

MAINE STATE LEGISLATURE

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L.D. 1717

(Filing No. S- 147)

STATE OF MAINE
SENATE
113TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 576, L.D. 1717, Bill, "AN ACT to Make Corrections of Errors and Inconsistencies in the Laws of Maine."

Amend the Bill by striking out everything after the Title and inserting in its place the following:

'PART A

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

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1 **Sec. 1. 1 MRSA §402, sub-§3, ¶E,** as amended by
2 PL 1985, c. 695, §2 and c. 779, §2, is repealed and
3 the following enacted in its place:

4 E. Records, working papers, interoffice and in-
5 traoffice memoranda used by or prepared for fac-
6 ulty and administrative committees of the Maine
7 Maritime Academy, the Maine Vocational-Technical
8 Institute System and the University of Maine Sys-
9 tem. The provisions of this paragraph do not ap-
10 ply to the boards of trustees and the committees
11 and subcommittees of those boards, which are re-
12 ferred to in subsection 2, paragraph B.

13 **Sec. 2. 1 MRSA §501-A,** as amended by PL 1985, c.
14 584 and c. 779, §3, is repealed and the following
15 enacted in its place:

16 §501-A. Publications of state agencies

17 The publications of all agencies and the Univer-
18 sity of Maine System and the Maine Maritime Academy
19 may be printed, bound and distributed, subject to Ti-
20 tle 5, sections 43 to 46. The State Purchasing Agent
21 may determine the style in which such publications
22 may be printed and bound, with the approval of the
23 Governor. At least 55 copies of any annual or bienni-
24 al report, not included in the Maine State Government
25 Annual Report provided for in Title 5, sections 43 to
26 46, shall be delivered to the State Librarian, imme-
27 diately upon receipt by the State Purchasing Agent
28 for exchange and library use; the balance of the num-
29 ber of each such report shall be delivered by the
30 State Purchasing Agent to the agency preparing the
31 report. Any agency or legislative committee issuing
32 publications shall deliver 18 copies of all publica-
33 tions to the State Librarian. These copies shall be
34 furnished at the expense of the issuing agency. Pub-
35 lications not furnished upon request will be repro-
36 duced at the expense of the issuing agency. The
37 agency or committee preparing a publication shall
38 have the authority to determine the date on which a

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1 publication may be released, except as may be other-
2 wise provided by law.

3 For the purposes of this section, "publications"
4 includes: Periodicals; newsletters; bulletins; pamph-
5 lets; leaflets; directories; bibliographies; statisti-
6 cal reports; brochures; plan drafts; planning docu-
7 ments; reports; special reports; committee and com-
8 mission minutes; informational handouts; and rules
9 and compilations of rules, regardless of number of
10 pages, number of copies ordered, physical size or in-
11 tended audience inside or outside the agency.

12 The State Purchasing Agent, Central Printing and
13 all other printing operations within State Government
14 shall forward to the State Librarian, upon receipt,
15 one copy of all requisitions for publications to be
16 printed.

17 Sec. 3. 2 MRSA §6, sub-§4, as amended by PL
18 1985, c. 746, §1 and as repealed and replaced by PL
19 1985, c. 785, Pt. B, §2, is repealed and the follow-
20 ing enacted in its place:

21 4. Range 88. The salaries of the following
22 state officials and employees shall be within salary
23 range 88:

- 24 State Purchasing Agent;
- 25 Director, Arts and Humanities Bureau;
- 26 Director, State Museum Bureau;
- 27 Director of the Bureau of Parks and Recreation;
- 28 State Director of Alcoholic Beverages;
- 29 Executive Director, Retirement System;
- 30 Director of Public Lands;

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- 1 State Librarian;
- 2 Director of Employee Relations;
- 3 Director, Bureau of Air Quality Control;
- 4 Director, Bureau of Land Quality Control;
- 5 Director, Bureau of Water Quality Control; and
- 6 Director, Bureau of Oil and Hazardous Materials
- 7 Control.

8 **Sec. 4. 2 MRSA §6-A, sub-§1-A,** as repealed and
9 replaced by PL 1985, c. 737, Pt. A, §5, is repealed.

10 **Sec. 5. 2 MRSA §6-A, sub-§2,** as amended by PL
11 1985, c. 693, §§3, 14 and as repealed by PL 1985, c.
12 737, Pt. A, §6, is repealed and the following enacted
13 in its place:

14 2. Commission members. The salary of members of
15 the commission shall be within salary range 90, step
16 G, for fiscal year 1987; and salary range 90, step H,
17 for fiscal year 1988, and annually thereafter.

18 **Sec. 6. 3 MRSA §2-A, sub-§1,** as repealed and re-
19 place by PL 1985, c. 693, §6 and c. 737, Pt. A, §7,
20 is repealed and the following enacted in its place:

21 1. State Compensation Commission established.
22 The State Compensation Commission, established by Ti-
23 tle 5, section 12004, subsection 10, shall consist of
24 5 members appointed in January of every odd-numbered
25 year as follows: Two members shall be appointed by
26 the President of the Senate; 2 members shall be ap-
27 pointed by the Speaker of the House; and one member
28 shall be appointed by a majority of the preceding 4
29 commissioners and shall serve as chairman of the com-
30 mission. The 5 members shall be residents of the
31 State, appointed from the public. No one may be ap-
32 pointed who is a Legislator at the time of his ap-

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1 pointment.

2 All members shall be appointed for terms to coincide
3 with the legislative biennium. Vacancies shall be
4 filled in the same manner as the original appoint-
5 ments, for the balance of the unexpired term. The
6 commission shall be appointed in January at the first
7 regular session of each Legislature.

8 The commission may request staff support from the
9 Legislative Council.

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

12 **Sec. 7. 3 MRSA §751, as enacted by PL 1985, c.**
13 **507, §1, is amended to read:**

14 §751. Control of funds

15 The board of trustees shall be the trustee of the
16 funds created by this chapter and shall administer
17 those funds in the same manner as is provided for the
18 administration of the Maine State Retirement System
19 funds in accordance with Title 5, chapter 101,
20 **chapter subchapter III.** The board may establish sepa-
21 rate funds or accounts within a fund, as necessary.

22 **Sec. 8. 4 MRSA §807, first ¶, as amended by PL**
23 **1985, c. 598, §1 and c. 742, §1, is repealed and the**
24 **following enacted in its place:**

25 No person may practice law or hold himself out to
26 practice law within the State or before its courts,
27 or demand or receive any remuneration for those ser-
28 vices rendered in this State, unless he has been ad-
29 mitted to the bar of this State and has complied with
30 section 806-A, or unless he has been admitted to try
31 cases in the courts of this State under section 802.
32 Any person who practices law in violation of these
33 requirements is guilty of the unauthorized practice
34 of law, which is a Class E crime. This section shall

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1 not be construed to apply to practice before any Fed-
2 eral Court by any person admitted to practice there-
3 in; nor to a person pleading or managing his own
4 cause in court; nor to the officer or employee of a
5 corporation, partnership, sole proprietorship or gov-
6 ernmental entity, who is not an attorney, but is ap-
7 pearing for that organization in an action cognizable
8 as a small claim under Title 14, chapter 738; nor to
9 a person who is not an attorney, but is representing
10 a municipality under Title 30, section 2361, subsec-
11 tion 3; Title 30, section 3222, subsection 2; or Ti-
12 tle 30, section 4966, subsection 1; or Title 38, sec-
13 tion 441, subsection 2; nor to a person who is not an
14 attorney, but is representing the Department of Envi-
15 ronmental Protection under Title 38, section 342,
16 subsection 7; nor to a person who is not an attorney,
17 but is representing the Bureau of Employment Security
18 or the Bureau of Taxation under section 807-A. In
19 all proceedings, the fact, as shown by the records of
20 the Board of Overseers of the Bar, that that person
21 is not recorded as a member of the bar shall be prima
22 facie evidence that he is not a member of the bar li-
23 censed to practice law in the State.

24 **Sec. 9. 4 MRSA §1151, sub-§2, as amended by PL**
25 **1985, c. 748, §1 and c. 771, §1, is repealed and the**
26 **following enacted in its place:**

27 2. Licensing jurisdiction. Except as provided in
28 Title 5, section 10004; Title 10, section 8003-A; Ti-
29 tle 29; and Title 35, section 13-A, the Administra-
30 tive Court shall have exclusive jurisdiction upon
31 complaint of an agency or, if the licensing agency
32 fails or refuses to act within a reasonable time,
33 upon complaint of the Attorney General, to revoke or
34 suspend licenses issued by the agency, and shall have
35 original jurisdiction upon complaint of a licensing
36 agency to determine whether renewal or reissuance of
37 a license of that agency may be refused. The Admin-
38 istrative Court shall have original concurrent juris-
39 isdiction to grant equitable relief in proceedings ini-
40 tiated by an agency or the Department of the Attorney

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1 General alleging any violation of a license of li-
2 censing laws or rules.

3 Notwithstanding any other provisions of law, no li-
4 censing agency may reinstate or otherwise affect a
5 license suspended, revoked or modified by the Admin-
6 istrative Court pursuant to a complaint filed by the
7 Attorney General, without the approval of the Attor-
8 ney General.

9 Sec. 10. 5 MRSA §135, first ¶, as amended by PL
10 1985, c. 757, and c. 785, Pt. A, §6, is repealed and
11 the following enacted in its place:

12 The Treasurer of State may deposit the money, in-
13 cluding trust funds of the State, in any of the bank-
14 ing institutions or trust companies or state or fed-
15 eral savings and loan associations or mutual savings
16 banks organized under the laws of this State or in
17 any national bank or banks or state or federal sav-
18 ings and loan associations located therein. When
19 there is excess money in the State Treasury which is
20 not needed to meet current obligations, he may in-
21 vest, with the concurrence of the State Controller or
22 the Commissioner of Finance and with the consent of
23 the Governor, such amounts in bonds, notes, certifi-
24 cates of indebtedness or other obligations of the
25 United States which mature not more than 24 months
26 from the date of investment or in repurchase agree-
27 ments secured by obligations of the United States
28 which mature within the succeeding 24 months, prime
29 commercial paper, tax-exempt obligations or bankers'
30 acceptances. The Treasurer of State may participate
31 in the securities loan market by loaning state-owned
32 bonds, notes or certificates of indebtedness of the
33 Federal Government, provided that the loans are fully
34 collateralized by treasury bills or cash. The Trea-
35 surer of State shall seek competitive bids for in-
36 vestments, except when, after a reasonable investiga-
37 tion, it appears that an investment of the desired
38 maturity is procurable by the State from only one
39 source. Interest earned on such investments of money

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1 shall be credited to the respective funds, except
2 that interest earned on investments of special reve-
3 nue funds shall be credited to the General Fund of
4 the State. Interest earned on funds of the Depart-
5 ment of Inland Fisheries and Wildlife shall be cred-
6 ited to that fund. Interest earned on funds of the
7 Baxter State Park Authority shall be credited to the
8 Baxter State Park Fund. This section shall not pre-
9 vent the deposit for safekeeping or custodial care of
10 the securities of the several funds of the State in
11 banks or safe deposit companies in this State or any
12 other state, nor the deposit of such state funds as
13 may be required by the terms of custodial contracts
14 or agreements as may be hereafter negotiated in ac-
15 cordance with the laws of this State. All custodial
16 contracts and agreements shall be subject to the ap-
17 proval of the Governor.

18 **Sec. 11. 5 MRSA §281**, as repealed and replaced
19 by PL 1985, c. 785, Pt. A, §21, is amended by adding
20 at the end a new paragraph to read:

21 The department shall coordinate financial plan-
22 ning and programming activities of departments and
23 agencies of the State Government for review and ac-
24 tion by the Governor, prepare and report to the Gov-
25 ernor and to the Legislature financial data and sta-
26 tistics and administer under the direction of the
27 State Liquor Commission the laws relating to legal-
28 ized alcoholic beverages within this State. The de-
29 partment shall consist of the bureaus and organiza-
30 tions described in section 283, and the State Liquor
31 Commission, except the Bureau of Liquor Enforcement
32 and the State Lottery Commission.

33 **Sec. 12. 5 MRSA §282, sub-§§1 and 4** are amended
34 to read:

35 1. Aide to Governor. To serve as the principal
36 ~~administrative~~ and fiscal aide to the Governor;

37 4. Direct bureaus. To supervise and direct the

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1 activities of the bureaus which may by statute be
2 designated as being under the Department of Finance
3 and Administration;

4 Sec. 13. 5 MRSA §283, sub-§8, as repealed by PL
5 1985, c. 785, Pt. A, §28, and as amended by PL 1985,
6 c. 785, Pt. B, §15, is repealed.

7 Sec. 14. 5 MRSA §285, sub-§1, ¶G, as amended by
8 PL 1985, c. 609, and c. 695, §§6 and 7, is repealed
9 and the following enacted in its place:

10 G. Subject to subsection 1-A, employees in any
11 of the categories denominated in paragraphs A to
12 F-1 who:

13 (1) On April 26, 1968, have retired and who
14 were covered under plans of insurance which
15 by virtue of Public Law 1967, chapter 543
16 were terminated;

17 (2) After April 26, 1968, retire and who on
18 the date of their retirement are currently
19 enrolled in this group accident and sickness
20 or health insurance plan;

21 (3) After December 2, 1986, and after
22 reaching normal retirement age, cease to be
23 members of the Legislature and are recipi-
24 ents of retirement allowances from the Maine
25 State Retirement System based upon credit-
26 able service as teachers, as defined by sec-
27 tion 1001, subsection 25. This paragraph
28 shall also apply to former members who were
29 members on December 2, 1986; or

30 (4) After December 2, 1986, and not yet
31 normal retirement age, cease to be members
32 of the Legislature and are recipients of re-
33 retirement allowances from the Maine State Re-
34 irement System based upon creditable ser-
35 vice as teachers, as defined by section

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1 1001, subsection 25. This paragraph also
2 applies to former members who were members
3 on December 2, 1986.

4 **Sec. 15. 5 MRSA §287**, as amended by PL 1975, c.
5 771, §52-A, is repealed.

6 **Sec. 16. 5 MRSA §293**, as amended by PL 1985, c.
7 785, Pt. A, §33, and c. 785, Pt. B, §18, is repealed
8 and the following enacted in its place:

9 §293. Internship committee

10 The State Government Internship Program Advisory
11 Committee, established by section 12004, subsection
12 10, shall serve to further the purposes of the pro-
13 gram and to provide for broad representation of in-
14 stitutions of higher learning within Maine and of
15 State Government. The State Government Internship
16 Program Advisory Committee shall be comprised of the
17 President of the Senate and Speaker of the House or
18 their designated representatives; the Governor or his
19 designated representative; the Director of Human Re-
20 sources; and the Director of the Bureau of Public Ad-
21 ministration. In addition, one faculty member from
22 each of 4 accredited, degree-granting institutions of
23 higher learning in the State shall be appointed by
24 the Director of the Bureau of Public Administration
25 for 4-year terms, provided that the initial appoint-
26 ments under this chapter shall be for one, 2, 3 and
27 4-year terms. No faculty member may be eligible to
28 succeed himself if he has served a full 4-year term,
29 nor shall a faculty member be succeeded by another
30 from the same institution. Vacancies shall be filled
31 by the director for the unexpired term. The members
32 of the internship committee shall organize by elect-
33 ing a chairman and vice-chairman and shall be compen-
34 sated as provided in chapter 379 and as authorized by
35 the Bureau of Public Administration.

36 **Sec. 17. Effective date.** The Maine Revised
37 Statutes, Title 5, section 293, as repealed and re-

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1 placed in this Act, shall take effect on July 1,
2 1987.

3 Sec. 18. 5 MRSA §555, first ¶, as repealed by PL
4 1985, c. 785, Pt. B, §19, and as amended by PL 1985,
5 c. 779, §12, is repealed.

6 Sec. 19. Effective date. The Maine Revised
7 Statutes, Title 5, section 555, first paragraph, as
8 repealed in this Act, shall take effect on July 1,
9 1987.

10 Sec. 20. 5 MRSA §634, as amended by PL 1985, c.
11 720, and as repealed by PL 1985, c. 785, Pt. B, §19,
12 is repealed.

13 Sec. 21. Effective date. The Maine Revised
14 Statutes, Title 5, section 634, as repealed in this
15 Act, shall take effect on July 1, 1987.

16 Sec. 22. 5 MRSA §642, sub-§2, as enacted by PL
17 1981, c. 289, §8, is amended to read:

18 2. Employee Suggestion System Board. The Employ-
19 ee Suggestion System Board shall be composed of the
20 Commissioner of Finance-and-Administration, the Com-
21 missioner of Personnel Administration and one other
22 commissioner of a state department to be appointed by
23 the Governor.

24 The Commissioner of Personnel Administration shall be
25 responsible for administering the program, and shall
26 assign one capable, highly-experienced employee of
27 the department to manage the program on a day-to-day
28 basis. That employee may also have assignments not
29 related to this program.

30 The board shall elect a chairman and shall adopt
31 rules governing the proceedings, including criteria
32 for making awards. The board shall approve each award
33 made.

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1 No later than March 1st of each year, the board shall
2 submit to the joint standing committee having juris-
3 diction over State Government a report of its activi-
4 ties for the preceding calendar year, including in-
5 formation on the number and nature of suggestions re-
6 ceived and awards made.

7 **Sec. 23. 5 MRSA §642, sub-§3,** as enacted by PL
8 1981, c. 289, §8, is amended to read:

9 3. Employee positions excluded. In establishing
10 criteria for making awards, the board may exclude
11 certain levels of positions from participation in the
12 program, but in no event may persons in positions
13 enumerated in chapter 71, or Title 2, section 6, or
14 Title--57--section--7117 be eligible to receive cash
15 awards under the program.

16 **Sec. 24. 5 MRSA §674, last ¶,** as amended by PL
17 1985, c. 779, §13, and as repealed by PL 1985, c.
18 785, Pt. B, §19, is repealed.

19 **Sec. 25. Effective date.** The Maine Revised
20 Statutes, Title 5, section 674, last paragraph, as
21 repealed in this Act, shall take effect on July 1,
22 1987.

23 **Sec. 26. 5 MRSA §903, sub-§4,** as enacted by PL
24 1981, c. 270, §4, is amended to read:

25 4. Prohibition. Positions listed in section-7117
26 subsection-27 chapter 71 and in Title 2, section 6,
27 may not be filled by persons employed under any
28 job-sharing authority.

29 **Sec. 27. 5 MRSA §931, sub-§1, ¶J,** as amended by
30 PL 1985, c. 618, §3; c. 628, §1; and c. 785, Pt. A,
31 §43, is repealed and the following enacted in its
32 place:

33 J. Staff attorney, financial analyst, chief
34 utility accountant, utility accountant III, as-

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1 sistant administrative director and assistant to
2 the director of consumer assistance positions at
3 the Public Utilities Commission;

4 **Sec. 28. 5 MRSA §1001, sub-§10, as amended by PL**
5 **1985, c. 785, Pt. B, §26, and as repealed by PL**
6 **1985, c. 801, §§2 and 7, is repealed.**

7 **Sec. 29. 5 MRSA §1001, sub-§25, as amended by PL**
8 **1985, c. 721, §1, and as repealed by PL 1985, c.**
9 **801, §§2 and 7, is repealed.**

10 **Sec. 30. 5 MRSA §1005, sub-§1, as amended by PL**
11 **1985, c. 785, Pt. B, §27, and as repealed by PL**
12 **1985, c. 801, §§2 and 7, is repealed.**

13 **Sec. 31. Effective date. The Maine Revised**
14 **Statutes, Title 5, section 1005, subsection 1, as re-**
15 **pealed in this Act, shall take effect on July 1,**
16 **1987.**

17 **Sec. 32. 5 MRSA §1031, sub-§6, as amended by PL**
18 **1985, c. 785, Pt. B, §28, and as repealed by PL**
19 **1985, c. 801, §§2 and 7, is repealed.**

20 **Sec. 33. Effective date. The Maine Revised**
21 **Statutes, Title 5, section 1031, subsection 6, as re-**
22 **pealed in this Act, shall take effect on July 1,**
23 **1987.**

24 **Sec. 34. 5 MRSA §1031, sub-§12, ¶D, as amended**
25 **by PL 1985, c. 785, Pt. B, §29, and as repealed by PL**
26 **1985, c. 801, §§2 and 7, is repealed.**

27 **Sec. 35. Effective date. The Maine Revised**
28 **Statutes, Title 5, section 1031, subsection 12, para-**
29 **graph D, as repealed in this Act, shall take effect**
30 **on July 1, 1987.**

31 **Sec. 36. 5 MRSA §1122, sub-§8, as enacted by PL**
32 **1985, c. 722, and as repealed by PL 1985, c. 801,**
33 **§§2 and 7, is repealed.**

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1 **Sec. 37.** 5 MRSA §1222, sub-§6, as amended by PL
2 1985, c. 779, §14, and as repealed by PL 1985, c.
3 801, §§2 and 7, is repealed.

4 **Sec. 38.** 5 MRSA §1541, sub-§6 is amended to
5 read:

6 6. Forms. To prescribe the forms of receipts,
7 vouchers, bills or claims to be filed by any and all
8 departments and agencies with the Department of Fi-
9 nance and-Administration;

10 **Sec. 39.** 5 MRSA §1661 is amended to read:

11 §1661. Definition

12 The words "Governor-elect," whenever used in
13 chapters this chapter and chapter 145 and-149, shall
14 be held to mean the candidate most recently elected
15 to the office of Governor of the State of Maine in
16 the November election for choice of Governor, or his
17 successor.

18 **Sec. 40.** 5 MRSA §1662, sub-§5, as amended by PL
19 1985, c. 785, Pt. A, §58, is further amended to
20 read:

21 5. Rules. To make rules, subject to the approval
22 of the Commissioner of Finance, for the carrying out
23 of chapters this chapter and chapter 145 and-149; and

24 **Sec. 41.** 5 MRSA §1742, sub-§20, ¶C, as repealed
25 by PL 1985, c. 785, Pt. A, §66, and as amended by PL
26 1985, c. 785, Pt. B, §31, is repealed.

27 **Sec. 42.** 5 MRSA §1742, sub-§20, ¶F, as repealed
28 and replaced by PL 1985, c. 737, Pt. A, §16, and as
29 repealed by PL 1985, c. 785, Pt. A, §66, is repealed.

30 **Sec. 43.** 5 MRSA §1812, 2nd ¶, as amended by PL
31 1985, c. 785, Pt. A, §72, and c. 779, §17, is re-

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1 repealed and the following enacted in its place:

2 The Trustees of the University of Maine System
3 may authorize the Department of Administration to act
4 for them in any purchases.

5 **Sec. 44. 5 MRSA §1852, sub-§4,** as repealed by PL
6 1985, c. 785, Pt. A, §77, and as amended by PL 1985,
7 c. 785, Pt. B, §32, is repealed.

8 **Sec. 45. Effective date.** The Maine Revised
9 Statutes, Title 5, section 1852, subsection 4, as re-
10 pealed in this Act, shall take effect on July 1,
11 1987.

12 **Sec. 46. 5 MRSA §1853,** as amended by PL 1985, c.
13 779, §18, and as repealed by PL 1985, c. 785, Pt. A,
14 §77, is repealed.

15 **Sec. 47. 5 MRSA §1855,** as amended by PL 1985, c.
16 779, §19, and as repealed by PL 1985, c. 785, Pt. A,
17 §77, is repealed.

18 **Sec. 48. 5 MRSA §1885, sub-§2,** as enacted by PL
19 1985, c. 785, Pt. A. §78, is amended to read:

20 2. Appointment of other employees. The deputy
21 commissioner may appoint other employees, as he deems
22 necessary, to the Office of Information Services in
23 accordance with the Personnel Civil Service Law, ex-
24 cept that any assistant to the deputy commissioner
25 shall be in the unclassified service.

26 **Sec. 49. 5 MRSA §1886, sub-§12,** as enacted by PL
27 1985, c. 785, Pt. A, §78, is amended to read:

28 12. Protection of information files. The deputy
29 commissioner, with the advice of the board, shall de-
30 velop rules regarding the safeguarding, maintenance
31 and use of information files relating to data
32 professing processing required by law to be kept con-
33 fidential, subject to the approval of the commission-

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1 er. The office shall be responsible for the enforce-
2 ment of those rules. All data files shall be the
3 property of the agency or agencies responsible for
4 their collection and utilization.

5 **Sec. 50. 5 MRSA §1888**, first ¶, as enacted by PL
6 1985, c. 785, Pt. A, §78, is amended to read:

7 No purchase of data processing equipment, soft-
8 ware or services and no internal systems development
9 efforts may be made except in accordance with this
10 subchapter. No agency may purchase any data pro-
11 cessing equipment, software or services without the
12 prior written approval of the deputy commissioners
13 commissioner. The state controller shall not autho-
14 rize payment for data processing equipment, software
15 or services without evidence of prior approval of the
16 purchases by the deputy commissioner.

17 **Sec. 51. 5 MRSA §1890**, as enacted by PL 1985, c.
18 785, Pt. A, §85, is amended to read:

19 §1890. Intergovernmental cooperation and assistance

20 The deputy commissioner, with the approval of the
21 commissioner, may enter into agreements with the Fed-
22 eral Government, the University of Maine System and
23 other agencies and organizations as will promote the
24 objectives of this chapter and to accept funds from
25 the Federal Government, municipal and county agencies
26 or from any individual or corporation to be expended
27 for purposes consistent with this chapter.

28 **Sec. 52. 5 MRSA §3315**, as enacted by PL 1985, c.
29 794, Pt. A, §1. is repealed.

30 **Sec. 53. 5 MRSA §3316** is enacted to read:

31 §3316. List of Heritage Coastal Areas

32 The State Planning Office shall develop and main-
33 tain the official list of Heritage Coastal Areas.

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1 1. Definition. As used in this section, unless
2 the context indicates otherwise, the following terms
3 have the following meanings.

4 A. "Heritage Coastal Areas" means areas contain-
5 ing an assemblage of geological, botanical,
6 zoological, historical or scenic features of ex-
7 ceptional state or national significance.

8 2. Guidelines for identifying Heritage Coastal
9 Areas. The State Planning Office, in consultation
10 with the Maine Historic Preservation Commission,
11 shall review existing reports and documents on coast-
12 al natural, historical and scenic areas in order to
13 document Heritage Coastal Areas. The State Planning
14 Office shall also undertake the necessary studies and
15 inventories to document the scenic and natural values
16 of candidate areas.

17 When evaluating candidate Heritage Coastal Areas, the
18 following guidelines shall be considered:

19 A. Areas eligible for or listed on the Register
20 of Critical Areas; and

21 B. Areas eligible for or listed on the National
22 Register of Historic Places.

23 Nomination forms for each Heritage Coastal Area shall
24 contain a description of the area and its signifi-
25 cance, its size and location and the names of the
26 landowners of the features within the area.

27 3. Municipal and landowner consultation. No area
28 may be included on the list of Heritage Coastal Areas
29 until the State Planning Office notifies the landown-
30 er of the features and officials of the municipality
31 where the area is located at least 60 days prior to
32 designation.

33 4. Designation of Heritage Coastal Areas. The

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1 Director of the State Planning Office, with the ad-
2 vice and approval of the Critical Areas Advisory
3 Board, shall designate Heritage Coastal Areas subject
4 to review by the joint standing committee of the Leg-
5 islature having jurisdiction over energy and natural
6 resources.

7 The designation of Heritage Coastal Areas officially
8 identifies and documents assemblages of exceptional
9 natural, historical or scenic areas on the coast that
10 merit special attention for conservation.

11 5. Protection of features within Heritage Coast-
12 al Areas. The features identified within Heritage
13 Coastal Areas shall be protected on a voluntary ba-
14 sis. Government agencies at all levels shall consider
15 the importance of protecting the character of Heri-
16 tage Coastal Areas in land use control and other ac-
17 tions which they take.

18 **Sec. 54. 5 MRSA §5304**, as enacted by PL 1975, c.
19 150, is amended to read:

20 **§5304. Appeals**

21 Any person who is aggrieved by the decision of
22 any licensing agency in possible violation of this
23 chapter may file a statement of complaint with the
24 Administrative Court Judge designated in ~~chapters-301~~
25 to-307 chapter 375.

26 **Sec. 55. 5 MRSA §7051, sub-§4**, as enacted by PL
27 1985, c. 785, Pt. B, §38, is amended to read:

28 **4. Employees in military service; substitutes.**
29 Whenever any employee, regularly employed in other
30 than a temporary position for a period of at least 6
31 months by the State or by any department, bureau,
32 commission or office of the State, or by the Univer-
33 sity of Maine System, vocational-technical insti-
34 tutes, Maine School Building Authority, Maine Turn-
35 pike Authority, Finance Authority of Maine or any

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1 other state or quasi-state agency, or by any county,
2 municipality, township or school district within the
3 State shall in time of war, contemplated war, emer-
4 gency or limited emergency, enlist, enroll, be called
5 or ordered or be drafted into the Armed Forces of the
6 United States or any branch or unit thereof, or shall
7 be regularly drafted under federal manpower regula-
8 tions, he shall not be deemed or held to have thereby
9 resigned from or abandoned his employment, nor shall
10 he be removable during the period of his service.
11 "Temporary," for the purpose of this section means
12 employment based on a seasonal or on-call basis or
13 employment based on a contract of less than 6 months'
14 duration.

15 A. An employee subject to this section, while in
16 the Armed Forces of the United States or still
17 employed after draft under federal manpower regu-
18 lations, shall be considered as on leave of ab-
19 sence without pay and, for the purpose of comput-
20 ing time in regard to pension rights, annual and
21 sick leave accumulation and seniority, shall be
22 considered during the period of his federal ser-
23 vice as in the service of the governmental agency
24 by which he was employed at the time of his entry
25 into federal service. The employee, if he re-
26 ports for duty within a 90-day period from the
27 date of separation under conditions other than
28 dishonorable from the Armed Forces of the United
29 States or if receiving treatment in a hospital at
30 the time of his separation, he reports for duty
31 within 90 days from his discharge from the hospi-
32 tal, shall:

33 (1) If still qualified to perform the du-
34 ties of that position, be restored to that
35 position or to a position of like seniority,
36 status and pay; or

37 (2) If not qualified to perform that posi-
38 tion by reason of disability sustained dur-
39 ing service, but qualified to perform duties

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1 of any other position in the employ of his
2 preservice employer, be restored to such
3 other position the duties of which he is
4 qualified to perform as will provide him
5 like seniority, status and pay, or the near-
6 est approximation consistent with the cir-
7 cumstances in his case.

8 B. Any employee restored to a position under
9 this section shall not be discharged from that
10 position without cause within one year after res-
11 toration to that position.

12 C. This section shall apply to any such employee
13 entering the Armed Forces of the United States
14 under Public Law 759 80th Congress (Selective
15 Service Act of 1948) or while said Public Law 759
16 or any amendment thereto or extension thereof
17 shall be in effect.

18 D. Rights to reemployment, credits toward re-
19 tirement under the Maine State Retirement System
20 and vacation or sick leave accumulation shall not
21 be allowed beyond the period of the first enlist-
22 ment or induction, but in no event beyond 4 years
23 from the date of his original call to active duty
24 in the Armed Forces of the United States, except
25 if his return to active duty in the Armed Forces
26 or the extension of his period of service beyond
27 4 years is required by some mandatory provision
28 and he shall present proof satisfactory to the
29 agency concerned.

30 E. When a permanent classified employee is on
31 extended leave, a substitute may be employed,
32 subject to personnel rules, until return or sepa-
33 ration of the incumbent.

34 Sec. 56. 5 MRSA §7054, sub-§4, as enacted by PL
35 1985, c. 785, Pt. B, §38, is amended to read:

36 4. Retention preference. In any reduction in

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1 personnel in the state service, veteran preference
2 employees shall be retained in preference to all other
3 competing employees in the same classification
4 with equal seniority, status and service ratings.

5 In determining qualifications for examination and ap-
6 pointment with respect to veteran preference eligi-
7 bles under this section, the director or other exam-
8 ining agency may waive requirements as to age, height
9 and weight, provided that any such requirement is not
10 essential to the performance of the duties of the po-
11 sition for which examination is given. The director
12 or other examining agency, after giving due consider-
13 ation to the recommendation of any accredited physi-
14 cian, may waive the physical requirements in the case
15 of any veteran, provided that the veteran is, in the
16 opinion of the director or other examining agency,
17 physically able to discharge efficiently the duties
18 of the position for which the examination is given.

19 This section applies to all examinations for original
20 positions in the State Police, Department of Inland
21 Fisheries and Wildlife, Department of Marine Re-
22 sources, University of Maine System, vocational-tech-
23 nical institutes, Maine School Building Authority,
24 Maine Turnpike Authority, Finance Authority of Maine
25 or any other state or quasi-state agency.

26 **Sec. 57. Effective date.** The Maine Revised
27 Statutes, Title 5, section 7054, subsection 4, as
28 amended in this Act, shall take effect on July 1,
29 1987.

30 **Sec. 58. 5 MRSA §7065, sub-§2,** as enacted by PL
31 1985, c. 785, Pt. B, §38, is amended to read:

32 2. **Salary limits.** No position may be assigned a
33 salary greater than the maximum or less than the min-
34 imum rates fixed in the compensation plan, except as
35 provided in this section.

36 **Sec. 59. Effective date.** The Maine Revised Stat-

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1 utes, Title 5, section 7065, subsection 2, as amended
2 in this Act, shall take effect on July 1, 1987.

3 **Sec. 60. 5 MRSA §8053-A, first ¶,** as amended by
4 PL 1985, c. 528, and c. 737, Pt. B, §13 and as re-
5 pealed and replaced by PL 1985, c. 680, §3, is re-
6 pealed and the following enacted in its place:

7 At the time of giving notice of rulemaking under
8 section 8053 or within 10 days following the adoption
9 of an emergency rule, the agency shall provide copies
10 of the proposed rule to the Executive Director of the
11 Legislative Council. The Executive Director or his
12 designee shall refer the proposed rule to the appro-
13 priate joint standing committee or committees of the
14 Legislature for review.

15 **Sec. 61. 5 MRSA §8053-A, sub-§1,** as amended by
16 PL 1985, c. 680, §4, and c. 737, Pt. B, §13, is re-
17 pealed and the following enacted in its place:

18 1. Additional information to be submitted. In
19 addition to providing the Executive Director of the
20 Legislative Council with a sufficient number of
21 copies of a proposed rule for each member of the ap-
22 propriate committee or committees, the agency shall
23 also provide to the Executive Director sufficient
24 copies of a fact sheet providing:

25 A. A citation of the statutory authority for the
26 adoption of the rule;

27 B. A concise statement of the principal reasons
28 for the rule;

29 C. An analysis of the rule; and

30 D. An estimated fiscal impact of the rule.

31 **Sec. 62. 5 MRSA §12006, sub-§1,** as enacted by PL
32 1985, c. 732, §6, is amended to read:

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1 1. Notice of failure to report. The Commission-
2 er of Finance ~~and Administration~~ shall send notice by
3 certified mail to any board that has failed to report
4 pursuant to section 12005. If the board fails to
5 file the report within 30 days from the date the no-
6 tice is sent, the board shall be deemed to be unwill-
7 ing to disclose information vital to the public in-
8 terest and necessary to determine whether the board
9 serves the public health, safety or welfare.

10 A. If the board fails to respond as provided in
11 this subsection, the Commissioner of Finance ~~and~~
12 ~~Administration~~ shall immediately notify the joint
13 standing committee of the Legislature having ju-
14 risdiction over the operations of State Govern-
15 ment of the board's failure to comply with the
16 provisions of this chapter.

17 B. If the board fails to report within 6 months
18 from the reporting date specified in section
19 12005, the board shall be deemed unwilling to
20 fulfill a public purpose and shall be abolished.
21 The Commissioner of Finance ~~and--Administration~~
22 shall notify the board in writing that its au-
23 thority is repealed and the board is abolished.
24 The commissioner shall notify the joint standing
25 committee of the Legislature having jurisdiction
26 over State Government that the board is abol-
27 ished.

28 Sec. 63. 5 MRSA Pt. 20, as enacted by PL 1985,
29 c. 711, §2, is repealed.

30 Sec. 64. 5 MRSA §17001, sub-§14, ~~¶¶~~A and B, as
31 enacted by PL 1985, c. 801, §§5 and 7, are amended to
32 read:

33 A. For purposes of this chapter, a state employ-
34 ee, including any person serving during any pro-
35 bationary period required under the ~~Personnel~~
36 Civil Service Law and rules of the ~~Personnel~~ Civ-
37 il Service Appeals Board, a teacher or a partici-

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1 pating local district employee;

2 B. For purposes of chapter 423, a state employ-
3 ee, including any person serving during any pro-
4 bationary period required under the ~~Personnel~~
5 Civil Service Law and rules of the ~~Personnel~~ Civ-
6 il Service Appeals Board, or a teacher; or

7 **Sec. 65. Effective date.** The Maine Revised
8 Statutes, Title 5, section 17001, subsection 14, par-
9 agraphs A and B, as amended in this Act, shall take
10 effect on July 1, 1987.

11 **Sec. 66. 5 MRSA §17105, sub-§3, ¶¶B and C,** as
12 enacted by PL 1985, c. 801, §§5 and 7, are amended to
13 read:

14 B. Shall be employed under the rules established
15 by the ~~Personnel--Board~~ Civil Service Appeals
16 Board; and

17 C. Shall receive such compensation as is pro-
18 vided by the rules of the ~~Personnel--Board~~ Civil
19 Service Appeals Board for state employees in sim-
20 ilar capacities.

21 **Sec. 67. Effective date.** The Maine Revised
22 Statutes, Title 5, section 17105, subsection 3, para-
23 graphs B and C, as amended in this Act, shall take
24 effect on July 1, 1987.

25 **Sec. 68. 5 MRSA §17107, sub-§2, ¶F,** as enacted
26 by PL 1985, c. 801, §§5 and 7, is amended to read:

27 F. The actuary shall determine the equivalent
28 cash compensation value to the members of the re-
29 tirement system of the benefits provided for them
30 by the retirement system and shall furnish that
31 information to the ~~Commissioner-of-Personnel~~ Di-
32 rector of Human Resources.

33 **Sec. 69. Effective date.** The Maine Revised

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1 Statutes, Title 5, section 17107, subsection 2, para-
2 graph F, as amended in this Act, shall take effect on
3 July 1, 1987.

4 **Sec. 70. 5 MRSA §17655, sub-§2**, as enacted by PL
5 1985, c. 801, §§5 and 7, is amended to read:

6 2. Other military benefits. Any employee who
7 satisfies the criteria of subsection 1, paragraph B,
8 is entitled to all the benefits of section 555 7051,
9 subsection 4.

10 **Sec. 71. Effective date.** The Maine Revised
11 Statutes, Title 5, section 17655, subsection 2, as
12 amended in this Act, shall take effect on July 1,
13 1987.

14 **Sec. 72. 5 MRSA §18258, sub-§2**, as enacted by PL
15 1985, c. 801, §§5 and 7, is amended to read:

16 2. Other military benefits. Any employee who
17 satisfies the criteria of subsection 1, paragraph B,
18 is entitled to all the benefits of section 555 7051,
19 subsection 4.

20 **Sec. 73. Effective date.** The Maine Revised
21 Statutes, Title 5, section 18258, subsection 2, as
22 amended in this Act, shall take effect on July 1,
23 1987.

24 **Sec. 74. 5 MRSA §18451, first ¶**, as enacted by
25 PL 1985, c. 801, §§5, 7, is amended to read:

26 A member's qualification for service retirement
27 benefits is governed by subsection 1, 2 or 3, unless
28 the requirements of section ~~18543~~ 18453 are satis-
29 fied, in which case, one or more of the subsections
30 of section 18453 governs.

31 **Sec. 75. 5 MRSA §19002, sub-§6**, as enacted by PL
32 1985, c. 801, §§5 and 7, is amended to read:

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1 6. Political subdivision. The term "political
2 subdivision" includes an instrumentality of the State
3 of Maine, of one or more of its political subdivi-
4 sions, the University of Maine System, academies, wa-
5 ter, sewer and school districts and associations of
6 municipalities, or an instrumentality of the State
7 and one or more of its political subdivisions, but
8 only if such instrumentality is a juristic entity
9 which is legally separate and distinct from the State
10 or subdivision and only if its employees are not by
11 virtue of their relation to such juristic entity em-
12 ployees of the State or subdivision.

13 Sec. 76. 5 MRSA Pt. 22 is enacted to read:

14 PART 22

15 PUBLIC HEALTH

16 CHAPTER 501

17 MEDICAL CONDITIONS

18 §19201. Definitions

19 As used in this chapter, unless the context indi-
20 cates otherwise, the following terms have the follow-
21 ing meanings.

22 1. Antibody to HIV. "Antibody to HIV" means the
23 specific immunoglobulin produced by the body's immune
24 system in response to HIV.

25 2. Health care provider. "Health care provider"
26 means any appropriately licensed, certified or regis-
27 tered provider of mental or physical health care, ei-
28 ther in the public or private sector or any business
29 establishment providing health care services.

30 3. HIV. "HIV" means the human immunodeficiency
31 virus, identified as the causative agent of Acquired
32 Immune Deficiency Syndrome or AIDS.

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1 4. HIV antigen. "HIV antigen" means the specific
2 immune-recognizable marker proteins of HIV.

3 5. HIV infection. "HIV infection" means the
4 state wherein HIV has invaded the body and is being
5 actively harbored by the body.

6 6. Person. "Person" means any natural person,
7 firm, corporation, partnership or other organization,
8 association or group, however organized.

9 7. Seropositivity. "Seropositivity" means the
10 presence of antibody to HIV as detected by appropri-
11 ate laboratory tests.

12 8. Viral positivity. "Viral positivity" means
13 demonstrated presence of HIV.

14 §19202. Committee to Advise the Department of Human
15 Services on AIDS

16 The Committee to Advise the Department of Human
17 Services on AIDS, as established by section 12004,
18 subsection 10, shall consist of not less than 26 mem-
19 bers nor more than 30 members to include representa-
20 tion of: One allopathic physician from nominees sub-
21 mitted by the Maine Medical Association; one
22 osteopathic physician from nominees submitted by the
23 the Maine Osteopathic Association; one nursing home
24 administrator from nominees submitted by the Maine
25 Health Care Association; one funeral director from
26 nominees submitted by the Maine Funeral Directors As-
27 sociation; one social worker from nominees submitted
28 by the Maine Chapter of the National Association of
29 Social Workers; one public school administrator from
30 a local school district from nominees submitted by
31 the Maine Superintendents Association; one nurse from
32 nominees submitted by the Maine State Nurses Associa-
33 tion; one representative from nominees submitted by
34 the Maine Hospice Council; one teacher from nominees
35 submitted by the Maine Teachers Association; 2 mem-

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1 bers of the high risk community; one insurance indus-
2 try representative; one employee of a community men-
3 tal health center; one dentist from nominees submit-
4 ted by the Maine Dental Association; one state em-
5 ployee from nominees submitted by the Maine State Em-
6 ployees Association; 2 members of the public, includ-
7 ing one parent of a school-age child; the Commission-
8 er of Human Services or his designee who shall serve
9 during the commissioners term of office; one psychol-
10 ogist from nominees submitted by the Maine Psycholog-
11 ical Association; one state employee from nominees
12 submitted by the American Federation of State, County
13 and Municipal Employees; one member representing hos-
14 pitals from nominees submitted by the Maine Hospital
15 Association; one member representing public health
16 professionals from nominees submitted by the Maine
17 Public Health Association; one representative of a
18 nonprofit hospital or medical service organization;
19 one substance abuse counselor; one member of the
20 clergy; and 2 Legislators, one representative ap-
21 pointed by the Speaker of the House of Representa-
22 tives and one Senator appointed by the President of
23 the Senate. The members, except for those specificall-
24 ly designated in this paragraph, shall be appointed
25 by the Governor for their competence and experience
26 in connection with these fields.

27 1. Membership. The term of office of each member
28 shall be 3 years; provided that of the members first
29 appointed, 1/3 shall be appointed for a term of one
30 year, 1/3 for terms of 2 years and 1/3 for terms of 3
31 years. The Governor shall designate a chairman and
32 vice-chairman to serve at the pleasure of the Gover-
33 nor. The chairman shall be the presiding member of
34 the committee. All vacancies shall be filled for the
35 balance of the unexpired term in the same manner as
36 original appointments. The members of the committee
37 shall be compensated in accordance with chapter 379.

38 2. Duties. The committee shall advise the de-
39 partment on:

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- 1 A. Content and dissemination of educational ma-
2 terials;
- 3 B. Crises that may develop;
- 4 C. Coordination of services to persons with
5 AIDS, AIDS Related Complex or viral positivity;
- 6 D. Coordination of services for family and other
7 persons providing care and support to persons
8 with AIDS, AIDS Related Complex or viral
9 positivity; and
- 10 E. AIDS related policy and proposed rules.
- 11 3. Meetings. The advisory committee shall meet
12 at least 4 times a year and more frequently if
13 needed to respond to the duties of this committee as
14 specified in subsection 2. Special meetings may be
15 called by the chairman and shall be called at the re-
16 quest of the State Epidemiologist, the Director of
17 the Bureau of Health, the Director of Disease Con-
18 trol, the Director of Sexually Transmitted Diseases
19 or by 3 or more members of the committee.
- 20 §19203. Confidentiality of test
- 21 No person may disclose the results of a test for
22 the presence of an antibody to HIV, a test that mea-
23 sures the HIV antigen, except as follows:
- 24 1. Subject of test. To the subject of the test;
- 25 2. Designated health care provider. To the
26 subject's designated health care provider in the
27 treatment of AIDS;
- 28 3. Authorized person. To a person or persons to
29 whom the test subject has authorized disclosure in
30 writing, except that the disclosure may not be used
31 to violate any other provision of this chapter;

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1 4. Certain health care providers. A health care
2 provider who procures, processes, distributes or uses
3 a human body part donated for a purpose may, without
4 obtaining consent to the testing, test for the pres-
5 ence of an antibody to HIV in order to assure medical
6 acceptability of the gift for the purpose intended;

7 5. Research facility. The department, a labora-
8 tory certified or a health care provider, blood bank,
9 blood center or plasma center may, for the purpose of
10 research and without first obtaining written consent
11 to the testing, subject any body fluids or tissues to
12 a test for the presence of an antibody to HIV if the
13 testing is performed in a manner by which the identi-
14 ty of the test subject is not known and may not be
15 retrieved by the researcher;

16 6. Bureau of Health. To the Bureau of Health,
17 to carry out its duties as provided in Title 22, sec-
18 tion 3, 7 and 42 and chapter 251; or

19 7. Other agencies. To other agencies responsi-
20 ble for the custodial care of individuals, such as
21 the Department of Corrections and the Department of
22 Mental Health and Mental Retardation.

23 §19204. Restrictions upon revealing HIV antibody
24 test results

25 No insurer, nonprofit hospital or medical ser-
26 vices organization or nonprofit health care plan may
27 request any person to reveal whether the person has
28 obtained a test for the presence of antibodies to
29 HIV, a test to measure the virus or the results of
30 such tests taken prior to an application for insur-
31 ance coverage.

32 This section is repealed on October 1, 1987.

33 §19205. Coordination of services to persons with
34 AIDS, AIDS Related Complex and viral
35 positivity

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1 1. Policy; services. It shall be the policy of
2 the State to provide to persons who test positive for
3 HIV or have been diagnosed as having AIDS or Aids Re-
4 lated Complex services of departments and agencies,
5 including, but not limited to, the Department of Edu-
6 cational and Cultural Service, the Department of Men-
7 tal Health and Retardation, the Department of Human
8 Services and the Department of Corrections.

9 2. Coordination of services. A person designated
10 by the Commissioner of Human Services shall insure
11 coordination of new and existing services so as to
12 meet the needs of persons with AIDS, Aids Related
13 Complex and viral positivity and identify gaps in
14 programs.

15 The committee established in section 12004, subsec-
16 tion 10, shall work with the person designated in
17 this chapter to insure the coordination of services
18 to meet the needs of persons with AIDS, ARC and viral
19 positivity.

20 §19206. Civil liability

21 Any person violating sections 19203 and 19204 is
22 liable to the subject of the test for actual damages
23 and costs plus a civil penalty of up to \$1,000 for a
24 negligent violation and up to \$5,000 for an inten-
25 tional violation.

26 Any person may bring an action for injunctive re-
27 lief for a violation of sections 19203 and 19204 in
28 addition to or instead of the penalties provided in
29 this section. The applicant for injunctive relief
30 under this section shall not be required to give se-
31 curity as a condition upon the issuance of the in-
32 junction.

33 **Sec. 77. 7 MRSA c. 10 is enacted to read:**

34 CHAPTER 10

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1 AGRICULTURAL TECHNOLOGY TRANSFER AND

2 SPECIAL RESEARCH PROJECTS

3 §305. Findings

4 1. Technology transfer needs. The Legislature
5 finds that many new agricultural technologies have
6 been developed in other states and countries that
7 have not been tested or demonstrated in this State.
8 Many of these new technologies could be applied to
9 Maine agricultural production, storage and processing
10 systems. More rapid testing and demonstration of new
11 technologies would improve efficiency of Maine agri-
12 cultural production and therefore its competitive po-
13 sition. Agriculture is a key economic activity in
14 many parts of the State and vital to the State's ru-
15 ral economy.

16 2. Short-term research needs. Occasionally
17 technical problems related to production, storage or
18 processing of agricultural commodities arise
19 unexpectedly and must be addressed expediently if the
20 problems are to be effectively resolved. The State
21 must ensure that these short-term applied research
22 needs may be met in a timely and effective manner in
23 order to assure the well-being of its agricultural
24 industries.

25 3. Role of the State University of Maine. All
26 agricultural research and demonstration activities
27 within the State should take advantage of the techni-
28 cal expertise resident in the land grant college sys-
29 tem. Testing and field demonstrations of new tech-
30 nologies should utilize the research and educational
31 expertise at the University of Maine System.

32 4. Funding needs. The Maine Agricultural Exper-
33 iment Station has an overriding responsibility for
34 agricultural research in this State. The station's
35 research program is generally guided by a long-term

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1 research agenda which reflects basic food production
2 research needs and regional research priorities. The
3 Cooperative Extension Service is generally responsi-
4 ble for providing farmers with information on new ag-
5 ricultural practices. Both the Cooperative Extension
6 Service and the Maine Agricultural Experiment Sta-
7 tion, because of their substantial federal funding,
8 have relatively long-term planning and budget cycles.
9 In both cases, additional state funds are needed for
10 expanded technology transfer programs, including new
11 technology testing and demonstration projects and for
12 other short-term applied research projects.

13 §306. Technology transfer program

14 1. Program initiated. The commissioner may ini-
15 tiate an agricultural technology transfer program to
16 accelerate adoption of advantageous technologies by
17 Maine producers by:

18 A. Testing new technologies to determine their
19 suitability and adaptability to Maine agricul-
20 ture; and

21 B. Demonstrating new technologies which are
22 proven beneficial to Maine producers.

23 2. Program operation. The commissioner may es-
24 tablish a challenge grant program to test and demon-
25 strate new technologies related to the production,
26 storage and processing of Maine agricultural commodi-
27 ties. Applications may be submitted by commodity
28 groups, associations or individuals. Each proposed
29 new technology testing or demonstration project shall
30 include an appropriate role for the Maine Agricultur-
31 al Experiment Station, the Cooperative Extension Ser-
32 vice or other University of Maine System personnel to
33 assure the validity of test results and that demon-
34 stration information is appropriately distributed.
35 Criteria for grant awards, including specific techno-
36 logical problems and commodities to be addressed,
37 shall be established by rule in accordance with the

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1 Maine Administrative Procedure Act, Title 5, chapter
2 375 and shall be guided by the following criteria:

3 A. In the case of research on new technologies,
4 awards shall be based on the technology's appar-
5 ent applicability, the quality of the research
6 design, impact of the proposed technology on re-
7 gional agricultural needs when defined under sec-
8 tion 314 and such other criteria as the commis-
9 sioner may establish;

10 B. In the case of technology demonstration
11 projects, awards shall be based on the
12 technology's potential economic benefit, espe-
13 cially in terms of any regional needs or opportu-
14 nities defined under section 314, the number of
15 producers involved in the demonstration project,
16 planned mechanisms for outreach and education and
17 such other criteria as the commissioner may es-
18 tablish; and

19 C. No more than \$5,000 may be awarded in any
20 fiscal year for a specific challenge grant pro-
21 gram and for each program for which an award is
22 made the grantee shall contribute in cash or in
23 kind an amount equal to at least 50% of the cost
24 of the program for the fiscal year for which the
25 award is made.

26 3. Advisory committee. The commissioner may es-
27 tablish a Technology Transfer Committee to evaluate
28 technology transfer grant applications and project
29 results and disseminate information about the bene-
30 fits of new technologies. This committee shall in-
31 clude a representative of the cooperative extension
32 service, the Maine Agricultural Experiment Station, a
33 financial institution and other representatives of
34 Maine agriculture that the commissioner may desig-
35 nate, but the committee shall include no more than 7
36 members.

37 §307. Special projects

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1 The commissioner may contract directly with the
2 Agricultural Experiment Station or the Maine Coopera-
3 tive Extension Service for testing new technologies
4 and for research on pressing, short-term technical
5 problems related to the production, storage and pro-
6 cessing of agricultural commodities.

7 §308. Special revenues

8 Funds contributed by commodity groups, associa-
9 tions or individuals for special projects or for com-
10 petitive technology transfer projects shall be depos-
11 ited in a dedicated account which shall not lapse.
12 Commodity groups, associations or individuals may
13 specify that funds contributed to this account may be
14 used to initiate projects affecting specific commodi-
15 ties.

16 §309. Annual review

17 The commissioner, the Director of the Agricultur-
18 al Experiment Station and the Director of the Cooper-
19 ative Extension Service shall, on an annual basis,
20 review the effectiveness of the programs operated un-
21 der the provisions of this chapter in facilitating
22 the introduction of new technologies for Maine agri-
23 cultural operations.

24 Sec. 78. 7 MRSA c. 9, as enacted by PL 1985, c.
25 438, is repealed.

26 Sec. 79. 7 MRSA Pt. 6, first 2 lines, as enacted
27 by PL 1985, c. 572, are repealed and the following
28 enacted in their place:

29 PART 6-A

30 HONEYBEE INDUSTRY

31 Sec. 80. 7 MRSA §2954, sub-§5, as repealed and
32 replaced by PL 1975, c. 517, §3, is amended to read:

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1 5. Minimum price schedule. Upon establishing
2 said minimum prices in any market which shall apply
3 to the various classifications of milk and which may
4 vary in the several market areas of the State, the
5 commission shall furnish all dealers registered in
6 said market with a schedule of such prices and shall
7 publish a schedule thereof in appropriate newspapers
8 in said market. Such order shall become effective in
9 accordance with Title 5, ~~chapters-301-to-307~~ chapter
10 375, and thereafter no dealer, store or other person
11 handling milk in such market shall buy or offer to
12 buy, sell or offer to sell milk for prices less than
13 the scheduled minimum prices established for that
14 market.

15 **Sec. 81. 8 MRSA §261**, as amended by PL 1983, c.
16 812, §55 and as repealed and replaced by PL 1983, c.
17 834, §1, is repealed and the following enacted in its
18 place:

19 §261. Commission

20 1. Number of members. The State Harness Racing
21 Commission, as established by Title 5, section 12004,
22 subsection 8, shall consist of 5 members who shall be
23 appointed by the Governor. Members may be removed by
24 the Governor for cause.

25 2. Review; confirmation. These gubernatorial ap-
26 pointments shall be reviewed by the joint standing
27 committee of the Legislature having jurisdiction over
28 agriculture and are subject to confirmation by the
29 Legislature.

30 3. Geographic distribution. The members shall be
31 appointed to provide broad geographic representation.

32 4. Representation. No more than 3 members may be
33 of the same political party, but both major political
34 parties shall be represented on the commission. One
35 member shall, in some capacity, be connected with ag-

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1 ricultural societies which operate pari-mutuel rac-
2 ing.

3 5. Terms of office; vacancies; qualifications.
4 Members of the commission shall serve 3-year terms,
5 except that initially one member shall serve for a
6 term of one year, 2 for terms of 2 years and 2 for
7 terms of 3 years. Any vacancy shall be filled by ap-
8 pointment for the unexpired term. Members shall
9 serve until their successors are appointed and quali-
10 fied. So far as practicable, they shall be persons
11 interested in the establishment and development of a
12 Maine breed of standardbred horses and no member may
13 have any pecuniary interest in harness racing or the
14 sale of pari-mutuel pools licensed under this chap-
15 ter.

16 **Sec. 82. 8 MRSA §329, 2nd ¶, as amended by PL**
17 **1981, c. 470, Pt. A, §12, is further amended to**
18 **read:**

19 Racing shall be permitted at Scarborough Downs
20 until the hour of midnight each day from May 15th to
21 November 30th each year. The license shall set forth
22 the name of the licensee, the place where the races
23 or race meets are to be held and the time and number
24 of days during which racing may be conducted by said
25 licensee. Any such license issued shall not be trans-
26 ferable nor assignable. ~~The Administrative Hearing~~
27 ~~Commissioner as designated in Title 5, chapters 301~~
28 ~~to 307 shall have power to revoke any license for~~
29 ~~good cause upon notice and hearing.~~ The license of
30 any corporation shall automatically cease upon the
31 change in ownership, legal or equitable, of 50% or
32 more of the voting stock of the corporation and the
33 corporation shall not hold a running horse meet for
34 public exhibition without a new license. A judge of
35 the Administrative Court may revoke any license for
36 good cause upon notice and hearing. The fee for such
37 license shall be \$5,000 annually.

38 **Sec. 83. 8 MRSA §360, as enacted by PL 1973, c.**

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1 570, §1, is amended to read:

2 §360. Persons prohibited from purchasing tickets or
3 shares

4 No ticket or share ~~shall~~ may be purchased by, and
5 no prize ~~shall~~ may be paid to any of the following
6 persons: Any ~~officer~~ lottery commissioner or employee
7 of the ~~commission~~ Bureau of the Lottery or to any
8 spouse, child, brother, sister or parent residing as
9 a member of the same household in the principal place
10 of abode of any of the foregoing persons.

11 **Sec. 84. 9-A MRSA §6-103**, as amended by PL 1985,
12 c. 763, Pt. A, §48, is further amended to read:

13 §6-103. Administration

14 There is created and established the Bureau of
15 Consumer Credit Protection within the Department of
16 Business Regulation. The Superintendent of Consumer
17 Credit Protection is the head of Consumer Credit Pro-
18 tection. As used in this Act, "administrator" means
19 the Superintendent of the Bureau of Consumer Credit
20 Protection. He shall be appointed by the Governor
21 and subject to review by the joint standing committee
22 of the Legislature having jurisdiction over business
23 legislation and to confirmation by the Legislature.
24 He shall be appointed for a term of 5 years or until
25 a successor is appointed and qualified. Any vacancy
26 occurring shall be filled by appointment for the un-
27 expired portion of the term. He may be removed from
28 office for cause by impeachment or by the Governor on
29 the address of both branches of the Legislature and
30 Title 5, section ~~711~~, ~~paragraph-B~~ 931, subsection 2,
31 shall not apply. During his term of office the ad-
32 ministrator shall engage in no other business or pro-
33 fession. The administrator's salary shall be paid
34 from the General Fund.

35 **Sec. 85. 9-B MRSA §211, sub-§1**, as amended by PL
36 1981, c. 359, §4, is further amended to read:

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1 1. Appointment; term; qualifications. The activ-
2 ities of the bureau shall be directed by a superin-
3 tendent who shall be appointed by the Governor and
4 subject to review by the Joint Standing Committee on
5 Business Legislation and to confirmation by the Leg-
6 islature. The superintendent shall hold office for a
7 term of 5 years, or until his successor is appointed
8 and qualified. The superintendent may be removed from
9 office for cause by impeachment or by the Governor on
10 the address of both branches of the Legislature, and
11 Title 5, section ~~7117-paragraph-B~~ 931, subsection 2,
12 shall not apply. Any person appointed as superintend-
13 ent shall have the knowledge of, or experience in,
14 the theory and practice of banking.

15 **Sec. 86. 9-B MRSA §232, sub-§5, ¶D,** as amended
16 by PL 1979, c. 429, §5, is further amended to read:

17 D. Notwithstanding any provision to the con-
18 trary, as prescribed by the Maine Administrative
19 Procedure Act, Title 5, chapter 375, subchapter
20 IV, such order shall be issued not later than 30
21 days after the close of the hearing if any, held
22 pursuant to this section.

23 **Sec. 87. 9-B MRSA §427, sub-§9, ¶B,** as amended
24 by PL 1979, c. 663, §41, is further amended to read:

25 B. If a depositor shall lose a nonnegotiable
26 certificate of deposit or certificate of account,
27 ~~subsection-97~~ paragraph A shall apply, except
28 that the depositor shall provide an affidavit in
29 writing to the institution, in lieu of the notice
30 provided for in ~~subsection-97~~ paragraph A, stat-
31 ing that such certificate issued by the institu-
32 tion is lost and could not be found after thor-
33 ough search.

34 **Sec. 88. 10 MRSA §918, sub-§3,** as amended by PL
35 1985, c. 779, §38 and c. 785, Pt. A, §87, is re-
36 pealed and the following enacted in its place:

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- 1 3. Ex officio corporators. Ex officio corpora-
- 2 tors shall consist of the heads of the major state
- 3 departments and agencies and the Chancellor of the
- 4 University of Maine System. State department and
- 5 agency heads shall include the following:

- 6 Treasurer of State;

- 7 Director of the State Planning Office;

- 8 Director of the State Development Office;

- 9 Commissioner of Agriculture, Food and Rural Re-
- 10 sources;

- 11 Commissioner of Business, Occupational and Pro-
- 12 fessional Regulation;

- 13 Commissioner of Conservation;

- 14 Commissioner of Educational and Cultural Ser-
- 15 vices;

- 16 Commissioner of Environmental Protection;

- 17 Commissioner of Finance;

- 18 Commissioner of Administration;

- 19 Commissioner of Human Services;

- 20 Commissioner of Inland Fisheries and Wildlife;

- 21 Commissioner of Labor;

- 22 Commissioner of Marine Resources;

- 23 Commissioner of Mental Health and Mental Retarda-
- 24 tion;

- 25 Commissioner of Transportation;

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1 Chief Executive Officer of the Finance Authority
2 of Maine;

3 Executive Director of the Maine Municipal Bond
4 Bank; and

5 Executive Director of the Maine State Housing Au-
6 thority.

7 **Sec. 89. 10 MRSA §985, sub-§1, as amended by PL**
8 **1985, c. 344, §30, is further amended to read:**

9 1. Membership of the board. The Natural Re-
10 source Financing and Marketing Board of the authority
11 shall consist of 7 voting members, including the Com-
12 missioner of Conservation, the Commissioner of Marine
13 Resources and the Commissioner of Agriculture, Food
14 and Rural Resources, or their designees, and 4 public
15 members appointed by the Governor, subject to the ap-
16 proval of the joint standing committee of the Legis-
17 lature having jurisdiction over State Government and
18 to confirmation by the Senate. The 4 public members
19 shall be knowledgeable in the field of natural re-
20 source enterprises or financing. Designees of the
21 commissioners shall be limited to those persons hold-
22 ing major policy-influencing positions, as defined by
23 Title 5, ~~section-7117-subsection-2~~ chapter 71. Two of
24 the public members shall be designated by the Gover-
25 nor as members of the authority. The Treasurer of
26 State shall be an ex officio, nonvoting member of the
27 board.

28 **Sec. 90. 10 MRSA §1094, as amended by PL 1985,**
29 **c. 198, §2 and as repealed by PL 1985, c. 344, §94,**
30 **is repealed.**

31 **Sec. 91. 12 MRSA §602, sub-§18, as enacted by PL**
32 **1985, c. 710, §1 and c. 762, §1, is repealed and the**
33 **following enacted in its place:**

34 18. Maine State Parks Development Fund. To ad-

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1 minister the Maine State Parks Development Fund es-
2 tablished under section 609.

3 **Sec. 92. 12 MRSA §602, sub-§19** is enacted to
4 read:

5 19. Management of ATVs. To administer the ATV
6 Recreational Management Fund, established under sec-
7 tion 7854, subsection 4, for the purposes given in
8 that subsection. The bureau may promulgate rules, in
9 accordance with Title 5, chapter 375, subchapter II,
10 for the issuance of grants-in-aid from the fund and
11 to further define alpine tundra areas pursuant to
12 section 7851, subsection 5.

13 **Sec. 93. 12 MRSA §4815, last ¶,** as amended by PL
14 1985, c. 206, §1 and reallocated by c. 481, Pt. A,
15 §32, is repealed.

16 **Sec. 94. 12 MRSA §5202,** as enacted by PL 1985,
17 c. 794, Pt. B, is amended to read:

18 §5202. Maine Shoreline Public Access Protection Fund

19 1. Fund established. To accomplish the purposes
20 of this chapter, there is established a nonlapsing
21 Maine Shoreline Public Access Protection Fund, re-
22 ferred to in this chapter as the "fund." All income
23 received by the Department of Conservation for the
24 purposes of this chapter shall be recorded on the
25 books of the State in a separate account and shall be
26 deposited with the Treasurer of State to be credited
27 to the fund. These funds shall be made available to
28 the commissioner for the purpose of implementing the
29 Maine Shoreline Public Access Protection Program, es-
30 tablished under section 5202 5203.

31 2. Expenditure of funds. All money credited to
32 the fund shall be used to preserve and protect public
33 access to coastal shoreland areas in accordance with
34 the guidelines established by the commissioner pursu-
35 ant to section 5202 5203. As provided in section 5202

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1 5203, not less than 50% of all revenue available from
2 the fund shall be dispersed to municipalities located
3 in the coastal area, as defined in Title 38, section
4 1802. No more than 10% of the revenues available in
5 the fund may be used for the development of acquired
6 access areas.

7 **Sec. 95. 12 MRSA §5203, sub-§1, as enacted by PL**
8 **1985, c. 794, Pt. B, is amended to read:**

9 1. Program established. There is established,
10 within the Department of Conservation, the Maine
11 Shoreline Public Access Protection Program, referred
12 to in this chapter as the "program" for the purposes
13 of encouraging and supporting the acquisition and de-
14 velopment of shoreland areas by the State Government
15 and local governments. Any acquisition or development
16 of shoreland areas supported by this program shall be
17 undertaken solely to enhance, preserve or protect
18 public access to coastal shoreland areas. The commis-
19 sioner shall establish, amend or repeal rules of the
20 department necessary to accomplish the purposes of
21 this chapter.

22 **Sec. 96. 12 MRSA §6671, sub-§3, as repealed and**
23 **replaced by PL 1985, c. 737, Pt. A, §28, is amended**
24 **to read:**

25 3. Shellfish conservation ordinance. Within any
26 area of the municipality, a shellfish conservation
27 ordinance may regulate or prohibit the possession of
28 shellfish; may fix the amount of shellfish that may
29 be taken; shall limit the size of soft-shell clams in
30 accordance with ~~subchapter F~~, article 5; may fix the
31 qualifications for a license, including municipal
32 residency; may fix license fees; and may authorize
33 the municipal officers to open and close flats under
34 specified conditions. A program or ordinance shall
35 not regulate areas closed by regulation of the com-
36 missioner. An ordinance may also provide for enforce-
37 ment, protection and evaluation of a green crab fenc-
38 ing program. No municipal commercial license may be

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

26 **Sec. 97. 12 MRSA §8429, sub-§1, as repealed by**
27 **PL 1985, c. 664, §4, and as amended by c. 785, Pt. B,**
28 **§74 is repealed.**

29 **Sec. 98. 12 MRSA §8603, as amended by PL 1981,**
30 **c. 34, is further amended to read:**

31 Owners or operators of all primary wood-using
32 sawmills and primary processors of veneer wood, cord-
33 wood, boltwood, pulpwood, posts, poles, piling, fence
34 rails and commercial processors of fuelwood fuel wood
35 who annually process more than 20 cords, except for
36 domestic use and not for sale or conversion into
37 products for sale, shall render an annual report to
38 the director during the month of January of each year
39 of the amount of softwoods and hardwoods processed by

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1 species within the State by them during the preceding
2 calendar year and showing the county or counties from
3 which the wood was taken. Forms for this report
4 shall be provided by the director. Information con-
5 tained in the reports shall not be made public by
6 reference to individuals.

7 Sec. 99. 12 MRSA §8604, first ¶, as amended by
8 PL 1985, c. 488, §9, is further amended to read:

9 §8604. Reports by forest landowners

10 Any owner of forest land who sells stumpage dur-
11 ing a calendar year shall render an annual report to
12 the director during the month of January of the fol-
13 lowing year, stating the species, volume and stumpage
14 price per unit of measure for each transaction and
15 the municipality or township where the stumpage was
16 located. Any owner of forest land who cuts stumpage
17 for his own business use during a calendar year shall
18 render an annual report to the director during the
19 month of January of the following year, stating the
20 species and volume per unit of measure for each mu-
21 nicipality or township where the stumpage was lo-
22 cated. Any owner of forest land who has sold stumpage
23 or cut wood for his own business use within the past
24 5 years shall report on any thinning operations,
25 whether chemical or mechanical, planting, stand con-
26 version or other precommercial sivicultural activi-
27 ties not including road building. The director may,
28 by rule, prescribe definitions of the activities men-
29 tioned in this section and any others he deems neces-
30 sary to carry out the purposes of ~~Title--5,~~ chapter
31 429. Forms for this report shall be provided by the
32 director. Information contained in the reports shall
33 not be made public except that summary reports may be
34 published that use aggregated data that do not reveal
35 the activities of an individual person or firm. These
36 forms shall be available for the use of the
37 State Tax Assessor pursuant to Title 36, chapter 105,
38 subchapter II-A, and chapter 803, subchapter IV.

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1 **Sec. 100. 13 MRSA §3167**, as amended by PL 1985,
2 c. 774, §2 and c. 797, §4, is repealed and the fol-
3 lowing enacted in its place:

4 §3167. Income to support schools

5 All income derived from the ministerial and
6 school lands, and from the rents and profits of real
7 and personal estate held under section 3166, shall be
8 annually applied to the support of public schools in
9 the town or the schooling of resident students and
10 expended like other school money.

11 **Sec. 101. 13-A MRSA §1203, sub-§1, ¶B**, as en-
12 acted by PL 1971. c. 439, §1, is amended to read:

13 B. Which may be done by a domestic corporation
14 organized under or otherwise pursuant to this
15 Act, unless in its application for authority the
16 corporation expressly limited itself to a lesser
17 number or type of businesses, in which case the
18 corporation may engage in the business or busi-
19 nesses to which it so limited its application, if
20 such business or businesses qualify under ~~para-~~
21 ~~graphs-A-and-B~~ this paragraph and paragraph A.

22 **Sec. 102. 13-B MRSA §201, sub-§3, ¶F**, as amended
23 by PL 1985, c. 714, §40 and c. 737, Pt. A, §35, is
24 repealed and the following enacted in its place:

25 F. Local development corporations, as that term
26 is used in Title 10, chapter 110; and

27 **Sec. 103. 14 MRSA §8103, sub-§2**, as amended by
28 PL 1985, c. 569, §§3 and 4 and c. 758, §2, is fur-
29 ther amended to read:

30 2. Examples. Notwithstanding section 8104, a
31 governmental entity shall not be liable for any claim
32 which results from:

33 A. The undertaking or failure to undertake any

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- 1 legislative or quasi-legislative act, including,
2 but not limited to, the adoption or failure to
3 adopt any statute, charter, ordinance, order,
4 regulation, resolution or resolve;
- 5 B. The undertaking, or failure to undertake, any
6 judicial or quasi-judicial act, including, but
7 not limited to, the granting, granting with con-
8 ditions, refusal to grant or revocation of any
9 license, permit, order or other administrative
10 approval or denial;
- 11 C. The performance or failure to exercise or
12 perform a discretionary function or duty, whether
13 or not the discretion be abused and whether or
14 not the statute, charter, ordinance, order, reso-
15 lution, regulation or resolve under which the
16 discretionary function or duty is performed is
17 valid or invalid;
- 18 D. The decision not to provide communications,
19 heat, light, water, electricity or solid or liq-
20 uid waste collection, disposal or treatment ser-
21 vices;
- 22 E. The activities of the Maine National Guard
23 when engaged in combatant activities during a
24 time of war, or when called to duty in accordance
25 with a proclamation of emergency by the Governor
26 in accordance with Title 37-A, section 57 or 207;
- 27 F. The construction, ownership, maintenance or
28 use of:
- 29 (1) Unimproved land;
- 30 (2) Historic sites, including, but not lim-
31 ited to memorials, as defined in Title 12,
32 section 601, subsection 1; or
- 33 (3) Land, buildings, structures, facilities
34 or equipment designed for use primarily by

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1 the public in connection with public outdoor
2 recreation;

3 G. The discharge, dispersal, release or escape
4 of smoke, vapors, soot, fumes, acids, alkalines,
5 toxic chemicals, liquids or gases, waste materi-
6 als or other irritants, contaminants or
7 pollutants into or upon land, the atmosphere or
8 any water course or body of water, except as pro-
9 vided in section 8104, subsection 3;

10 H. The ownership, maintenance or use of any
11 building acquired by a governmental entity for
12 reasons of tax delinquency from the date of fore-
13 closure and until actual possession by the delin-
14 quent taxpayer or his lessee or licensee has
15 ceased for a period of 60 days;

16 I. The ownership, maintenance or use of any
17 building acquired by a governmental entity by
18 eminent domain or by condemnation until actual
19 possession by the former owner or his lessee or
20 licensee has ceased for a period of 60 days;

21 J. Any defect, lack of repair or lack of suffi-
22 cient railing in any highway, town way, sidewalk,
23 parking area, causeway, bridge, airport runway or
24 taxiway, including appurtenances necessary for
25 the control of such ways including but not lim-
26 ited to street signs, traffic lights, parking met-
27 ters and guardrails, except as provided in sec-
28 tion 8104, subsection 4, and in Title 23, section
29 3655; or

30 K. The sales of motor vehicles and equipment at
31 auction held by the governmental entity; or

32 ~~K. The leasing of state-owned property, includ-~~
33 ~~ing buildings to other organizations pursuant to~~
34 ~~Title 57, chapter 154.~~

35 L. The leasing of state-owned property, includ-

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1 ing buildings to other organizations pursuant to
2 Title 5, chapter 154.

3 Paragraphs A through K L of this subsection, to which
4 immunity applies, are cited as examples and shall not
5 be interpreted to limit the general immunity provided
6 by this section.

7 **Sec. 104. 14 MRSA §8109, sub-§1, ¶A,** as amended
8 by PL 1985, c. 785, Pt. A, §88, is further amended to
9 read:

10 A. Any agency may settle any claim for an amount
11 of \$1,500 or less when such settlement is ap-
12 proved by the appropriate department or agency
13 head in accordance with regulations promulgated
14 by the Commissioner of Finance Administration.

15 **Sec. 105 14 MRSA §8109, sub-§1, ¶B,** as amended
16 by PL 1985, c. 785, Pt. A, §89, is further amended
17 to read:

18 B. Any other claim may be settled when such set-
19 tlement is approved by the head of the department or
20 agency against which the claim is filed, the Commis-
21 sioner of Finance Administration and the Attorney
22 General.

23 **Sec. 106. 14 MRSA §8115, sub-§1,** as amended by
24 PL 1985, c. 785, Pt. A, §90, is further amended to
25 read:

26 1. Payment from next appropriation. In the event
27 no insurance has been procured by the State to pay a
28 claim or judgment arising under this chapter, and no
29 appropriated funds are reasonably available, as de-
30 termined by the Commissioner of Finance
31 Administration, the claim or judgment shall be paid
32 from the next appropriation to the state instrumen-
33 tality whose action or omission, or the action or
34 omission of whose employee, gave rise to the claim.

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1 Sec. 107. 15 MRSA §101, as amended by PL 1985,
2 c. 630, §§1 and 2 and c. 796, §§2 and 3, is repealed.

3 Sec. 108. 15 MRSA §101-A, as enacted by PL 1985,
4 c. 356, is repealed.

5 Sec. 109. 15 MRSA §§101-B and 101-C are enacted
6 to read:

7 §101-B. Mental examination and observation of per-
8 sons accused of crime

9 1. Court order; permissive. The District Court
10 or the Superior Court having jurisdiction in any
11 criminal case for cause shown may order the defendant
12 examined to determine his mental condition with refer-
13 ence to the issues of criminal responsibility and
14 competence to stand trial. The examination may be
15 conducted at the Augusta Mental Health Institute,
16 Bangor Mental Health Institute, Pineland Center or at
17 a mental health clinic of, or recommended by, the
18 Commissioner of Mental Health and Mental Retardation
19 and, when conducted at any such facility, shall be
20 the responsibility of the State Forensic Service. The
21 examination may be conducted by a psychiatrist or li-
22 icensed clinical psychologist independent from any
23 such facility, employed for that purpose by the
24 court. The court in selecting the examination site
25 shall consider proximity to the court, availability
26 of an examiner or examiners and the necessity for se-
27 curity precautions. No person may be presented for
28 examination under this subsection without arrange-
29 ments therefor with the head of the institution or
30 clinic or with the individual examiner being first
31 made by the court, clerk of courts or sheriff. If the
32 defendant is incarcerated, the examination is to be
33 completed within 90 days. The opinion of the examin-
34 er or examiners relative to the mental condition of
35 the respondent shall be reported forthwith to the
36 court following examination.

37 2. Court order; mandatory. The court shall or-

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1 der the defendant to be further examined by a psychi-
2 atrist and a clinical psychologist from the State
3 Forensic Service if:

4 A. It appears to the court, based on the report
5 of any such examiner, that:

6 (1) The defendant suffers or suffered from
7 a mental disease or defect affecting his
8 criminal responsibility or his competence to
9 stand trial; or

10 (2) Further observation is required; or

11 B. The defendant enters or persists in a plea of
12 not criminally responsible by reason of insanity
13 for a period in excess of 21 days after the re-
14 port in subsection 1 is filed.

15 3. Availability of reports. The court may order
16 that observations, interviews and investigative re-
17 ports regarding the behavior of the defendant made by
18 law enforcement officials be made available to the
19 designated psychiatrist and licensed clinical psy-
20 chologist of the State Forensic Service for the lim-
21 ited purpose of this examination. If the defendant
22 is incarcerated, an initial examination to determine
23 whether commitment to the custody of the Commissioner
24 of Mental Health and Mental Retardation is necessary
25 shall be made within 90 days. If the defendant is
26 incarcerated and it is determined that no long-term
27 observation for the purpose of diagnosis is needed,
28 his examinations shall be completed within 30 days.
29 If the examination by the designees can be completed
30 without admission, a report of the results of the
31 completed examination shall be forwarded to the court
32 forthwith. If the designated examiners of the Commis-
33 sioner of Mental Health and Mental Retardation deter-
34 mine that admission to an appropriate institution for
35 the mentally ill or mentally retarded is necessary
36 for complete examination, the examiners shall so no-
37 tify the court which may order the defendant commit-

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1 ted to the custody of the Commissioner of Mental
2 Health and Mental Retardation to be placed in an ap-
3 propriate institution for the mentally ill or the
4 mentally retarded, to be there detained and observed
5 by the superintendent, or his delegate, and profes-
6 sional staff for a period of time not to exceed 60
7 days, for the purpose of ascertaining the mental con-
8 dition of the defendant. When further detention for
9 observation is deemed no longer necessary, the com-
10 missioner shall report this fact to the court. The
11 court shall then order the person returned to the ap-
12 propriate court for disposition; if the court order-
13 ing commitment for observation has provided for re-
14 mand to the county jail following completion of the
15 observation in the commitment order, the sheriff or
16 any one or more of his deputies shall execute the re-
17 mand order upon advice from the commissioner of com-
18 pletion of the observation. A report of the results
19 of the observation shall be forwarded promptly to the
20 court by the commissioner.

21 4. Finding of incompetence, custody; bail. If
22 after hearing upon motion of the attorney for the de-
23 fendant, or upon the court's own motion, the court
24 finds that any defendant is incompetent to stand tri-
25 al, it shall continue the case until such time as the
26 defendant is deemed by the court to be competent to
27 stand trial and may either:

28 A. Commit the defendant to the custody of the
29 Commissioner of Mental Health and Mental Retarda-
30 tion to be placed in an appropriate institution
31 for the mentally ill or the mentally retarded for
32 observation, care and treatment. The commitment
33 shall not exceed one year in duration. At the end
34 of 30 days or sooner, and again in the event of
35 recommitment, at the end of 60 days and one year,
36 the superintendent of the institution in which
37 the defendant is placed shall forward a report to
38 the Commissioner of Mental Health and Mental Re-
39 tardation relative to the defendant's competence
40 to stand trial and his reasons therefor. The com-

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1 missioner shall forthwith file the report with
2 the court having jurisdiction of the case. The
3 court shall forthwith set a date for, and shall
4 hold, a hearing on the question of the defend-
5 ant's competence to stand trial and shall receive
6 all relevant testimony bearing on the question.
7 If the court determines that the defendant is not
8 competent to stand trial, but there does exist a
9 substantial probability that the defendant will
10 be competent to stand trial in the foreseeable
11 future, it shall recommit the defendant to the
12 custody of the Commissioner of Mental Health and
13 Mental Retardation to be placed in an appropriate
14 institution for the mentally ill or the mentally
15 retarded for observation, care and treatment. If
16 the court determines that the defendant is not
17 competent to stand trial and there does not exist
18 a substantial probability that he will be compe-
19 tent in the foreseeable future, the court shall
20 dismiss all charges against the defendant and no-
21 tify the appropriate authorities who may insti-
22 tute civil commitment procedures for the individ-
23 ual; or

24 B. Except in the case of a defendant who is
25 charged with the commission of an offense, the
26 only punishment for which is life imprisonment,
27 order the defendant's release on bail, with or
28 without the further order that the defendant un-
29 dergo observation at a state mental hospital or
30 mental health facility approved by the Department
31 of Mental Health and Mental Retardation, or by
32 arrangement with a private psychiatrist and
33 treatment when it is deemed appropriate by the
34 head of the hospital or clinic or by the private
35 psychiatrist. When such outpatient observation
36 and treatment is ordered, the head of the hospi-
37 tal or clinic or the psychiatrist shall, within
38 the time specified in subsection 1, forward a re-
39 port to the court containing the opinion of the
40 head of the hospital or clinic or of the psychia-
41 trist, relative to the defendant's competence to

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1 stand trial and his reasons therefor. The court
2 shall forthwith set a date for and shall hold a
3 hearing on the question of the defendant's compe-
4 tence to stand trial, which shall be held pursu-
5 ant to and consistent with the standards set out
6 in paragraph A.

7 5. Competence; proceedings. Upon a determina-
8 tion that the defendant is competent to stand trial,
9 proceedings with respect to the defendant shall be in
10 accordance with the rules of criminal procedure.

11 6. No release during examination period; viola-
12 tion. Any person ordered or committed for examina-
13 tion, observation, care or treatment pursuant to this
14 section shall not be released from the examining in-
15 stitution during the period of examination. Any in-
16 dividual responsible for or permitting the release of
17 a respondent from the examining institution who has
18 been committed pursuant to this section commits a
19 civil violation for which a forfeiture not to exceed
20 \$1,000 may be adjudged.

21 §101-C. Access to records by persons or entities
22 performing examinations or evaluations

23 1. Written demand for records. When a person or
24 entity has been ordered to perform an examination or
25 evaluation pursuant to section 101-B, and the person
26 to be examined has sought the examination, joined in
27 a request or order for the examination or has entered
28 a plea of not criminally responsible by reason of in-
29 sanity, that person may make written demand upon any
30 individual, partnership, association, corporation,
31 institution or governmental entity to produce the
32 records or copies of the records, in whatever medium
33 preserved, of the subject of the examination or eval-
34 uation.

35 2. Production of records. Any such entity from
36 whom records are demanded pursuant to subsection 1
37 shall produce the records or copies of the records

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1 forthwith. The production shall be made notwith-
2 standing any other law. No entity, or employee or
3 agent of the entity, may be criminally or civilly re-
4 sponsible for furnishing any records in compliance
5 with this section.

6 3. Confidentiality of records. Records provided
7 under this section shall be confidential and shall
8 not be disseminated by any person other than upon or-
9 der of the court.

10 4. Definition. "Records" means information
11 about a person, in whatever medium preserved. It in-
12 cludes, but is not limited to, medical histories, so-
13 cial histories, military histories, government
14 histories, educational histories and documentation
15 pertaining to diagnosis or treatment.

16 5. Failure to produce records. Any person who
17 is required to produce records by this section and
18 intentionally or knowingly fails to do so within 20
19 days of the service of the written request upon him,
20 may be subject to civil contempt for his failure to
21 comply with the request.

22 **Sec. 110. 15 MRSA §2128, sub-§4, as enacted by**
23 **PL 1979, c. 701, §15, is amended to read:**

24 4. Prior challenges. A person who has previously
25 challenged a criminal judgment or a post-sentencing
26 proceeding under former Title 14, sections 5502 to
27 5508 or its predecessors shall not challenge the
28 criminal judgment or post-sentencing proceeding by
29 post-conviction review unless the court determines
30 that a ground claimed in the action for post-
31 conviction review could not reasonably have been
32 raised in the earlier action.

33 **Sec. 111. 15 MRSA §2132, as enacted by PL 1979,**
34 **c. 701, §15, is amended to read:**

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1 §2132. Applicability

2 Both the substantive and procedural provisions of
3 this chapter shall apply to any action for post-
4 conviction review commenced after the effective date
5 of this chapter. In the case of any action under
6 former Title 14, sections 5502 to 5508 or any other
7 action for collateral review of a conviction or of
8 consequences resulting from a criminal judgment which
9 was commenced prior to the effective date of this
10 chapter and which is pending on the effective date,
11 the petition may be amended to assert any basis for
12 jurisdiction under section 2124 or any grounds for
13 relief not available under prior law; provided that
14 failure to do so shall not constitute waiver pursuant
15 to section 2128, subsection 3. In any pending action
16 brought under prior law, the court in its discretion
17 may apply any of the procedural provisions of this
18 chapter.

19 **Sec. 112. 15 MRSA §2211-A, 7th ¶, as repealed**
20 **and replaced by PL 1969, c. 403, §1, is amended to**
21 **read:**

22 Admission to a hospital under this section shall
23 not be used to effect the examination or observation
24 of any person for the purpose of a criminal proceed-
25 ing pending in either the District Court or the Supe-
26 rior Court. The Superior Court prior to trial of any
27 defendant admitted for hospitalization under this
28 section may, at any time upon motion of the defend-
29 ant's attorney, attorney for the State or upon the
30 court's own motion, hold a hearing with respect to
31 the competence of any such person to stand trial as
32 provided in section ~~101~~ 101-B, and appropriate dispo-
33 sition may be made thereunder. The court's order fol-
34 lowing hearing in such case may terminate the admis-
35 sion effected under this section.

36 **Sec. 113. 15 MRSA §3318, sub-§1, ¶B, as amended**
37 **by PL 1977, c. 664, §42, is further amended to read:**

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1 B. Order that the juvenile be examined by a phy-
2 sician or psychologist and refer the juvenile to
3 a suitable facility or program for the purpose of
4 examination, the costs of such examination to be
5 paid by the court. If the report of such an exam-
6 ination is that the juvenile is mentally ill or
7 incapacitated to the extent that short-term or
8 long-term hospitalization or institutional con-
9 finement is required, the juvenile court shall
10 initiate proceedings for voluntary or involuntary
11 commitment as provided in section ~~101~~ 101-B and
12 in Title 34, sections 2290 and 2333. The court
13 shall continue the proceedings when a juvenile is
14 voluntarily or involuntarily committed.

15 **Sec. 114.** 15 **MRSA §3318, sub-§2, ¶B**, as amended
16 by PL 1977, c. 664, §43, is further amended to read:

17 B. The child is not found by the appropriate
18 court to be mentally ill or incapacitated as de-
19 fined in section ~~101~~ 101-B and in Title 34, sec-
20 tion 2616, subsection 1.

21 **Sec. 115.** 17 **MRSA §1301-A, 2nd ¶**, as amended by
22 PL 1973, c. 303, §3, is further amended to read:

23 The inspectors and agents of licensing authori-
24 ties issuing licenses under this section shall have
25 the authority to investigate and prosecute complaints
26 against its licensees for violation of this section,
27 and to institute proceedings before the Administra-
28 tive Court Judge who shall be empowered to proceed
29 under Title 5, ~~chapters-301-to-307~~ chapter 375, and
30 not under Title 28, section 401.

31 **Sec. 116.** 17 **MRSA §1301-A, 3rd ¶**, as amended by
32 PL 1973, c. 567, §20, is further amended to read:

33 It shall be the duty of the several district at-
34 torneys to investigate and prosecute complaints of
35 violations of this section, and to institute proceed-
36 ings before the Administrative Court Judge who shall

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1 be empowered to proceed under Title 5, ~~chapters-301~~
2 ~~to-307~~ chapter 375.

3 **Sec. 117. 17 MRSA §1301-A, 4th ¶,** as amended by
4 PL 1973, c. 303, §3, is further amended to read:

5 A determination by the Administrative Court Judge
6 after notice and hearing on a show cause order that
7 there is a violation of this section shall cause rev-
8 ocation of such licenses as may be held, with the
9 right of appeal to the Superior Court under Title 5,
10 chapter ~~307~~ 375.

11 **Sec. 118. 20-A MRSA §1202, sub-§6, ¶F,** as
12 amended by PL 1981, c. 693, §§5 and 8, is further
13 amended to read:

14 F. If a school administrative district is to be
15 formed under this section ~~1202~~-~~subsection-27~~
16 ~~paragraph-B~~, or if the proposed school adminis-
17 trative district plans to contract with a desig-
18 nated private school for the education of its
19 students in grades 9 through 12, voters shall act
20 on the following article.

21 "Article : To see if the municipality
22 will vote to join with the municipalities of
23 _____ to form a school adminis-
24 trative
25 (naming them)
26 district, which district is hereby autho-
27 rized and directed to accept the contract
28 offer of _____ for
29 the schooling of pupils in grades 9 through
30 12."

31 **Sec. 119. 20-A MRSA §1401, sub-§1, ¶B,** as en-
32 acted by PL 1981, c. 693, §§5 and 8, is amended to
33 read:

34 B. The agreement may contain a new method of
35 sharing costs among the member municipalities of

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1 the district in accordance with section 1301.
2 The article set out in section ~~1203~~ 1202, subsection
3 6, paragraph D, authorizing units to vote on
4 alternate methods of sharing costs shall be used
5 if the agreement recommended by the state board
6 contains a provision for using one of the alter-
7 nate methods of sharing costs.

8 **Sec. 120.** 20-A MRSA §10104, sub-§2, ~~¶¶D and F~~,
9 as amended by PL 1985, c. 110, §§1 and 2 and as re-
10 pealed by PL 1985, c. 497, §4 are repealed.

11 **Sec. 121.** 20-A MRSA §10902, sub-§17, as amended
12 by PL 1985, c. 779, §48, is repealed and the follow-
13 ing enacted in its place:

14 17. Uniform course descriptions. To provide for
15 a uniform system of course descriptions for equiva-
16 alent courses between the various units of the Univer-
17 sity of Maine System; and

18 **Sec. 122.** 20-A MRSA §11804, sub-§5, as enacted
19 by PL 1985, c. 286, §2, is repealed.

20 **Sec. 123.** 20-A MRSA §11804-A, sub-§4 is enacted
21 to read:

22 4. Deferment. Contract students under this sec-
23 tion who, during the repayment period, either return
24 to a Maine practice and then leave the State or who
25 initially remain out-of-state and then return to a
26 Maine practice may seek a deferment of the annual
27 principal and interest payments while outside the
28 State for a period of time not to exceed 3 years.
29 Interest shall be assessed during this time and the
30 student's total debt to the State, including princi-
31 pal and interest, shall be repaid either through re-
32 turn service or cash payments within 10 years from
33 the date which marks the beginning of the repayment
34 period. Requests for deferments shall be made to the
35 commissioner who shall make a determination on a
36 case-by-case basis. The decision of the commissioner

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1 shall be final.

2 **Sec. 124. 20-A MRSA §12553, sub-§1, ¶D,** as en-
3 acted by PL 1985, c. 472 and c. 497, §5, and as re-
4 pealed by PL 1985, c. 695, §10, and as amended by PL
5 1985, c. 779, §58, is repealed and the following en-
6 acted in its place:

7 D. A high school graduate or has attained equiv-
8 alent certification; and

9 **Sec. 125. 20-A MRSA §12555, sub-§7,** as repealed
10 by PL 1985, c. 695, §10 and as amended by PL 1985, c.
11 779, §59, is repealed.

12 **Sec. 126. 20-A MRSA §12705, sub-§1, ¶B,** as en-
13 acted by PL 1985, c. 695, §11, is amended to read:

14 B. One from the Board of Trustees of the Univer-
15 sity of Maine System;

16 **Sec. 127. 20A MRSA §12706, sub-§7,** as enacted by
17 PL 1985, c. 695, §11, is amended to read:

18 7. Fees and charges. To establish and collect
19 fees, tuition and other charges, including fees for
20 the reasonable use of the institutes' facilities by
21 others, as deemed necessary by the board of trustees
22 for the efficient administration of this chapter, to
23 be credited to a separate fund and used for the pur-
24 poses of this chapter;

25 **Sec. 128. 20-A MRSA §12709, sub-§11,** as enacted
26 by PL 1985, c. 695, §11, is amended to read:

27 11. Interagency cooperation and communication.
28 To promote cooperation and communication with the De-
29 partment of Educational and Cultural Services and the
30 Bureau of Employment and Training Programs, or their
31 successors, with the University of Maine System and
32 with other public and private educational and train-
33 ing institutions;

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1 Sec. 129. 20-A MRSA §13510, sub-§1, as amended
2 by PL 1985, c. 295, §32 and as repealed by PL 1985,
3 c. 505, §11, is repealed.

4 Sec. 130. 20-A MRSA §15006, as enacted by PL
5 1985, c. 774, §8 and c. 797, §53, is repealed and the
6 following enacted in its place:

7 §15006. School money; finance committees

8 1. Municipal schools. No money appropriated for
9 public schools for educational purposes may be paid
10 from the treasury of any municipality except upon
11 written order of its municipal officers. No such or-
12 der may be drawn by the municipal officers except
13 upon presentation of a properly avouched bill of
14 items which has first been certified by the superin-
15 tendent of schools and approved by a majority of the
16 school board or by a financial committee appointed or
17 otherwise duly elected by the school board.

18 2. Quasi-municipal corporations. No money ap-
19 propriated for public school or educational purposes
20 may be paid out by a school administrative unit other
21 than a municipality, except upon written order of its
22 treasurer. No such order may be drawn by the trea-
23 surer, except upon presentation of a properly
24 avouched bill of items which has first been certified
25 as to correctness by the superintendent of schools
26 and approved by a majority of the school board or by
27 a financial committee appointed or otherwise duly
28 elected by the school board.

29 3. Finance committees. School boards which do
30 not otherwise have authority to appoint a finance
31 committee under this Title may appoint 2 or more mem-
32 bers of the board and the superintendent to act as
33 the finance committee of the administrative unit.

34 Sec. 131. 20-A MRSA §15904, sub-§1, as repealed
35 and replaced by PL 1985, c. 570, §1 and c. 737, Pt.

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1 A, §46, is repealed and the following enacted in its
2 place:

3 1. Municipal schools. In a municipality where
4 the responsibility for final adoption of the school
5 budget is vested in a municipal council by municipal
6 charter or in a town meeting, the vote shall be by
7 referendum in accordance with the appropriate provi-
8 sions set forth in Title 21-A and Title 30, except
9 that the filing requirement contained in Title 30,
10 section 2061, subsection 4, does not apply.

11 **Sec. 132. 20-A MRSA §15905, sub-§1, ¶A-1, as en-**
12 **acted by PL 1985, c. 780, §1, is amended to read:**

13 A-1. The limitation on debt service costs set
14 out in this subsection shall be adjusted each
15 year on January 1st for the awards made starting
16 on July 1st, of the same year by the estimated
17 percentage increase or decrease in the cost of
18 construction materials, services and financing
19 over the previous 3 years. The Commissioner of
20 Finance--and Administration shall determine the
21 increase in construction costs using standard,
22 area indexes applicable to Maine. In no case may
23 the allowed increase exceed 5% and in no case may
24 the debt service limit be reduced.

25 **Sec. 133. 20-A MRSA §15909, sub-§2, ¶A, as**
26 **amended by PL 1985, c. 248, §9 and c. 506, Pt. B,**
27 **§§17, 18, is repealed and the following enacted in**
28 **its place:**

29 A. The amount to be bonded shall be determined
30 as follows. The total cost of the project shall
31 be reduced by:

32 (1) The initial state share as defined in
33 section 15914, subsection 3, when the ini-
34 tial state share has been approved for cur-
35 rent fiscal year funding;

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- 1 (2) Proceeds from insured losses;
- 2 (3) Money from federal sources; and
- 3 (4) Other noneducational funds, except
- 4 gifts and money from federal revenue sharing
- 5 sources.

6 **Sec. 134. 20-A MRSA §15915, as enacted by PL**
7 **1985, c. 621, §1 and c. 797, §62, is repealed and the**
8 **following enacted in its place:**

9 §15915. Energy service companies and 3rd-party fi-
10 ancing

11 1. Initial agreement. Any school administrative
12 unit may enter into an agreement of up to 20 years
13 with a private party, such as an energy service or
14 3rd-party financing company, for the design, instal-
15 lation, operation, maintenance and financing of ener-
16 gy conservation improvements at school administrative
17 unit facilities.

18 2. Future operation. Any school administrative
19 unit, at the termination of the agreement with the
20 private party pursuant to this section, may acquire,
21 operate and maintain the improvement, may renew the
22 agreement with the private party or may make an
23 agreement with another private party to operate and
24 maintain the improvement.

25 **Sec. 135. 20-A MRSA §15916 is enacted to read:**

26 §15916. Federal construction aid

27 The state board shall be the designated agency to
28 administer any federal funds made available to assist
29 in the construction of facilities for schools, educa-
30 tional programs or institutions of higher education.

31 **Sec. 136. 22 MRSA §396-D, sub-§9, ¶D, as enacted**
32 **by PL 1985, c. 661, §9 and c. 778, §4, is repealed**

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1 and the following enacted in its place:

2 D. In determining payment year financial re-
3 quirements, the commission shall include an ad-
4 justment to reflect any net increases or de-
5 creases in the hospital's costs resulting from
6 projects that meet the requirements of section
7 396-K, subsection 3, paragraph E.

8 (1) Except as provided in subparagraph (2),
9 the adjustment under this paragraph shall
10 only be made as part of the annual revenue
11 limit determination and not as an interim
12 adjustment.

13 (2) Once during the course of its 3rd pay-
14 ment year, a hospital whose fiscal year com-
15 mences on or after October 1, 1986, and be-
16 fore March 1, 1987, may seek an adjustment
17 under this paragraph, if it has not sought
18 such an adjustment as part of its 3rd pay-
19 ment year revenue limit filing.

20 **Sec. 137. 22 MRSA §396-D, sub-§9, ¶E is enacted**
21 **to read:**

22 E. In determining payment year financial re-
23 quirements, the commission shall include an ad-
24 justment to reflect the reasonable costs, includ-
25 ing reasonable attorneys' fees, incurred by a
26 hospital to prosecute an appeal of a commission
27 decision pursuant to section 397, subsection 4,
28 provided that the adjustment shall reflect only
29 those reasonable costs that are associated with
30 the issues on which the hospital has prevailed in
31 court, including costs associated with presenting
32 those issues to the commission in the case from
33 which the appeal was taken. The commission shall
34 make an adjustment under this paragraph only to
35 the extent that the costs found to be reasonable
36 are not otherwise included in financial require-
37 ments.

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1 **Sec. 138. 22 MRSA §396-L, sub-§1, ¶E**, as enacted
2 by PL 1985, c. 778, §5, is amended to read:

3 E. "Hospital restructuring" means any one of the
4 following:

5 (1) Transfer of any assets of a hospital or
6 hospital-capitalized affiliate to any per-
7 son, provided that the transfer of assets to
8 a title-holding company within the meaning
9 of the United States Internal Revenue Code,
10 Section 501, paragraph C, subparagraph (2),
11 that holds property on behalf of the ~~trans-~~
12 fer--or transferor shall not be considered a
13 hospital restructuring;

14 (2) Pledge of a hospital's assets or credit
15 or pledge of the assets or credit of a
16 hospital-capitalized affiliate, to secure
17 the financial obligation of another person;

18 (3) Transfer of an existing service or
19 function, directly or indirectly, by a hos-
20 pital to an affiliated interest or an entity
21 which, as a result of the transfer would be-
22 come an affiliated interest;

23 (4) Undertaking by an affiliated interest
24 or an entity which as a result of the under-
25 taking would become an affiliated interest
26 of any health care service whose associated
27 costs would be considered elements of finan-
28 cial requirements if performed by a hospi-
29 tal;

30 (5) Entry of a hospital or
31 hospital-capitalized affiliate into a part-
32 nership as a general partner, or any similar
33 act by means of which a hospital or
34 hospital-capitalized affiliate assumes or
35 acquires general liability or responsibility

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1 for the obligations, acts or omissions of a
2 business venture other than one undertaken
3 solely by the hospital;

4 (6) Creation, organization, acquisition or
5 transfer, directly or indirectly, of a sub-
6 sidiary of a hospital;

7 (7) Creation or organization, directly or
8 indirectly, of a parent entity of a hospital
9 by any means, including without limitation,
10 the acquisition by any person of ownership
11 or control of a hospital or its existing
12 parent entity; and

13 (8) Merger of a hospital or its parent en-
14 tity with any person or any transaction
15 functionally equivalent to a merger.

16 **Sec. 139. 22 MRSA §1602, sub-§4,** as enacted by
17 PL 1977, c. 347, §3, is amended to read:

18 4. Permit denied; appeal. An applicant who has
19 been aggrieved by the department's decision to deny a
20 permit under this chapter may file within 5 days of
21 the notice of the denial, a complaint with the Admin-
22 istrative Court, as provided in Title 5, chapter 305
23 375. Such an applicant shall be granted a prompt
24 hearing before the Administrative Court for reconsid-
25 eration of the denial.

26 **Sec. 140. 22 MRSA §3186,** as enacted by PL 1985,
27 c. 375 and c. 486, §1 and as amended by PL 1985, c.
28 749, §1, is repealed and the following enacted in its
29 place:

30 §3186. Medical and social services referral service

31 The department shall establish and maintain an
32 information and referral service for medically indi-
33 gent persons who become pregnant as a result of rape,
34 gross sexual misconduct, incest or sexual abuse. The

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1 information and referral service shall include a list
2 of medical and social services available from state
3 and private sources, including, but not limited to,
4 counseling services, shelter, maternal health care, a
5 list of physicians who have voluntarily agreed to
6 provide to Medicaid eligible victims, pro bono, medi-
7 cal services not available from Medicaid and other
8 applicable medical or social services.

9 This information shall also be made available to
10 rape crisis centers, family planning agencies and
11 other appropriate organizations.

12 In addition to the medical and social services
13 information provided, the department shall strongly
14 encourage and counsel each person receiving this in-
15 formation to report the rape, gross sexual miscon-
16 duct, incest or sexual abuse to the appropriate au-
17 thorities for criminal prosecution and shall assist
18 that person in making the report, if requested.

19 Sec. 141. 22 MRSA §3187 is enacted to read:

20 §3187. Principles of reimbursement

21 The department shall meet annually with providers
22 of community based intermediate care facilities for
23 the mentally retarded to review current principles of
24 reimbursement for United States Code, Title XIX and
25 discuss necessary and appropriate changes.

26 Principles of reimbursement established for in-
27 termediate care facilities for the mentally retarded
28 shall assure maximum flexibility enabling facilities
29 to shift variable cost funds within accounts estab-
30 lished pursuant to the principles. These principles
31 shall not set any artificial limits on specific vari-
32 able cost accounts as long as facility totals are
33 met.

34 Sec. 142. 22 MRSA c. 1052 is enacted to read:

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1 CHAPTER 1052

2 MAINE CHILDREN'S TRUST FUND

3 §3721. Definitions

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

7 1. Board. "Board" means the Board of the Maine
8 Children's Trust Fund.

9 2. Eligible organization. "Eligible organiza-
10 tion" means a nonprofit organization, local govern-
11 ment or public school system.

12 3. Fund. "Fund" means the Maine Children's
13 Trust Fund.

14 4. Prevention programs. "Prevention programs"
15 means programs, plans or training associated with the
16 prevention of child abuse, child neglect or mental
17 illness or with other factors associated with the
18 physical and emotional well-being of the youth of the
19 State, including strategies to alleviate problems as-
20 sociated with behavior prohibited by law, but not ad-
21 judged as a juvenile crime.

22 §3722. Maine Children's Trust Fund

23 1. Establishment. There is established the
24 Maine Children's Trust Fund. It shall receive money
25 deposited by the Treasurer of State pursuant to Title
26 36, section 5285.

27 2. Purpose. The purpose of the Maine Children's
28 Trust Fund is to provide a mechanism for voluntary
29 contributions by Maine taxpayers through an income
30 tax checkoff for funding of programs designed to pre-
31 vent abuse, neglect and mental illness among Maine
32 children. This funding is intended primarily to sup-

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1 port local prevention programs which do not duplicate
2 other state-funded programs.

3 §3723. Board; establishment

4 1. Establishment. The Board of the Maine Chil-
5 dren's Trust Fund is established pursuant to Title 5,
6 section 12004, subsection 8.

7 2. Membership. The board shall consist of 9
8 public members appointed by the Governor. They shall
9 be appointed for terms of 3 years, except of those
10 first appointed, 3 shall be appointed for a term of 3
11 years, 3 shall be appointed for a term of 2 years and
12 3 shall be appointed for a term of one year. The
13 public members shall, as far as practicable, be rep-
14 resentative of the following groups: Parents; busi-
15 ness and labor; the legal community; the religious
16 community; and providers of child abuse and neglect
17 prevention services. Vacancies shall be filled by
18 the Governor for the remainder of the term vacated.

19 3. Officers. The Governor shall annually ap-
20 point one of the public members to serve as chairman
21 of the board. The board may elect, from among its
22 members, other officers and committees as it deems
23 appropriate.

24 4. Compensation. The members shall be compen-
25 sated according to the provisions of Title 5, chapter
26 379.

27 5. Meetings. The board shall meet at least once
28 annually and 5 members of the board shall constitute
29 a quorum.

30 6. Advice and consultation. The Commissioner of
31 Corrections, the Commissioner of Educational and Cul-
32 tural Services, the Commissioner of Human Services,
33 the Commissioner of Mental Health and Mental Retarda-
34 tion and the Commissioner of Public Safety shall,
35 upon request, provide the board with technical infor-

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1 mation and advice.

2 §3724. Duties

3 The board shall have the following powers and du-
4 ties.

5 1. Plan. The board shall develop an annual, bi-
6 ennial state plan for the distribution of money in
7 the fund and distribute money in accordance with that
8 plan. In developing the plan, the board shall:

9 A. Review and evaluate existing prevention pro-
10 grams;

11 B. Assure that an equal opportunity exists for
12 the establishment of prevention programs and re-
13 ceipt of fund money among all geographic areas in
14 the State; and

15 C. Submit the plan to the Legislature annually.

16 2. Exchange of information. The board shall
17 provide for the coordination and exchange of informa-
18 tion on the establishment and maintenance of preven-
19 tion programs.

20 3. Criteria for awarding grants. The board
21 shall develop rules and publicize criteria for award-
22 ing grants to eligible organizations.

23 4. Grants. The board shall review applications
24 for grants and shall approve applications which it
25 considers best address the purposes of the fund.

26 5. Review. The board shall review, approve and
27 monitor the expenditure of grants awarded pursuant to
28 this chapter.

29 6. Education. The board shall provide statewide
30 education and public information to develop public
31 awareness concerning child abuse, neglect and mental

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1 illness.

2 7. Contracts. The board may enter into con-
3 tracts with public or private agencies or accept any
4 grants or gifts from any federal, state or private
5 source to carry out this chapter.

6 8. Recommendations. The board shall make recom-
7 mendations to the Governor and the Legislature con-
8 cerning changes in state laws, rules, programs or po-
9 licies which will reduce the problem of child abuse,
10 neglect and mental illness and improve coordination
11 among agencies that provide prevention services.

12 9. Rules. The board shall promulgate rules, in
13 accordance with the Maine Administrative Procedure
14 Act, Title 5, chapter 375, to carry out this chapter.

15 10. Staff. The board may employ a full-time ex-
16 ecutive director and a clerical assistant to serve at
17 the pleasure of the board. The executive director
18 and clerical assistant shall not be subject to the
19 Civil Service Law.

20 A. The executive director shall be a person with
21 knowledge and experience in:

22 (1) Writing grants and grant applications;

23 (2) Child neglect and child abuse programs;

24 (3) Review and evaluation of programs; and

25 (4) Supervising employees and implementing
26 policies.

27 §3725. Disbursement of fund money

28 1. Procedure. The board shall, by rule, estab-
29 lish a procedure and form for receipt of applications
30 under this chapter. Upon approval of an application,
31 the board may disburse fund money to eligible organi-

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1 zations for the development or operation of preven-
2 tion programs under this chapter.

3 2. Limit on disbursements. The board may not
4 expend the first \$100,000 of income to the fund each
5 year; except that \$42,825 may be expended from the
6 fund in 1985-87 biennium to further the purposes of
7 this chapter. The board may expend one half of the
8 amount of income each year which exceeds \$100,000,
9 but which does not exceed \$500,000. The board may
10 not expend the amount of income each year which ex-
11 ceeds \$500,000. For purposes of this section, income
12 includes interest attributed to the fund pursuant to
13 Title 36, section 5285. When the total amount of the
14 fund reaches \$4,000,000, contributions to the fund
15 shall cease, as provided in Title 36, section 5285,
16 and the expenditures by the board shall be limited to
17 the amount of interest credited annually to the fund.

18 §3726. Review

19 Beginning in 1987 and every odd numbered year
20 thereafter, this chapter shall be reviewed by the
21 joint standing committee of the Legislature having
22 jurisdiction over human resources which shall report
23 its findings together with any recommended legisla-
24 tion to the second regular session of the Legisla-
25 ture.

26 Sec. 143. 22 MRSA c. 1071, sub-c. IX, as enacted
27 by PL 1985, c. 500 and as amended by PL 1985, c. 667,
28 §§1 and 2, is repealed and the following enacted in
29 its place:

30 SUBCHAPTER IX

31 HOSPITAL BASED SUSPECTED CHILD

32 ABUSE AND NEGLECT COMMITTEES

33 §4081. Purpose

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1 The purpose of this subchapter is to encourage
2 the implementation of statewide standards to be de-
3 veloped by the Department of Human Services and par-
4 ticipating hospitals for the identification and man-
5 agement of child abuse and neglect cases presented at
6 hospitals by providing financial support for the es-
7 tablishment of Hospital Based Suspected Child Abuse
8 and Neglect Committees.

9 §4082. Definitions

10 As used in this subchapter, unless the context
11 indicates otherwise, the following terms have the
12 following meanings.

13 1. Case plan prescription. A "case plan pre-
14 scription" means an action plan developed by the fam-
15 ily support team.

16 2. Family support teams. "Family support teams"
17 means specialized teams of professionals evaluating
18 children who are victims of physical abuse and ne-
19 glect as defined in section 4002. Evaluations shall
20 include a family diagnosis and recommendations for
21 treatment and follow-up.

22 3. Protocols. "Protocols" means procedures de-
23 veloped for the interaction of the Suspected Child
24 Abuse and Neglect Committee and Family Support Team.

25 4. Suspected Child Abuse and Neglect Committee.
26 "Suspected Child Abuse and Neglect Committee" means
27 an official standing committee of the hospital com-
28 prised of professionals representing public and pri-
29 vate community agencies, hospital departments and the
30 Department of Human Services who are directly in-
31 involved in providing services to victims of child
32 abuse and their families.

33 §4083. Hospital based Suspected Child Abuse and Ne-
34 glect Committees

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1 Hospitals may establish a Suspected Child Abuse
2 and Neglect Committee and Family Support Team under
3 this subchapter. The committee shall meet regularly
4 to provide the ongoing development and monitoring of
5 the specialized family support teams and the approval
6 of protocols. These hospitals shall serve as a re-
7 source to other institutions desiring to form such a
8 program.

9 The Family Support Team shall be coordinated by a
10 team manager who shall be hired by the participating
11 hospital. Specialized teams shall be available to
12 evaluate children who are the victims of abuse and
13 neglect. The cost of the team manager shall be paid
14 for by the Department of Human Services.

15 The Family Support Team shall provide a
16 multi-disciplinary approach for suspected child
17 abuse cases which are initially identified in hospi-
18 tal emergency rooms, inpatient pediatric departments
19 and ambulatory clinics. The child protective staff
20 of the Department of Human Services shall participate
21 on the teams. The team shall report immediately to
22 the department as required in section 4011.

23 The team shall review the nature, extent and se-
24 verity of abuse or neglect and the needs of the child
25 and other family members. The team shall develop a
26 case plan prescription for the treatment, management
27 and follow-up of the child abuse victims and their
28 families. The case plan prescription shall be
29 signed by the family support team chairman and the
30 Department of Human Services staff person after team
31 recommendations are received.

32 §4084. Report

33 The department shall evaluate the implementation
34 of this subchapter and report to the joint standing
35 committee of the Legislature having jurisdiction over
36 human resources no later than February 15, 1987.

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1 §4085. Sunset

2 This subchapter is repealed October 1, 1987.

3 **Sec. 144. 22 MRSA c. 1081**, as enacted by PL
4 1985, c. 441, §3, and as amended by c. 667, §1 and c.
5 785, Pt. B, §93, is repealed.

6 **Sec. 145. 23 MRSA §152, 5th ¶**, as amended by PL
7 1985, c. 785, Pt. A, §96 and c. 785, Pt. B, §101, is
8 repealed and the following enacted in its place:

9 The board shall maintain an office in Kennebec
10 County. The Commissioner of Finance shall appoint,
11 subject to the Civil Service Law, a clerk of the
12 board to keep its records and to perform such other
13 duties as the board shall prescribe. The clerk shall
14 have authority to certify to all official acts of the
15 board, administer oaths, issue subpoenas and issue
16 all processes, notices, orders or other documents
17 necessary to the performance of the duties of the
18 board.

19 **Sec. 146. 23 MRSA §152, 6th ¶**, as PL 1985, c.
20 785, Pt. A, §97 and c. 785, Pt. B, §102, is repealed
21 and the following enacted in its place:

22 The Commissioner of Finance shall appoint and fix
23 the compensation of a reporter to the board and shall
24 review and approve all charges made by such reporter
25 for transcripts of the record of hearings before the
26 board. The Commissioner of Finance may appoint, sub-
27 ject to the Civil Service Law, such clerical assist-
28 ants for the board as he may deem necessary.

29 **Sec. 147. 23 MRSA §453**, as repealed by PL 1985,
30 c. 480, §§1 and 10 and as amended by PL 1985, c. 554,
31 §3, is repealed.

32 **Sec. 148. 23 MRSA §4402**, as enacted by PL 1981,
33 c. 456, Pt. A, §88, is amended to read:

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1 §4402. Charter service

2 The Department of Transportation may operate a
3 special charter service to Hurricane Island in Knox
4 County, or to ports added or to be added by legisla-
5 tive enactment. The operation of this charter service
6 shall not interfere nor curtail in any way the sched-
7 ule of the Maine State Ferry Service to ports named
8 in this section ~~4402~~, or to ports added or to be
9 added by legislative enactment.

10 Sec. 149. 24 MRSA §2332-A is enacted to read:

11 §2332-A. Coordination of benefits

12 Provisions contained in group nonprofit hospital,
13 medical service or health care subscriber contracts
14 relating to coordination of benefits payable under
15 the contract and under other plans of insurance or of
16 health care coverage under which the subscriber or
17 his dependents may be covered shall conform to rules
18 promulgated by the superintendent. The rules may es-
19 tablish uniformity in the permissive use of coordina-
20 tion of benefits provisions in order to avoid claim
21 delays and misunderstandings that otherwise result
22 from the use of inconsistent or incompatible provi-
23 sions among the several insurers and nonprofit hospi-
24 tal, medical service and health care plans.

25 Sec. 150. 24 MRSA §2333, as enacted by PL 1985,
26 c. 526, § 1 and c. 704, §2, is repealed and the fol-
27 lowing enacted in its place:

28 §2333. Short title

29 This subchapter shall be known as the "Nonprofit
30 Service Organizations Preferred Provider Arrangement
31 Act of 1986."

32 Sec. 151. 24-A MRSA §201, sub-§4, as enacted by
33 PL 1981, c. 359, §7, is amended to read:

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1 4. The superintendent shall be removable for
2 cause by impeachment or by address of the Governor to
3 both branches of the Legislature, and Title 5, section
4 ~~7117--paragraph--B~~ 931, subsection 2, shall not
5 apply.

6 Sec. 152. 25 MRSA c. 254, as enacted by PL 1969,
7 c. 239, is repealed.

8 Sec. 153. 25 MRSA §2902, last ¶, as amended by
9 PL 1985, c. 737, Pt. A, §61 and c. 785, Pt. B.,
10 §113, is repealed and the following enacted in its
11 place:

12 Unless specified otherwise by law, department
13 personnel shall be appointed subject to the Civil
14 Service Law. Persons holding major
15 policy-influencing positions under Title 5, section
16 948, shall be appointed by and serve at the pleasure
17 of the commissioner, except as otherwise provided by
18 law.

19 Sec. 154. 26 MRSA §821, as amended by PL 1985,
20 c. 161, §7, is further amended to read:

21 §821. Person employed in position other than
22 temporary

23 Any person, except a person covered under Title
24 ~~20~~ 20-A, section ~~2001~~ 13602, employed in a position
25 other than a temporary position shall be granted a
26 leave of absence to fulfill the duties of a Legisla-
27 tor, provided that the employee gives written notice
28 to his employer of his intent to become a candidate
29 for the Legislature within 10 days after taking ac-
30 tion under Title 21-A to place his name on a primary
31 or general election ballot. Following his term of
32 service as a Legislator, the employee, if he is still
33 qualified to perform the duties of the position from
34 which he was granted leave, shall be entitled to be
35 restored to his previous, or a similar, position with
36 the same status, pay and seniority. This leave of

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1 absence shall, within the discretion of the employer,
2 be with or without pay and shall be limited to one
3 legislative term of 2 years.

4 Sec. 155. 26 MRSA §1022, sub-§3, as amended by
5 PL 1985, c. 695, §14 and c. 779, §72, is repealed
6 and the following enacted in its place:

7 3. Board of Trustees. "Board of Trustees" means
8 the Board of Trustees of the University of Maine Sys-
9 tem, the Board of Trustees of the Maine Maritime
10 Academy or the Board of Trustees of the Maine Voc-
11 ational-Technical Institute System.

12 Sec. 156. 26 MRSA §1022, sub-§11, as amended by
13 PL 1985, c. 695, §15 and c. 779, §73, is repealed
14 and the following enacted in its place:

15 11. University, academy or vocational-technical
16 institute employee. "University, academy or vocation-
17 al-technical institute employee" means any regular
18 employee of the University of Maine System, the Maine
19 Maritime Academy or the Maine Vocational-Technical
20 Institute System performing services within a campus
21 or unit, except any person:

22 A. Appointed to office pursuant to law;

23 B. Appointed by the Board of Trustees as a vice-
24 president, dean, director or member of the
25 chancellor's, superintendent's or Maine Vocation-
26 al-Technical Institute System executive direc-
27 tor's immediate staff;

28 C. Whose duties necessarily imply a confidential
29 relationship with respect to matters subject to
30 collective bargaining as between such person and
31 the university, the academy or the Maine Voc-
32 ational-Technical Institute System; or

33 D. Employed in his initial 6 months of employ-
34 ment.

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1 **Sec. 157. 26 MRSA §1043, sub-§5, ¶B**, as repealed
2 and replaced by PL 1985, c. 814, Pt. J, §1, is
3 amended to read:

4 B. A dislocated worker, as defined in section
5 1196, subsection 1, enrolled in a training pro-
6 gram approved under section 1192, subsection 6,
7 6-A or 6-B, who has exhausted his benefit year
8 within 30 months of his enrollment in the train-
9 ing program, shall have his expired benefit year
10 reopened and continued by one week for each week
11 or part of a week that he is in such training, up
12 to a maximum of 26 weeks, provided that no bene-
13 fits may be paid under this paragraph to any per-
14 son:

15 (1) Until the person has exhausted any un-
16 employment insurance benefits for which he
17 is eligible in a subsequent benefit year for
18 which he has qualified;

19 (2) Until the person has exhausted benefits
20 for which he is eligible under any extended
21 unemployment insurance benefit program
22 funded in whole or in part by the Federal
23 Government;

24 (3) Who is eligible for or who has ex-
25 hausted, after the effective date of this
26 paragraph, trade adjustment allowances as
27 provided by the United States Trade Act of
28 1974, Title II, Chapter 2, Public Law
29 93-617, United States Code, Title 19, Sec-
30 tion 2291, et seq., and any amendments or
31 additions thereto, or a similar ~~success--or~~
32 successor provision of that Act, except that
33 any individual who was eligible for and re-
34 ceived less than 26 weeks of benefits under
35 the United States Trade Act may receive bene-
36 fits for the number of weeks by which their
37 benefits under that Act are less than 26

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1 weeks; or

2 (4) For a subsequent enrollment in any
3 training program after his initial enroll-
4 ment, following the effective date of this
5 paragraph, and final termination of a train-
6 ing program approved under section 1192,
7 subsection 6, 6-A or 6-B.

8 **Sec. 158. 26 MRSA §1263**, as amended by PL 1985,
9 c. 295, §40 and as repealed by PL 1985, c. 497, §20,
10 is repealed.

11 **Sec. 159. 26 MRSA §1452**, as repealed and re-
12 placed by PL 1985, c. 695, §17 and c. 737, Pt. A,
13 §73, is repealed and the following enacted in its
14 place:

15 §1452. Maine Occupational Information Coordinating
16 Committee

17 The Maine Occupational Information Coordinating
18 Committee, as established by Title 5, chapter 379,
19 shall support the development, maintenance and opera-
20 tion of a Comprehensive Career, Occupational and Eco-
21 nomi c Data-based System and foster communication and
22 coordination of education, employment and training
23 programs through the use of the system. The commit-
24 tee shall consist of the Commissioner of Labor, the
25 Commissioner of Human Services, the Commissioner of
26 Educational and Cultural Services, the Director of
27 the State Development Office, the Director of the
28 State Planning Office and the chairmen of the Maine
29 Job Training Council, the State Board of Education
30 and the Board of Trustees of the Maine Vocational-
31 Technical Institute System. The Commissioner of Labor
32 and the Commissioner of Educational and Cultural Ser-
33 vices may serve as the representatives of the chair-
34 men of the Maine Job Training Council and the State
35 Board of Education, respectively, upon the agreement
36 of that designation by the Maine Job Training Council
37 and the State Board of Education. The Commissioner

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1 of Labor shall be the chairman of the committee with
2 the Department of Labor serving as the fiscal agent
3 for the committee.

4 **Sec. 160. 30 MRSA §1401**, as amended by PL 1985,
5 c. 700, §2, and as repealed and replaced by PL 1985,
6 c. 737, Pt. A, §85, is repealed and the following en-
7 acted in its place:

8 §1401. Purpose

9 The purpose of this chapter is to establish in
10 Waldo County a method of appropriating money for
11 county expenditures, according to a budget, which
12 shall first receive approval of a budget committee.
13 This chapter amends the present statutory method in
14 sections 2, 252 and 253 by transferring the authority
15 of the Waldo County legislative delegation and the
16 Legislature to approve the Waldo County budget to a
17 committee comprised of Waldo County and municipal of-
18 icials. This chapter shall apply only to Waldo
19 County.

20 **Sec. 161. 30 MRSA c. 10-A**, as enacted by PL
21 1985, c. 707, is repealed.

22 **Sec. 162. 30 MRSA c. 10-D** is enacted to read:

23 CHAPTER 10-D

24 PISCATAQUIS COUNTY BUDGET COMMITTEE

25 §1461. Purpose

26 The purpose of this chapter is to establish in
27 Piscataquis County a method of appropriating money
28 for county expenditures, including expenditures for
29 municipal services in the unorganized territory, ac-
30 ording to a budget, which shall first be reviewed by
31 a budget committee and shall then be approved by the
32 Legislature. This chapter amends the present statuto-
33 ry method in sections 252 and 253 by creating a com-

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1 mittee with authority to review the budget and make
2 recommendations to the county commissioners. The
3 Legislature shall continue to have authority to ap-
4 prove and amend the budget. This chapter applies on-
5 ly to Piscataquis County.

6 §1462. Definitions

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

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

13 2. Municipal officials. "Municipal officials"
14 may include the mayor, aldermen, councillors or man-
15 ager of a city, the selectmen, councillors or manager
16 of a town and the assessors of a plantation located
17 in Piscataquis County. The municipal officer means
18 elected mayor, aldermen or councillors of a city, the
19 selectmen or councillors of a town and the assessors
20 of a plantation located in Piscataquis County.

21 §1463. Piscataquis County Budget Committee

22 In Piscataquis County there is established the
23 Piscataquis County Budget Committee to carry out the
24 purposes of this chapter.

25 1. Membership. The budget committee shall con-
26 sist of 9 members, 3 members from each commissioner
27 district selected at least 90 days prior to the end
28 of the fiscal year as provided for in this section.

29 A. Of the 3 members from each commissioner dis-
30 trict, one must be a municipal official and one
31 must be a representative of the general public.
32 All 3 members shall be appointed by the county
33 commissioners.

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1 Of the 3 members of the general public on the
2 committee, one and only one shall be a resident
3 of the unorganized territories.

4 B. It is the responsibility of the county budget
5 committee to review the budget and estimates, in-
6 cluding the budget for municipal services in the
7 unorganized territory prepared by the county com-
8 missioners, and to make recommendations concern-
9 ing the budget and estimates.

10 C. The term of office shall be as follows:

11 (1) The member who is a municipal officer,
12 appointed by the county commissioners, shall
13 have an initial term of one year;

14 (2) The member who is a representative of
15 the general public, appointed by the county
16 commissioners, shall have an initial term of
17 2 years; and

18 (3) The 3rd member shall have an initial
19 term of 3 years.

20 The terms of the respective members shall in-
21 crease by one year at the time of reappointment,
22 except the 3-year term, which shall become a one-
23 year term.

24 D. A vacancy occurring on the budget committee
25 shall be filled in the same manner as the origi-
26 nal appointment for the balance of the unexpired
27 term. The person appointed to fill the vacant
28 office must have the same qualifications as the
29 person vacating the office.

30 E. Members shall serve without compensation.

31 §1464. Budget committee organization

32 The budget committee shall conduct its meetings

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1 in public at the county courthouse. The county com-
2 missioners shall direct the county clerk to call an
3 organizational meeting of the budget committee no la-
4 ter than 15 days after the county budget has been
5 prepared by the county commissioners. The county
6 commissioners shall provide the committee with neces-
7 sary clerical assistance, office expenses and suit-
8 able meeting space, as well as access to county files
9 and information. The budget committee shall select
10 its own chairman, vice-chairman and secretary. The
11 budget committee shall adopt its own rules or proce-
12 dures and bylaws.

13 §1465. Budget procedures

14 1. Proposed budget. The county commissioners
15 shall submit itemized budget estimates, as described
16 in sections 252, 253 and 5903, to the budget commit-
17 tee in a timely fashion, no later than 90 days prior
18 to the end of the county's fiscal year.

19 2. Budget review process. The budget committee
20 shall review the proposed itemized budgets prepared
21 by the county commissioners, together with any sup-
22 plementary material prepared by the head of each
23 county department or provided by any independent
24 board, institution or another governmental agency.
25 The budget committee may make recommendations con-
26 cerning increase, decrease, alteration or revision to
27 the proposed budget. This shall be done prior to No-
28 vember 1st.

29 3. Meeting with legislative delegation. Prior
30 to November 15th, the county commissioners shall meet
31 with the county legislative delegation to review and
32 finalize estimates for the year.

33 4. Public hearing. The county commissioners
34 shall hold a public hearing in the county on the pro-
35 posed budget prior to December 1st and before the fi-
36 nal adoption of the budget. Notice of the hearing
37 shall be given at least 10 days prior to the hearing

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1 in all newspapers of general circulation within the
2 county. Written notice and a copy of the proposed
3 budget shall be sent by mail or delivered in person
4 to the clerk of each municipality in the county and
5 to the members of the budget committee. The municipi-
6 pal clerk shall notify the municipal officials of the
7 proposed budget and the date of the public hearing.

8 5. Adoption of budget. After completion of the
9 public hearing, the county commissioners may further
10 increase, decrease, alter and revise the proposed
11 itemized budgets, subject to the conditions and re-
12 strictions imposed in subsection 2. The proposed
13 itemized budget shall be finally adopted by a majori-
14 ty vote of the county commissioners at a duly called
15 meeting not later than December 15th.

16 6. Interim approval by legislative delegation.
17 Prior to submission of the budget to the Legislature
18 pursuant to subsection 7, the county commissioners
19 shall submit the proposed budget to the legislative
20 delegation. The delegation shall render a decision by
21 January 1st. Failure to do so shall be considered as
22 approval of the budget as submitted. If the legisla-
23 tive delegation disapproves of the budget, the county
24 commissioners shall submit, within 15 calendar days,
25 new budget proposals in accordance with subsection 1
26 and the provisions of this section shall be followed
27 until a budget is approved by the legislative delega-
28 tion.

29 7. Final budget approval. Prior to January 15th
30 of the fiscal year for which the budget is prepared,
31 the county commissioners shall submit the proposed
32 budget to the Legislature. The Legislature shall ap-
33 prove, disapprove or amend the budget as submitted.

34 The budget as approved by the Legislature shall be
35 the final authorization for the assessment of county
36 taxes. The budget shall be transmitted to the county
37 commissioners and the county tax authorized shall be
38 apportioned and collected in accordance with section

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1 254. The budget for the unorganized territories shall
2 be transmitted to the State as provided by section
3 5903.

4 The county shall, until a budget is finally adopted,
5 operate on an interim budget which shall not exceed
6 the previous year's budget.

7 The county commissioners may transfer funds as pro-
8 vided in section 252.

9 §1466. Budget amendments

10 The approved budget shall govern the expenditures
11 of the county during the fiscal year. No expenses
12 may be incurred in excess of those shown in the ap-
13 proved budget, but the budget may be from time to
14 time revised by the preparation of a proposed amended
15 budget by the county commissioners. This proposed
16 amended budget shall be submitted to the county bud-
17 get committee for review. Any recommendations by
18 this committee must be submitted within 10 calendar
19 days. After receiving the recommendation of the bud-
20 get committee, the county commissioner shall forward
21 the proposed revised budget to the legislative dele-
22 gation for approval. The delegation shall have 10
23 calendar days to render a decision on the proposed
24 revision. Failure of the delegation to render a de-
25 cision within the specified time shall result in the
26 revision being considered approved by the delegation.
27 The proposed revised budget shall be submitted by the
28 county commissioners to the Legislature for approval,
29 disapproval or amendment. Disapproval of the revi-
30 sion by the delegation shall be treated in a fashion
31 similar to that described in section 1465, subsection
32 6. A report of approval of a revised budget shall be
33 transmitted to the State Auditor within 15 days of an
34 approval of a revised budget by the Legislature.

35 §1467. Filing of county budget

36 A copy of the final budget, and subsequent amend-

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1 ments, shall be filed on forms approved by the De-
2 partment of Audit, with the State Auditor, who shall
3 retain them for a period of 3 years.

4 **Sec. 163. 30 MRSA c. 204-A, sub-c. I, first line**
5 **is repealed and the following enacted in its place:**

6 SUBCHAPTER I

7 GENERAL PROVISIONS

8 **Sec. 164. 30 MRSA §4787, sub-§2-A, as amended by**
9 **PL 1979, c. 663, §198, and as repealed and replaced**
10 **by PL 1979, c. 732, §§22 and 31, is repealed and the**
11 **following enacted in its place:**

12 2-A. Limitation. Notwithstanding this section,
13 the Maine State Housing Authority shall not make any
14 contract or commitment of mortgage insurance without
15 the approval of a majority of the Indian Housing
16 Mortgage Insurance Committee.

17 **Sec. 165. 30 MRSA §5057, sub-§1, ¶A, as amended**
18 **by PL 1985, c. 779, §76 and c. 785, Pt. A, §107, is**
19 **repealed and the following enacted in its place:**

20 A. On or before September 30, 1984, and for each
21 succeeding year, the Commissioner of Administra-
22 tion shall provide to the Treasurer of State a
23 list of state-owned buildings in each municipali-
24 ty, along with the total floor space of state-
25 owned buildings in each municipality and the
26 share of floor space of all state-owned buildings
27 accounted for by the state-owned buildings in
28 each municipality.

29 (1) The following state buildings shall not
30 be included in the calculation provided by
31 this section:

32 (a) Buildings in which the State holds
33 only a leasehold interest;

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1 (b) Buildings owned by the Bureau of
2 Parks and Recreation and for which pay-
3 ments are made under Title 12, section
4 602, subsection 4;

5 (c) Buildings owned by the University
6 of Maine System;

7 (d) Buildings owned by the Maine Mari-
8 time Academy; and

9 (e) Buildings owned by the vocational-
10 technical institutes established by Ti-
11 tle 20-A, section 10103.

12 **Sec. 166. 32 MRSA §84, sub-§1, ¶B, as amended by**
13 **PL 1985, c. 730, §§9 and 16, is further amended to**
14 **read:**

15 B. Notwithstanding any other provision of law,
16 any rule-making hearing held under this chapter
17 and required by the Maine Administrative Proce-
18 dure Act, Title 5, chapter 375, shall be con-
19 ducted by the board, the Director of the Office
20 of Emergency Medical Services or other staff as
21 delegated through rules or a person in a major
22 policy-influencing position, as defined in Title
23 5, section ~~711~~ 931, who has responsibility over
24 the subject matter of the proposed rule.

25 **Sec. 167. 32 MRSA §1081, sub-§2, ¶F, as repealed**
26 **by PL 1983, c. 331, §1, and as amended by PL 1983, c.**
27 **378, §9, is repealed.**

28 **Sec. 168. 32 MRSA §1202, sub-§1, ¶A, as amended**
29 **by PL 1985, c. 695, §18 and as repealed and replaced**
30 **by PL 1985, c. 734, is repealed and the following en-**
31 **acted in its place:**

32 A. For a journeyman electrician's or limited li-
33 cence, a person must:

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1 (1) Complete at least 8,000 hours of ser-
2 vice as an apprentice or helper electrician
3 or at least 8,000 hours of experience in
4 electrical installations, as defined in sec-
5 tion 1101, satisfactorily complete a program
6 of study comprising 576 hours as approved by
7 the Electricians' Examining Board and com-
8 plete a course of not less than 45 hours in
9 the current National Electrical Code, the
10 course to be approved by the board;

11 (2) Be a graduate of a regional vocational
12 high school 2-year electrical program ap-
13 proved by the Electricians' Examining Board,
14 have worked for 8,000 hours in the field of
15 electrical installations under the supervi-
16 sion of a master electrician or the equiva-
17 lent and have completed a course of not less
18 than 45 hours in the current National Elec-
19 trical Code, the course to be approved by
20 the board;

21 (3) Be a graduate of a Maine vocational-
22 technical institute electrical program ap-
23 proved by the Electricians' Examining Board,
24 have worked for 4,000 hours in the field of
25 electrical installations under the supervi-
26 sion of a master electrician or the equiva-
27 lent and have completed a course of not less
28 than 45 hours in the current National Elec-
29 trical Code, the course to be approved by
30 the board. Persons qualifying under this
31 paragraph may write the journeyman's exami-
32 nation upon graduation if application is
33 made within one year of graduation; or

34 (4) Be an electrical apprentice registered
35 with the Maine State Apprenticeship and
36 Training Council and have completed 576
37 hours of related instruction prescribed in
38 their apprenticeship program, the 8,000-hour

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1 approved program and a course of not less
2 than 45 hours in the current National Elec-
3 trical Code, the course to be approved by
4 the board. Persons qualifying under this
5 paragraph may write the journeyman's exami-
6 nation after completion of the 576 hours of
7 instruction if application is made within
8 one year of the completion of the instruc-
9 tion.

10 **Sec. 169. 32 MRSA §2201, sub-§§2 and 3, as**
11 **amended by PL 1985, c. 724, §18, are further amended**
12 **to read:**

13 2. High school. Has completed an approved 4-year
14 high school course of study or the equivalent there-
15 of; and

16 3. Professional school. Has completed a course
17 of not less than 2 years in an approved professional
18 school of nursing and holds a diploma.

19 In case of transfer of a student from one approved
20 school of nursing to another, the time allowance for
21 previous preparation shall be determined by the
22 board, provided that not less than one year shall
23 have been spent in the school from which she receives
24 her diploma. In case of transfer of a student because
25 of closing of a school of nursing, the board shall
26 determine the length of time required to be spent in
27 the school of nursing granting her diploma;.

28 **Sec. 170. 32 MRSA §2432, sub-§11, as amended by**
29 **PL 1983, c. 176, Pt. A, §15, and as repealed by PL**
30 **1983, c. 378, §31, is repealed.**

31 **Sec. 171. 32 MRSA c. 105, first 2 lines, as en-**
32 **acted by PL 1985, c. 389, §28, are repealed and the**
33 **following enacted in their place:**

34 CHAPTER 104

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DIETITIANS

Sec. 172. 32 MRSA c. 105, first 2 lines, as enacted by PL 1985, c. 496, Pt. A, §2, are repealed and the following enacted in their place:

CHAPTER 104-A

UNDERGROUND OIL AND HAZARDOUS SUBSTANCE

STORAGE TANK INSTALLERS

Sec. 173. 32 MRSA c. 111, first 2 lines are repealed and the following enacted in their place:

CHAPTER 109-A

MAINE FAIR DEBT COLLECTION PRACTICES ACT

Sec. 174. 32 MRSA c. 109, first 2 lines are repealed and the following enacted in their place:

CHAPTER 111-A

MAINE COMMODITY CODE

Sec. 175. 34 MRSA, as repealed by PL 1983, c. 459, §5, and as amended is repealed.

Sec. 176. 34-A MRSA §5402, sub-§2, ¶B, as amended by PL 1985, c. 785, Pt. B, §161 and c. 821, §28, is repealed and the following enacted in its place:

B. Appoint, subject to the Civil Service Law, district probation and parole supervisors, field probation and parole officers, Intensive Supervision Program officers and such other employees as may be required to carry out adequate supervision of all probationers and of all parolees from the correctional facilities and all persons on intensive supervision;

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1 Sec. 177. 34-B MRSA §1403, sub-§4 is enacted to
2 read:

3 4. Military and Naval Children's Home. This
4 section does not apply to the Military and Naval
5 Children's Home.

6 Sec. 178. 36 MRSA §175, as enacted by PL 1985,
7 c. 678 and c. 691, §5, is repealed and the following
8 enacted in its place:

9 §175. Applicants for license or renewal of license

10 1. Information provided to State Tax Assessor.
11 Every department, board, commission, division, au-
12 thority, district or other agency of the State issu-
13 ing or renewing a license or other authority to con-
14 duct a profession, trade or business shall annually,
15 beginning in 1988 on or before April 1st, furnish to
16 the State Tax Assessor, in such form as the State Tax
17 Assessor may prescribe, a list of all licenses or
18 certificates of authority issued or renewed by that
19 agency during the preceding calendar year. The list
20 provided to the State Tax Assessor shall contain the
21 name, address, Social Security or federal identifica-
22 tion number of the licensees and such other identify-
23 ing information as the State Tax Assessor may by rule
24 require. Notwithstanding other provisions of law,
25 all persons seeking a license or certificate of au-
26 thority or a renewal beginning on or after January 1,
27 1987, shall provide and the responsible agency shall
28 collect the information required by the State Tax As-
29 essor under this section. Failure by persons to
30 provide a licensing or certifying agency that infor-
31 mation shall result in an automatic denial of any re-
32 quest for a license or certificate of authority or a
33 renewal.

34 2. Failure to file or pay taxes; denial of li-
35 cence or renewal. If the State Tax Assessor deter-
36 mines, from the information formulated under subsec-

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1 tion 1 or otherwise, that any person who holds a li-
2 cence or certificate of authority issued by that
3 agency has neglected or refused to file any returns
4 required under this Title which has become final, the
5 State Tax Assessor shall notify the person in writing
6 that refusal to file the required tax return may re-
7 sult in loss of license or certificate of authority.
8 If the person continues to fail to file or show rea-
9 son why he is not required to file, the State Tax As-
10 essor shall notify the person in writing of his de-
11 termination to prevent renewal or reissuance of the
12 license or certificate of authority by the issuing
13 agency. A review of this determination is available
14 by requesting a petition for reconsideration under
15 section 151, subject to appeal to the Superior Court
16 in accordance with the Maine Administrative Procedure
17 Act, Title 5, chapter 375. Either by failure to pro-
18 ceed to the next step of appeal or by exhaustion of
19 the steps of appeal, the determination of the State
20 Tax Assessor's right to prevent renewal or reissuance
21 becomes final unless otherwise determined by appeal.

22 3. Refusal of license or certificate by licens-
23 ing agency. Any issuing agency which is notified by
24 the State Tax Assessor of his finalized determination
25 to prevent renewal or reissuance of a license or cer-
26 tificate of authority under subsection 2 shall refuse
27 to reissue, renew or otherwise extend that license or
28 certificate of authority until the agency receives a
29 certificate issued by the State Tax Assessor that the
30 person is in good standing with respect to any and
31 all returns due as of the date of issuance of the
32 certificate.

33 Sec. 179. 36 MRS A §175-A is enacted to read:

34 §175-A. Tax lien

35 1. Filing. If any tax imposed by this Title is
36 not paid when due, the State Tax Assessor may file in
37 the registry of deeds of any county or in the office
38 in which a financing statement with respect to tangi-

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1 ble personal property is properly filed with Title
2 11, section 9-401, subsection (1), paragraph (b), a
3 notice of lien specifying the amount of the tax, in-
4 terest, penalty and costs due, the name and last
5 known address of the person liable for the amount and
6 the fact that the State Tax Assessor has complied
7 with all the provisions of this Title in the assess-
8 ment of the tax. From the time of filing, the amount
9 set forth in a certificate filed in a registry of
10 deeds of a county constitutes a lien upon all real
11 property in that county then owned or thereafter
12 acquired by that person in the period before the expi-
13 ration of the lien. From the time of filing, the
14 amount set forth in a certificate filed in the office
15 in which a financing statement with respect to per-
16 sonal property is properly filed constitutes a lien
17 upon all personal property in this State then owned
18 or thereafter acquired by that person in the period
19 before the expiration of the lien, except that that
20 lien upon personal property shall not extend to those
21 types of personal property which are not subject to
22 perfection of a security interest by means of the
23 filing under Title 11, sections 9-104, subsection
24 (7); 9-104, subsection (12); 9-302, subsection (3);
25 and 9-304. The lien shall be prior to any mortgage
26 or security interest recorded, filed or otherwise
27 perfected after the notice, other than a purchase
28 money security interest perfected in accordance with
29 Title 11, section 9-301, subsection (2) and 9-312,
30 subsection (4). In the case of any mortgage or secu-
31 rity interest properly recorded or filed prior to the
32 notice of lien which secures future advances by the
33 mortgagee or secured party, the lien shall be junior
34 to all advances made within 45 days after filing of
35 the notice of lien, or made without knowledge of the
36 lien or pursuant to a commitment entered into without
37 knowledge of the lien. Subject to the limitations in
38 this section, the lien provided in this section has
39 the same force, effect and priority as a judgment
40 lien and shall continue for 5 years from the date of
41 recording unless sooner released or otherwise dis-
42 charged. The lien may, within the 5-year period, or

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1 within 5 years from the date of the last extension of
2 the lien in the manner provided in this subsection,
3 be extended by filing for record in the appropriate
4 office a copy of the notice and, from the time of
5 filing, that lien shall be extended for 5 years un-
6 less sooner released or otherwise discharged.

7 2. Release. The State Tax Assessor shall issue
8 to the taxpayer a certificate of release of the lien
9 or release all or any portion of the property subject
10 to any lien provided for in this Part or subordinate
11 the lien to other liens if:

12 A. The State Tax Assessor finds that the liabil-
13 ity for the amount demanded, together with costs,
14 has been satisfied or has become unenforceable by
15 reason of lapse of time;

16 B. A bond is furnished to the State Tax Assessor
17 with surety approved by the State Tax Assessor in
18 a sum sufficient to equal the amount demanded,
19 together with costs, and conditioned upon payment
20 of any judgment rendered in proceedings regularly
21 instituted by the State Tax Assessor to enforce
22 collection of the bond at law or of any amount
23 agreed upon in writing by the State Tax Assessor
24 to constitute the full amount of the liability;

25 C. The State Tax Assessor determines at any time
26 that the interest of this State in the property
27 has no value; or

28 D. The State Tax Assessor determines that the
29 taxes are sufficiently secured by a lien on other
30 property of the taxpayer or that the release or
31 subordination of the lien will not endanger or
32 jeopardize the collection of the taxes.

33 3. Enforcement. The lien provided for by sub-
34 section 1 may be enforced at any time after the tax
35 liability with respect to which the lien arose be-
36 comes collectible under section 173, subsection 1 by

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1 a civil action brought by the Attorney General in the
2 name of the State in the Superior Court of the county
3 in which the property is located to subject any prop-
4 erty, of whatever nature, in which the taxpayer has
5 any right, title or interest, to the payment of such
6 tax or liability. The court shall, after the parties
7 have been duly notified of the action, proceed to ad-
8 judicate all matters involved in the action and fi-
9 nally determine the merits of all claims to and liens
10 upon the property, and, in all cases where a claim or
11 interest of the State therein is established, may de-
12 cree a sale of the property by the proper officer of
13 the court and a distribution of the proceeds of such
14 sale according to the findings of the court. If the
15 property is sold to satisfy a lien held by the State,
16 the State may bid at the sale such sum, not exceeding
17 the amount of that lien plus expenses of sale, as the
18 State Tax Assessor directs.

19 Sec. 180. 36 MRSA §1765, as amended by PL 1987,
20 c. 49, §§3 and 4, and c. 128, §3, is repealed and the
21 following enacted in its place:

22 §1765. Trade-in credit

23 When one or more of the following items of tangi-
24 ble personal property are traded in toward the sale
25 price of another of the same kind of the following
26 items, the tax imposed by this Part shall be levied
27 only upon the difference between the sale price of
28 the purchased property and the trade-in allowance of
29 the property taken in trade, except for transactions
30 between dealers involving exchange of the property
31 from inventory:

- 32 1. Motor vehicles. Motor vehicles;
- 33 2. Farm tractors. Farm tractors;
- 34 3. Boats. Boats;
- 35 4. Aircraft. Aircraft;

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1 5. Lumber harvesting vehicles. Self-propelled
2 vehicles used to harvest lumber;

3 6. Chain saws. Chain saws;

4 7. Special mobile equipment. Special mobile
5 equipment to the extent of 20% of the trade-in allow-
6 ance for the property taken in trade;

7 8. Livestock trailers. Livestock trailers, in-
8 cluding horse trailers; or

9 9. Camper trailers. Camper trailers.

10 Sec. 181. 36 MRSA §1812, as repealed and re-
11 placed by PL 1985, c. 783, §6, is repealed and the
12 following enacted in its place:

13 §1812. Adding tax to sale price

14 1. Computation. Every retailer shall add the
15 sales tax imposed by chapters 211 to 225, or the av-
16 erage equivalent of that tax, to his sale price, ex-
17 cept as otherwise provided, and when added the tax
18 shall constitute a part of the price, shall be a debt
19 of the purchaser to the retailer until paid and shall
20 be recoverable at law in the same manner as the pur-
21 chase price. When the sale price shall involve a
22 fraction of a dollar, the tax shall be added to the
23 sale price upon the following schedules:

24 A. If the tax rate is 5%:

25 <u>Amount of Sale Price</u>	25 <u>Amount of Tax</u>
26 <u>\$0.01 to \$0.10, inclusive</u>	26 <u>0¢</u>
27 <u>.11 to .20, inclusive</u>	27 <u>1¢</u>
28 <u>.21 to .40, inclusive</u>	28 <u>2¢</u>
29 <u>.41 to .60, inclusive</u>	29 <u>3¢</u>
30 <u>.61 to .80, inclusive</u>	30 <u>4¢</u>
31 <u>.81 to 1.00, inclusive</u>	31 <u>5¢</u>

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1 B. If the tax rate is 7%:

2	<u>Amount of Sale Price</u>	<u>Amount of Tax</u>
3	<u>\$0.01 to \$0.07, inclusive</u>	<u>0¢</u>
4	<u>.08 to .21, inclusive</u>	<u>1¢</u>
5	<u>.22 to .35, inclusive</u>	<u>2¢</u>
6	<u>.36 to .49, inclusive</u>	<u>3¢</u>
7	<u>.50 to .64, inclusive</u>	<u>4¢</u>
8	<u>.65 to .78, inclusive</u>	<u>5¢</u>
9	<u>.79 to .92, inclusive</u>	<u>6¢</u>
10	<u>.93 to 1.00, inclusive</u>	<u>7¢</u>

11 When the sale price exceeds \$1, the tax to be added
 12 to the price shall be the scheduled amount for each
 13 whole dollar plus the scheduled amount for each frac-
 14 tional part of \$1.

15 2. Several items. When several purchases are
 16 made together and at the same time, the tax shall be
 17 computed on the total amount of the several items,
 18 except that purchases taxed at 5% and 7% shall be
 19 separately totaled.

20 3. Breakage. Breakage under this section shall
 21 be retained by the retailer as compensation for the
 22 collection.

23 Sec. 182. 36 MRSA §2694, sub-§2, as enacted by
 24 PL 1985, c. 651, §2, is amended to read:

25 2. Telecommunication service. "Telecommunica-
 26 tions service" means the transmission of any inter-
 27 active 2-way electromagnetic communications, includ-
 28 ing voice, image, data and information. Transmission
 29 of electromagnetic communications includes the use of
 30 any media such as wires, cables, including 5 fiber
 31 optical cables and television cables, microwaves, ra-
 32 dio waves, light waves or any combination of those or
 33 similar media. "Telecommunications services" in-
 34 cludes telegraph service. "Telecommunications ser-

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1 vice" does not include value added nonvoice services
2 in which computer processing applications are used to
3 act on the form, content, code and protocol of the
4 information to be transmitted unless those services
5 are provided under tariff approved by the Public
6 Utilities Commission.

7 Sec. 183. 36 MRSA §2908, as amended by PL 1983,
8 c. 94, Pt. C, §14, and c. 94, Pt. D, §1, is repealed
9 and the following enacted in its place:

10 §2908. Refund of tax less 1¢ per gallon in certain
11 cases; time limit

12 Any person, association of persons, firm or cor-
13 poration who shall buy and use any internal combus-
14 tion engine fuel as defined in this chapter for the
15 purpose of operating or propelling commercial motor
16 boats, tractors used for agricultural purposes not
17 operating on public ways, or for registered vehicles
18 operating off the highways of this State, or vehicles
19 owned or operated by railroad companies while operat-
20 ing on rails or tracks, or in stationary engines, or
21 in the mechanical or industrial arts, or for any oth-
22 er commercial use except in nonrailroad motor vehi-
23 cles operated or intended to be operated upon any of
24 the public highways of this State, or turnpikes oper-
25 ated and maintained by the Maine Turnpike Authority,
26 or except as provided in section 2910, in the opera-
27 tion of aircraft, and who shall have paid any tax on
28 internal combustion engine fuel levied or directed to
29 be paid as provided by this chapter, either directly
30 by the collection of the tax by the vendor from the
31 consumer, or indirectly by adding the amount of that
32 tax to the price of that fuel and paid by that con-
33 sumer, shall be reimbursed and repaid the amount of
34 the tax paid by him less 1¢ per gallon upon present-
35 ing to the State Tax Assessor a sworn statement ac-
36 companied by the original invoices or other evidence
37 as the State Tax Assessor may require showing those
38 purchases, which statement shall show the total
39 amount of the fuel so purchased and used by that con-

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1 sumer other than in nonrailroad motor vehicles oper-
2 ated or intended to be operated upon any of the pub-
3 lic highways of the State and in the operation of
4 aircraft. Applications for refunds shall be filed
5 with the State Tax Assessor within 15 months from the
6 date of purchase.

7 A monthly refund application on a form prescribed
8 by the State Tax Assessor may be filed at the close
9 of any month to claim refunds for the excise tax on
10 internal combustion engine fuel, as defined in this
11 chapter, bought and used in registered vehicles oper-
12 ating off the highways of this State. That applica-
13 tion shall be processed and approved for payment
14 promptly. Interest shall be paid at the same rate as
15 is computed under section 186 calculated from the
16 date of receipt of the monthly claim for all proper
17 claims not paid within 30 days of receipt. The appli-
18 cant shall file quarterly substantiating information
19 in the same manner as prescribed in section 3209.

20 All fuel qualifying for a refund under this sec-
21 tion is subject to the use tax levy in accordance
22 with chapter 215.

23 Sec. 184. 36 MRSA §3035, as amended by PL 1983,
24 c. 94, Pt. C, §§18 and 19; as repealed by PL 1983, c.
25 94, Pt. D, §5; and as enacted by PL 1983, c. 438, §4,
26 is repealed.

27 Sec. 185. 36 MRSA §3203, as repealed and re-
28 placed by PL 1983, c. 817, §7, and as amended by PL
29 1983, c. 828, §8, is repealed and the following en-
30 acted in its place:

31 §3203. Tax levied

32 An excise tax is levied and imposed upon all sup-
33 pliers of special fuel sold and on all users of spe-
34 cial fuel used in this State on each gallon of dis-
35 tillate at the rate prescribed in section 2903 and on
36 each gallon of low-energy fuel at the rate prescribed

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1 in section 2903, less 1¢, except sales of special fu-
2 el made to the State or any political subdivision of
3 the State; the special fuel sold or used in such form
4 and under such circumstances as shall preclude the
5 collection of this tax by reasons of the laws of the
6 United States; sold only for exportation from this
7 State; delivered into a tank used solely for heating
8 or cooking purposes, sold for resale to a licensed
9 or registered supplier; and sold to a person for the
10 generation of power for resale or manufacturing. When
11 special fuel is delivered by a supplier on a consign-
12 ment basis to a consumer or to a retail outlet,
13 whether the retail outlet is wholly owned by the sup-
14 plier or not, it shall be considered to have been
15 "sold" within the meaning of the Special Fuel Tax
16 Act. All taxes collected under this section shall be
17 credited to the Highway Fund. When kerosene is de-
18 livered into a separate tank for retail sale, the ex-
19 cise tax is not to be collected by the supplier,
20 rather licensed users shall remit the tax in accord-
21 ance with section 3207.

22 **Sec. 186. 36 MRSA §4312, first ¶, as repealed**
23 **and replaced by PL 1985, c. 737, Pt. A, §99 and c.**
24 **779, §82, is repealed and the following enacted in**
25 **its place:**

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

35 **Sec. 187. 36 MRSA §4563, sub-§5, as repealed by**
36 **PL 1985, c. 753, §§5 and 15, and as amended by PL**
37 **1985, c. 785, Pt. B, §172, is repealed.**

38 **Sec. 188. 36 MRSA §5146, as amended by PL 1985,**

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1 c. 766, §2 and as repealed by PL 1985, c. 783, §27,
2 is repealed.

3 **Sec. 189. 36 MRSA §5220, first ¶, as amended by**
4 **PL 1985, c. 535, §19 and c. 783, §37, is repealed and**
5 **the following enacted in its place:**

6 An income tax return or franchise tax return with
7 respect to the tax imposed by this Part shall be
8 made, on such forms as may be required by the State
9 Tax Assessor, by the following:

10 **Sec. 190. 36 MRSA §5220, sub-§5, as amended by**
11 **PL 1985, c. 535, §20, and as repealed and replaced**
12 **by PL 1985, c. 675, §2, is repealed and the following**
13 **enacted in its place:**

14 5. Certain taxable corporations. Every taxable
15 corporation or taxable entity which is required to
16 file a federal income tax return. A taxable corpora-
17 tion or taxable entity which is a member of an affil-
18 iated group and which is engaged in a unitary busi-
19 ness with one or more other members of that affili-
20 ated group shall file, in addition, a combined re-
21 port, in accordance with section 5244. The State Tax
22 Assessor may allow 2 or more taxable corporations or
23 taxable entities which are members of an affiliated
24 group and which are engaged in a unitary business to
25 file a single return on which the aggregate Maine in-
26 come tax liability of all those corporations or enti-
27 ties is reported.

28 **Sec. 191. 36 MRSA §5254, as amended by PL 1985,**
29 **c. 535, §25 and c. 691, §39, is repealed and the fol-**
30 **lowing enacted in its place:**

31 §5254. Liability for withheld taxes

32 Every person required to deduct and withhold tax
33 under this Part is hereby made liable for such tax.
34 For purposes of assessment and collection, any amount
35 required to be withheld and paid over to the asses-

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1 sor, and any additions to tax, penalties and interest
2 with respect thereto, shall be considered the tax of
3 that person. No person may have any right of action
4 against a person in respect to any money deducted and
5 withheld and paid over to the assessor in compliance
6 or in intended compliance with this Part.

7 **Sec. 192. 36 MRSA §5276-A, sub-§1, as amended by**
8 **PL 1985, c. 652, §53 and c. 779, §83, is repealed and**
9 **the following enacted in its place:**

10 1. Generally. Any agency of the State, including
11 the University of Maine System, which is authorized
12 to collect from any individual or corporation a liq-
13 uidated debt greater than \$25 shall notify in writing
14 the State Tax Assessor and supply information neces-
15 sary to identify the debtor whose refund is sought to
16 be set off. The State Tax Assessor, upon any such
17 notification, shall assist the requesting agency by
18 setting off that debt, pursuant to rules promulgated
19 by the State Tax Assessor, against any refund to
20 which that individual or corporation is entitled un-
21 der this Part. Liquidated child support debts that
22 the Department of Human Services has contracted to
23 collect, pursuant to Title 19, section 448-A or 495,
24 subsection 2, shall be eligible, under the provisions
25 of this section, for setoff against any refund due
26 the obligated individual. The State Tax Assessor
27 shall provide the creditor agency with the name, ad-
28 dress and social security number of each debtor whose
29 refund will be subject to offset.

30 **Sec. 193. 36 MRSA §5285, sub-§§1 and 2, as en-**
31 **acted by PL 1985, c. 441, §4, are amended to read:**

32 1. Maine Children's Trust Fund. Taxpayers who,
33 when filing their returns, are entitled to a refund
34 under this Part may designate a portion of that re-
35 fund, to be paid into the Maine Children's Trust Fund
36 established in Title 22, chapter ~~108~~ 1052. Each in-
37 dividual in substantially the following form: "Con-
38 tributions to Maine Children's Trust Fund: () \$1, (

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1) \$5, () \$10 or () Other \$."

2 2. Contributions credited to the Maine Chil-
3 dren's Trust Fund. The State Tax Assessor shall de-
4 termine annually the total amount contributed pursu-
5 ant to subsection 1. Prior to the beginning of the
6 next year, he shall deduct the cost of administering
7 the Maine Children's Trust Fund checkoff, but not ex-
8 ceeding \$2,000 annually, and report the remainder to
9 the Treasurer of State, who shall credit that amount
10 to the Maine Children's Trust Fund, which is estab-
11 lished in Title 22, chapter ~~1001~~ 1052. Interest
12 earned by contributions in the fund shall be credited
13 to the fund.

14 **Sec. 194. 37-B MRSA §706**, as amended by PL 1985,
15 c. 737, Pt. A, §106, is repealed.

16 **Sec. 195. 38 MRSA §349, sub-§4**, as repealed by
17 PL 1985, c. 162, §3 and as amended by PL 1985, c.
18 485, §1, is repealed.

19 **Sec. 196. 38 MRSA §361-A, sub-§5**, as amended by
20 PL 1985, c. 698, §3, is further amended to read:

21 5. Estuarine and marine waters. "Estuarine and
22 marine waters" means those portions of the Atlantic
23 Ocean within the jurisdiction of the State, and all
24 other waters of the State subject to the rise and
25 fall of the tide except those sections waters listed
26 and classified in sections 467 and 468.

27 **Sec. 197. 38 MRSA §407-A, sub-§1, ¶C**, as enacted
28 by PL 1985, c. 485, §5, is amended to read:

29 C. Which are not subject to the jurisdiction of
30 sections 391 to 396, sections 425 to 430 and sec-
31 tions 471 to 478 ~~or Title 12, sections 7776 to~~
32 ~~7780.~~

33 **Sec. 198. 38 MRSA §436, sub-§1-E**, as enacted by
34 PL 1985, c. 794, Pt. A, §7, is amended is read:

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1 1-E. Maritime activities. "Maritime activities"
2 includes the construction, repair, storage, loading
3 and unloading of boats, chanceitery chandlery and
4 other commercial activities designed and intended to
5 facilitate maritime trade.

6 **Sec. 199. 38 MRSA §563, sub-§3,** as amended by PL
7 1985, c. 626, §2, is further amended to read:

8 3. Amended registration required. The owner or
9 operator of an underground oil storage facility shall
10 file an amended registration form with the department
11 immediately upon any change in the information re-
12 quired pursuant to subsection 2. No fee may be
13 charge charged for filing an amended registration.

14 **Sec. 200. 38 MRSA §564, sub-§1, ¶B,** as amended
15 by PL 1985, c. 626, §3, is further amended to read:

16 B. All new and replacement facilities shall be
17 installed by an underground oil storage tank in-
18 staller who has been properly certified pursuant
19 to Title 32, chapter ~~±05~~ 104-A, and shall be reg-
20 istered with the department prior to installation
21 pursuant to section 563.

22 **Sec. 201. 38 MRSA §565, sub-§1, ¶B,** as amended
23 by PL 1985, c. 626, §6, is further amended to read:

24 B. All new and replacement facilities shall be
25 installed by an underground oil storage tank in-
26 staller who has been properly certified pursuant
27 to Title 32, chapter ~~±05~~ 104-A, and shall be reg-
28 istered with the department prior to installation
29 pursuant to section 563.

30 **Sec. 202. 38 MRSA §567, first ¶,** as amended by
31 PL 1985, c. 763, Pt. A, §98, is further amended to
32 read:

33 No person may install an underground oil storage

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1 facility or tank after May 1, 1986, without first
2 having been certified by the Board of Underground Oil
3 Storage Tank Installers, pursuant to Title 32, chap-
4 ter ~~105~~ 104-A. Prior to December 31, 1986, when the
5 board determines that reasonable extenuating circum-
6 stances prevent the administration or completion of a
7 certification test by May 1, 1986, pursuant to Title
8 32, sections 10009 and 10010, it may issue a provi-
9 sional certificate valid until December 31, 1986.

10 Sec. 203. 38 MRSA §633, sub-§2, as enacted by PL
11 1983, c. 458, §18, is amended to read:

12 2. Exceptions. This subarticle shall not apply
13 to activities for which, prior to the effective date
14 of this Act, a permit or permits have been issued
15 pursuant to any of the following laws: Land use reg-
16 ulation laws, Title 12, sections 681 to 689; stream
17 alteration laws, ~~Title-12,~~ sections 7776 425 to 7780
18 430; great ponds laws, sections 391 to 394; altera-
19 tion of coastal wetlands laws, sections 471 to 478;
20 site location of development laws, sections 481 to
21 490; and small hydroelectric generating facilities
22 laws, ~~sections-621-to-626~~ this subarticle.

23 Sec. 204. 38 MRSA §818, sub-§3, as enacted by PL
24 1983, c. 417, §6, is amended to read:

25 3. Other powers. No provision of this ~~Article~~
26 article may be construed as limiting the powers of
27 the Bureau of Civil Emergency Preparedness under Ti-
28 tle ~~37-A~~ 37-B, sections ~~100~~ 1051 to ~~106~~ 1059.

29 Sec. 205. 38 MRSA §840, sub-§1, ~~1D~~, as enacted
30 by PL 1983, c. 417, §6, is amended to read:

31 D. Operating with a permit setting water levels
32 issued under the great ponds laws, sections 391
33 to 394; the alteration of coastal wetlands laws,
34 sections 471 to 478; the site location of devel-
35 opment laws, sections 481 to 490; the small hy-
36 droelectric generating facilities laws, sections

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1 621 631 to 626 636; the land use regulation laws,
2 Title 12, sections 681 to 689; the stream altera-
3 tion laws, ~~Title--12,~~ sections 7776 425 to 7780
4 430; or any other statute regulating the con-
5 struction or operation of dams.

6 Sec. 206. 38 MRSA is amended by inserting before
7 §1481 the following:

8 SUBCHAPTER III-A
9 LOW-LEVEL RADIOACTIVE WASTE DISPOSAL

10 Sec. 207. 39 MRSA §24, as amended by PL 1977, c.
11 696, §403, is further amended to read:

12 §24. Voluntary election

13 Any private employer, any of whose employees are
14 exempt, may become subject to this Act with respect
15 to his employees and the act of the employer in se-
16 curing the payment of compensation to such employee
17 or class of employees in conformity with sections 21
18 21-A to 27 shall constitute as to such employer his
19 election to become subject to this Act without any
20 further act on his part, but only with respect to
21 that employee or that class of employees with respect
22 to whom the employer has secured compensation as pro-
23 vided in sections 21 21-A to 27, provided that, as to
24 any employer who secures compensation by making a
25 contract of workers' compensation insurance, such
26 election shall be deemed to have been made on the ef-
27 fective date of the insurance policy.

28 Sec. 208. 39 MRSA §25, sub-§1, as enacted by PL
29 1981, c. 637, §7, is amended to read:

30 1. Benefit system. Subject to the approval of
31 the Superintendent of Insurance, any employer may
32 continue with his employees, in lieu of the compensa-
33 tion, benefits and insurance provided by this Act,
34 the system thereof which was used by such employer on

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1 January 1, 1915. No such substitute system may be
 2 approved unless it confers benefits upon injured em-
 3 ployees at least equivalent to the benefits provided
 4 by this Act, nor if it requires contributions from
 5 the employees, unless it confers benefits in addition
 6 to those provided under this Act at least commensu-
 7 rate with such contributions. Such substitute system
 8 may be terminated by the superintendent with the ad-
 9 vice of the commission on reasonable notice and hear-
 10 ing to the interested parties, if it appears that the
 11 substitute system is not fairly administered, or if
 12 its operation discloses latent defects threatening
 13 its solvency, or if for any substantial reason it
 14 fails to accomplish the purposes of this Act. Not-
 15 withstanding Title 5, section 10051, the superintend-
 16 ent is expressly granted the authority to revoke or
 17 suspend the authority of an employer to continue with
 18 a substitute system of benefits under this section
 19 after a hearing held in accordance with Title 5,
 20 chapter 375, subchapter IV, and Title 24-A, chapter
 21 3. An employer who is authorized to substitute a
 22 plan under sections ~~21~~ 21-A to 27 shall give his em-
 23 ployees notice thereof in a form to be prescribed by
 24 the commission, and a statement of the plan approved
 25 shall be filed with the superintendent.

26 Sec. 209. 39 MRSA §27, as amended by PL 1977,
 27 c. 696, §404, is further amended to read:

28 §27. Preservation of existing employer status

29 An employer with a currently approved workers'
 30 compensation policy, or a currently accepted self-
 31 insurer, within sections ~~21~~ 21-A to 27 shall be con-
 32 sidered in compliance with this Act until the expira-
 33 tion or cancellation date of the current assent based
 34 thereon.

35 Sec. 210. 39 MRSA §107, first ¶, as amended by
 36 PL 1973, c. 585, §12, is further amended to read:

37 Every insurance company insuring employers under

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1 this Act shall fill out any blanks and answer all
2 questions submitted to it that may relate to poli-
3 cies, premiums, amount of compensation paid and such
4 other information as the commission or the Insurance
5 Superintendent may deem important, either for the
6 proper administration of this Act or for statistical
7 purposes. Any insurance company which shall refuse to
8 fill out such blanks or answer such questions shall
9 be liable to a forfeiture of \$10 for each day of such
10 refusal, to be enforced by the commission in a civil
11 action in the name of the State. All ~~moneys~~ money re-
12 covered under this section or section 106, or under
13 sections ~~21~~ 21-A to 27, shall be paid into the State
14 Treasury and credited to the appropriation for the
15 administration of this Act.

16 Sec. 211. PL 1987, c. 68, §9, 3rd ¶ is repealed
17 as follows:

18 ~~The--first-meeting-of-the-committee-shall-be-con-~~
19 ~~vened-by-the-chairman-of-the-Legislative-Council.~~

20 Sec. 212. PL 1985, c. 732, §7, is repealed.

21 Sec. 213. PL 1985, c. 785, Pt. A, § 92, first 2
22 lines are repealed and the following enacted in their
23 place:

24 Sec. 92. 20-A MRSA §13506, sub-~~§2~~, as enacted by
25 PL 1983, c. 859, Pt. J, §2, is amended to read:

26 Sec. 214. PL 1985, c. 805, first 2 lines after
27 enacting clause, are repealed and the following en-
28 acted in their place:

29 12 MRSA §6862, as enacted by PL 1985, c. 129, §2
30 and as repealed by 12 MRSA §6862, sub-~~§5~~, is reen-
31 acted to read:

32 Sec. 215. PL 1985, c. 809, first 2 lines after
33 the enacting clause, are repealed and the following
34 enacted in their place:

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1 3 MRSA §227, first ¶, as amended by PL 1985, c.
2 775, §3, is further amended to read:

3 Sec. 216. P&SL 1985, c. 121, §1 is amended to
4 read:

5 Sec. 1. Authorization of bonds to provide for
6 sewer treatment facilities. The Treasurer of State is
7 authorized, under the direction of the Governor, to
8 issue from time to time registered bonds in the name
9 and behalf of the State to an amount not exceeding
10 \$12,000,000, for the purpose of raising funds to pro-
11 vide for sewer treatment facilities ~~and--storage--of~~
12 ~~road--salt--and--sand~~ as authorized by section 6. The
13 bonds shall be deemed a pledge of the full faith and
14 credit of the State. The bonds shall not run for a
15 longer period than 15 years from the date of the
16 original issue of the bonds. Any issuance of bonds
17 may contain a call feature at the discretion of the
18 Treasurer of State with the approval of the Governor.

19 PART B

20 Sec. 1. 3 MRSA §2, 4th ¶, as enacted by PL 1985
21 c. 693, §5, is amended to read:

22 Each member of the Senate and House of Represent-
23 atives shall be reimbursed for actual regular
24 airfare expenses from his place of abode to Augusta
25 for one round trip each week when the Legislature is
26 in regular session and, when the Legislature is not
27 in regular session, for days when meetings or daily
28 sessions are held, provided that: The distance from
29 his place of abode to Augusta is more than 150 miles,
30 the mileage is determined by the most reasonable di-
31 rect route and reimbursement will be capped at com-
32 mercial flight rate.

33 Sec. 2. 5 MRSA c. 63, as amended, is repealed.

34 Sec. 3. 5 MRSA §1876, sub-§1, ¶¶I and J, as en-

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1 acted by PL 1985, c. 785, Pt. A, §78, are amended to
2 read:

3 I. The Board of Trustees of Group Accident and
4 Sickness or Health Insurance; and

5 J. Division of administrative services, the head
6 of which shall be the Director of Administrative
7 Services; and

8 **Sec. 4. 5 MRSA §1876, sub-§1, ¶K** is enacted to
9 read:

10 K. The Capitol Planning Commission.

11 **Sec. 5. 5 MRSA §4594-B, sub-§3, ¶B**, as enacted
12 by PL 1987, c. 112, is amended to read:

13 B. Plans to reconstruct, remodel or enlarge an
14 existing place of public accommodation, when the
15 estimated total cost exceeds \$150,000, shall be
16 subject to this section when the proposed recon-
17 struction, remodeling or enlargement will sub-
18 stantially affect that portion of the building
19 normally accessible to the public.

20 Facilities subject to this section which are
21 remodeled, enlarged or renovated on or after Jan-
22 uary 1, 1988, shall meet the requirements of the
23 following 4 parts of the standards of construc-
24 tion:

- 25 (1) 4.3 accessible routes;
- 26 (2) ~~4.3~~ 4.13 doors;
- 27 (3) 4.17 toilet stalls; and
- 28 (4) 4.29.3 tactile warnings on doors to
29 hazardous areas.

30 **Sec. 6. 5 MRSA §7036, sub-§18**, as enacted by PL

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1 1985, c. 785, Pt. B, §38, is repealed.

2 **Sec. 7. Effective date.** The Maine Revised Stat-
3 utes, Title 5, section 7036, subsection 18, as re-
4 pealed in this Act, shall take effect on July 1,
5 1987.

6 **Sec. 8. 5 MRSA §7039,** as enacted by PL 1985, c.
7 785, Pt. B, §38, is amended to read:

8 §7039. Civil Service Law

9 The Civil Service Law shall consist of chapters
10 56, 60, 65, 67, 68, 69, 71 and this chapter. Whenev-
11 er reference is made in statute or rule to the Civil
12 Service Law, the chapters delineated in this section
13 shall apply.

14 **Sec. 9. Effective date.** The Maine Revised Stat-
15 utes, Title 5 section 7039, as amended in this Act,
16 shall take effect on July 1, 1987.

17 **Sec. 10 5 MRSA §7064, sub-§2,** as enacted by PL
18 1985, c. 785, Pt. B, §38, is amended to read:

19 2. Eligibility of unclassified employees for
20 classified service. In addition to any other provi-
21 sions in this chapter, unclassified employees listed
22 in section 931, subsection 1, paragraph H, and other
23 unclassified employees, except those cited in section
24 931, subsection 1, paragraphs A to G, and paragraphs
25 I and J, and in sections 931 932 to 953, shall be el-
26 igible for appointment to the classified service on
27 the same basis as other members of the classified
28 service.

29 **Sec. 11. 5 MRSA §12004, sub-§8, ¶A, sub-¶(4-A),**
30 as repealed and replaced by PL 1985, c. 695, §8 and
31 c. 732, §8, is repealed and the following enacted in
32 its place:

33 (4-A) Education Board of Trustees Expenses 20-A MRSA,

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1 of the Maine only §12705
2 Vocational-Technical
3 Institute System

4 Sec. 12. 5 MRSA §12004, sub-§10, ¶A, sub-¶(2) is
5 repealed.

6 Sec. 13. 5 MRSA §12004, sub-§10, ¶A, sub-¶(19)
7 is repealed.

8 Sec. 14. 10 MRSA §1026-B, sub-§2, as amended by
9 PL 1985, c. 714, §20, is further amended to read:

10 2. Insurance. Any mortgage insurance provided
11 pursuant to this section shall be subject to the fol-
12 lowing:

13 A. The original principal amount of mortgage in-
14 surance shall not exceed \$500,000; and

15 B. The authority may insure no more than 85% of
16 the mortgage payments; and

17 C. The authority may issue mortgage payments un-
18 der this section provided that the aggregate
19 amount of principal obligations of all mortgages
20 so insured outstanding at any one time shall not
21 exceed \$4,500,000.

22 Sec. 15. 12 MRSA §7827, sub-§4-A, as enacted by
23 PL 1979, c. 543, §79, is amended to read:

24 4-A. Unlawfully operating a vehicle on a snowmo-
25 bile trail. A person is guilty of unlawfully operat-
26 ing a vehicle on a snowmobile trail if he operates
27 any 4-wheel drive vehicle, dune buggy, all-terrain
28 vehicle, motorcycle or any other motorized motor ve-
29 hicle, other than a snowmobile and appurtenant equip-
30 ment, over--the--snow-on-roads-and snowmobile trails
31 maintained-for-snowmobile-use-and which are financed
32 in whole or in part with funds from the Snowmobile
33 Trail Fund, unless such that use has been authorized

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1 by the landowner or his agent, or unless the use is
2 necessitated by an emergency involving safety of per-
3 sons or property.

4 **Sec. 16.** 17 **MRSA §331, sub-§7**, as enacted by PL
5 1987, c. 190, §3, is amended to read:

6 7. Special exempt raffle license; prizes over
7 \$10,000. The Chief of the State Police may issue one
8 special exempt raffle license per year to any organi-
9 zation, department or class eligible to hold a raffle
10 under subsection 6 without obtaining a license. The
11 special exempt raffle license entitles the licensee
12 to hold one raffle in which the holder of a winning
13 chance receives something of value worth more than
14 \$10,000 but not more than \$25,000. Section 341 does
15 not apply to raffles licensed under this section.

16 **Sec. 17. Effective date.** The Maine Revised
17 Statutes, Title 17, section 331, subsection 7, as
18 amended in this Act, shall take effect 90 after ad-
19 journment of the Legislature.

20 **Sec. 18.** 23 **MRSA §652, sub-§1**, as amended by PL
21 1971, c. 593, §2, is further amended to read:

22 1. Change of grade. Whenever the department
23 shall change the grade of any state or state aid
24 highway as provided in chapters 1 to 19 to the injury
25 of an owner of adjoining land, such owner may within
26 24 months after completion of the work according to
27 the records of the department apply to the department
28 in writing for a determination and assessment of his
29 damages. If the department is unable to settle such
30 damages at what it deems a reasonable amount, the de-
31 partment or interested parties may apply to the Land
32 Damage State Claims Board in writing for a determina-
33 tion and assessment of the damages.

34 **Sec. 19.** 23 **MRSA §652, sub-§2, ¶E**, as amended by
35 Pl 1971, c. 593, §22, is further amended to read:

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1 E. If the department is unable to settle at what
2 it deems a reasonable settlement, the department
3 or owner may apply to the Land-Damage State
4 Claims Board in writing for a determination of
5 the alleged cause and assessment of the damage.
6 The proceedings shall then be the same as in con-
7 demnation cases.

8 **Sec. 20. 24 MRSA §2511**, as repealed and replaced
9 by PL 1985, c. 737, Pt. A, §59 and c. 804, §7, is re-
10 pealed and the following enacted in its place:

11 §2511. Immunity

12 Any person, physician, health care provider pro-
13 fessional society or member of a professional compe-
14 tence committee or of any board or authority acting
15 without malice, in making any report or other infor-
16 mation available to any appropriate board or authori-
17 ty pursuant to law or in assisting in the origina-
18 tion, investigation or preparation of that informa-
19 tion or in assisting the board or authority in carry-
20 ing out any of its duties or functions provided by
21 law, shall be immune from civil or criminal liabili-
22 ty, except as provided in section 2510, subsection 4,
23 for any such actions.

24 **Sec. 21. 26 MRSA §832, sub-§1**, as reallocated by
25 PL 1983, c. 583, §15 is amended to read:

26 1. Employee. "Employee" means a person who per-
27 forms a service for wages or other remuneration under
28 a contract of hire, written or oral, expressed or im-
29 plied, but does not include an independent contractor
30 engaged in lobster fishing. Employee includes a per-
31 son employed by the State or a political subdivision
32 of the State.

33 **Sec. 22. 36 MRSA §191, sub-§2, ¶K**, as amended by
34 PL 1987, c. 19, §2; c. 43; and c. 201, §2, is re-
35 pealed and the following enacted in its place:

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1 K. The disclosure by a municipal assessor, or by
2 the State Tax Assessor with regard to the unorga-
3 nized territory, of information contained on the
4 declaration of value form required by section
5 4641-B;

6 **Sec. 23. Effective date.** The Maine Revised
7 Statutes, Title 36, section 191, subsection 2, para-
8 graph K, as repealed and replaced in this Act, shall
9 take effect 90 days after adjournment of the Legisla-
10 ture.

11 **Sec. 24. 36 MRSA §191, sub-§2, ¶L,** as enacted by
12 PL 1987, c. 19, §3 and c. 201, §3, is repealed and
13 the following enacted in its place;

14 L. The listing of gasoline distributors possess-
15 ing a certificate under section 2904; and

16 **Sec. 25. Effective date.** The Maine Revised
17 Statutes, Title 36, section 191, subsection 2, para-
18 graph L, as repealed and replaced in this Act, shall
19 take effect 90 days after adjournment of the Legisla-
20 ture.

21 **Sec. 26. 36 MRSA §191, sub-§2, ¶M** is enacted to
22 read:

23 M. The disclosure to an authorized representa-
24 tive of the Department of Human Services of the
25 most recent address of a delinquent payor of
26 child support when a written request containing
27 the payor's Social Security number is made by the
28 department.

29 **Sec. 27. Effective date.** The Maine Revised
30 Statutes, Title 36, section 191, subsection 2, para-
31 graph M, as enacted in this Act, shall take effect 90
32 days after adjournment of the Legislature.

33 **Sec. 28. 36 MRSA §5254,** as amended by PL 1985,
34 c. 535, §25 and c. 691, §39, is repealed and the fol-

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1 following enacted in its place:

2 §5254. Liability for withheld taxes

3 Every person required to deduct and withhold tax
4 under this Part is hereby made liable for such tax.
5 For purposes of assessment and collection, any amount
6 required to be withheld and paid over to the asses-
7 sor, and any additions to tax, penalties and interest
8 with respect thereto, shall be considered the tax of
9 that person. No person may have any right of action
10 against a person in respect to any money deducted and
11 withheld and paid over to the assessor in compliance
12 or in intended compliance with this Part.

13 **Sec. 29. PL 1987, c. 180, §6, 7th and 8th lines,**
14 are amended to read:

15 ~~Bureau of Water Quality~~
16 ~~Control~~
17 Maine Environmental
18 Protection Fund

19 **Sec. 30. PL 1987, c. 197, §6, 5th and 6th lines**
20 are repealed and the following enacted in its place:

21 PUBLIC SAFETY, DE-
22 PARTMENT OF

23 Licensing and Enforcement -
24 Beano/Games of Chance

25 **PL 1985, c. 785, emergency clause** is amended to
26 read:

27 **Emergency clause.** In view of the emergency cited
28 in the preamble, this Act shall take effect on July
29 1, 1986, except: Part A, only that portion of section
30 47 enacting the Maine Revised Statutes, Title 5, sec-
31 tion 947-A, subsection 1, paragraph D, shall take ef-
32 fect on July 1, 1987; Part A, only that portion of

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1 section 78 enacting the Maine Revised Statutes, Title
2 5, section ~~1875~~ 1876, subsection 1, paragraph C,
3 shall take effect on July 1, 1987; Part B, only that
4 portion of section 38 enacting the Maine Revised
5 Statutes, Title 5, chapter 372, subchapter I, article
6 I, shall take effect on July 1, 1987.

7 **Emergency clause.** In view of the emergency cited
8 in the preamble, this Act shall take effect when ap-
9 proved.'

10

STATEMENT OF FACT

11 Part A of this amendment deletes several sections
12 of the bill which proposed substantive changes or
13 which are taken care of in other bills and makes oth-
14 er technical changes in some remaining sections.

15 Part B of the amendment adds a few new sections
16 as additional technical changes.

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Reported by Senator Brannigan for the Committee on
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