL
35 1985, c. 746, §4 and c. 785, Pt. B, §177, is repealed
36 and the following enacted in its place:

37 2. Employment of personnel. He may employ, sub-
38 ject to the Civil Service Law, such personnel and

1 2. Home and Community Based Waiver Program.
2 Boarding care facilities which provide residential
3 habilitation services through the Home and Community
4 Based Waiver Program for persons who are mentally re-
5 tarded may ~~admit~~ have as residents persons who are
6 nonambulatory ~~or mobile nonambulatory~~, if:

7 A. The structure meets all of the requirements
8 of the fire code for institutional occupancy; and

9 B. A physician certifies that the nonambulatory
10 resident does not require nursing care. This
11 certification is required at least annually.

12 **Sec. 4. Effective date.** That section of this
13 Part amending the Maine Revised Statutes, Title 22,
14 section 7912, subsection 2 shall take effect on July
15 16, 1986.'

16 **Sec. 5.** 26 MRSA §61, sub-§2, as enacted by PL
17 1985, c. 372, Pt. A, §7, is amended to read:

18 2. Source of funds. The commissioner shall an-
19 nually assess a levy based on ~~the total~~ actual annual
20 workers' compensation paid losses, excluding medical
21 payments, paid in the previous calendar year by em-
22 ployers under Title 39, the Workers' Compensation
23 Act. As soon as practicable after July 1, 1985, the
24 commissioner shall assess upon and collect from each
25 insurance carrier licensed to do workers' compensa-
26 tion business in the State, and from each
27 self-insured employer authorized to make workers'
28 compensation payments directly to their employees,
29 ~~excluding group self-insurers~~, an amount equal to 1/4
30 of 1% of the total workers' compensation benefits,
31 exclusive of medical payments, paid by the insurance
32 carrier or self-insured employer during the previous
33 calendar year. As soon as practicable after July 1,
34 1986, and each year thereafter, the commissioner
35 shall assess upon and collect from each carrier and
36 ~~individual~~ self-insured employer a sum equal to that
37 proportion of the current fiscal year's appropria-
38 tion, exclusive of any federal funds, for the safety
39 education and training division which the total work-
40 ers' compensation benefits, exclusive of medical pay-
41 ments, paid by each carrier or each individual
42 self-insured employer, bears to the total of the ben-

1 efits paid by all carriers and individual
2 self-insured employers, during the previous calendar
3 year, except that the total amount levied annually
4 may not exceed 1/4 of 1% of the total of the compen-
5 sation benefits paid by all carriers and individual
6 self-insured employers during the previous calendar
7 year.

8 Sec. 6. 36 MRSA §1752, sub-§18-A, as repealed
9 and replaced by PL 1985, c. 783, §3, is amended to
10 read:

11 18-A. Telephone or telegraph service. "Telephone
12 or telegraph service" means all telecommunications or
13 telegraph service, including installation or use of
14 telecommunication or telegraphic equipment, but not
15 including telecommunications or telegraph service
16 originating or terminating outside this State.
17 "Telecommunications and telegraphic equipment" means
18 any 2-way interactive communications device, system
19 or process for transmitting or receiving electromag-
20 netic signals and capable of exchanging audio, data
21 base or textual information. Telecommunications Un-
22 til January 1, 1988, telecommunications service in-
23 cludes access services provided by a local exchange
24 carrier to an interstate or intrastate interexchange
25 carrier. Notwithstanding subsection 11, a sale of
26 access services shall be considered a retail sale.
27 Beginning January 1, 1988, unless extended by the
28 Legislature, telecommunications service shall not in-
29 clude those access services. "Telephone or telegraph
30 service" does not include directory advertising ser-
31 vice.

32 Sec. 7. Effective date. That section of this
33 Part amending the Maine Revised Statutes, Title 36,
34 section 1752, subsection 18-A shall take effect on
35 July 16, 1986.'

36 Sec. 8. PL 1985, c. 571, §9 is repealed.

37 Sec. 9. P&SL 1985, c. 84, §§2 and 7 are amended
38 to read:

39 Sec. 2. Establishment of commission. There is
40 created the Maine Sentencing Guidelines Commission
41 which shall be comprised of 8 members, including the

1 Commissioner of Corrections or his designee; 2 mem-
2 bers of the joint standing committee of the Legisla-
3 ture having jurisdiction over judiciary to be ap-
4 pointed by the President of the Senate and the Speak-
5 er of the House of Representatives; a criminal de-
6 fense attorney, a district attorney and 2 members of
7 the public to be appointed by the Governor; and the
8 Attorney General or his designee. The Governor shall
9 select a chairman from one of these 8 voting members.

10 In addition, a Supreme Court Justice, a Superior
11 Court Justice and a District Court Judge, to be ap-
12 pointed by the Chief Justice of the Supreme Judicial
13 Court, shall serve in an advisory capacity to the
14 commission.

15 Members shall be appointed ~~within 30 days of the~~
16 ~~effective date of this Act~~ and shall serve for the
17 duration of the 112th Legislature. Vacancies shall
18 be filled for the portion of the term of the member
19 being replaced.

20 **Sec. 7. Report on findings and recommendations.**
21 The Maine Sentencing Guidelines Commission shall make
22 a final report of its findings and recommendations
23 with respect to the criteria indicated in section 3
24 on or before January 5, ~~1986~~ 1987, to the ~~Second~~
25 First Regular Session of the 112th 113th Legislature.
26 The report shall also include, in proper draft form,
27 any suggested implementing legislation or amendment
28 to the Constitution of Maine proposed to implement
29 the commission recommendations.

30 **Emergency clause.** In view of the emergency cited
31 in the preamble, this Act shall take effect when ap-
32 proved, except as otherwise indicated.

33 STATEMENT OF FACT

34 PART A

35 Section 1. Incorporates the changes made by Pub-
36 lic Law 1985, chapter 787, section 2 and chapter 737,
37 Part A, section 13.

1 Section 2. Enacts a provision to establish a Di-
2 vision of Administrative Services which appeared in
3 the original bill but was inadvertently omitted in
4 the enacted version of Public Law 1985, chapter 785.

5 Section 3. Clarifies the responsibilities of the
6 Department of Administration to reflect the reorgani-
7 zation accomplished by Public Law 1985, chapter 785.

8 Section 4. Amends the "Director of Purchases"
9 to the "State Purchasing Agent" which is the correct
10 title for that position.

11 Section 5. Corrects a reference to the Deputy
12 Commissioner of Administration for Information Ser-
13 vices.

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

18 Section 7. Places the reference to the Informa-
19 tion Services Policy Board, established by Public Law
20 1985, chapter 785 in the Maine Revised Statutes, Ti-
21 tle 5, chapter 379.

22 Section 8. Corrects a reference to the Bureau of
23 Lottery.

24 Section 9. Amends a provision of the Maine Con-
25 sumer Code recently amended by Public Law 1985, chap-
26 ter 763, section 16, the Sunset Review bill, to re-
27 move an ambiguity created by the amendment. This
28 change makes it clear that dollar amounts in the Code
29 are to change once every 4 years, beginning in 1990,
30 not every 8 years.

31 Section 10. Repeals a section that cross refer-
32 ences a part of the Maine Consumer Credit Code that
33 has been repealed.

34 Section 11. Changes the figures \$1,000 to \$700
35 to conform to similar changes made to the Code by the
36 Sunset Review bill. This section should have been
37 changed in the Sunset bill, but was inadvertently
38 overlooked.

1 Section 12. Removes a reference to federal laws
2 and regulations that maintained ceilings on time and
3 demand deposits. Those regulations were repealed on
4 March 1, 1986 so reference to them in Maine law
5 should be eliminated.

6 Section 13. Inserts the word "transaction" that
7 was unintentionally omitted from the Maine Consumer
8 Code when enacted.

9 Sections 15 and 16. Correctly reference the Vet-
10 erinary Board within the Department of Professional
11 and Financial Regulation.

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

14 Section 19. To replace an incorrect reference
15 with the correct one.

16 Sections 20 and 21. Correct a reference to a
17 section of the Maine Revised Statutes.

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

20 Sections 14 and 24. Implement the intent of Pub-
21 lic Law 1985, chapter 668, to prevent repeal of the
22 computer match program.

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

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

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

33 Sections 31 and 32. Change the number constitut-
34 ing a quorum from 4 to 5 members since the total num-
35 ber of board members was changed from 7 to 9 in Pub-
36 lic Law 1985, chapter 724. The title "president" is

1 changed to "chairman" for general consistency with
2 other professional licensing boards.

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

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

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

14 Sections 38 and 39. Correct references to the
15 county commissioners.

16 Sections 40 and 41. Clarify that it is necessary
17 to resolve the conflict arising from the enactment of
18 2 different versions of the Maine Revised Statutes,
19 Title 36, section 1760, section 3, effective July 16,
20 1986.

21 Sections 42 and 43. This provision is necessary
22 to resolve the conflict arising from the enactment of
23 the Maine Revised Statutes, Title 36, section 1760,
24 subsection 3, it is more appropriate to provide a
25 separate exemption. Inasmuch as the the Department
26 of Agriculture has approve a delay in its requirement
27 for this exemption until October 1, 1987, it is to
28 the State's advantage to modify the effective date
29 accordingly. It is estimated that enactment of this
30 provision will result in the following increase in
31 revenues for fiscal year 1987: General Fund -
32 \$142,350 and Local Government Fund - \$7,650.

33 Section 44. Corrects a technical error.

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

37 Section 47. Corrects a faulty appropriation fig-
38 ure.

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

4 Sections 49 and 50. Public Law 1985, chapter
5 783, section 38 included language that was already
6 repealed in Public Law 1979, chapter 711, Part H,
7 section 6.

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

10 Section 53. Add an appropriation section rela-
11 tive to sections 42 and 43.

12 PART B

13 Sections 1 and 2 add a cross reference to the Ti-
14 tle 5, chapter 379, list of state boards and commis-
15 sions.

16 Sections 3 and 4 change the phrase "unpaid bal-
17 ance" to "unpaid balances" correcting a typographical
18 omission.

19 Section 5 reenacts a provision of law which was
20 inadvertently sunsetted on April 1, 1986.

21 Sections 6 and 7 incorporate changes made by Pub-
22 lic Law 1985, chapter 746 and chapter 785.

23 Section 8 corrects a reference to the Revised
24 Statutes.

25 PART C

26 Sections 1 and 8 extend the duration of the
27 Whitewater Advisory Committee to 1990. This exten-
28 sion was intended by Public Law 1985, chapter 571,
29 section 9.

30 Section 2 provides a procedure for a maximum de-
31 ferment of 2 years for Blaine House Scholars and Fi-

1 nancial Assistanct Program recipients to pursue
2 post-graduate education.

3 Sections 3 and 4 amend the Maine Revised Stat-
4 utes, Title 22, section 7912, subsection 2, by delet-
5 ing the reference to mobile nonambulatory residents
6 because this subsection was intended to apply only to
7 nonambulatory waiver residents. Subsection 1 of that
8 section applies to mobile nonambulatory residents.

9 Section 5 corrects an administrative
10 misinterpretation of the workers' compensation reform
11 legislation adopted in 1985.

12 Sections 6 and 7 provide a sunset date of January
13 1, 1988, for the sales tax on telephone access
14 charges enacted during the Second Regular Session of
15 the 112th Legislature. This sunset provision was in-
16 tended to be included in the original bill, but was
17 inadvertently omitted.

18 Section 9 clarifies the appointment provisions
19 and the selection of the chairman of the commission
20 changes from the Second Regular Session of the 112th
21 Legislature to the First Regular Session of the 113th
22 Legislature.

23

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