

MAINE STATE LEGISLATURE

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(Emergency)
FIRST REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 1717

S.P. 576

In Senate, June 2, 1987

Reference to the Committee on Judiciary suggested and ordered printed.

JOY J. O'BRIEN, Secretary of the Senate
Presented by Senator BRANNIGAN of Cumberland.
Cosponsored by Representative PARADIS of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND EIGHTY-SEVEN

1 **AN ACT to Make Corrections of Errors and**
2 **Inconsistencies in the Laws of Maine.**
3

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

7 Whereas, Acts of this and previous Legislatures
8 have resulted in certain technical errors and incon-
9 sistencies in the laws of Maine; and

10 Whereas, these errors and inconsistencies create
11 uncertainties and confusion in interpreting legisla-
12 tive intent; and

1 Whereas, it is vitally necessary that these un-
2 certainties and this confusion be resolved in order
3 to prevent any injustice or hardship to the citizens
4 of Maine; and

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

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

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14 PL 1985, c. 695, §1, and c. 779, §1, is repealed and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

16 B. Any board or commission of any state agency
17 or authority, the Board of Trustees of the Uni-
18 versity of Maine System and any of its committees
19 and subcommittees, the administrative council of
20 the University of Maine System, the Board of
21 Trustees of the Maine Maritime Academy and any of
22 its committees and subcommittees, the Board of
23 Trustees of the Maine Vocational-Technical Insti-
24 tute System and any of its committees and subcom-
25 mittees; and

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27 PL 1985, c. 695, §2 and c. 779, §2, is repealed and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

29 E. Records, working papers, interoffice and in-
30 traoffice memoranda used by or prepared for fac-
31 ulty and administrative committees of the Maine
32 Maritime Academy, the Maine Vocational-Technical
33 Institute System and the University of Maine Sys-
34 tem. The provisions of this paragraph do not ap-
35 ply to the boards of trustees, the committees and
36 subcommittees of those boards, and the adminis-
37 trative council of the University of Maine Sys-
38 tem, which are referred to in section 402, sub-
39 section 2, paragraph B.

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

4 §501-A. Publications of state agencies

5 The publications of all agencies and the Univer-
6 sity of Maine System and the Maine Maritime Academy
7 may be printed, bound and distributed, subject to Ti-
8 tle 5, sections 43 to 46. The State Purchasing Agent
9 may determine the style in which such publications
10 may be printed and bound, with the approval of the
11 Governor. At least 55 copies of any annual or bienni-
12 al report, not included in the Maine State Government
13 Annual Report provided for in Title 5, sections 43 to
14 46, shall be delivered to the State Librarian, imme-
15 diately upon receipt by the State Purchasing Agent
16 for exchange and library use; the balance of the num-
17 ber of each such report shall be delivered by the
18 State Purchasing Agent to the agency preparing the
19 report. Any agency or legislative committee issuing
20 publications shall deliver 18 copies of all publica-
21 tions to the State Librarian. These copies shall be
22 furnished at the expense of the issuing agency. Pub-
23 lications not furnished upon request will be repro-
24 duced at the expense of the issuing agency. The
25 agency or committee preparing a publication shall
26 have the authority to determine the date on which a
27 publication may be released, except as may be other-
28 wise provided by law.

29 For the purposes of this section, "publications"
30 includes: Periodicals; newsletters; bulletins; pamph-
31 lets; leaflets; directories; bibliographies; statisti-
32 cal reports; brochures; plan drafts; planning docu-
33 ments; reports; special reports; committee and com-
34 mission minutes; informational handouts; and rules
35 and compilations of rules, regardless of number of
36 pages, number of copies ordered, physical size or in-
37 tended audience inside or outside the agency.

38 The State Purchasing Agent, Central Printing and
39 all other printing operations within State Government
40 shall forward to the State Librarian, upon receipt,
41 one copy of all requisitions for publications to be
42 printed.

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

5 **4. Range 88. The salaries of the following**
6 **state officials and employees shall be within salary**
7 **range 88:**

8 State Purchasing Agent;

9 Director, Arts and Humanities Bureau;

10 Director, State Museum Bureau;

11 Director of the Bureau of Parks and Recreation;

12 State Director of Alcoholic Beverages;

13 Executive Director, Retirement System;

14 Director of Public Lands;

15 State Librarian;

16 Director of Employee Relations;

17 Director, Bureau of Air Quality Control;

18 Director, Bureau of Land Quality Control;

19 Director, Bureau of Water Quality Control; and

20 Director, Bureau of Oil and Hazardous Materials
21 Control.

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

24 **Sec. 6. 2 MRSA §6-A, sub-§2, as amended by PL**
25 **1985, c. 693, §§3, 14 and as repealed by PL 1985, c.**
26 **737, Pt. A, §6, is repealed and the following enacted**
27 **in its place:**

28 **2. Commission members. The salary of members of**
29 **the commission shall be within salary range 90, step**
30 **G, for fiscal year 1987; and salary range 90, step H,**
31 **for fiscal year 1988, and annually thereafter.**

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

4 1. State Compensation Commission established.
5 The State Compensation Commission, established by Ti-
6 tle 5, section 12004, subsection 10, shall consist of
7 5 members appointed in January of every odd-numbered
8 year as follows: Two members shall be appointed by
9 the President of the Senate; 2 members shall be ap-
10 pointed by the Speaker of the House; and one member
11 shall be appointed by a majority of the preceding 4
12 commissioners and shall serve as chairman of the com-
13 mission. The 5 members shall be residents of the
14 State, appointed from the public. No one may be ap-
15 pointed who is a Legislator at the time of his ap-
16 pointment.

17 All members shall be appointed for terms to coincide
18 with the legislative biennium. Vacancies shall be
19 filled in the same manner as the original appoint-
20 ments, for the balance of the unexpired term. The
21 commission shall be appointed in January at the first
22 regular session of each Legislature.

23 The commission may request staff support from the
24 Legislative Council.

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

27 **Sec. 8. 3 MRSA §751, as enacted by PL 1985, c.**
28 **507, §1, is amended to read:**

29 §751. Control of funds

30 The board of trustees shall be the trustee of the
31 funds created by this chapter and shall administer
32 those funds in the same manner as is provided for the
33 administration of the Maine State Retirement System
34 funds in accordance with Title 5, chapter 101,
35 chapter subchapter III. The board may establish sepa-
36 rate funds or accounts within a fund, as necessary.

37 **Sec. 9. 4 MRSA §807, first ¶, as amended by PL**
38 **1985, c. 598, §1 and c. 742, §1, is repealed and the**
39 **following enacted in its place:**

1 No person may practice law or hold himself out to
2 practice law within the State or before its courts,
3 or demand or receive any remuneration for those ser-
4 vices rendered in this State, unless he has been ad-
5 mitted to the bar of this State and has complied with
6 section 806-A, or unless he has been admitted to try
7 cases in the courts of this State under section 802.
8 Any person who practices law in violation of these
9 requirements is guilty of the unauthorized practice
10 of law, which is a Class E crime. This section shall
11 not be construed to apply to practice before any Fed-
12 eral Court by any person admitted to practice there-
13 in; nor to a person pleading or managing his own
14 cause in court; nor to the officer or employee of a
15 corporation, partnership, sole proprietorship or gov-
16 ernmental entity, who is not an attorney, but is ap-
17 pearing for that organization in an action cognizable
18 as a small claim under Title 14, chapter 738; nor to
19 a person who is not an attorney, but is representing
20 a municipality under Title 30, section 2361, subsec-
21 tion 3; Title 30, section 3222, subsection 2; or Ti-
22 tle 30, section 4966, subsection 1; or Title 38, sec-
23 tion 441, subsection 2; nor to a person who is not an
24 attorney, but is representing the Department of Envi-
25 ronmental Protection under Title 38, section 342,
26 subsection 7; nor to a person who is not an attorney,
27 but is representing the Bureau of Employment Security
28 or the Bureau of Taxation under section 807-A. In
29 all proceedings, the fact, as shown by the records of
30 the Board of Overseers of the Bar, that that person
31 is not recorded as a member of the bar shall be prima
32 facie evidence that he is not a member of the bar li-
33 censed to practice law in the State.

34 **Sec. 10. 4 MRSA §807-A, 2nd ¶, as enacted by PL**
35 **1985, c. 598, §2, is amended to read:**

36 Upon promulgation of and in accordance with rules
37 adopted by the Supreme Judicial Court, employees of
38 the Bureau of Taxation may serve civil process and
39 represent the bureau in District Court in disclosure
40 proceedings pursuant to Title 14, chapter 502, ancil-
41 lary to the collection of taxes for which warrants
42 have been issued pursuant to Title 26 36, and may
43 represent the State Tax Assessor in arraignment pro-
44 ceedings in District Court in cases in which a crimi-
45 nal complaint has been filed alleging violation of
46 Title 36, section 2113, 3234 or 5332.

1 **Sec. 11. 4 MRSA §1151, sub-§2, as amended by PL**
2 **1985, c. 748, §1 and c. 771, §1, is repealed and the**
3 **following enacted in its place:**

4 2. Licensing jurisdiction. Except as provided in
5 Title 5, section 10004; Title 10, section 8003-A; Ti-
6 tle 29; and Title 35, section 13-A, the Administra-
7 tive Court shall have exclusive jurisdiction upon
8 complaint of an agency or, if the licensing agency
9 fails or refuses to act within a reasonable time,
10 upon complaint of the Attorney General, to revoke or
11 suspend licenses issued by the agency, and shall have
12 original jurisdiction upon complaint of a licensing
13 agency to determine whether renewal or reissuance of
14 a license of that agency may be refused. The Admin-
15 istrative Court shall have original concurrent juris-
16 isdiction to grant equitable relief in proceedings ini-
17 tiated by an agency or the Department of the Attorney
18 General alleging any violation of a license of li-
19 censing laws or rules.

20 Notwithstanding any other provisions of law, no li-
21 censing agency may reinstate or otherwise affect a
22 license suspended, revoked or modified by the Admin-
23 istrative Court pursuant to a complaint filed by the
24 Attorney General, without the approval of the Attor-
25 ney General.

26 **Sec. 12. 5 MRSA §135, first ¶, as amended by PL**
27 **1985, c. 757, and c. 785, Pt. A, §6, is repealed and**
28 **the following enacted in its place:**

29 The Treasurer of State may deposit the money, in-
30 cluding trust funds of the State, in any of the bank-
31 ing institutions or trust companies or state or fed-
32 eral savings and loan associations or mutual savings
33 banks organized under the laws of this State or in
34 any national bank or banks or state or federal sav-
35 ings and loan associations located therein. When
36 there is excess money in the State Treasury which is
37 not needed to meet current obligations, he may in-
38 vest, with the concurrence of the State Controller or
39 the Commissioner of Finance and with the consent of
40 the Governor, such amounts in bonds, notes, certifi-
41 cates of indebtedness or other obligations of the
42 United States which mature not more than 24 months
43 from the date of investment or in repurchase agree-

1 ments secured by obligations of the United States
2 which mature within the succeeding 24 months, prime
3 commercial paper, tax-exempt obligations or bankers'
4 acceptances. The Treasurer of State may participate
5 in the securities loan market by loaning state-owned
6 bonds, notes or certificates of indebtedness of the
7 Federal Government, provided that the loans are fully
8 collateralized by treasury bills or cash. The Trea-
9 asurer of State shall seek competitive bids for in-
10 vestments, except when, after a reasonable investiga-
11 tion, it appears that an investment of the desired
12 maturity is procurable by the State from only one
13 source. Interest earned on such investments of money
14 shall be credited to the respective funds, except
15 that interest earned on investments of special reve-
16 nuue funds shall be credited to the General Fund of
17 the State. Interest earned on funds of the Depart-
18 ment of Inland Fisheries and Wildlife shall be cred-
19 ited to that fund. Interest earned on funds of the
20 Baxter State Park Authority shall be credited to the
21 Baxter State Park Fund. This section shall not pre-
22 vent the deposit for safekeeping or custodial care of
23 the securities of the several funds of the State in
24 banks or safe deposit companies in this State or any
25 other state, nor the deposit of such state funds as
26 may be required by the terms of custodial contracts
27 or agreements as may be hereafter negotiated in ac-
28 cordance with the laws of this State. All custodial
29 contracts and agreements shall be subject to the ap-
30 proval of the Governor.

31 **Sec. 13. 5 MRSA §281, as repealed and replaced**
32 **by PL 1985, c. 785, Pt. A, §21, is amended by adding**
33 **at the end a new paragraph to read:**

34 The department shall coordinate financial plan-
35 ning and programming activities of departments and
36 agencies of the State Government for review and ac-
37 tion by the Governor, prepare and report to the Gov-
38 ernor and to the Legislature financial data and sta-
39 tistics, provide insurance advice for the State Gov-
40 ernment and administer under the direction of the
41 State Liquor Commission the laws relating to legal-
42 ized alcoholic beverages within this State. The de-
43 partment shall consist of the following: The Maine
44 Insurance Advisory Board; the Capitol Planning Com-
45 mission; and the State Liquor Commission, except the

1 Bureau of Liquor Enforcement and the State Lottery
2 Commission.

3 **Sec. 14. 5 MRSA §282, sub-§§1 and 4 are amended**
4 **to read:**

5 1. Aide to Governor. To serve as the principal
6 administrative-and fiscal aide to the Governor;

7 4. Direct bureaus. To supervise and direct the
8 activities of the bureaus which may by statute be
9 designated as being under the Department of Finance
10 and-Administration;

11 **Sec. 15. 5 MRSA §283, sub-§8, as repealed by PL**
12 **1985, c. 785, Pt. A, §28, and as amended by PL 1985,**
13 **c. 785, Pt. B, §15, is repealed.**

14 **Sec. 16. 5 MRSA §285, sub-§1, ¶G, as amended by**
15 **PL 1985, c. 609, and c. 695, §§6 and 7, is repealed**
16 **and the following enacted in its place:**

17 G. Subject to subsection 1-A, employees in any
18 of the categories denominated in paragraphs A to
19 F-1 who:

20 (1) On April 26, 1968, have retired and who
21 were covered under plans of insurance which
22 by virtue of Public Law 1967, chapter 543
23 were terminated;

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

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

1 (4) After December 2, 1986, and not yet
2 normal retirement age, cease to be members
3 of the Legislature and are recipients of re-
4 tirement allowances from the Maine State Re-
5 irement System based upon creditable ser-
6 vice as teachers, as defined by section
7 1001, subsection 25. This paragraph also
8 applies to former members who were members
9 on December 2, 1986.

10 **Sec. 17.** 5 MRSA §287, as amended by PL 1975, c.
11 771, §52-A, is repealed.

12 **Sec. 18.** 5 MRSA §293, as amended by PL 1985, c.
13 785, Pt. A, §33, and c. 785, Pt. B, §18, is repealed
14 and the following enacted in its place:

15 §293. Internship committee

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

1 **Sec. 19. Effective date.** The Maine Revised
2 Statutes, Title 5, section 293, as repealed and re-
3 placed in this Act, shall take effect on July 1,
4 1987.

5 **Sec. 20. 5 MRSA §552, sub-§3,** as amended by PL
6 1985, c. 785, Pt. A, §38 and as repealed by PL 1985,
7 c. 785, Pt. B, §19, is repealed.

8 **Sec. 21. Effective date.** The Maine Revised Stat-
9 utes, Title 5, section 552, subsection 3, as repealed
10 in this Act, shall take effect on July 1, 1987.

11 **Sec. 22. 5 MRSA §555, first ¶,** as repealed by PL
12 1985, c. 785, Pt. B, §19, and as amended by PL 1985,
13 c. 779, §12, is repealed.

14 **Sec. 23. Effective date.** The Maine Revised
15 Statutes, Title 5, section 555, first paragraph, as
16 repealed in this Act, shall take effect on July 1,
17 1987.

18 **Sec. 24. 5 MRSA §634,** as amended by PL 1985, c.
19 720, and as repealed by PL 1985, c. 785, Pt. B, §19,
20 is repealed.

21 **Sec. 25. Effective date.** The Maine Revised
22 Statutes, Title 5, section 634, as repealed in this
23 Act, shall take effect on July 1, 1987.

24 **Sec. 26. 5 MRSA §642, sub-§2,** as enacted by PL
25 1981, c. 289, §8, is amended to read:

26 2. Employee Suggestion System Board. The Employ-
27 ee Suggestion System Board shall be composed of the
28 Commissioner of Finance-and-Administration, the Com-
29 missioner of Personnel Administration and one other
30 commissioner of a state department to be appointed by
31 the Governor.

32 The Commissioner of Personnel Administration shall be
33 responsible for administering the program, and shall
34 assign one capable, highly-experienced employee of
35 the department to manage the program on a day-to-day
36 basis. That employee may also have assignments not
37 related to this program.

1 The board shall elect a chairman and shall adopt
2 rules governing the proceedings, including criteria
3 for making awards. The board shall approve each award
4 made.

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

11 **Sec. 27. 5 MRSA §642, sub-§3,** as enacted by PL
12 1981, c. 289, §8, is amended to read:

13 3. Employee positions excluded. In establishing
14 criteria for making awards, the board may exclude
15 certain levels of positions from participation in the
16 program, but in no event may persons in positions
17 enumerated in chapter 71, or Title 2, section 6, or
18 ~~Title--5,--section--711,~~ be eligible to receive cash
19 awards under the program.

20 **Sec. 28. 5 MRSA §674, last ¶,** as amended by PL
21 1985, c. 779, §13, and as repealed by PL 1985, c.
22 785, Pt. B, §19, is repealed.

23 **Sec. 29. Effective date.** The Maine Revised
24 Statutes, Title 5, section 674, last paragraph, as
25 repealed in this Act, shall take effect on July 1,
26 1987.

27 **Sec. 30. 5 MRSA §903, sub-§4,** as enacted by PL
28 1981, c. 270, §4, is amended to read:

29 4. Prohibition. Positions listed in ~~section-711,~~
30 ~~subsection-27~~ chapter 71 and in Title 2, section 6,
31 may not be filled by persons employed under any
32 job-sharing authority.

33 **Sec. 31. 5 MRSA §931, sub-§1, ¶J,** as amended by
34 PL 1985, c. 618, §3; c. 628, §1; and c. 785, Pt. A,
35 §43, is repealed and the following enacted in its
36 place:

37 J. Staff attorney, financial analyst, chief
38 utility accountant, utility accountant III, as-

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

4 **Sec. 32.** 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. 33. Effective date.** The Maine Revised
8 Statutes, Title 5, section 1001, subsection 10, as
9 repealed in this Act, shall take effect on July 1,
10 1987.

11 **Sec. 34.** 5 MRSA §1001, sub-§25, as amended by PL
12 1985, c. 721, §1, and as repealed by PL 1985, c.
13 801, §§2 and 7, is repealed.

14 **Sec. 35.** 5 MRSA §1005, sub-§1, as amended by PL
15 1985, c. 785, Pt. B, §27, and as repealed by PL
16 1985, c. 801, §§2 and 7, is repealed.

17 **Sec. 36. Effective date.** The Maine Revised
18 Statutes, Title 5, section 1005, subsection 1, as re-
19 pealed in this Act, shall take effect on July 1,
20 1987.

21 **Sec. 37.** 5 MRSA §1031, sub-§6, as amended by PL
22 1985, c. 785, Pt. B, §28, and as repealed by PL
23 1985, c. 801, §§2 and 7, is repealed.

24 **Sec. 38. Effective date.** The Maine Revised
25 Statutes, Title 5, section 1031, subsection 6, as re-
26 pealed in this Act, shall take effect on July 1,
27 1987.

28 **Sec. 39.** 5 MRSA §1031, sub-§12, ¶D, as amended
29 by PL 1985, c. 785, Pt. B, §29, and as repealed by PL
30 1985, c. 801, §§2 and 7, is repealed.

31 **Sec. 40. Effective date.** The Maine Revised
32 Statutes, Title 5, section 1031, subsection 12, para-
33 graph D, as repealed in this Act, shall take effect
34 on July 1, 1987.

35 **Sec. 41.** 5 MRSA §1122, sub-§8, as enacted by PL
36 1985, c. 722, and as repealed by PL 1985, c. 801,
37 §§2 and 7, is repealed.

1 **Sec. 42.** 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. 43.** 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. 44.** 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. 45.** 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. 46.** 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. 47.** 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. 48.** 5 MRSA §1742, sub-§20-A, ¶¶C and D, as
31 enacted by PL 1985, c. 785, Pt. A, §67, are amended
32 to read:

33 C. To levy charges, according to a rate schedule
34 approved by the Commissioner of Administration,
35 against all units utilizing telecommunications
36 services; and

1 D. To submit a budget of estimated revenues and
2 costs to be incurred by the program in the same
3 manner as required for the General Fund in chap-
4 ters 145 and 149; and

5 **Sec. 49.** 5 MRSA §1742, sub-§20-A, ¶E is enacted
6 to read:

7 E. To review and comment to the Legislature and
8 the Bureau of Human Resources on positions for
9 data processing personnel requested by state
10 agencies;

11 **Sec. 50.** 5 MRSA §1812, 2nd ¶, as amended by PL
12 1985, c. 785, Pt. A, §72, and c. 779, §17, is re-
13 pealed and the following enacted in its place:

14 The Trustees of the University of Maine System
15 may authorize the Department of Administration to act
16 for them in any purchases.

17 **Sec. 51.** 5 MRSA §1852, sub-§4, as repealed by PL
18 1985, c. 785, Pt. A, §77, and as amended by PL 1985,
19 c. 785, Pt. B, §32, is repealed.

20 **Sec. 52.** Effective date. The Maine Revised
21 Statutes, Title 5, section 1852, subsection 4, as re-
22 pealed in this Act, shall take effect on July 1,
23 1987.

24 **Sec. 53.** 5 MRSA §1853, as amended by PL 1985, c.
25 779, §18, and as repealed by PL 1985, c. 785, Pt. A,
26 §77, is repealed.

27 **Sec. 54.** 5 MRSA §1855, as amended by PL 1985, c.
28 779, §19, and as repealed by PL 1985, c. 785, Pt. A,
29 §77, is repealed.

30 **Sec. 55.** 5 MRSA §1885, sub-§2, as enacted by PL
31 1985, c. 785, Pt. A. §78, is amended to read:

32 2. Appointment of other employees. The deputy
33 commissioner may appoint other employees, as he deems
34 necessary, to the Office of Information Services in
35 accordance with the Personnel Civil Service Law, ex-
36 cept that any assistant to the deputy commissioner
37 shall be in the unclassified service.

1 **Sec. 56.** 5 MRSA §1886, sub-§12, as enacted by PL
2 1985, c. 785, Pt. A, §78, is amended to read:

3 12. Protection of information files. The deputy
4 commissioner, with the advice of the board, shall de-
5 velop rules regarding the safeguarding, maintenance
6 and use of information files relating to data
7 professing processing required by law to be kept con-
8 fidential, subject to the approval of the commission-
9 er. The office shall be responsible for the enforce-
10 ment of those rules. All data files shall be the
11 property of the agency or agencies responsible for
12 their collection and utilization.

13 **Sec. 57.** 5 MRSA §1888, first ¶, as enacted by PL
14 1985, c. 785, Pt. A, §78, is amended to read:

15 No purchase of data processing equipment, soft-
16 ware or services and no internal systems development
17 efforts may be made except in accordance with this
18 subchapter. No agency may purchase any data pro-
19 cessing equipment, software or services without the
20 prior written approval of the deputy commissioners
21 commissioner. The state controller shall not autho-
22 rize payment for data processing equipment, software
23 or services without evidence of prior approval of the
24 purchases by the deputy commissioner.

25 **Sec. 58.** 5 MRSA §1890, as enacted by PL 1985, c.
26 785, Pt. A, §85, is amended to read:

27 §1890. Intergovernmental cooperation and assistance

28 The deputy commissioner, with the approval of the
29 commissioner, may enter into agreements with the Fed-
30 eral Government, the University of Maine System and
31 other agencies and organizations as will promote the
32 objectives of this chapter and to accept funds from
33 the Federal Government, municipal and county agencies
34 or from any individual or corporation to be expended
35 for purposes consistent with this chapter.

36 **Sec. 59.** 5 MRSA §3315, as enacted by PL 1985, c.
37 794, Pt. A, §1. is repealed.

38 **Sec. 60.** 5 MRSA §3316 is enacted to read:

1 §3316. List of Heritage Coastal Areas

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

4 1. Definition. As used in this section, unless
5 the context indicates otherwise, the following terms
6 have the following meanings.

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

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

20 When evaluating candidate Heritage Coastal Areas, the
21 following guidelines shall be considered:

22 A. Areas eligible for or listed on the Register
23 of Critical Areas; and

24 B. Areas eligible for or listed on the National
25 Register of Historic Places.

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

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

36 4. Designation of Heritage Coastal Areas. The
37 Director of the State Planning Office, with the ad-

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

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

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

17 Sec. 61. 5 MRSA §5304, as enacted by PL 1975, c.
18 150, is amended to read:

19 §5304. Appeals

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

25 Sec. 62. 5 MRSA §7051, sub-§4, as enacted by PL
26 1985, c. 785, Pt. B, §38, is amended to read:

27 4. Employees in military service; substitutes.
28 Whenever any employee, regularly employed in other
29 than a temporary position for a period of at least 6
30 months by the State or by any department, bureau,
31 commission or office of the State, or by the Univer-
32 sity of Maine System, vocational-technical insti-
33 tutes, Maine School Building Authority, Maine Turn-
34 pike Authority, Finance Authority of Maine or any
35 other state or quasi-state agency, or by any county,
36 municipality, township or school district within the
37 State shall in time of war, contemplated war, emer-
38 gency or limited emergency, enlist, enroll, be called
39 or ordered or be drafted into the Armed Forces of the
40 United States or any branch or unit thereof, or shall

1 be regularly drafted under federal manpower regula-
2 tions, he shall not be deemed or held to have thereby
3 resigned from or abandoned his employment, nor shall
4 he be removable during the period of his service.
5 "Temporary," for the purpose of this section means
6 employment based on a seasonal or on-call basis or
7 employment based on a contract of less than 6 months'
8 duration.

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

27 (1) If still qualified to perform the du-
28 ties of that position, be restored to that
29 position or to a position of like seniority,
30 status and pay; or

31 (2) If not qualified to perform that posi-
32 tion by reason of disability sustained dur-
33 ing service, but qualified to perform duties
34 of any other position in the employ of his
35 preservice employer, be restored to such
36 other position the duties of which he is
37 qualified to perform as will provide him
38 like seniority, status and pay, or the near-
39 est approximation consistent with the cir-
40 cumstances in his case.

41 B. Any employee restored to a position under
42 this section shall not be discharged from that
43 position without cause within one year after res-
44 toration to that position.

1 C. This section shall apply to any such employee
2 entering the Armed Forces of the United States
3 under Public Law 759 80th Congress (Selective
4 Service Act of 1948) or while said Public Law 759
5 or any amendment thereto or extension thereof
6 shall be in effect.

7 D. Rights to reemployment, credits toward re-
8 tirement under the Maine State Retirement System
9 and vacation or sick leave accumulation shall not
10 be allowed beyond the period of the first enlist-
11 ment or induction, but in no event beyond 4 years
12 from the date of his original call to active duty
13 in the Armed Forces of the United States, except
14 if his return to active duty in the Armed Forces
15 or the extension of his period of service beyond
16 4 years is required by some mandatory provision
17 and he shall present proof satisfactory to the
18 agency concerned.

19 E. When a permanent classified employee is on
20 extended leave, a substitute may be employed,
21 subject to personnel rules, until return or sepa-
22 ration of the incumbent.

23 **Sec. 63. 5 MRSA §7054, sub-§4, as enacted by PL**
24 **1985, c. 785, Pt. B, §38, is amended to read:**

25 4. Retention preference. In any reduction in
26 personnel in the state service, veteran preference
27 employees shall be retained in preference to all oth-
28 er competing employees in the same classification
29 with equal seniority, status and service ratings.

30 In determining qualifications for examination and ap-
31 pointment with respect to veteran preference eligi-
32 bles under this section, the director or other exam-
33 ining agency may waive requirements as to age, height
34 and weight, provided that any such requirement is not
35 essential to the performance of the duties of the po-
36 sition for which examination is given. The director
37 or other examining agency, after giving due consider-
38 ation to the recommendation of any accredited physi-
39 cian, may waive the physical requirements in the case
40 of any veteran, provided that the veteran is, in the
41 opinion of the director or other examining agency,
42 physically able to discharge efficiently the duties

1 of the position for which the examination is given.

2 This section applies to all examinations for original
3 positions in the State Police, Department of Inland
4 Fisheries and Wildlife, Department of Marine Re-
5 sources, University of Maine System, vocational-tech-
6 nical institutes, Maine School Building Authority,
7 Maine Turnpike Authority, Finance Authority of Maine
8 or any other state or quasi-state agency.

9 **Sec. 64. Effective date.** The Maine Revised
10 Statutes, Title 5, section 7054, subsection 4, as
11 amended in this Act, shall take effect on July 1,
12 1987.

13 **Sec. 65. 5 MRSA §7065, sub-§2,** as enacted by PL
14 1985, c. 785, Pt. B, §38, is amended to read:

15 2. Salary limits. No position may be assigned a
16 salary greater than the maximum or less than the min-
17 imum rates fixed in the compensation plan, except as
18 provided in this section.

19 **Sec. 66. Effective date.** The Maine Revised Stat-
20 utes, Title 5, section 7065, subsection 2, as amended
21 in this Act, shall take effect on July 1, 1987.

22 **Sec. 67. 5 MRSA §7065, sub-§§5 to 7** are enacted
23 to read:

24 5. Recruitment and retention adjustments. Sub-
25 ject to Title 26, section 979-D, subsection 1, para-
26 graph E, the director may approve payment of recruit-
27 ment and retention adjustments for occupations in
28 State Government when the payment of a labor market
29 adjustment is required to recruit and retain an ade-
30 quate work force. Payment of a recruitment and reten-
31 tion adjustment may be authorized only when justified
32 by the following conditions:

33 A. High turnover exists or long-term vacancies
34 exist within State Government in the relevant oc-
35 cupational classifications or job series;

36 B. The relevant occupational classification or
37 job series has a clear, geographically definable
38 labor market within which the State must compete;

1 C. All appropriate recruitment and retention ef-
2 orts have been attempted and have proven inef-
3 fective at the current levels of compensation;
4 and

5 D. Comprehensive, verifiable documentation of
6 labor market compensation levels for the relevant
7 occupation has been compiled to determine compet-
8 itive pay levels within the defined labor market.
9 This documentation must demonstrate that a labor
10 market disparity exists and that the disparity
11 represents a long-term, not transitory or season-
12 al, problem.

13 6. Limitations on recruitment and retention ad-
14 justments. The payment of recruitment and retention
15 adjustments authorized under this subsection shall be
16 subject to the following provisions.

17 A. The labor market adjustment shall be reviewed
18 no less frequently than once every 2 years and
19 shall be adjusted to changes in the labor market
20 or the overall relation of the standard pay poli-
21 cy to the specialized labor market.

22 B. If the subsequent review provided in para-
23 graph A results in the adjustment being de-
24 creased or discontinued, no employee receiving
25 the recruitment and retention adjustment may be
26 subject to a reduction in pay.

27 7. Limitation on stipends. The use and applica-
28 tion of the recruitment and retention adjustment
29 shall be discontinued for any job classification that
30 is not provided with a stipend as of June 30, 1987.

31 **Sec. 68. Effective date.** The Maine Revised
32 Statutes, Title 5, section 7065, subsections 5, 6 and
33 7, as enacted in this Act, shall take effect on July
34 1, 1987.

35 **Sec. 69.** 5 MRSA §8053-A, first ¶, as amended by
36 PL 1985, c. 528, and c. 737, Pt. B, §13 and as re-
37 pealed and replaced by PL 1985, c. 680, §3, is re-
38 pealed and the following enacted in its place:

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

9 **Sec. 70. 5 MRSA §8053-A, sub-§1, as amended by**
10 **PL 1985, c. 680, §4, and c. 737, Pt. B, §13, is re-**
11 **pealed and the following enacted in its place:**

12 1. Additional information to be submitted. In
13 addition to providing the Executive Director of the
14 Legislative Council with a sufficient number of
15 copies of a proposed rule for each member of the ap-
16 propriate committee or committees, the agency shall
17 also provide to the Executive Director sufficient
18 copies of a fact sheet providing:

19 A. A citation of the statutory authority for the
20 adoption of the rule;

21 B. A concise statement of the principal reasons
22 for the rule;

23 C. An analysis of the rule; and

24 D. An estimated fiscal impact of the rule.

25 **Sec. 71. 5 MRS §12006, sub-§1, as enacted by PL**
26 **1985, c. 732, §6, is amended to read:**

27 1. Notice of failure to report. The Commission-
28 er of Finance and-Administration shall send notice by
29 certified mail to any board that has failed to report
30 pursuant to section 12005. If the board fails to
31 file the report within 30 days from the date the no-
32 tice is sent, the board shall be deemed to be unwill-
33 ing to disclose information vital to the public in-
34 terest and necessary to determine whether the board
35 serves the public health, safety or welfare.

36 A. If the board fails to respond as provided in
37 this subsection, the Commissioner of Finance and
38 Administration shall immediately notify the joint

1 standing committee of the Legislature having ju-
2 risdiction over the operations of State Govern-
3 ment of the board's failure to comply with the
4 provisions of this chapter.

5 B. If the board fails to report within 6 months
6 from the reporting date specified in section
7 12005, the board shall be deemed unwilling to
8 fulfill a public purpose and shall be abolished.
9 The Commissioner of Finance and--Administration
10 shall notify the board in writing that its au-
11 thority is repealed and the board is abolished.
12 The commissioner shall notify the joint standing
13 committee of the Legislature having jurisdiction
14 over State Government that the board is abol-
15 ished.

16 **Sec. 72.** 5 MRSA Pt. 20, as enacted by PL 1985,
17 c. 711, §2, is repealed.

18 **Sec. 73.** 5 MRSA §17001, sub-§14, ¶¶A and B, as
19 enacted by PL 1985, c. 801, §§5 and 7, are amended to
20 read:

21 A. For purposes of this chapter, a state employ-
22 ee, including any person serving during any pro-
23 bationary period required under the Personnel
24 Civil Service Law and rules of the Personnel Civ-
25 il Service Appeals Board, a teacher or a partici-
26 pating local district employee;

27 B. For purposes of chapter 423, a state employ-
28 ee, including any person serving during any pro-
29 bationary period required under the Personnel
30 Civil Service Law and rules of the Personnel Civ-
31 il Service Appeals Board, or a teacher; or

32 **Sec. 74.** **Effective date.** The Maine Revised
33 Statutes, Title 5, section 17001, subsection 14, par-
34 agraphs A and B, as amended in this Act, shall take
35 effect on July 1, 1987.

36 **Sec. 75.** 5 MRSA §17103, sub-§9, ¶B, as enacted
37 by PL 1985, c. 801, §§5 and 7, is amended to read:

38 B. The report shall also include a separate
39 evaluation of each amendment by the actuary and

1 by the Director of Human Resources, which shall
2 be requested by the board of trustees and in-
3 cluded with their report.

4 **Sec. 76. Effective date.** The Maine Revised
5 Statutes, Title 5, section 17103, subsection 9, para-
6 graph B, as amended in this Act, shall take effect on
7 July 1, 1987.

8 **Sec. 77. 5 MRSA §17105, sub-§3, ¶¶B and C,** as
9 enacted by PL 1985, c. 801, §§5 and 7, are amended to
10 read:

11 B. Shall be employed under the rules established
12 by the ~~Personnel-Board~~ Bureau of Human Resources;
13 and

14 C. Shall receive such compensation as is pro-
15 vided by the rules of the ~~Personnel-Board~~ Bureau
16 of Human Resources for state employees in similar
17 capacities.

18 **Sec. 78. Effective date.** The Maine Revised
19 Statutes, Title 5, section 17105, subsection 3, para-
20 graphs B and C, as amended in this Act, shall take
21 effect on July 1, 1987.

22 **Sec. 79. 5 MRSA §17107, sub-§2, ¶F,** as enacted
23 by PL 1985, c. 801, §§5 and 7, is amended to read:

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

30 **Sec. 80. Effective date.** The Maine Revised
31 Statutes, Title 5, section 17107, subsection 2, para-
32 graph F, as amended in this Act, shall take effect on
33 July 1, 1987.

34 **Sec. 81. 5 MRSA §17655, sub-§2,** as enacted by PL
35 1985, c. 801, §§5 and 7, is amended to read:

36 2. Other military benefits. Any employee who
37 satisfies the criteria of subsection 1, paragraph B,

1 is entitled to all the benefits of section 555 7051.

2 **Sec. 82. Effective date.** The Maine Revised
3 Statutes, Title 5, section 17655, subsection 2, as
4 amended in this Act, shall take effect on July 1,
5 1987.

6 **Sec. 83. 5 MRSA §18258, sub-§2,** as enacted by PL
7 1985, c. 801, §§5 and 7, is amended to read:

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

11 **Sec. 84. Effective date.** The Maine Revised
12 Statutes, Title 5, section 18258, subsection 2, as
13 amended in this Act, shall take effect on July 1,
14 1987.

15 **Sec. 85. 5 MRSA §18451, first ¶,** as enacted by
16 PL 1985, c. 801, §§5, 7, is amended to read:

17 A member's qualification for service retirement
18 benefits is governed by subsection 1, 2 or 3, unless
19 the requirements of section ~~18543~~ 18453 are satis-
20 fied, in which case, one or more of the subsections
21 of section 18453 governs.

22 **Sec. 86. 5 MRSA §19002, sub-§6,** as enacted by PL
23 1985, c. 801, §§5 and 7, is amended to read:

24 6. Political subdivision. The term "political
25 subdivision" includes an instrumentality of the State
26 of Maine, of one or more of its political subdivi-
27 sions, the University of Maine System, academies, wa-
28 ter, sewer and school districts and associations of
29 municipalities, or an instrumentality of the State
30 and one or more of its political subdivisions, but
31 only if such instrumentality is a juristic entity
32 which is legally separate and distinct from the State
33 or subdivision and only if its employees are not by
34 virtue of their relation to such juristic entity em-
35 ployees of the State or subdivision.

36 **Sec. 87. 5 MRSA Pt. 22** is enacted to read:

37 PART 22

1 PUBLIC HEALTH

2 CHAPTER 501

3 MEDICAL CONDITIONS

4 §19201. Definitions

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

8 1. Antibody to HTLV-III. "Antibody to HTLV-III"
9 means the specific immunoglobulin produced by the
10 body's immune system in response to the HTLV-III vi-
11 rus.

12 2. Health care provider. "Health care provider"
13 means any appropriately licensed, certified or regis-
14 tered provider of mental or physical health care, ei-
15 ther in the public or private sector or any business
16 establishment providing health care services.

17 3. HTLV-III. "HTLV-III" means the human T-cell
18 lymphotropic virus-type III, identified as the
19 causative agent of Acquired Immune Deficiency
20 Syndrome or AIDS.

21 4. HTLV-III antigen. "HTLV-III antigen" means
22 the specific immune-recognizable marker proteins of
23 the HTLV-III virus.

24 5. HTLV-III infection. "HTLV-III infection"
25 means the state wherein the HTLV-III virus has in-
26 vaded the body and is being actively harbored by the
27 body.

28 6. Person. "Person" means any natural person,
29 firm, corporation, partnership or other organization,
30 association or group, however organized.

31 7. Seropositivity. "Seropositivity" means the
32 presence of antibody to HTLV-III virus as detected by
33 appropriate laboratory tests.

34 8. Viral positivity. "Viral positivity" means
35 demonstrated presence of HTLV-III virus.

1 §19202. Committee to Advise the Department of Human
2 Services on AIDS

3 The Committee to Advise the Department of Human
4 Services on AIDS, as established by section 12004,
5 subsection 10, shall consist of not less than 26 mem-
6 bers nor more than 30 members to include representa-
7 tion of: One allopathic physician from nominees sub-
8 mitted by the Maine Medical Association; one
9 osteopathic physician from nominees submitted by the
10 the Maine Osteopathic Association; one nursing home
11 administrator from nominees submitted by the Maine
12 Health Care Association; one funeral director from
13 nominees submitted by the Maine Funeral Directors As-
14 sociation; one social worker from nominees submitted
15 by the Maine Chapter of the National Association of
16 Social Workers; one public school administrator from
17 a local school district from nominees submitted by
18 the Maine Superintendents Association; one nurse from
19 nominees submitted by the Maine State Nurses Associa-
20 tion; one representative from nominees submitted by
21 the Maine Hospice Council; one teacher from nominees
22 submitted by the Maine Teachers Association; 2 mem-
23 bers of the high risk community; one insurance indus-
24 try representative; one employee of a community men-
25 tal health center; one dentist from nominees submit-
26 ted by the Maine Dental Association; one state em-
27 ployee from nominees submitted by the Maine State Em-
28 ployees Association; 2 members of the public, includ-
29 ing one parent of a school-age child; the Commission-
30 er of Human Services or his designee who shall serve
31 during the commissioners term of office; one psychol-
32 ogist from nominees submitted by the Maine Psycholog-
33 ical Association; one state employee from nominees
34 submitted by the American Federation of State, County
35 and Municipal Employees; one member representing hos-
36 pitals from nominees submitted by the Maine Hospital
37 Association; one member representing public health
38 professionals from nominees submitted by the Maine
39 Public Health Association; one representative of a
40 nonprofit hospital or medical service organization;
41 one substance abuse counselor; one member of the
42 clergy; and 2 Legislators, one representative ap-
43 pointed by the Speaker of the House of Representa-
44 tives and one Senator appointed by the President of
45 the Senate. The members, except for those specifical-
46 ly designated in this paragraph, shall be appointed

1 by the Governor for their competence and experience
2 in connection with these fields.

3 1. Membership. The term of office of each member
4 shall be 3 years; provided that of the members first
5 appointed, 1/3 shall be appointed for a term of one
6 year, 1/3 for terms of 2 years and 1/3 for terms of 3
7 years. The Governor shall designate a chairman and
8 vice-chairman to serve at the pleasure of the Gover-
9 nor. The chairman shall be the presiding member of
10 the committee. All vacancies shall be filled for the
11 balance of the unexpired term in the same manner as
12 original appointments. The members of the committee
13 shall be compensated in accordance with chapter 379.

14 2. Duties. The committee shall advise the de-
15 partment on:

16 A. Content and dissemination of educational ma-
17 terials;

18 B. Crises that may develop;

19 C. Coordination of services to persons with
20 AIDS, AIDS Related Complex or viral positivity;

21 D. Coordination of services for family and other
22 persons providing care and support to persons
23 with AIDS, AIDS Related Complex or viral
24 positivity; and

25 E. AIDS related policy and proposed rules.

26 3. Meetings. The advisory committee shall meet
27 at least 4 times a year and more frequently if
28 needed to respond to the duties of this committee as
29 specified in subsection 2. Special meetings may be
30 called by the chairman and shall be called at the re-
31 quest of the State Epidemiologist, the Director of
32 the Bureau of Health, the Director of Disease Con-
33 trol, the Director of Sexually Transmitted Diseases
34 or by 3 or more members of the committee.

35 §19203. Confidentiality of test

36 No person may disclose the results of a test for
37 the presence of an antibody to HTLV-III, a test that
38 measures the HLTV-III antigen, except as follows:

1 1. Subject of test. To the subject of the test;

2 2. Designated health care provider. To the
3 subject's designated health care provider in the
4 treatment of AIDS;

5 3. Authorized person. To a person or persons to
6 whom the test subject has authorized disclosure in
7 writing, except that the disclosure may not be used
8 to violate any other provision of this chapter;

9 4. Certain health care providers. A health care
10 provider who procures, processes, distributes or uses
11 a human body part donated for a purpose may, without
12 obtaining consent to the testing, test for the pres-
13 ence of an antibody to HTLV-III in order to assure
14 medical acceptability of the gift for the purpose in-
15 tended;

16 5. Research facility. The department, a labora-
17 tory certified or a health care provider, blood bank,
18 blood center or plasma center may, for the purpose of
19 research and without first obtaining written consent
20 to the testing, subject any body fluids or tissues to
21 a test for the presence of an antibody to HTLV-III if
22 the testing is performed in a manner by which the
23 identity of the test subject is not known and may not
24 be retrieved by the researcher;

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

28 7. Other agencies. To other agencies responsi-
29 ble for the custodial care of individuals, such as
30 the Department of Corrections and the Department of
31 Mental Health and Mental Retardation.

32 §19204. Restrictions upon revealing HTLV-III anti-
33 body test results

34 No insurer, nonprofit hospital or medical ser-
35 vices organization or nonprofit health care plan may
36 request any person to reveal whether the person has
37 obtained a test for the presence of antibodies to the
38 HTLV-III virus, a test to measure the virus or the
39 results of such tests taken prior to an application
40 for insurance coverage.

1 This section is repealed on October 1, 1987.

2 §19205. Coordination of services to persons with
3 AIDS, AIDS Related Complex and viral
4 positivity

5 1. Policy; services. It shall be the policy of
6 the State to provide to persons who test positive for
7 the HTLV-III virus or have been diagnosed as having
8 AIDS or Aids Related Complex services of departments
9 and agencies, including, but not limited to, the De-
10 partment of Educational and Cultural Service, the De-
11 partment of Mental Health and Retardation, the De-
12 partment of Human Services and the Department of Cor-
13 rections.

14 2. Coordination of services. A person designated
15 by the Commissioner of Human Services shall insure
16 coordination of new and existing services so as to
17 meet the needs of persons with AIDS, Aids Related
18 Complex and viral positivity and identify gaps in
19 programs.

20 The committee established in section 12004, subsec-
21 tion 10, shall work with the person designated in
22 this chapter to insure the coordination of services
23 to meet the needs of persons with AIDS, ARC and viral
24 positivity.

25 §19206. Civil liability

26 Any person violating sections 19203 and 19204 is
27 liable to the subject of the test for actual damages
28 and costs plus a civil penalty of up to \$1,000 for a
29 negligent violation and up to \$5,000 for an inten-
30 tional violation.

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

38 Sec. 88. Effective date. The Maine Revised
39 Statutes, Title 5, Part 22, as enacted in this Act,
40 shall take effect on July 1, 1987.

1 Sec. 89. 7 MRSA c. 10 is enacted to read:

2 CHAPTER 10

3 AGRICULTURAL TECHNOLOGY TRANSFER AND

4 SPECIAL RESEARCH PROJECTS

5 §305. Findings

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

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

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

34 4. Funding needs. The Maine Agricultural Exper-
35 iment Station has an overriding responsibility for
36 agricultural research in this State. The station's
37 research program is generally guided by a long-term
38 research agenda which reflects basic food production
39 research needs and regional research priorities. The

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

11 §306. Technology transfer program

12 1. Program initiated. The commissioner may initi-
13 ate an agricultural technology transfer program to
14 accelerate adoption of advantageous technologies by
15 Maine producers by:

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

19 B. Demonstrating new technologies which are
20 proven beneficial to Maine producers.

21 2. Program operation. The commissioner may es-
22 tablish a challenge grant program to test and demon-
23 strate new technologies related to the production,
24 storage and processing of Maine agricultural commo-
25 dities. Applications may be submitted by commodity
26 groups, associations or individuals. Each proposed
27 new technology testing or demonstration project shall
28 include an appropriate role for the Maine Agricultur-
29 al Experiment Station, the Cooperative Extension Ser-
30 vice or other University of Maine System personnel to
31 assure the validity of test results and that demon-
32 stration information is appropriately distributed.
33 Criteria for grant awards, including specific techno-
34 logical problems and commodities to be addressed,
35 shall be established by rule in accordance with the
36 Maine Administrative Procedure Act, Title 5, chapter
37 375 and shall be guided by the following criteria:

38 A. In the case of research on new technologies,
39 awards shall be based on the technology's appar-
40 ent applicability, the quality of the research
41 design, impact of the proposed technology on re-

1 gional agricultural needs when defined under sec-
2 tion 314 and such other criteria as the commis-
3 sioner may establish;

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

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

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

31 §307. Special projects

32 The commissioner may contract directly with the
33 Agricultural Experiment Station or the Maine Coopera-
34 tive Extension Service for testing new technologies
35 and for research on pressing, short-term technical
36 problems related to the production, storage and pro-
37 cessing of agricultural commodities.

38 §308. Special revenues

39 Funds contributed by commodity groups, associa-
40 tions or individuals for special projects or for com-

1 petitive technology transfer projects shall be depos-
2 ited in a dedicated account which shall not lapse.
3 Commodity groups, associations or individuals may
4 specify that funds contributed to this account may be
5 used to initiate projects affecting specific commodi-
6 ties.

7 §309. Annual review

8 The commissioner, the Director of the Agricultur-
9 al Experiment Station and the Director of the Cooper-
10 ative Extension Service shall, on an annual basis,
11 review the effectiveness of the programs operated un-
12 der the provisions of this chapter in facilitating
13 the introduction of new technologies for Maine agri-
14 cultural operations.

15 Sec. 90. 7 MRSA c. 9, as enacted by PL 1985, c.
16 438, is repealed.

17 Sec. 91. 7 MRSA Pt. 6, first 2 lines, as enacted
18 by PL 1985, c. 572, are repealed and the following
19 enacted in their place:

20 PART 6-A

21 HONEYBEE INDUSTRY

22 Sec. 92. 7 MRSA §2954, sub-§5, as repealed and
23 replaced by PL 1975, c. 517, §3, is amended to read:

24 5. Minimum price schedule. Upon establishing
25 said minimum prices in any market which shall apply
26 to the various classifications of milk and which may
27 vary in the several market areas of the State, the
28 commission shall furnish all dealers registered in
29 said market with a schedule of such prices and shall
30 publish a schedule thereof in appropriate newspapers
31 in said market. Such order shall become effective in
32 accordance with Title 5, ~~chapters-301-to-307~~ chapter
33 375, and thereafter no dealer, store or other person
34 handling milk in such market shall buy or offer to
35 buy, sell or offer to sell milk for prices less than
36 the scheduled minimum prices established for that
37 market.

38 Sec. 93. 7 MRSA §3701, as repealed and replaced
39 by PL 1977, c. 696, §109, is amended to read:

1 §3701. Keeping unlicensed dog

2 Whoever keeps a dog contrary to this chapter and
3 chapters 701, 703 and 711 and ~~sections-3603--to--3605~~
4 Title 12, section 7504 commits a civil violation for
5 which a forfeiture not to exceed \$25 may be adjudged.

6 **Sec. 94. 7 MRSA §3703**, as amended by PL 1979, c.
7 492, §12, is further amended to read:

8 §3703. Officers to make returns

9 Each police officer, constable, sheriff or animal
10 control officer, to whom the warrants named in sec-
11 tion 3702 are issued shall return the same at the
12 time specified. Such officers shall receive from the
13 municipality the sum of \$2 for each dog killed or
14 otherwise disposed of, and for other services ren-
15 dered under this chapter and chapters 701, 703 and
16 711 and ~~sections-3603-to-3605~~ Title 12, section 7504,
17 they shall receive such compensation as the municipal
18 officers may determine.

19 In no case shall such officer be entitled to more
20 than \$2 as a fee for disposing of any dog.

21 **Sec. 95. 8 MRSA §261**, as amended by PL 1983, c.
22 812, §55 and as repealed and replaced by PL 1983, c.
23 834, §1, is repealed and the following enacted in its
24 place:

25 §261. Commission

26 1. Number of members. The State Harness Racing
27 Commission, as established by Title 5, section 12004,
28 subsection 8, shall consist of 5 members who shall be
29 appointed by the Governor. Members may be removed by
30 the Governor for cause.

31 2. Review; confirmation. These gubernatorial ap-
32 pointments shall be reviewed by the joint standing
33 committee of the Legislature having jurisdiction over
34 agriculture and are subject to confirmation by the
35 Legislature.

36 3. Geographic distribution. The members shall be
37 appointed to provide broad geographic representation.

1 4. Representation. No more than 3 members may be
2 of the same political party, but both major political
3 parties may be represented on the commission. One
4 member shall, in some capacity, be connected with ag-
5 ricultural societies which operate pari-mutuel rac-
6 ing.

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

20 Sec. 96. 8 MRSAs §329, 2nd ¶, as amended by PL
21 1981, c. 470, Pt. A, §12, is further amended to
22 read:

23 Racing shall be permitted at Scarborough Downs
24 until the hour of midnight each day from May 15th to
25 November 30th each year. The license shall set forth
26 the name of the licensee, the place where the races
27 or race meets are to be held and the time and number
28 of days during which racing may be conducted by said
29 licensee. Any such license issued shall not be trans-
30 ferable nor assignable. ~~The Administrative Hearing~~
31 ~~Commissioner as designated in Title 5, chapters 301~~
32 ~~to 307 shall have power to revoke any license for~~
33 ~~good cause upon notice and hearing.~~ A judge of the
34 Administrative Court may revoke any license for good
35 cause upon notice and hearing. The fee for such li-
36 cense shall be \$5,000 annually.

37 Sec. 97. 8 MRSAs §360, as enacted by PL 1973, c.
38 570, §1, is amended to read:

39 §360. Persons prohibited from purchasing tickets or
40 shares

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

8 **Sec. 98. 9-A MRSA §6-103, as amended by PL 1985,**
9 **c. 763, Pt. A, §48, is further amended to read:**

10 §6-103. Administration

11 There is created and established the Bureau of
12 Consumer Credit Protection within the Department of
13 Business Regulation. The Superintendent of Consumer
14 Credit Protection is the head of Consumer Credit Pro-
15 tection. As used in this Act, "administrator" means
16 the Superintendent of the Bureau of Consumer Credit
17 Protection. He shall be appointed by the Governor
18 and subject to review by the joint standing committee
19 of the Legislature having jurisdiction over business
20 legislation and to confirmation by the Legislature.
21 He shall be appointed for a term of 5 years or until
22 a successor is appointed and qualified. Any vacancy
23 occurring shall be filled by appointment for the un-
24 expired portion of the term. He may be removed from
25 office for cause by impeachment or by the Governor on
26 the address of both branches of the Legislature and
27 Title 5, section ~~7117~~-paragraph-B 931, subsection 2,
28 shall not apply. During his term of office the ad-
29 ministrator shall engage in no other business or pro-
30 fession. The administrator's salary shall be paid
31 from the General Fund.

32 **Sec. 99. 9-B MRSA §211, sub-§1, as amended by PL**
33 **1981, c. 359, §4, is further amended to read:**

34 1. Appointment; term; qualifications. The activ-
35 ities of the bureau shall be directed by a superin-
36 tendent who shall be appointed by the Governor and
37 subject to review by the Joint Standing Committee on
38 Business Legislation and to confirmation by the Leg-
39 islature. The superintendent shall hold office for a
40 term of 5 years, or until his successor is appointed
41 and qualified. The superintendent may be removed from
42 office for cause by impeachment or by the Governor on

1 the address of both branches of the Legislature, and
2 Title 5, section ~~7117-paragraph-B~~ 931, subsection 2,
3 shall not apply. Any person appointed as superintendent
4 shall have the knowledge of, or experience in,
5 the theory and practice of banking.

6 Sec. 100. 9-B MRSA §232, sub-§5, ¶D, as amended
7 by PL 1979, c. 429, §5, is further amended to read:

8 D. Notwithstanding any provision to the con-
9 trary, as prescribed by the Maine Administrative
10 Procedure Act, Title 5, chapter 375, subchapter
11 IV, such order shall be issued not later than 30
12 days after the close of the hearing if any, held
13 pursuant to this section.

14 Sec. 101. 9-B MRSA §427, sub-§9, ¶B, as amended
15 by PL 1979, c. 663, §41, is further amended to read:

16 B. If a depositor shall lose a nonnegotiable
17 certificate of deposit or certificate of account,
18 ~~subsection--97~~ paragraph A shall apply, except
19 that the depositor shall provide an affidavit in
20 writing to the institution, in lieu of the notice
21 provided for in ~~subsection-97~~ paragraph A, stat-
22 ing that such certificate issued by the institu-
23 tion is lost and could not be found after thor-
24 ough search.

25 Sec. 102. 10 MRSA §918, sub-§3, as amended by PL
26 1985, c. 779, §38 and c. 785, Pt. A, §87, is re-
27 pealed and the following enacted in its place:

28 3. Ex officio corporators. Ex officio corpora-
29 tors shall consist of the heads of the major state
30 departments and agencies and the Chancellor of the
31 University of Maine System. State department and
32 agency heads shall include the following:

33 Treasurer of State;

34 Director of the State Planning Office;

35 Director of the State Development Office;

36 Commissioner of Agriculture, Food and Rural Re-
37 sources;

1 Commissioner of Business, Occupational and Pro-
2 essional Regulation;

3 Commissioner of Conservation;

4 Commissioner of Educational and Cultural Ser-
5 vices;

6 Commissioner of Environmental Protection;

7 Commissioner of Finance;

8 Commissioner of Administration;

9 Commissioner of Human Services;

10 Commissioner of Inland Fisheries and Wildlife;

11 Commissioner of Labor;

12 Commissioner of Marine Resources;

13 Commissioner of Mental Health and Mental Retarda-
14 tion;

15 Commissioner of Transportation;

16 Chief Executive Officer of the Finance Authority
17 of Maine;

18 Executive Director of the Maine Municipal Bond
19 Bank; and

20 Executive Director of the Maine State Housing Au-
21 thority.

22 **Sec. 103. 10 MRSA §985, sub-§1, as amended by PL**
23 **1985, c. 344, §30, is further amended to read:**

24 1. Membership of the board. The Natural Re-
25 source Financing and Marketing Board of the authority
26 shall consist of 7 voting members, including the Com-
27 missioner of Conservation, the Commissioner of Marine
28 Resources and the Commissioner of Agriculture, Food
29 and Rural Resources, or their designees, and 4 public
30 members appointed by the Governor, subject to the ap-
31 proval of the joint standing committee of the Legis-

1 lature having jurisdiction over State Government and
2 to confirmation by the Senate. The 4 public members
3 shall be knowledgeable in the field of natural re-
4 source enterprises or financing. Designees of the
5 commissioners shall be limited to those persons hold-
6 ing major policy-influencing positions, as defined by
7 Title 5, ~~section 7117~~, ~~subsection 2~~ chapter 71. Two of
8 the public members shall be designated by the Gover-
9 nor as members of the authority. The Treasurer of
10 State shall be an ex officio, nonvoting member of the
11 board.

12 **Sec. 104. 10 MRSA §1094**, as amended by PL 1985,
13 c. 198, §2 and as repealed by PL 1985, c. 344, §94,
14 is repealed.

15 **Sec. 105. 10 MRSA §8001**, as repealed and re-
16 placed by PL 1985, c. 737, Pt. A, §21, and as amended
17 by PL 1985, c. 819, Pt. A, §15, is repealed and the
18 following enacted in its place:

19 §8001. Department; organization

20 There is created and established the Department
21 of Professional and Financial Regulation, in this
22 chapter referred to as the "department," to regulate
23 financial institutions, insurance companies, commer-
24 cial sports, grantors of consumer credit and to li-
25 cence and regulate professions and occupations. The
26 department shall be composed of the following bu-
27 reaus, boards and commissions:

28 Banking, Bureau of;

29 Consumer Credit Protection, Bureau of;

30 Insurance, Bureau of;

31 Athletic Commission, Maine;

32 Pilotage Commission, Maine State;

33 Real Estate Commission;

34 Running Horse Racing Commission, State;

35 Arborist Examining Board;

1 Auctioneers, Board of Licensing of;
2 Barbers, State Board of;
3 Commercial Driver Education, Board of;
4 Dietetic Practice, Board of Registration of;
5 Electricians' Examining Board;
6 Foresters, State Board of Registration for Pro-
7 fessional;
8 Funeral Service, State Board of;
9 Geologists and Soil Scientists, State Board of
10 Certification for;
11 Hearing Aid Dealers and Fitters, Board of;
12 Manufactured Housing Board;
13 Nursing Home Administrators Licensing Board;
14 Occupational Therapy Practice, Board of;
15 Oil and Solid Fuel Board;
16 Physical Therapy, Board of Examiners in;
17 Plumbers' Examining Board;
18 Psychologists, State Board of Examiners of;
19 Radiologic Technology Board of Examiners;
20 Respiratory Care Practitioners, Board of;
21 Social Worker Registration, State Board of;
22 Speech Pathology and Audiology, Board of Examin-
23 ers on;
24 Substance Abuse Counselors, Board of Registration
25 of; and
26 Veterinary Board.

1 **Sec. 106.** 12 MRSA §602, sub-§18, as enacted by
2 PL 1985, c. 710, §1 and c. 762, §1, is repealed and
3 the following enacted in its place:

4 18. Maine State Parks Development Fund. To ad-
5 minister the Maine State Parks Development Fund es-
6 ablished under section 609.

7 **Sec. 107.** 12 MRSA §602, sub-§19 is enacted to
8 read:

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

17 **Sec. 108.** 12 MRSA §4815, last ¶, as amended by PL
18 1985, c. 206, §1 and reallocated by c. 481, Pt. A,
19 §32, is repealed.

20 **Sec. 109.** 12 MRSA §5202, as enacted by PL 1985,
21 c. 794, Pt. B, is amended to read:

22 §5202. Maine Shoreline Public Access Protection Fund

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

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

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. 110.** 12 MRSA §5203, sub-§1, as enacted by
8 PL 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. 111.** 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
39 issued unless the applicant has a current shellfish
40 license, as provided in section 6601. The municipali-
41 ty shall provide and reserve a minimum number of com-
42 mercial licenses for nonresidents which shall be a
43 number not less than 10% of the number provided for

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

21 **Sec. 112.** 12 MRSA §8429, sub-§1, as repealed by
22 PL 1985, c. 664, §4, and as amended by c. 785, Pt. B,
23 §74 is repealed.

24 **Sec. 113.** 12 MRSA §8603, as amended by PL 1981,
25 c. 34, is further amended to read:

26 Owners or operators of all primary wood-using
27 sawmills and primary processors of veneer wood, cord-
28 wood, boltwood, pulpwood, posts, poles, piling, fence
29 rails and commercial processors of fuelwood fuel wood
30 who annually process more than 20 cords, except for
31 domestic use and not for sale or conversion into
32 products for sale, shall render an annual report to
33 the director during the month of January of each year
34 of the amount of softwoods and hardwoods processed by
35 species within the State by them during the preceding
36 calendar year and showing the county or counties from
37 which the wood was taken. Forms for this report
38 shall be provided by the director. Information con-
39 tained in the reports shall not be made public by
40 reference to individuals.

41 **Sec. 114.** 12 MRSA §8604, first ¶, as amended by
42 PL 1985, c. 488, §9, is further amended to read:

1 §8604. Reports by forest landowners

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

31 **Sec. 115. 13 MRSA §3167**, as amended by PL 1985,
32 c. 774, §2 and c. 797, §4, is repealed and the fol-
33 lowing enacted in its place:

34 §3167. Income to support schools

35 All income derived from the ministerial and
36 school lands, and from the rents and profits of real
37 and personal estate held under section 3166, shall be
38 annually applied to the support of public schools in
39 the town or the schooling of resident students and
40 expended like other school money.

41 **Sec. 116. 13-A MRSA §1203, sub-§1, ¶B**, as en-
42 acted by PL 1971. c. 439, §1, is amended to read:

1 B. Which may be done by a domestic corporation
2 organized under or otherwise pursuant to this
3 Act, unless in its application for authority the
4 corporation expressly limited itself to a lesser
5 number or type of businesses, in which case the
6 corporation may engage in the business or busi-
7 nesses to which it so limited its application, if
8 such business or businesses qualify under para-
9 graphs-A-and-B this paragraph and paragraph A.

10 Sec. 117. 13-B MRSA §201, sub-§3, ¶F, as amended
11 by PL 1985, c. 714, §40 and c. 737, Pt. A, §35, is
12 repealed and the following enacted in its place:

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

15 Sec. 118. 14 MRSA §8103, sub-§2, as amended by
16 PL 1985, c. 569, §§3 and 4 and c. 758, §2, is fur-
17 ther amended to read:

18 2. Examples. Notwithstanding section 8104, a
19 governmental entity shall not be liable for any claim
20 which results from:

21 A. The undertaking or failure to undertake any
22 legislative or quasi-legislative act, including,
23 but not limited to, the adoption or failure to
24 adopt any statute, charter, ordinance, order,
25 regulation, resolution or resolve;

26 B. The undertaking, or failure to undertake, any
27 judicial or quasi-judicial act, including, but
28 not limited to, the granting, granting with con-
29 ditions, refusal to grant or revocation of any
30 license, permit, order or other administrative
31 approval or denial;

32 C. The performance or failure to exercise or
33 perform a discretionary function or duty, whether
34 or not the discretion be abused and whether or
35 not the statute, charter, ordinance, order, reso-
36 lution, regulation or resolve under which the
37 discretionary function or duty is performed is
38 valid or invalid;

1 D. The decision not to provide communications,
2 heat, light, water, electricity or solid or liq-
3 uid waste collection, disposal or treatment ser-
4 vices;

5 E. The activities of the Maine National Guard
6 when engaged in combatant activities during a
7 time of war, or when called to duty in accordance
8 with a proclamation of emergency by the Governor
9 in accordance with Title 37-A, section 57 or 207;

10 F. The construction, ownership, maintenance or
11 use of:

12 (1) Unimproved land;

13 (2) Historic sites, including, but not lim-
14 ited to memorials, as defined in Title 12,
15 section 601, subsection 1; or

16 (3) Land, buildings, structures, facilities
17 or equipment designed for use primarily by
18 the public in connection with public outdoor
19 recreation;

20 G. The discharge, dispersal, release or escape
21 of smoke, vapors, soot, fumes, acids, alkalines,
22 toxic chemicals, liquids or gases, waste materi-
23 als or other irritants, contaminants or
24 pollutants into or upon land, the atmosphere or
25 any water course or body of water, except as pro-
26 vided in section 8104, subsection 3;

27 H. The ownership, maintenance or use of any
28 building acquired by a governmental entity for
29 reasons of tax delinquency from the date of fore-
30 closure and until actual possession by the delin-
31 quent taxpayer or his lessee or licensee has
32 ceased for a period of 60 days;

33 I. The ownership, maintenance or use of any
34 building acquired by a governmental entity by
35 eminent domain or by condemnation until actual
36 possession by the former owner or his lessee or
37 licensee has ceased for a period of 60 days;

1 J. Any defect, lack of repair or lack of suffi-
2 cient railing in any highway, town way, sidewalk,
3 parking area, causeway, bridge, airport runway or
4 taxiway, including appurtenances necessary for
5 the control of such ways including but not lim-
6 ited to street signs, traffic lights, parking me-
7 ters and guardrails, except as provided in sec-
8 tion 8104, subsection 4, and in Title 23, section
9 3655; or

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

12 ~~K.--The-leasing-of-state-owned-property,--includ-~~
13 ~~ing--buildings-to-other-organizations-pursuant-to~~
14 ~~Title-5,--chapter-154.~~

15 L. The leasing of state-owned property, includ-
16 ing buildings to other organizations pursuant to
17 Title 5, chapter 154.

18 Paragraphs A through K L of this subsection, to which
19 immunity applies, are cited as examples and shall not
20 be interpreted to limit the general immunity provided
21 by this section.

22 **Sec. 119. 14 MRSA §8109, sub-§1, ¶A,** as amended
23 by PL 1985, c. 785, Pt. A, §88, is further amended to
24 read:

25 A. Any agency may settle any claim for an amount
26 of \$1,500 or less when such settlement is ap-
27 proved by the appropriate department or agency
28 head in accordance with regulations promulgated
29 by the Commissioner of Finance Administration.

30 **Sec. 120 14 MRSA §8109, sub-§1, ¶B,** as amended
31 by PL 1985, c. 785, Pt. A, §89, is further amended
32 to read:

33 B. Any other claim may be settled when such set-
34 tlement is approved by the head of the department or
35 agency against which the claim is filed, the Commis-
36 sioner of Finance Administration and the Attorney
37 General.

1 **Sec. 121.** 14 MRSA §8115, sub-§1, as amended by
2 PL 1985, c. 785, Pt. A, §90, is further amended to
3 read:

4 1. Payment from next appropriation. In the event
5 no insurance has been procured by the State to pay a
6 claim or judgment arising under this chapter, and no
7 appropriated funds are reasonably available, as de-
8 termined by the Commissioner of Finance
9 Administration, the claim or judgment shall be paid
10 from the next appropriation to the state instrumen-
11 tality whose action or omission, or the action or
12 omission of whose employee, gave rise to the claim.

13 **Sec. 122.** 15 MRSA §101, as amended by PL 1985,
14 c. 630, §§1 and 2 and c. 796, §§2 and 3, is repealed.

15 **Sec. 123.** 15 MRSA §101-A, as enacted by PL 1985,
16 c. 356, is repealed.

17 **Sec. 124.** 15 MRSA §§101-B and 101-C are enacted
18 to read:

19 §101-B. Mental examination and observation of per-
20 sons accused of crime

21 1. Court order; permissive. The District Court
22 or the Superior Court having jurisdiction in any
23 criminal case for cause shown may order the defendant
24 examined to determine his mental condition with ref-
25 erence to the issues of criminal responsibility and
26 competence to stand trial. The examination may be
27 conducted at the Augusta Mental Health Institute,
28 Bangor Mental Health Institute, Pineland Center or at
29 a mental health clinic of, or recommended by, the
30 Commissioner of Mental Health and Mental Retardation
31 and, when conducted at any such facility, shall be
32 the responsibility of the State Forensic Service. The
33 examination may be conducted by a psychiatrist or li-
34 censed clinical psychologist independent from any
35 such facility, employed for such purpose by the
36 court. The court in selecting the examination site
37 shall consider proximity to the court, availability
38 of an examiner or examiners and the necessity for se-
39 curity precautions. No person may be presented for
40 examination under this subsection without arrange-
41 ments therefor with the head of the institution or

1 clinic or with the individual examiner being first
2 made by the court, clerk of courts or sheriff. If the
3 defendant is incarcerated, the examination is to be
4 completed within 90 days. The opinion of the examiner
5 or examiners relative to the mental condition of
6 the respondent shall be reported forthwith to the
7 court following examination.

8 2. Court order; mandatory. The court shall order
9 the defendant to be further examined by a psychiatrist
10 and a clinical psychologist from the State
11 Forensic Service if:

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

14 (1) The defendant suffers or suffered from
15 a mental disease or defect affecting his
16 criminal responsibility or his competence to
17 stand trial; or

18 (2) Further observation is required; or

19 B. The defendant enters or persists in a plea of
20 not guilty by reason of insanity for a period in
21 excess of 21 days after the report in subsection
22 1 is filed.

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

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

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

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

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

23 B. Except in the case of a defendant who is
24 charged with the commission of an offense, the
25 only punishment for which is life imprisonment,
26 order the defendant's release on bail, with or
27 without the further order that the defendant un-
28 dergo observation at a state mental hospital or
29 mental health facility approved by the Department
30 of Mental Health and Mental Retardation, or by
31 arrangement with a private psychiatrist and
32 treatment when it is deemed appropriate by the
33 head of the hospital or clinic or by the private
34 psychiatrist. When such outpatient observation
35 and treatment is ordered, the head of the hospi-
36 tal or clinic or the psychiatrist shall, within
37 the time specified in subsection 1, forward a re-
38 port to the court containing the opinion of the
39 head of the hospital or clinic or of the psychia-
40 trist, relative to the defendant's competence to
41 stand trial and his reasons therefor. The court
42 shall forthwith set a date for and shall hold a
43 hearing on the question of the defendant's compe-
44 tence to stand trial, which shall be held pursu-
45 ant to and consistent with the standards set out
46 in paragraph A.

1 5. Competence; proceedings. Upon a determina-
2 tion that the defendant is competent to stand trial,
3 proceedings with respect to the defendant shall be in
4 accordance with the rules of criminal procedure.

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

15 §101-C. Access to records by persons or entities
16 performing examinations or evaluations

17 1. Written demand for records. When a person or
18 entity has been ordered to perform an examination or
19 evaluation pursuant to section 101-B, and the person
20 to be examined has sought the examination, joined in
21 a request or order for the examination or has entered
22 a plea of not guilty by reason of insanity, that per-
23 son may make written demand upon any individual,
24 partnership, association, corporation, institution or
25 governmental entity to produce the records or copies
26 of the records, in whatever medium preserved, of the
27 subject of the examination or evaluation.

28 2. Production of records. Any such entity from
29 whom records are demanded pursuant to subsection 1
30 shall produce the records or copies of the records
31 forthwith. The production shall be made notwith-
32 standing any other law. No entity, or employee or
33 agent of the entity, may be criminally or civilly re-
34 sponsible for furnishing any records in compliance
35 with this section.

36 3. Confidentiality of records. Records provided
37 under this section shall be confidential and shall
38 not be disseminated by any person other than upon or-
39 der of the court.

40 4. Definition. "Records" means information
41 about a person, in whatever medium preserved. It in-

1 cludes, but is not limited to, medical histories, so-
2 cial histories, military histories, government
3 histories, educational histories and documentation
4 pertaining to diagnosis or treatment.

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

11 **Sec. 125. 15 MRSA §2128, sub-§4, as enacted by**
12 **PL 1979, c. 701, §15, is amended to read:**

13 **4. Prior challenges.** A person who has previously
14 challenged a criminal judgment or a post-sentencing
15 proceeding under former Title 14, sections 5502 to
16 5508 or its predecessors shall not challenge the
17 criminal judgment or post-sentencing proceeding by
18 post-conviction review unless the court determines
19 that a ground claimed in the action for post-
20 conviction review could not reasonably have been
21 raised in the earlier action.

22 **Sec. 126. 15 MRSA §2132, as enacted by PL 1979,**
23 **c. 701, §15, is amended to read:**

24 **§2132. Applicability**

25 Both the substantive and procedural provisions of
26 this chapter shall apply to any action for post-
27 conviction review commenced after the effective date
28 of this chapter. In the case of any action under
29 former Title 14, sections 5502 to 5508 or any other
30 action for collateral review of a conviction or of
31 consequences resulting from a criminal judgment which
32 was commenced prior to the effective date of this
33 chapter and which is pending on the effective date,
34 the petition may be amended to assert any basis for
35 jurisdiction under section 2124 or any grounds for
36 relief not available under prior law; provided that
37 failure to do so shall not constitute waiver pursuant
38 to section 2128, subsection 3. In any pending action
39 brought under prior law, the court in its discretion
40 may apply any of the procedural provisions of this
41 chapter.

1 **Sec. 127.** 15 MRSA §2211-A, 7th ¶, as repealed
2 and replaced by PL 1969, c. 403, §1, is amended to
3 read:

4 Admission to a hospital under this section shall
5 not be used to effect the examination or observation
6 of any person for the purpose of a criminal proceed-
7 ing pending in either the District Court or the Supe-
8 rior Court. The Superior Court prior to trial of any
9 defendant admitted for hospitalization under this
10 section may, at any time upon motion of the defend-
11 ant's attorney, attorney for the State or upon the
12 court's own motion, hold a hearing with respect to
13 the competence of any such person to stand trial as
14 provided in section ~~101~~ 101-B, and appropriate dispo-
15 sition may be made thereunder. The court's order fol-
16 lowing hearing in such case may terminate the admis-
17 sion effected under this section.

18 **Sec. 128.** 15 MRSA §3318, sub-§1, ¶B, as amended
19 by PL 1977, c. 664, §42, is further amended to read:

20 B. Order that the juvenile be examined by a phy-
21 sician or psychologist and refer the juvenile to
22 a suitable facility or program for the purpose of
23 examination, the costs of such examination to be
24 paid by the court. If the report of such an exam-
25 ination is that the juvenile is mentally ill or
26 incapacitated to the extent that short-term or
27 long-term hospitalization or institutional con-
28 finement is required, the juvenile court shall
29 initiate proceedings for voluntary or involuntary
30 commitment as provided in section ~~101~~ 101-B and
31 in Title 34, sections 2290 and 2333. The court
32 shall continue the proceedings when a juvenile is
33 voluntarily or involuntarily committed.

34 **Sec. 129.** 15 MRSA §3318, sub-§2, ¶B, as amended
35 by PL 1977, c. 664, §43, is further amended to read:

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

40 **Sec. 130.** 17 MRSA §1301-A, 2nd ¶, as amended by
41 PL 1973, c. 303, §3, is further amended to read:

1 The inspectors and agents of licensing authori-
2 ties issuing licenses under this section shall have
3 the authority to investigate and prosecute complaints
4 against its licensees for violation of this section,
5 and to institute proceedings before the Administra-
6 tive Court Judge who shall be empowered to proceed
7 under Title 5, ~~chapters-301-to-307~~ chapter 375, and
8 not under Title 28, section 401.

9 **Sec. 131.** 17 MRSA §1301-A, 3rd ¶, as amended by
10 PL 1973, c. 567, §20, is further amended to read:

11 It shall be the duty of the several district at-
12 torneys to investigate and prosecute complaints of
13 violations of this section, and to institute proceed-
14 ings before the Administrative Court Judge who shall
15 be empowered to proceed under Title 5, ~~chapters--301~~
16 ~~to-307~~ chapter 375.

17 **Sec. 132.** 17 MRSA §1301-A, 4th ¶, as amended by
18 PL 1973, c. 303, §3, is further amended to read:

19 A determination by the Administrative Court Judge
20 after notice and hearing on a show cause order that
21 there is a violation of this section shall cause rev-
22 ocation of such licenses as may be held, with the
23 right of appeal to the Superior Court under Title 5,
24 chapter 307 375, subchapter VII.

25 **Sec. 133.** 19 MRSA §503, first ¶, as amended by
26 PL 1985, c. 652, §33, is further amended to read:

27 Twenty-one days after receipt of the notice of
28 debt under section 500 or 504-A or upon receipt of
29 the decision under section 498 or section 498-A, the
30 amount stated in the notice of debt or in the deci-
31 sion shall be a lien in favor of the department
32 against all nonexempt property of the responsible
33 parent. This lien shall be separate and apart from
34 and in addition to any other lien created by, or pro-
35 vided for in, this Title.

36 **Sec. 134.** 19 MRSA §504, sub-§1, ¶B, as amended
37 by PL 1977, c. 694, §300, is further amended to read:

38 B. Twenty-one days have elapsed from the date of
39 receipt of the notice of debt under section 500

1 or a decision has been received under section 498
2 or 498-A.

3 **Sec. 135. 20-A MRSA §1202, sub-§6, ¶F,** as
4 amended by PL 1981, c. 693, §§5 and 8, is further
5 amended to read:

6 F. If a school administrative district is to be
7 formed under this section ~~§202~~--~~subsection--27~~
8 ~~paragraph--D,~~ or if the proposed school adminis-
9 trative district plans to contract with a designat-
10 ed private school for the education of its
11 students in grades 9 through 12, voters shall act
12 on the following article.

13 "Article : To see if the municipality
14 will vote to join with the municipalities of
15 _____ to form a school adminis-
16 trative
17 (naming them)
18 district, which district is hereby autho-
19 rized and directed to accept the contract
20 offer of _____ for
21 the schooling of pupils in grades 9 through
22 12."

23 **Sec. 136. 20-A MRSA §1401, sub-§1, ¶B,** as en-
24 acted by PL 1981, c. 693, §§5 and 8, is amended to
25 read:

26 B. The agreement may contain a new method of
27 sharing costs among the member municipalities of
28 the district in accordance with section 1301.
29 The article set out in section ~~§203~~ 1202, subsec-
30 tion 6, paragraph D, authorizing units to vote on
31 alternate methods of sharing costs shall be used
32 if the agreement recommended by the state board
33 contains a provision for using one of the alter-
34 nate methods of sharing costs.

35 **Sec. 137. 20-A MRSA §10104, sub-§2, ¶¶D and F,**
36 as amended by PL 1985, c. 110, §§1 and 2 and as re-
37 pealed by PL 1985, c. 497, §4 are repealed.

38 **Sec. 138. 20-A MRSA §10902, sub-§17,** as amended
39 by PL 1985, c. 779, §48, is repealed and the follow-
40 ing enacted in its place:

1 17. Uniform course descriptions. To provide for
2 a uniform system of course descriptions for equiva-
3 lent courses between the various units of the Univer-
4 sity of Maine System; and

5 **Sec. 139. 20-A MRSA §11804, sub-§5, as enacted**
6 **by PL 1985, c. 286, §2, is repealed.**

7 **Sec. 140. 20-A MRSA §11804-A, sub-§4 is enacted**
8 **to read:**

9 4. Deferment. Contract students under this sec-
10 tion who, during the repayment period, either return
11 to a Maine practice and then leave the State or who
12 initially remain out-of-state and then return to a
13 Maine practice may seek a deferment of the annual
14 principal and interest payments while outside the
15 State for a period of time not to exceed 3 years.
16 Interest shall be assessed during this time and the
17 student's total debt to the State, including princi-
18 pal and interest, shall be repaid either through re-
19 turn service or cash payments within 10 years from
20 the date which marks the beginning of the repayment
21 period. Requests for deferments shall be made to the
22 commissioner who shall make a determination on a
23 case-by-case basis. The decision of the commissioner
24 shall be final.

25 **Sec. 141. 20-A MRSA §12553, sub-§1, ¶D, as en-**
26 **acted by PL 1985, c. 472 and c. 497, §5, and as re-**
27 **pealed by PL 1985, c. 695, §10, and as amended by PL**
28 **1985, c. 779, §58, is repealed and the following en-**
29 **acted in its place:**

30 D. A high school graduate or has attained equiv-
31 alent certification; and

32 **Sec. 142. 20-A MRSA §12555, sub-§7, as repealed**
33 **by PL 1985, c. 695, §10 and as amended by PL 1985, c.**
34 **779, §59, is repealed.**

35 **Sec. 143. 20-A MRSA §12705, sub-§1, ¶B, as en-**
36 **acted by PL 1985, c. 695, §11, is amended to read:**

37 B. One from the Board of Trustees of the Univer-
38 sity of Maine System;

1 **Sec. 144. 20A MRSA §12706, sub-§7, as enacted by**
2 **PL 1985, c. 695, §11, is amended to read:**

3 **7. Fees and charges.** To establish and collect
4 fees, tuition and other charges, including fees for
5 the reasonable use of the institutes' facilities by
6 others, as deemed necessary by the board of trustees
7 for the efficient administration of this chapter, to
8 be credited to a separate fund and used for the pur-
9 poses of this chapter;

10 **Sec. 145. 20-A MRSA §12709, sub-§11, as enacted**
11 **by PL 1985, c. 695, §11, is amended to read:**

12 **11. Interagency cooperation and communication.**
13 To promote cooperation and communication with the De-
14 partment of Educational and Cultural Services and the
15 Bureau of Employment and Training Programs, or their
16 successors, with the University of Maine System and
17 with other public and private educational and train-
18 ing institutions;

19 **Sec. 146. 20-A MRSA §13510, sub-§1, as amended**
20 **by PL 1985, c. 295, §32 and as repealed by PL 1985,**
21 **c. 505, §11, is repealed.**

22 **Sec. 147. 20-A MRSA §15006, as enacted by PL**
23 **1985, c. 774, §8 and c. 797, §53, is repealed and the**
24 **following enacted in its place:**

25 §15006. School money; finance committees

26 **1. Municipal schools.** No money appropriated for
27 public schools for educational purposes may be paid
28 from the treasury of any municipality except upon
29 written order of its municipal officers. No such or-
30 der may be drawn by the municipal officers except
31 upon presentation of a properly avouched bill of
32 items which has first been certified by the superin-
33 tendent of schools and approved by a majority of the
34 school board or by a financial committee appointed or
35 otherwise duly elected by the school board.

36 **2. Quasi-municipal corporations.** No money ap-
37 propriated for public school or educational purposes
38 may be paid out by a school administrative unit other
39 than a municipality, except upon written order of its

1 treasurer. No such order may be drawn by the trea-
2 surer, except upon presentation of a properly
3 avouched bill of items which has first been certified
4 as to correctness by the superintendent of schools
5 and approved by a majority of the school board or by
6 a financial committee appointed or otherwise duly
7 elected by the school board.

8 3. Finance committees. School boards which do
9 not otherwise have authority to appoint a finance
10 committee under this Title may appoint 2 or more mem-
11 bers of the board and the superintendent to act as
12 the finance committee of the administrative unit.

13 **Sec. 148. 20-A MRSA §15904, sub-§1, as repealed**
14 **and replaced by PL 1985, c. 570, §1 and c. 737, Pt.**
15 **A, §46, is repealed and the following enacted in its**
16 **place:**

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

25 **Sec. 149. 20-A MRSA §15905, sub-§1, ¶A-1, as en-**
26 **acted by PL 1985, c. 780, §1, is amended to read:**

27 A-1. The limitation on debt service costs set
28 out in this subsection shall be adjusted each
29 year on January 1st for the awards made starting
30 on July 1st, of the same year by the estimated
31 percentage increase or decrease in the cost of
32 construction materials, services and financing
33 over the previous 3 years. The Commissioner of
34 Finance and Administration shall determine the
35 increase in construction costs using standard,
36 area indexes applicable to Maine. In no case may
37 the allowed increase exceed 5% and in no case may
38 the debt service limit be reduced.

39 **Sec. 150. 20-A MRSA §15909, sub-§2, ¶A, as**
40 **amended by PL 1985, c. 248, §9 and c. 506, Pt. B,**
41 **§§17, 18, is repealed and the following enacted in**
42 **its place:**

1 A. The amount to be bonded shall be determined
2 as follows. The total cost of the project shall
3 be reduced by:

4 (1) The initial state share as defined in
5 section 15914, subsection 3, when the ini-
6 tial state share has been approved for cur-
7 rent fiscal year funding;

8 (2) Proceeds from insured losses;

9 (3) Money from federal sources; and

10 (4) Other noneducational funds, except
11 gifts and money from federal revenue sharing
12 sources.

13 **Sec. 151. 20-A MRSA §15915, as enacted by PL**
14 **1985, c. 621, §1 and c. 797, §62, is repealed and the**
15 **following enacted in its place:**

16 §15915. Energy service companies and 3rd-party fi-
17 ncancing

18 1. Initial agreement. Any school administrative
19 unit may enter into an agreement of up to 20 years
20 with a private party, such as an energy service or
21 3rd-party financing company, for the design, instal-
22 lation, operation, maintenance and financing of ener-
23 gy conservation improvements at school administrative
24 unit facilities.

25 2. Future operation. Any school administrative
26 unit, at the termination of the agreement with the
27 private party pursuant to this section, may acquire,
28 operate and maintain the improvement, may renew the
29 agreement with the private party or may make an
30 agreement with another private party to operate and
31 maintain the improvement.

32 **Sec. 152. 20-A MRSA §15916 is enacted to read:**

33 §15916. Federal construction aid

34 The state board shall be the designated agency to
35 administer any federal funds made available to assist
36 in the construction of facilities for schools, educa-

1 tional programs or institutions of higher education.

2 **Sec. 153.** 22 M RSA §396-D, sub-§9, ¶D, as enacted
3 by PL 1985, c. 661, §9 and c. 778, §4, is repealed
4 and the following enacted in its place:

5 D. In determining payment year financial re-
6 quirements, the commission shall include an ad-
7 justment to reflect any net increases or de-
8 creases in the hospital's costs resulting from
9 projects that meet the requirements of section
10 396-K, subsection 3, paragraph E.

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

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

23 **Sec. 154.** 22 M RSA §396-D, sub-§9, ¶E is enacted
24 to read:

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

1 **Sec. 155. 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-er~~ 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
36 for the obligations, acts or omissions of a
37 business venture other than one undertaken
38 solely by the hospital;

39 (6) Creation, organization, acquisition or
40 transfer, directly or indirectly, of a sub-
41 sidiary of a hospital;

1 (7) Creation or organization, directly or
2 indirectly, of a parent entity of a hospital
3 by any means, including without limitation,
4 the acquisition by any person of ownership
5 or control of a hospital or its existing
6 parent entity; and

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

10 **Sec. 156.** 22 MRSA §1602, sub-§4, as enacted by
11 PL 1977, c. 347, §3, is amended to read:

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

20 **Sec. 157.** 22 MRSA §3022, as repealed and re-
21 placed by PL 1985, c. 611, §4 and as amended by PL
22 1985, c. 785, Pt. B, §90, is repealed and the follow-
23 ing enacted in its place:

24 §3022. Office of Chief Medical Examiner

25 1. Appointment and qualifications of the Chief
26 Medical Examiner. There is created, in the Department
27 of Attorney General, the Office of Chief Medical Ex-
28 aminer for the State. The Chief Medical Examiner
29 shall be appointed by the Governor for a term of 7
30 years and until his successor is appointed and quali-
31 fied. The Chief Medical Examiner shall possess a de-
32 gree of doctor of medicine or doctor of osteopathy,
33 be licensed to practice in the State and be expert in
34 the specialty of forensic pathology. Expertise in
35 the specialty of forensic pathology may be estab-
36 lished either by certification in forensic pathology
37 by the American Board of Pathology or the American
38 Osteopathic Board of Pathology, or by successful com-
39 pletion of an examination to test expertise in
40 forensic pathology designed for the State by acknowl-
41 edged experts in the field selected by the Governor.

1 Any vacancy in the Office of the Chief Medical Exam-
2 iner shall be filled by appointment by the Governor
3 for a full term of 7 years. The Chief Medical Exam-
4 iner may hire, subject to the Personnel Law, neces-
5 sary office and laboratory personnel in order to car-
6 ry out the proper functioning of his office.

7 2. Appointment and qualifications of the Deputy
8 Chief Medical Examiner. The Chief Medical Examiner
9 may select one or more of the medical examiners to
10 serve as deputy chief medical examiners. The Deputy
11 Chief Medical Examiner shall serve at the pleasure of
12 the Chief Medical Examiner and if salaried shall be
13 unclassified. In the event of his temporary absence,
14 the Chief Medical Examiner or, if he is unavailable,
15 the Attorney General may designate one of the deputy
16 chief medical examiners to serve as acting Chief Med-
17 ical Examiner. The acting Chief Medical Examiner
18 shall have all of the powers and responsibilities of
19 the Chief Medical Examiner.

20 3. Certification and completion of reports of
21 deaths. The Office of Chief Medical Examiner shall
22 be responsible for certification and completion of
23 reports of deaths identified as medical examiner
24 cases by section 3025. This shall be accomplished by
25 examination of bodies and useful objects and by in-
26 vestigation and inquiry into the circumstances sur-
27 rounding the deaths. The Office of Chief Medical Ex-
28 aminer may compile and preserve records and data re-
29 lating to criminal prosecution, public health, public
30 safety and vital statistics, as these relate to his
31 responsibilities.

32 4. Judgments of the medical examiners. Judg-
33 ments of the medical examiners as to the identity of
34 the deceased and as to the cause, manner, date, time
35 and place of death shall be made with reasonable care
36 based on a preponderance of the evidence.

37 5. Custodian of records. The Chief Medical Ex-
38 aminer shall be the custodian of the records of the
39 Office of Chief Medical Examiner. Copies of those
40 records not declared confidential in subsection 8
41 shall be available upon written request.

1 6. Certificate as evidence. Notwithstanding any
2 other provision of law or rule of evidence, the cer-
3 tificate of the Chief Medical Examiner, under seal of
4 the State, shall be received in any court as prima
5 facie evidence of any fact stated in the certificate
6 or documents attached thereto. The certificate under
7 the seal shall be presumed to be that of the Chief
8 Medical Examiner. A facsimile of the signature of
9 the Chief Medical Examiner imprinted on any certifi-
10 cate described in the preceding sentence shall have
11 the same validity as his written signature and shall
12 be admissible in court.

13 7. Medical records provided. In any medical ex-
14 aminer case, upon oral or written request of the med-
15 ical examiner, any individual, partnership, associa-
16 tion, corporation, institution or governmental entity
17 which has rendered treatment pertaining to the medi-
18 cal examiner case shall forthwith provide the medical
19 examiner with all medical records pertaining to the
20 person and the treatment provided.

21 8. Certain information confidential. When in the
22 custody of a medical examiner, contents of suicide
23 notes, reproductions of medical reports and reports
24 compiled by the police incorporated into the file,
25 communications with the Department of Attorney Gener-
26 al, death certificates and any amendments made there-
27 to, except for the information for which the medical
28 examiner is responsible, as listed in the section
29 2842, subsection 3, and reports pertaining to cases
30 under investigation by the Attorney General's office
31 shall be confidential.

32 9. Release of medical examiner's reports.
33 State, county and local agencies and institutions,
34 public and private, in possession of reports of the
35 Office of the Chief Medical Examiner shall not re-
36 lease them, but shall refer all the requests to the
37 Office of the Chief Medical Examiner. The Office of
38 the Chief Medical Examiner need not release medical
39 examiner reports to the public until a next of kin
40 has been contacted.

41 10. Cooperation with research requests. The Of-
42 ice of Chief Medical Examiner shall cooperate with
43 research requests by supplying abstracted data and

1 copies of reports to interested persons and agencies,
2 consistent with the available resources of the of-
3 fice.

4 **Sec. 158. 22 MRSA §3186, as enacted by PL 1985,**
5 **c. 375 and c. 486, §1 and as amended by PL 1985, c.**
6 **749, §1, is repealed and the following enacted in its**
7 **place:**

8 §3186. Medical and social services referral service

9 The department shall establish and maintain an
10 information and referral service for medically indi-
11 gent persons who become pregnant as a result of rape,
12 gross sexual misconduct, incest or sexual abuse. The
13 information and referral service shall include a list
14 of medical and social services available from state
15 and private sources, including, but not limited to,
16 counseling services, shelter, maternal health care, a
17 list of physicians who have voluntarily agreed to
18 provide to Medicaid eligible victims, pro bono, medi-
19 cal services not available from Medicaid and other
20 applicable medical or social services.

21 This information shall also be made available to
22 rape crisis centers, family planning agencies and
23 other appropriate organizations.

24 In addition to the medical and social services
25 information provided, the department shall strongly
26 encourage and counsel each person receiving this in-
27 formation to report the rape, gross sexual miscon-
28 duct, incest or sexual abuse to the appropriate au-
29 thorities for criminal prosecution and shall assist
30 that person in making the report, if requested.

31 **Sec. 159. 22 MRSA §3187 is enacted to read:**

32 §3187. Principles of reimbursement

33 The department shall meet annually with providers
34 of community based intermediate care facilities for
35 the mentally retarded to review current principles of
36 reimbursement for United States Code, Title XIX and
37 discuss necessary and appropriate changes.

1 Principles of reimbursement established for in-
2 termediate care facilities for the mentally retarded
3 shall assure maximum flexibility enabling facilities
4 to shift variable cost funds within accounts estab-
5 lished pursuant to the principles. These principles
6 shall not set any artificial limits on specific vari-
7 able cost accounts as long as facility totals are
8 met.

9 **Sec. 160. 22 MRSA c. 1052 is enacted to read:**

10 CHAPTER 1052

11 MAINE CHILDREN'S TRUST FUND

12 §3721. Definitions

13 As used in this chapter, unless the context indi-
14 cates otherwise, the following terms have the follow-
15 ing meanings.

16 1. Board. "Board" means the Board of the Maine
17 Children's Trust Fund.

18 2. Eligible organization. "Eligible organiza-
19 tion" means a nonprofit organization, local govern-
20 ment or public school system.

21 3. Fund. "Fund" means the Maine Children's
22 Trust Fund.

23 4. Prevention programs. "Prevention programs"
24 means programs, plans or training associated with the
25 prevention of child abuse, child neglect or mental
26 illness or with other factors associated with the
27 physical and emotional well-being of the youth of the
28 State, including strategies to alleviate problems as-
29 sociated with behavior prohibited by law, but not ad-
30 judicated as a juvenile crime.

31 §3722. Maine Children's Trust Fund

32 1. Establishment. There is established the
33 Maine Children's Trust Fund. It shall receive money
34 deposited by the Treasurer of State pursuant to Title
35 36, section 5285.

1 2. Purpose. The purpose of the Maine Children's
2 Trust Fund is to provide a mechanism for voluntary
3 contributions by Maine taxpayers through an income
4 tax checkoff for funding of programs designed to pre-
5 vent abuse, neglect and mental illness among Maine
6 children. This funding is intended primarily to sup-
7 port local prevention programs which do not duplicate
8 other state-funded programs.

9 §3723. Board; establishment

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

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

25 3. Officers. The Governor shall annually ap-
26 point one of the public members to serve as chairman
27 of the board. The board may elect, from among its
28 members, other officers and committees as it deems
29 appropriate.

30 4. Compensation. The members shall be compen-
31 sated according to the provisions of Title 5, chapter
32 379.

33 5. Meetings. The board shall meet at least once
34 annually and 5 members of the board shall constitute
35 a quorum.

36 6. Advice and consultation. The Commissioner of
37 Corrections, the Commissioner of Educational and Cul-
38 tural Services, the Commissioner of Human Services,
39 the Commissioner of Mental Health and Mental Retarda-
40 tion and the Commissioner of Public Safety shall,

1 upon request, provide the board with technical infor-
2 mation and advice.

3 §3724. Duties

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

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

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

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

16 C. Submit the plan to the Legislature annually.

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

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

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

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

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

34 7. Contracts. The board may enter into con-
35 tracts with public or private agencies or accept any

1 grants or gifts from any federal, state or private
2 source to carry out this chapter.

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

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

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

17 A. The executive director shall be a person with
18 knowledge and experience in:

- 19 (1) Writing grants and grant applications;
20 (2) Child neglect and child abuse programs;
21 (3) Review and evaluation of programs; and
22 (4) Supervising employees and implementing
23 policies.

24 §3725. Disbursement of fund money

25 1. Procedure. The board shall, by rule, estab-
26 lish a procedure and form for receipt of applications
27 under this chapter. Upon approval of an application,
28 the board may disburse fund money to eligible organi-
29 zations for the development or operation of preven-
30 tion programs under this chapter.

31 2. Limit on disbursements. The board may not
32 expend the first \$100,000 of income to the fund each
33 year; except that \$42,825 may be expended from the
34 fund in 1985-87 biennium to further the purposes of
35 this chapter. The board may expend one half of the
36 amount of income each year which exceeds \$100,000,

1 but which does not exceed \$500,000. The board may
2 not expend the amount of income each year which ex-
3 ceeds \$500,000. For purposes of this section, income
4 includes interest attributed to the fund pursuant to
5 Title 36, section 5285. When the total amount of the
6 fund reaches \$4,000,000, contributions to the fund
7 shall cease, as provided in Title 36, section 5285,
8 and the expenditures by the board shall be limited to
9 the amount of interest credited annually to the fund.

10 §3726. Review

11 Beginning in 1987 and every odd numbered year
12 thereafter, this chapter shall be reviewed by the
13 joint standing committee of the Legislature having
14 jurisdiction over human resources which shall report
15 its findings together with any recommended legisla-
16 tion to the second regular session of the Legisla-
17 ture.

18 Sec. 161. 22 MRSA c. 1071, sub-c. IX, as enacted
19 by PL 1985, c. 500 and as amended by PL 1985, c. 667,
20 §§1 and 2, is repealed and the following enacted in
21 its place:

22 SUBCHAPTER IX

23 HOSPITAL BASED SUSPECTED CHILD

24 ABUSE AND NEGLECT COMMITTEES

25 §4081. Purpose

26 The purpose of this subchapter is to encourage
27 the implementation of statewide standards to be de-
28 veloped by the Department of Human Services and par-
29 ticipating hospitals for the identification and man-
30 agement of child abuse and neglect cases presented at
31 hospitals by providing financial support for the es-
32 tablishment of Hospital Based Suspected Child Abuse
33 and Neglect Committees.

34 §4082. Definitions

35 As used in this subchapter, unless the context
36 indicates otherwise, the following terms have the
37 following meanings.

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

4 2. Family support teams. "Family support teams"
5 means specialized teams of professionals evaluating
6 children who are victims of physical abuse and ne-
7 glect as defined in section 4002. Evaluations shall
8 include a family diagnosis and recommendations for
9 treatment and follow-up.

10 3. Protocols. "Protocols" means procedures de-
11 veloped for the interaction of the Suspected Child
12 Abuse and Neglect Committee and Family Support Team.

13 4. Suspected Child Abuse and Neglect Committee.
14 "Suspected Child Abuse and Neglect Committee" means
15 an official standing committee of the hospital com-
16 prised of professionals representing public and pri-
17 vate community agencies, hospital departments and the
18 Department of Human Services who are directly in-
19 volved in providing services to victims of child
20 abuse and their families.

21 §4083. Hospital based Suspected Child Abuse and Ne-
22 glect Committees

23 Hospitals may establish a Suspected Child Abuse
24 and Neglect Committee and Family Support Team under
25 this subchapter. The committee shall meet regularly
26 to provide the ongoing development and monitoring of
27 the specialized family support teams and the approval
28 of protocols. These hospitals shall serve as a re-
29 source to other institutions desiring to form such a
30 program.

31 The Family Support Team shall be coordinated by a
32 team manager who shall be hired by the participating
33 hospital. Specialized teams shall be available to
34 evaluate children who are the victims of abuse and
35 neglect. The cost of the team manager shall be paid
36 for by the Department of Human Services.

37 The Family Support Team shall provide a
38 multi-disciplinary approach for suspected child
39 abuse cases which are initially identified in hospi-
40 tal emergency rooms, inpatient pediatric departments

1 and ambulatory clinics. The child protective staff
2 of the Department of Human Services shall participate
3 on the teams. The team shall report immediately to
4 the department as required in section 4011.

5 The team shall review the nature, extent and se-
6 verity of abuse or neglect and the needs of the child
7 and other family members. The team shall develop a
8 case plan prescription for the treatment, management
9 and follow-up of the child abuse victims and their
10 families. The case plan prescription shall be
11 signed by the family support team chairman and the
12 Department of Human Services staff person after team
13 recommendations are received.

14 §4084. Report

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

19 §4085. Sunset

20 This subchapter is repealed October 1, 1987.

21 Sec. 162. 22 MRSA c. 1081, as enacted by PL
22 1985, c. 441, §3, and as amended by c. 667, §1 and c.
23 785, Pt. B, §93, is repealed.

24 Sec. 163. 23 MRSA §152, 5th ¶, as amended by PL
25 1985, c. 785, Pt. A, §96 and c. 785, Pt. B, §101, is
26 repealed and the following enacted in its place:

27 The board shall maintain an office in Kennebec
28 County. The Commissioner of Finance shall appoint,
29 subject to the Civil Service Law, a clerk of the
30 board to keep its records and to perform such other
31 duties as the board shall prescribe. The clerk shall
32 have authority to certify to all official acts of the
33 board, administer oaths, issue subpoenas and issue
34 all processes, notices, orders or other documents
35 necessary to the performance of the duties of the
36 board.

37 Sec. 164. 23 MRSA §152, 6th ¶, as PL 1985, c.
38 785, Pt. A, §97 and c. 785, Pt. B, §102, is repealed
39 and the following enacted in its place:

1 The Commissioner of Finance shall appoint and fix
2 the compensation of a reporter to the board and shall
3 review and approve all charges made by such reporter
4 for transcripts of the record of hearings before the
5 board. The Commissioner of Finance may appoint, sub-
6 ject to the Civil Service Law, such clerical assist-
7 ants for the board as he may deem necessary.

8 **Sec. 165.** 23 MRSA §453, as repealed by PL 1985,
9 c. 480, §§1 and 10 and as amended by PL 1985, c. 554,
10 §3, is repealed.

11 **Sec. 166.** 23 MRSA §4402, as enacted by PL 1981,
12 c. 456, Pt. A, §88, is amended to read:

13 §4402. Charter service

14 The Department of Transportation may operate a
15 special charter service to Hurricane Island in Knox
16 County, or to ports added or to be added by legisla-
17 tive enactment. The operation of this charter service
18 shall not interfere nor curtail in any way the sched-
19 ule of the Maine State Ferry Service to ports named
20 in this section 4402, or to ports added or to be
21 added by legislative enactment.

22 **Sec. 167.** 24 MRSA §2332-A is enacted to read:

23 §2332-A. Coordination of benefits

24 Provisions contained in group nonprofit hospital,
25 medical service or health care subscriber contracts
26 relating to coordination of benefits payable under
27 the contract and under other plans of insurance or of
28 health care coverage under which the subscriber or
29 his dependents may be covered shall conform to rules
30 promulgated by the superintendent. The rules may es-
31 tablish uniformity in the permissive use of coordina-
32 tion of benefits provisions in order to avoid claim
33 delays and misunderstandings that otherwise result
34 from the use of inconsistent or incompatible provi-
35 sions among the several insurers and nonprofit hospi-
36 tal, medical service and health care plans.

37 **Sec. 168.** 24 MRSA §2333, as enacted by PL 1985,
38 c. 526, § 1 and c. 704, §2, is repealed and the fol-
39 lowing enacted in its place:

1 §2333. Short title

2 This subchapter shall be known as the "Nonprofit
3 Service Organizations Preferred Provider Arrangement
4 Act of 1986."

5 Sec. 169. 24-A M RSA §201, sub-§4, as enacted by
6 PL 1981, c. 359, §7, is amended to read:

7 4. The superintendent shall be removable for
8 cause by impeachment or by address of the Governor to
9 both branches of the Legislature, and Title 5, sec-
10 tion ~~711~~, paragraph-B 931, shall not apply.

11 Sec. 170. 25 M RSA c. 254, as enacted by PL 1969,
12 c. 239, is repealed.

13 Sec. 171. 25 M RSA §2902, last ¶, as amended by
14 PL 1985, c. 737, Pt. A, §61 and c. 785, Pt. B.,
15 §113, is repealed and the following enacted in its
16 place:

17 Unless specified otherwise by law, department
18 personnel shall be appointed subject to the Civil
19 Service Law. Persons holding major
20 policy-influencing positions under Title 5, section
21 948, shall be appointed by and serve at the pleasure
22 of the commissioner, except as otherwise provided by
23 law.

24 Sec. 172. 26 M RSA §821, as amended by PL 1985,
25 c. 161, §7, is further amended to read:

26 §821. Person employed in position other than
27 temporary

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

1 which he was granted leave, shall be entitled to be
2 restored to his previous, or a similar, position with
3 the same status, pay and seniority. This leave of
4 absence shall, within the discretion of the employer,
5 be with or without pay and shall be limited to one
6 legislative term of 2 years.

7 **Sec. 173. 26 MRSA §1022, sub-§3,** as amended by
8 PL 1985, c. 695, §14 and c. 779, §72, is repealed
9 and the following enacted in its place:

10 **3. Board of Trustees. "Board of Trustees"** means
11 the Board of Trustees of the University of Maine Sys-
12 tem, the Board of Trustees of the Maine Maritime
13 Academy or the Board of Trustees of the Maine Voc-
14 ational-Technical Institute System.

15 **Sec. 174. 26 MRS §1022, sub-§11,** as amended by
16 PL 1985, c. 695, §15 and c. 779, §73, is repealed
17 and the following enacted in its place:

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

25 **A. Appointed to office pursuant to law;**

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

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

36 **D. Employed in his initial 6 months of employ-**
37 ment.

1 **Sec. 175. 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--er~~
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 ben-
36 efits for the number of weeks by which their
37 benefits under that Act are less than 26
38 weeks; or

39 (4) For a subsequent enrollment in any
40 training program after his initial enroll-
41 ment, following the effective date of this
42 paragraph, and final termination of a train-

1 ing program approved under section 1192,
2 subsection 6, 6-A or 6-B.

3 Sec. 176. 26 MRSA §1263, as amended by PL 1985,
4 c. 295, §40 and as repealed by PL 1985, c. 497, §20,
5 is repealed.

6 Sec. 177. 26 MRSA §1452, as repealed and re-
7 placed by PL 1985, c. 695, §17 and c. 737, Pt. A,
8 §73, is repealed and the following enacted in its
9 place:

10 §1452. Maine Occupational Information Coordinating
11 Committee

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

36 Sec. 178. 30 MRSA §2, sub-§1, ¶N, as repealed
37 and replaced by PL 1985, c. 700, §1 and as repealed
38 by PL 1985, c. 799, is repealed and the following en-
39 acted in its place:

40 N. Pursuant to chapter 10, the Waldo County Bud-
41 get Committee has final approval authority over

1 county officers' salaries. Legislative approval
2 is not required.

3 **Sec. 179.** 30 MRSA §1401, as amended by PL 1985,
4 c. 700, §2, and as repealed and replaced by PL 1985,
5 c. 737, Pt. A, §85, is repealed and the following en-
6 acted in its place:

7 §1401. Purpose

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

19 **Sec. 180.** 30 MRSA c. 10-A, as enacted by PL
20 1985, c. 707, is repealed.

21 **Sec. 181.** 30 MRSA c. 10-D is enacted to read:

22 CHAPTER 10-D

23 PISCATAQUIS COUNTY BUDGET COMMITTEE

24 §1461. Purpose

25 The purpose of this chapter is to establish in
26 Piscataquis County a method of appropriating money
27 for county expenditures, including expenditures for
28 municipal services in the unorganized territory, ac-
29 ording to a budget, which shall first be reviewed by
30 a budget committee and shall then be approved by the
31 Legislature. This chapter amends the present statuto-
32 ry method in sections 252 and 253 by creating a com-
33 mittee with authority to review the budget and make
34 recommendations to the county commissioners. The
35 Legislature shall continue to have authority to ap-
36 prove and amend the budget. This chapter applies on-
37 ly to Piscataquis County.

1 §1462. Definitions

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

5 1. County commissioners. "County commissioners"
6 means the elected county commissioners of Piscataquis
7 County.

8 2. Municipal officials. "Municipal officials"
9 may include the mayor, aldermen, councillors or man-
10 ager of a city, the selectmen, councillors or manager
11 of a town and the assessors of a plantation located
12 in Piscataquis County. The municipal officer means
13 elected mayor, aldermen or councillors of a city, the
14 selectmen or councillors of a town and the assessors
15 of a plantation located in Piscataquis County.

16 §1463. Piscataquis County Budget Committee

17 In Piscataquis County there is established the
18 Piscataquis County Budget Committee to carry out the
19 purposes of this chapter.

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

24 A. Of the 3 members from each commissioner dis-
25 trict, one must be a municipal official and one
26 must be a representative of the general public.
27 All 3 members shall be appointed by the county
28 commissioners.

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

32 B. It is the responsibility of the county budget
33 committee to review the budget and estimates, in-
34 cluding the budget for municipal services in the
35 unorganized territory prepared by the county com-
36 missioners, and to make recommendations concern-
37 ing the budget and estimates.

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

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

5 (2) The member who is a representative of
6 the general public, appointed by the county
7 commissioners, shall have an initial term of
8 2 years; and

9 (3) The 3rd member shall have an initial
10 term of 3 years.

11 The terms of the respective members shall in-
12 crease by one year at the time of reappointment,
13 except the 3-year term, which shall become a one-
14 year term.

15 D. A vacancy occurring on the budget committee
16 shall be filled in the same manner as the origi-
17 nal appointment for the balance of the unexpired
18 term. The person appointed to fill the vacant
19 office must have the same qualifications as the
20 person vacating the office.

21 E. Members shall serve without compensation.

22 §1464. Budget committee organization

23 The budget committee shall conduct its meetings
24 in public at the county courthouse. The county com-
25 missioners shall direct the county clerk to call an
26 organizational meeting of the budget committee no la-
27 ter than 15 days after the county budget has been
28 prepared by the county commissioners. The county
29 commissioners shall provide the committee with neces-
30 sary clerical assistance, office expenses and suit-
31 able meeting space, as well as access to county files
32 and information. The budget committee shall select
33 its own chairman, vice-chairman and secretary. The
34 budget committee shall adopt its own rules or proce-
35 dures and bylaws.

36 §1465. Budget procedures

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

6 2. Budget review process. The budget committee
7 shall review the proposed itemized budgets prepared
8 by the county commissioners, together with any sup-
9 plementary material prepared by the head of each
10 county department or provided by any independent
11 board, institution or another governmental agency.
12 The budget committee may make recommendations con-
13 cerning increase, decrease, alteration or revision to
14 the proposed budget. This shall be done prior to No-
15 vember 1st.

16 3. Meeting with legislative delegation. Prior
17 to November 15th, the county commissioners shall meet
18 with the county legislative delegation to review and
19 finalize estimates for the year.

20 4. Public hearing. The county commissioners
21 shall hold a public hearing in the county on the pro-
22 posed budget prior to December 1st and before the fi-
23 nal adoption of the budget. Notice of the hearing
24 shall be given at least 10 days prior to the hearing
25 in all newspapers of general circulation within the
26 county. Written notice and a copy of the proposed
27 budget shall be sent by mail or delivered in person
28 to the clerk of each municipality in the county and
29 to the members of the budget committee. The muni-
30 pal clerk shall notify the municipal officials of the
31 proposed budget and the date of the public hearing.

32 5. Adoption of budget. After completion of the
33 public hearing, the county commissioners may further
34 increase, decrease, alter and revise the proposed
35 itemized budgets, subject to the conditions and re-
36 strictions imposed in subsection 2. The proposed
37 itemized budget shall be finally adopted by a majori-
38 ty vote of the county commissioners at a duly called
39 meeting not later than December 15th.

40 6. Interim approval by legislative delegation.
41 Prior to submission of the budget to the Legislature
42 pursuant to subsection 7, the county commissioners

1 shall submit the proposed budget to the legislative
2 delegation. The delegation shall render a decision by
3 January 1st. Failure to do so shall be considered as
4 approval of the budget as submitted. If the legisla-
5 tive delegation disapproves of the budget, the county
6 commissioners shall submit, within 15 calendar days,
7 new budget proposals in accordance with subsection 1
8 and the provisions of this section shall be followed
9 until a budget is approved by the legislative delega-
10 tion.

11 7. Final budget approval. Prior to January 15th
12 of the fiscal year for which the budget is prepared,
13 the county commissioners shall submit the proposed
14 budget to the Legislature. The Legislature shall ap-
15 prove, disapprove or amend the budget as submitted.

16 The budget as approved by the Legislature shall be
17 the final authorization for the assessment of county
18 taxes. The budget shall be transmitted to the county
19 commissioners and the county tax authorized shall be
20 apportioned and collected in accordance with section
21 254. The budget for the unorganized territories shall
22 be transmitted to the State as provided by section
23 5903.

24 The county shall, until a budget is finally adopted,
25 operate on an interim budget which shall not exceed
26 the previous year's budget.

27 The county commissioners may transfer funds as pro-
28 vided in section 252.

29 §1466. Budget amendments

30 The approved budget shall govern the expenditures
31 of the county during the fiscal year. No expenses
32 may be incurred in excess of those shown in the ap-
33 proved budget, but the budget may be from time to
34 time revised by the preparation of a proposed amended
35 budget by the county commissioners. This proposed
36 amended budget shall be submitted to the county bud-
37 get committee for review. Any recommendations by
38 this committee must be submitted within 10 calendar
39 days. After receiving the recommendation of the bud-
40 get committee, the county commissioner shall forward
41 the proposed revised budget to the legislative dele-

1 gation for approval. The delegation shall have 10
2 calendar days to render a decision on the proposed
3 revision. Failure of the delegation to render a de-
4 cision within the specified time shall result in the
5 revision being considered approved by the delegation.
6 The proposed revised budget shall be submitted by the
7 county commissioners to the Legislature for approval,
8 disapproval or amendment. Disapproval of the revi-
9 sion by the delegation shall be treated in a fashion
10 similar to that described in section 1465, subsection
11 6. A report of approval of a revised budget shall be
12 transmitted to the State Auditor within 15 days of an
13 approval of a revised budget by the Legislature.

14 §1467. Filing of county budget

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

19 Sec. 182. 30 MRSA c. 204-A, sub-c. I, first line
20 is repealed and the following enacted in its place:

21 SUBCHAPTER I

22 GENERAL PROVISIONS

23 Sec. 183. 30 MRSA §4787, sub-§2-A, as amended by
24 PL 1979, c. 663, §198, and as repealed and replaced
25 by PL 1979, c. 732, §§22 and 31, is repealed and the
26 following enacted in its place:

27 2-A. Limitation. Notwithstanding this section,
28 the Maine State Housing Authority shall not make any
29 contract or commitment of mortgage insurance without
30 the approval of a majority of the Indian Housing
31 Mortgage Insurance Committee.

32 Sec. 184. 30 MRSA §5057, sub-§1, ¶A, as amended
33 by PL 1985, c. 779, §76 and c. 785, Pt. A, §107, is
34 repealed and the following enacted in its place:

35 A. On or before September 30, 1984, and for each
36 succeeding year, the Commissioner of Finance
37 shall provide to the Treasurer of State a list of
38 state-owned buildings in each municipality, along

1 with the total floor space of state-owned build-
2 ings in each municipality and the share of floor
3 space of all state-owned buildings accounted for
4 by the state-owned buildings in each municipali-
5 ty.

6 (1) The following state buildings shall not
7 be included in the calculation provided by
8 this section:

9 (a) Buildings in which the State holds
10 only a leasehold interest;

11 (b) Buildings owned by the Bureau of
12 Parks and Recreation and for which pay-
13 ments are made under Title 12, section
14 602, subsection 4;

15 (c) Buildings owned by the University
16 of Maine System;

17 (d) Buildings owned by the Maine Mari-
18 time Academy; and

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

22 **Sec. 185. 31 MRSA §180, sub-§2, as amended by PL**
23 **1977, c. 78, §176, is further amended to read:**

24 2. Limited partnership. A limited partnership
25 formed under any statute of this State prior to the
26 adoption of this chapter, until or unless it becomes
27 a limited partnership under this chapter shall con-
28 tinue to be governed by ~~sections 51 to 60~~ chapter 7
29 as they were prior to October 1, 1969, except that
30 such partnership shall not be renewed unless so pro-
31 vided in the original agreement.

32 **Sec. 186. 32 MRSA §84, sub-§1, ¶B, as amended by**
33 **PL 1985, c. 730, §§9 and 16, is further amended to**
34 **read:**

35 B. Notwithstanding any other provision of law,
36 any rule-making hearing held under this chapter
37 and required by the Maine Administrative Proce-

1 dure Act, Title 5, chapter 375, shall be con-
2 ducted by the board, the Director of the Office
3 of Emergency Medical Services or other staff as
4 delegated through rules or a person in a major
5 policy-influencing position, as defined in Title
6 5, section ~~711~~ 931, who has responsibility over
7 the subject matter of the proposed rule.

8 **Sec. 187.** 32 MRSA §1081, sub-§2, ¶F, as repealed
9 by PL 1983, c. 331, §1, and as amended by PL 1983, c.
10 378, §9, is repealed.

11 **Sec. 188.** 32 MRSA §1202, sub-§1, ¶A, as amended
12 by PL 1985, c. 695, §18 and as repealed and replaced
13 by PL 1985, c. 734, is repealed and the following en-
14 acted in its place:

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

17 (1) Complete at least 8,000 hours of ser-
18 vice as an apprentice or helper electrician
19 or at least 8,000 hours of experience in
20 electrical installations, as defined in sec-
21 tion 1101, satisfactorily complete a program
22 of study comprising 576 hours as approved by
23 the Electricians' Examining Board and com-
24 plete a course of not less than 45 hours in
25 the current National Electrical Code, the
26 course to be approved by the board;

27 (2) Be a graduate of a regional vocational
28 high school 2-year electrical program ap-
29 proved by the Electricians' Examining Board,
30 have worked for 8,000 hours in the field of
31 electrical installations under the supervi-
32 sion of a master electrician or the equiva-
33 lent and have completed a course of not less
34 than 45 hours in the current National Elec-
35 trical Code, the course to be approved by
36 the board;

37 (3) Be a graduate of a Maine vocational-
38 technical institute electrical program ap-
39 proved by the Electricians' Examining Board,
40 have worked for 4,000 hours in the field of
41 electrical installations under the supervi-

1 sion of a master electrician or the equiva-
2 lent and have completed a course of not less
3 than 45 hours in the current National Elec-
4 trical Code, the course to be approved by
5 the board. Persons qualifying under this
6 paragraph may write the journeyman's exami-
7 nation upon graduation if application is
8 made within one year of graduation; or

9 (4) Be an electrical apprentice registered
10 with the Maine State Apprenticeship and
11 Training Council and have completed 576
12 hours of related instruction prescribed in
13 their apprenticeship program, the 8,000-hour
14 approved program and a course of not less
15 than 45 hours in the current National Elec-
16 trical Code, the course to be approved by
17 the board. Persons qualifying under this
18 paragraph may write the journeyman's exami-
19 nation after completion of the 576 hours of
20 instruction if application is made within
21 one year of the completion of the instruc-
22 tion.

23 **Sec. 189. 32 MRSA §2201, sub-§§2 and 3, as**
24 **amended by PL 1985, c. 724, §18, are further amended**
25 **to read:**

26 2. High school. Has completed an approved 4-year
27 high school course of study or the equivalent there-
28 of; and

29 3. Professional school. Has completed a course
30 of not less than 2 years in an approved professional
31 school of nursing and holds a diploma.

32 In case of transfer of a student from one approved
33 school of nursing to another, the time allowance for
34 previous preparation shall be determined by the
35 board, provided that not less than one year shall
36 have been spent in the school from which she receives
37 her diploma. In case of transfer of a student because
38 of closing of a school of nursing, the board shall
39 determine the length of time required to be spent in
40 the school of nursing granting her diploma.

1 **Sec. 190.** 32 MRSA §2432 sub-§11, as amended by
2 PL 1983, c. 176, Pt. A, §15, and as repealed by PL
3 1983, c. 378, §31, is repealed.

4 **Sec. 191.** 32 MRSA c. 105, first 2 lines, as en-
5 acted by PL 1985, c. 389, §28, are repealed and the
6 following enacted in their place:

7 CHAPTER 104

8 DIETITIANS

9 **Sec. 192.** 32 MRSA c. 105, first 2 lines, as en-
10 acted by PL 1985, c. 496, Pt. A, §2, are repealed and
11 the following enacted in their place:

12 CHAPTER 104-A

13 UNDERGROUND OIL STORAGE TANK INSTALLERS

14 **Sec. 193.** 32 MRSA c. 111, first 2 lines are re-
15 pealed and the following enacted in their place:

16 CHAPTER 109-A

17 MAINE FAIR DEBT COLLECTION PRACTICES ACT

18 **Sec. 194.** 32 MRSA c. 109, first 2 lines are re-
19 pealed and the following enacted in their place:

20 CHAPTER 111-A

21 MAINE COMMODITY CODE

22 **Sec. 195.** 34 MRSA, as repealed by PL 1983, c.
23 459, §5, and as amended is repealed.

24 **Sec. 196.** 34-A MRSA §5402, sub-§2, ¶B, as
25 amended by PL 1985, c. 785, Pt. B, §161 and c. 821,
26 §28, is repealed and the following enacted in its
27 place:

28 B. Appoint, subject to the Civil Service Law,
29 district probation and parole supervisors, field
30 probation and parole officers, Intensive Supervi-
31 sion Program officers and such other employees as
32 may be required to carry out adequate supervision

1 of all probationers and of all parolees from the
2 correctional facilities and all persons on inten-
3 sive supervision;

4 **Sec. 197. 34-B MRSA §1403, sub-§4 is enacted to**
5 **read:**

6 4. Military and Naval Children's Home. This
7 section does not apply to the Military and Naval
8 Children's Home.

9 **Sec. 198. 35 MRSA §1, as amended by PL 1985, c.**
10 **618, §5, c. 628, §2, and c. 785, Pt. A, §165, is re-**
11 **pealed and the following enacted in its place:**

12 §1. Members; terms; vacancies; seal; clerks; office
13 and equipment; salary; expenses

14 The Public Utilities Commission, as heretofore
15 established, shall consist of 3 members appointed by
16 the Governor, subject to review by the legislative
17 committee having jurisdiction over public utilities
18 and to confirmation by the Legislature from time to
19 time upon the expiration of the terms of the several
20 members, for terms of 6 years and all 3 members of
21 the commission shall devote full time to their du-
22 ties. Each term shall end on March 31st of the 6th
23 year of the term. A commissioner may continue to
24 serve beyond the end of his term until a duly quali-
25 fied successor is appointed. Any vacancy occurring
26 in the commission shall be filled by appointment for
27 the unexpired portion of the term in which such va-
28 cancy occurs. One member of the commission shall be
29 designated by the Governor as chairman. The basic
30 policies of the Public Utilities Commission are to be
31 set by the commission. Each commissioner is entitled
32 to full access to the Public Utilities Commission
33 staff and to any information available at the commis-
34 sion. The chairman shall be the principal executive
35 officer of the commission in carrying out its poli-
36 cies and shall preside at meetings of the commission.
37 The chairman shall be responsible for the expedient
38 organization of the work of the commission. When ab-
39 sent one working day or more, the chairman shall name
40 another commissioner to act as chairman. For any par-
41 ticular hearing or series of hearings before the com-
42 mission, the chairman may assign a commissioner, in-

1 cluding the chairman, to attend. The commission
2 shall adopt and have a seal and be provided with of-
3 ice space. The commission shall appoint an adminis-
4 trative director, a director of finance, a director
5 of technical analysis and a director of consumer as-
6 sistance. It shall appoint, with the approval of
7 the Attorney General, a general counsel. It shall ap-
8 point an assistant administrative director. The ad-
9 ministrative director shall keep a record of the pro-
10 ceedings of the commission which shall be open to
11 public inspection at all times. The assistant admin-
12 istrative director shall assist the director in the
13 performance of his duties, and in the absence of the
14 director shall have the same powers as the director.
15 The administrative director shall have authority to
16 certify to all official acts of the commission, ad-
17 minister oaths, issue subpoenas and issue all pro-
18 cesses, notices, orders or other documents necessary
19 to the performance of the duties of the commission.
20 The commission may delegate to its staff such powers
21 and duties as the commission finds proper. All dele-
22 gations existing as of the effective date of this
23 section shall remain valid.

24 The salaries of the other subordinate officials
25 and employees of the commission, other than those of
26 the general counsel, the Administrative Director, the
27 assistant administrative director, the director of
28 finance, the director of technical analysis, the di-
29 rector of consumer assistance, the assistant to the
30 director of consumer assistance and the staff attor-
31 ney, financial analyst, chief utility accountant and
32 utility accountant III positions, shall be subject to
33 the Civil Service Law. The general counsel, the Ad-
34 ministrative Director, the assistant administrative
35 director, the Director of Finance, the Director of
36 Technical Analysis, the director of consumer assist-
37 ance and the assistant to the director of consumer
38 assistance shall serve at the pleasure of the commis-
39 sion and their salaries shall be set by the commis-
40 sion within the range established by Title 2, section
41 6-A. After successful completion of a probationary
42 period, the employees occupying the staff attorney,
43 financial analyst, chief utility accountant and util-
44 ity accountant III positions may be dismissed, sus-
45 pending or otherwise disciplined only for cause. The
46 compensation of the staff attorney, seasonal legal

1 researcher, financial analyst, chief utility account-
2 tant and utility accountant III positions shall be
3 fixed by the commission with the approval of the Gov-
4 ernor, but the compensations shall not in the aggre-
5 gate exceed the total amount appropriated or allo-
6 cated in the commission's budget. The commissioners
7 and all employees shall receive actual expenses when
8 traveling on official business.

9 Sec. 199. 36 MRSA §175, as enacted by PL 1985,
10 c. 678 and c. 691, §5, is repealed and the following
11 enacted in its place:

12 §175. Applicants for license or renewal of license

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

37 2. Failure to file or pay taxes; denial of li-
38 cence or renewal. If the State Tax Assessor deter-
39 mines, from the information formulated under subsec-
40 tion 1 or otherwise, that any person who holds a li-
41 cence or certificate of authority issued by that
42 agency has neglected or refused to file any returns
43 required under this Title which has become final, the

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

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

29 **Sec. 200. 36 MRS.A §175-A is enacted to read:**

30 §175-A. Tax lien

31 1. Filing. If any tax imposed by this Title is
32 not paid when due, the State Tax Assessor may file in
33 the registry of deeds of any county or in the office
34 in which a financing statement with respect to tangi-
35 ble personal property is properly filed with Title
36 11, section 9-401, subsection (1), paragraph (b), a
37 notice of lien specifying the amount of the tax, in-
38 terest, penalty and costs due, the name and last
39 known address of the person liable for the amount and
40 the fact that the State Tax Assessor has complied
41 with all the provisions of this Title in the assess-
42 ment of the tax. From the time of filing, the amount
43 set forth in a certificate filed in a registry of

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

40 2. Release. The State Tax Assessor shall issue
41 to the taxpayer a certificate of release of the lien
42 or release all or any portion of the property subject
43 to any lien provided for in this Part or subordinate
44 the lien to other liens if:

1 A. The State Tax Assessor finds that the liabil-
2 ity for the amount demanded, together with costs,
3 has been satisfied or has become unenforceable by
4 reason of lapse of time;

5 B. A bond is furnished to the State Tax Assessor
6 with surety approved by the State Tax Assessor in
7 a sum sufficient to equal the amount demanded,
8 together with costs, and conditioned upon payment
9 of any judgment rendered in proceedings regularly
10 instituted by the State Tax Assessor to enforce
11 collection of the bond at law or of any amount
12 agreed upon in writing by the State Tax Assessor
13 to constitute the full amount of the liability;

14 C. The State Tax Assessor determines at any time
15 that the interest of this State in the property
16 has no value; or

17 D. The State Tax Assessor determines that the
18 taxes are sufficiently secured by a lien on other
19 property of the taxpayer or that the release or
20 subordination of the lien will not endanger or
21 jeopardize the collection of the taxes.

22 3. Enforcement. The lien provided for by sub-
23 section 1 may be enforced at any time after the tax
24 liability with respect to which the lien arose be-
25 comes collectible under section 173, subsection 1 by
26 a civil action brought by the Attorney General in the
27 name of the State in the Superior Court of the county
28 in which the property is located to subject any prop-
29 erty, of whatever nature, in which the taxpayer has
30 any right, title or interest, to the payment of such
31 tax or liability. The court shall, after the parties
32 have been duly notified of the action, proceed to ad-
33 judicate all matters involved in the action and fi-
34 nally determine the merits of all claims to and liens
35 upon the property, and, in all cases where a claim or
36 interest of the State therein is established, may de-
37 clare a sale of the property by the proper officer of
38 the court and a distribution of the proceeds of such
39 sale according to the findings of the court. If the
40 property is sold to satisfy a lien held by the State,
41 the State may bid at the sale such sum, not exceeding
42 the amount of that lien plus expenses of sale, as the
43 State Tax Assessor directs.

1 **Sec. 201. 36 MRSA §1765**, as amended by PL 1987,
2 c. 49, §3, and c. 128, §3, is repealed and the fol-
3 lowing enacted in its place:

4 §1765. Trade-in credit

5 When one or more of the following items of tangi-
6 ble personal property are traded in toward the sale
7 price of another of the same kind of the following
8 items, the tax imposed by this Part shall be levied
9 only upon the difference between the sale price of
10 the purchased property and the trade-in allowance of
11 the property taken in trade, except for transactions
12 between dealers involving exchange of the property
13 from inventory:

14 1. Motor vehicles. Motor vehicles;

15 2. Farm tractors. Farm tractors;

16 3. Boats. Boats;

17 4. Aircraft. Aircraft;

18 5. Lumber harvesting vehicles. Self-propelled
19 vehicles used to harvest lumber;

20 6. Chain saws. Chain saws;

21 7. Special mobile equipment. Special mobile
22 equipment to the extent of 20% of the trade-in allow-
23 ance for the property taken in trade;

24 8. Livestock trailers. Livestock trailers, in-
25 cluding horse trailers; or

26 9. Camper trailers. Camper trailers.

27 **Sec. 202. 36 MRSA §1812**, as repealed and re-
28 placed by PL 1985, c. 783, §6, is repealed and the
29 following enacted in its place:

30 §1812. Adding tax to sale price

31 1. Computation. Every retailer shall add the
32 sales tax imposed by chapters 211 to 225, or the av-
33 erage equivalent of that tax, to his sale price, ex-

1 cept as otherwise provided, and when added the tax
2 shall constitute a part of the price, shall be a debt
3 of the purchaser to the retailer until paid and shall
4 be recoverable at law in the same manner as the pur-
5 chase price. When the sale price shall involve a
6 fraction of a dollar, the tax shall be added to the
7 sale price upon the following schedules:

8 A. If the tax rate is 5%:

9	<u>Amount of Sale Price</u>	<u>Amount of Tax</u>
10	<u>\$0.01 to \$0.10, inclusive</u>	<u>0¢</u>
11	<u>.11 to .20, inclusive</u>	<u>1¢</u>
12	<u>.21 to .40, inclusive</u>	<u>2¢</u>
13	<u>.41 to .60, inclusive</u>	<u>3¢</u>
14	<u>.61 to .80, inclusive</u>	<u>4¢</u>
15	<u>.81 to 1.00, inclusive</u>	<u>5¢</u>

16 B. If the tax rate is 7%:

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

26 When the sale price exceeds \$1, the tax to be added
27 to the price shall be the scheduled amount for each
28 whole dollar plus the scheduled amount for each frac-
29 tional part of \$1.

30 2. Several items. When several purchases are
31 made together and at the same time, the tax shall be
32 computed on the total amount of the several items,
33 except that purchases taxed at 5% and 7% shall be
34 separately totaled.

35 3. Breakage. Breakage under this section shall
36 be retained by the retailer as compensation for the
37 collection.

1 **Sec. 203. 36 MRSA §2694, sub-§2, as enacted by**
2 **PL 1985, c. 651, §2, is amended to read:**

3 **2. Telecommunication service.** "Telecommunica-
4 tions service" means the transmission of any inter-
5 active 2-way electromagnetic communications, includ-
6 ing voice, image, data and information. Transmission
7 of electromagnetic communications includes the use of
8 any media such as wires, cables, including 5 fiber
9 optical cables and television cables, microwaves, ra-
10 dio waves, light waves or any combination of those or
11 similar media. "Telecommunications services" in-
12 cludes telegraph service. "Telecommunications ser-
13 vice" does not include value added nonvoice services
14 in which computer processing applications are used to
15 act on the form, content, code and protocol of the
16 information to be transmitted unless those services
17 are provided under tariff approved by the Public
18 Utilities Commission.

19 **Sec. 204. 36 MRSA 2908, as amended by PL 1983,**
20 **c. 94, Pt. C, §4, and c. 94, Pt. D, §1, is repealed**
21 **and the following enacted in its place:**

22 §2908. Refund of tax less 1¢ per gallon in certain
23 cases; time limit

24 Any person, association of persons, firm or cor-
25 poration who shall buy and use any internal combus-
26 tion engine fuel as defined in this chapter for the
27 purpose of operating or propelling commercial motor
28 boats, tractors used for agricultural purposes not
29 operating on public highways, or for registered vehicles
30 operating off the highways of this State, or vehicles
31 owned or operated by railroad companies while operat-
32 ing on rails or tracks, or in stationary engines, or
33 in the mechanical or industrial arts, or for any oth-
34 er commercial use except in nonrailroad motor vehi-
35 cles operated or intended to be operated upon any of
36 the public highways of this State, or turnpikes oper-
37 ated and maintained by the Maine Turnpike Authority,
38 or except as provided in section 2910, in the opera-
39 tion of aircraft, and who shall have paid any tax on
40 internal combustion engine fuel levied or directed to
41 be paid as provided by this chapter, either directly
42 by the collection of the tax by the vendor from the
43 consumer, or indirectly by adding the amount of that

1 tax to the price of that fuel and paid by that con-
2 sumer, shall be reimbursed and repaid the amount of
3 the tax paid by him less 1¢ per gallon upon present-
4 ing to the State Tax Assessor a sworn statement ac-
5 companied by the original invoices or other evidence
6 as the State Tax Assessor may require showing those
7 purchases, which statement shall show the total
8 amount of the fuel so purchased and used by that con-
9 sumer other than in nonrailroad motor vehicles oper-
10 ated or intended to be operated upon any of the pub-
11 lic highways of the State and in the operation of
12 aircraft. Applications for refunds shall be filed
13 with the State Tax Assessor within 15 months from the
14 date of purchase.

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

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

31 Sec. 205. 36 MRSA §3035, as amended by PL 1983,
32 c. 94, Pt. C, §18; as repealed by PL 1983, c. 94, Pt.
33 D, §5; and as enacted by PL 1983, c. 438, §4, is re-
34 pealed.

35 Sec. 206. 36 MRSA §3203, as repealed and re-
36 placed by PL 1983, c. 817, §7, and as amended by PL
37 1983, c. 828, §8, is repealed and the following en-
38 acted in its place:

39 §3203. Tax levied

40 An excise tax is levied and imposed upon all sup-
41 pliers of special fuel sold and on all users of spe-

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

25 **Sec. 207.** 36 MRSA §4312, first ¶, as repealed
26 and replaced by PL 1985, c. 737, Pt. A, §99 and c.
27 779, §82, is repealed and the following enacted in
28 its place:

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

38 **Sec. 208.** 36 MRSA §§4402, 4404, 4405, 4406, 4407
39 and 4408, as enacted by PL 1985, c. 783, §16, are
40 amended to read:

41 §4402. Licenses

1 Every person engaging in the business of selling
2 tobacco products as a distributor shall secure a li-
3 cense from the ~~tax-assessor~~ State Tax Assessor before
4 engaging in that business. Every license application
5 shall be made on a form prescribed by the ~~tax~~
6 ~~assessor~~ State Tax Assessor and shall state the name
7 and address of the applicant, address of his principal
8 place of business, and such other information as
9 the ~~tax-assessor~~ State Tax Assessor may require for
10 the proper administration of this chapter. The ap-
11 plication shall be accompanied by a fee of \$25, ex-
12 cept that there shall be no fee required for distrib-
13 utors or unclassified importers licensed under chap-
14 ter 703. A person without the State who ships or
15 transports tobacco products to retailers in this
16 State shall make application as a distributor and be
17 granted by the ~~tax-assessor~~ State Tax Assessor a li-
18 cense subject to all the provisions of this chapter
19 and agree, upon applying for a license, to submit his
20 books, accounts and records to examination by the Bu-
21 reau of Taxation during reasonable business hours,
22 and to accept service of process by mail when service
23 is made in any proceeding involving enforcement of
24 this chapter.

25 Each unclassified importer before importing, re-
26 ceiving or acquiring tobacco products from without
27 the State shall secure a license from the ~~tax~~
28 ~~assessor~~ State Tax Assessor. There shall be no fee
29 for that license.

30 Each license issued shall expire on July 31st of
31 each year unless sooner revoked by the ~~tax--assessor~~
32 State Tax Assessor. The license shall be prominently
33 displayed on the premises covered by the license and
34 no license may be transferred to any other person.

35 The ~~tax-assessor~~ State Tax Assessor may revoke or
36 suspend the license or licenses of any person for vi-
37 olation of this chapter applicable to the sale of to-
38 bacco products. No license may be revoked, canceled
39 or suspended until after notice and hearing by the
40 ~~tax-assessor~~ State Tax Assessor.

41 §4404. Returns; payment of tax and penalty

1 Every distributor, or unclassified importer shall
2 on or before the last day of each month render, on
3 forms to be furnished by the tax-assessor State Tax
4 Assessor, a report together with payment of the tax
5 due under this chapter to the tax-assessor State Tax
6 Assessor stating the quantity and the wholesale sale
7 price of all tobacco products held, purchased, manu-
8 factured, brought in or caused to be brought in from
9 without the State or shipped or transported to re-
10 tailers within the State during the preceding calend-
11 dar month. Every distributor or unclassified import-
12 er shall keep a complete and accurate record at his
13 principal place of business to substantiate all re-
14 cepts of tobacco products; this record shall be pre-
15 served for a period of 2 years in such manner as to
16 insure permanency and accessibility for inspection.

17 Such monthly reports shall contain such further
18 information as the tax-assessor State Tax Assessor
19 shall prescribe and shall show a credit for any to-
20 bacco products exempted as provided in section 4403.
21 Records shall be maintained to substantiate the ex-
22 emption. Tobacco products previously taxed which are
23 returned to a manufacturer because the product has
24 become unfit for use of consumption or unsalable may
25 be taken as a credit on a subsequent return upon re-
26 ceipt of the credit notice from the original suppli-
27 er.

28 If the monthly report required by this chapter is
29 not filed, or payment is not rendered by the last day
30 of the month the distributor or unclassified importer
31 shall be liable to a penalty of \$1 a day for each day
32 in arrears or 10% of the tax liability, whichever is
33 the greater, together with interest at the rate of 1%
34 per month or fraction thereof due on demand by the
35 tax-assessor State Tax Assessor, and recoverable in a
36 civil action. The tax-assessor State Tax Assessor
37 may waive the penalty for cause.

38 §4405. The State Tax Assessor may estimate liability

39 Whenever any distributor or unclassified importer
40 shall neglect or refuse to make and file any report
41 required by this chapter or shall file an incorrect
42 or fraudulent fraudulent report, the tax--assessor
43 State Tax Assessor shall from such information as he

1 may obtain fix the amount of taxes, penalties and in-
2 terest payable and forthwith proceed to collect the
3 amount so fixed.

4 In any action or proceeding for collection of the
5 tobacco products tax, any penalties and interest im-
6 posed in connection with an assessment by the ~~tax~~
7 ~~assessor~~ State Tax Assessor of the tax, penalty or
8 interest due the State shall constitute prima facie
9 evidence of the claim of the State. The burden of
10 proof shall be upon the distributor or unclassified
11 importer to show that the assessment was incorrect
12 and contrary to law.

13 §4406. Inspection of records; civil action for tax

14 The ~~tax--assessor~~ State Tax Assessor or his duly
15 authorized agents shall have authority during reason-
16 able business hours to examine the records, books,
17 papers and any other records of the distributor, un-
18 classified importer, retailer or subjobber to verify
19 the truth and accuracy of any statement, report or
20 return and whether the tax imposed by this chapter
21 has been fully paid.

22 The ~~tax--assessor~~ State Tax Assessor shall have
23 the power to recommend legal proceedings by the At-
24 torney General for the purpose of ascertaining the
25 amount due under this chapter and enforcing the col-
26 lection of tax, penalties and interest thereof.

27 §4407. Appeal procedure

28 Any person aggrieved by any action under this
29 chapter because of license suspension or revocation
30 or because of assessment of tax, penalty or interest
31 may apply to the ~~tax--assessor~~ State Tax Assessor, in
32 writing, within 10 days after notice of action is de-
33 livered or mailed, requesting a hearing and setting
34 forth the reason why such hearing should be granted
35 and the manner of relief sought. The ~~tax--assessor~~
36 State Tax Assessor shall promptly consider such ap-
37 plication and may grant or deny the hearing request.
38 If the hearing is denied the applicant shall be
39 promptly notified in writing of the reasons for the
40 denial; if it is granted the ~~tax--assessor~~ State Tax
41 Assessor shall notify the applicant of the time and

1 place fixed for such hearing. After the hearing the
2 tax--assessor State Tax Assessor may make such order
3 as may appear just and lawful and shall furnish a
4 copy of the order to the applicant. The tax--assessor
5 State Tax Assessor may, by notice in writing, at any
6 time, order a hearing and require the taxpayer or any
7 other individual whom the tax--assessor State Tax
8 Assessor believes to be in possession of information
9 concerning the manufacture, importation or sale of
10 tobacco products which have escaped taxation to ap-
11 pear before the tax--assessor State Tax Assessor with
12 any books, accounts, papers or other documents for
13 examination relative thereto.

14 Any person aggrieved because of any action or de-
15 cision of the tax--assessor State Tax Assessor under
16 this chapter may appeal therefrom within 20 days to
17 the Superior Court. No less than 14 days before the
18 review by the court the appellant shall serve upon
19 the tax--assessor State Tax Assessor or his duly au-
20 thorized agent a copy of the petition stating the
21 reason for the appeal and notifying the tax--assessor
22 State Tax Assessor when the appeal is to be heard.
23 Pending judgment of the court the decision of the tax
24 assessor State Tax Assessor shall remain in full
25 force and effect.

26 §4408. Penalties; civil action for tax

27 Any person who shall willfully make any false or
28 fraudulent report or return required by this chapter,
29 or who shall make any false statement in any claim or
30 invoices presented to the tax--assessor State Tax
31 Assessor or who shall knowingly present to the tax
32 assessor State Tax Assessor any claim or invoice con-
33 taining any false statements, or who shall with in-
34 tent to defraud, evade or violate any provisions of
35 this chapter, or any rules duly made under this chap-
36 ter, or who shall engage in the State in business as
37 a distributor, without being the holder of a valid
38 license to engage in that business commits a civil
39 violation for which a fine not exceeding \$2,000 may
40 be assessed, payable to the State. Whenever any per-
41 son fails to pay any tax, interest or penalty due un-
42 der this chapter within 15 days of demand, the Attor-
43 ney General shall enforce payment thereof in a court
44 of appropriate jurisdiction. In any civil action,

1 records of the quantity of tobacco products held,
2 purchased, manufactured, brought in or caused to be
3 brought in from without the State or shipped or
4 transported to retailers within this State for the
5 period covered by the tax--assessor State Tax
6 Assessor's audit shall be prima facie evidence of
7 such quantities sold, distributed or used during the
8 period covered by the audit on which the tax with in-
9 terest from the date when it was due, shall be com-
10 puted and collected and for which amount, with costs,
11 judgment shall be rendered.

12 Sec. 209. 36 MRSA §4563, sub-§5, as repealed by
13 PL 1985, c. 753, §§5 and 15, and as amended by PL
14 1985, c. 785, Pt. B, §172, is repealed.

15 Sec. 210. 36 MRSA §5146, as amended by PL 1985,
16 c. 766, §2 and as repealed by PL 1985, c. 783, §27,
17 is repealed.

18 Sec. 211. 36 MRSA §5220, first ¶, as amended by
19 PL 1985, c. 535, §19 and c. 783, §37, is repealed and
20 the following enacted in its place:

21 An income tax return or franchise tax return with
22 respect to the tax imposed by this Part shall be
23 made, on such forms as may be required by the State
24 Tax Assessor, by the following:

25 Sec. 212. 36 MRSA §5220, sub-§5, as amended by
26 PL 1985, c. 635, §20, and as repealed and replaced
27 by PL 1985, c. 675, §2, is repealed and the following
28 enacted in its place:

29 5. Certain taxable corporations. Every taxable
30 corporation or taxable entity which is required to
31 file a federal income tax return. A taxable corpora-
32 tion or taxable entity which is a member of an affil-
33 iated group and which is engaged in a unitary busi-
34 ness with one or more other members of that affili-
35 ated group shall file, in addition, a combined re-
36 port, in accordance with section 5244. The State Tax
37 Assessor may allow 2 or more taxable corporations or
38 taxable entities which are members of an affiliated
39 group and which are engaged in a unitary business to
40 file a single return on which the aggregate Maine in-
41 come tax liability of all those corporations or enti-
42 ties is reported.

1 **Sec. 213.** 36 MRSA §5254, as amended by PL 1985,
2 c. 535, §25 and c. 691, §39, is repealed and the fol-
3 lowing enacted in its place:

4 §5254. Liability for withheld taxes

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

15 **Sec. 214.** 36 MRSA §5276-A, sub-§1, as amended by
16 PL 1985, c. 652, §53 and c. 779, §83, is repealed and
17 the following enacted in its place:

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

38 **Sec. 215.** 36 MRSA §5285, sub-§§1 and 2, as en-
39 acted by PL 1985, c. 441, §4, are amended to read:

40 1. Maine Children's Trust Fund. Taxpayers who,
41 when filing their returns, are entitled to a refund

1 under this Part may designate a portion of that re-
2 fund, to be paid into the Maine Children's Trust Fund
3 established in Title 22, chapter ~~1001~~ 1052. Each in-
4 dividual in substantially the following form: "Con-
5 tributions to Maine Children's Trust Fund: () \$1, ()
6) \$5, () \$10 or () Other \$."

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

19 Sec. 216. 37-B MRSA §706, as amended by PL 1985,
20 c. 737, Pt. A, §106, is repealed.

21 Sec. 217. 38 MRSA §349, sub-§4, ¶¶G and H, as
22 repealed by PL 1985, c. 162, §3 and as amended by PL
23 1985, c. 485, §1, are repealed.

24 Sec. 218. 38 MRSA §349, sub-§4, ¶K, as repealed
25 by PL 1985, c. 162, §3 and as enacted by PL 1985, c.
26 485, §2, is repealed.

27 Sec. 219. 38 MRSA §361-A, sub-§5, as amended by
28 PL 1985, c. 698, §3, is further amended to read:

29 5. Estuarine and marine waters. "Estuarine and
30 marine waters" means those portions of the Atlantic
31 Ocean within the jurisdiction of the State, and all
32 other waters of the State subject to the rise and
33 fall of the tide except those sections waters listed
34 and classified in sections 467 and 468.

35 Sec. 220. 38 MRSA §407-A, sub-§1, ¶C, as enacted
36 by PL 1985, c. 485, §5, is amended to read:

37 C. Which are not subject to the jurisdiction of
38 sections 391 to 396, sections 425 to 430 and sec-
39 tions 471 to 478 ~~or Title 12, sections 7776 to~~
40 ~~7780.~~

1 **Sec. 221. 38 MRSA §436, sub-§1-E, as enacted by**
2 **PL 1985, c. 794, Pt. A, §7, is amended is read:**

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

8 **Sec. 222. 38 MRSA §563, sub-§3, as amended by PL**
9 **1985, c. 626, §2, is further amended to read:**

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

16 **Sec. 223. 38 MRSA §564, sub-§1, ¶B, as amended**
17 **by PL 1985, c. 626, §3, is further amended to read:**

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

24 **Sec. 224. 38 MRSA §565, sub-§1, ¶B, as amended**
25 **by PL 1985, c. 626, §6, is further amended to read:**

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

32 **Sec. 225. 38 MRSA §567, first ¶, as amended by**
33 **PL 1985, c. 763, Pt. A, §98, is further amended to**
34 **read:**

35 **No person may install an underground oil storage**
36 **facility or tank after May 1, 1986, without first**
37 **having been certified by the Board of Underground Oil**
38 **Storage Tank Installers, pursuant to Title 32, chap-**

1 ter ~~105~~ 104-A. Prior to December 31, 1986, when the
2 board determines that reasonable extenuating circum-
3 stances prevent the administration or completion of a
4 certification test by May 1, 1986, pursuant to Title
5 32, sections 10009 and 10010, it may issue a provi-
6 sional certificate valid until December 31, 1986.

7 **Sec. 226. 38 MRSA §633, sub-§2, as enacted by PL**
8 **1983, c. 458, §18, is amended to read:**

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

20 **Sec. 227. 38 MRSA §818, sub-§3, as enacted by PL**
21 **1983, c. 417, §6, is amended to read:**

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

26 **Sec. 228. 38 MRSA §840, sub-§1, ¶D, as enacted**
27 **by PL 1983, c. 417, §6, is amended to read:**

28 D. Operating with a permit setting water levels
29 issued under the great ponds laws, sections 391
30 to 394; the alteration of coastal wetlands laws,
31 sections 471 to 478; the site location of devel-
32 opment laws, sections 481 to 490; the small hy-
33 droelectric generating facilities laws, sections
34 ~~621~~ 631 to ~~626~~ 636; the land use regulation laws,
35 Title 12, sections 681 to 689; the stream altera-
36 tion laws, ~~Title 12,~~ sections 7776 425 to 7780
37 430; or any other statute regulating the con-
38 struction or operation of dams.

39 **Sec. 229. 38 MRSA is amended by inserting before**
40 **§1481 the following:**

1 withstanding Title 5, section 10051, the superintend-
2 ent is expressly granted the authority to revoke or
3 suspend the authority of an employer to continue with
4 a substitute system of benefits under this section
5 after a hearing held in accordance with Title 5,
6 chapter 375, subchapter IV, and Title 24-A, chapter
7 3. An employer who is authorized to substitute a
8 plan under sections 21 to 27 shall give his em-
9 ployees notice thereof in a form to be prescribed by
10 the commission, and a statement of the plan approved
11 shall be filed with the superintendent.

12 Sec. 232. 39 MRSA §27, as amended by PL 1977,
13 c. 696, §404, is further amended to read:

14 §27. Preservation of existing employer status

15 An employer with a currently approved workers'
16 compensation policy, or a currently accepted self-
17 insurer, within sections 21 to 27 shall be con-
18 sidered in compliance with this Act until the expira-
19 tion or cancellation date of the current assent based
20 thereon.

21 Sec. 233. 39 MRSA §107, first ¶, as amended by
22 PL 1973, c. 585, §12, is further amended to read:

23 Every insurance company insuring employers under
24 this Act shall fill out any blanks and answer all
25 questions submitted to it that may relate to poli-
26 cies, premiums, amount of compensation paid and such
27 other information as the commission or the Insurance
28 Superintendent may deem important, either for the
29 proper administration of this Act or for statistical
30 purposes. Any insurance company which shall refuse to
31 fill out such blanks or answer such questions shall
32 be liable to a forfeiture of \$10 for each day of such
33 refusal, to be enforced by the commission in a civil
34 action in the name of the State. All moneys money re-
35 covered under this section or section 106, or under
36 sections 21 to 27, shall be paid into the State
37 Treasury and credited to the appropriation for the
38 administration of this Act.

39 Sec. 234. PL 1987, c. 68, §9, 3rd ¶ is repealed
40 as follows:

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

3 **Sec. 235.** PL 1985, c. 732, §7, first ¶ is
4 amended to read:

5 **Sec. 7.** Board of Commissions established. There
6 is established the Board of Commissions to consist of
7 7 persons, 2 of whom shall be appointed by the Govern-
8 nor. The board shall consist of the Commissioner of
9 Finance and Administration; one person from the Of-
10 fice of the Governor, who is knowledgeable about and
11 experienced with appointments to boards; the Deputy
12 Secretary of State in charge of Public Administra-
13 tion; 2 members of the Joint Standing Committee on
14 State Government, one of whom shall be appointed by
15 the Speaker of the House of Representatives and one
16 of whom shall be appointed by the President of the
17 Senate; and one member of the Joint Standing Commit-
18 tee on Audit and Program Review appointed by the
19 Speaker of the House of Representatives. The 7th mem-
20 ber shall be the Treasurer of State. The Governor
21 shall appoint the chairman.

22 **Sec. 236.** PL 1985, c. 785, Pt. A, § 92, first 2
23 lines are repealed and the following enacted in their
24 place:

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

27 **Sec. 237.** PL 1985, c. 805, first 2 lines after
28 enacting clause, are repealed and the following en-
29 acted in their place:

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

33 **Sec. 238.** PL 1985, c. 809, first 2 lines after
34 the enacting clause, are repealed and the following
35 enacted in their place:

36 3 MRSA §227, first ¶, as amended by PL 1985, c.
37 775, §3, is further amended to read:

38 **Sec. 239.** P&SL 1985, c. 121, §1 is amended to
39 read:

- 1 Section 7. Incorporates the provisions of Public
2 Law 1985, chapter 693, section 6 and chapter 735,
3 Part A, section 7.
- 4 Section 8. Corrects an internal reference.
- 5 Section 9. Corrects a statutory reference.
- 6 Section 10. Incorporates changes made by Public Law
7 1985, chapter 598, section 1 and chapter 742, section
8 1.
- 9 Section 11. Incorporates changes made by Public Law
10 1985, chapter 748, section 1 and chapter 771, section
11 1.
- 12 Section 12. Incorporates changes made by 2 differ-
13 ent public laws.
- 14 Section 13. Inserts language from Title 5, section
15 287 which is repealed in this bill, into the proper
16 cite of Title 5, section 281.
- 17 Section 14. Deletes reference to administrative du-
18 ties in the Department of Finance section to reflect
19 departmental reorganization.
- 20 Section 15. Corrects a conflict between Public Law
21 1985, chapter 785, Part B, section 15, which changed
22 the name of the bureau, and Public Law 1985, chapter
23 785, Part A, section 78, which moved the Bureau of
24 Data Processing to the Maine Revised Statutes, Title
25 5, chapter 158.
- 26 Section 16. Corrects conflicts between Public Law
27 1985, chapters 609 and 695.
- 28 Section 17. Language from Title 5, section 287,
29 which is not duplicative, is moved in this bill to
30 Title 5, section 281, which sets out general depart-
31 ment organizational provisions.
- 32 Sections 18 and 19. Incorporate changes made by 2
33 conflicting sections of Public Law 1985, chapter 785.
- 34 Sections 20 and 21. Resolve a conflict between 2
35 different sections of the same bill; amended text now

1 appears in the Maine Revised Statutes, Title 5, sec-
2 tion 7032.

3 Sections 22 and 23. Resolve a conflict between Pub-
4 lic Law 1985, chapter 785, Part B, section 19, and
5 chapter 779, section 12. The change made in refer-
6 ence to the University of Maine System now appears in
7 the Maine Revised Statutes, Title 5, section 7051.

8 Sections 24 and 25. Correct a conflict by repealing
9 Title 5, section 634. The changes made by Public Law
10 1985, chapter 720, should be incorporated into the
11 provision enacted by Public Law 1985, chapter 785,
12 which is Title 5, section 7065.

13 Section 26. Corrects an incorrect reference to the
14 Department of Finance and the Department of Adminis-
15 tration.

16 Section 27. Provides a correct reference to new un-
17 classified service laws.

18 Sections 28 and 29. This provision is now included
19 in the Maine Revised Statutes, Title 5, section 7054.

20 Section 30. Provides a correct reference to new un-
21 classified service laws.

22 Section 31. Incorporates changes made by 3 similar
23 public laws.

24 Sections 32 and 33. Repeal a section of law which is
25 now incorporated in the new retirement system laws,
26 Title 5, chapter 421.

27 Section 34. Repeals a section of law which is now
28 incorporated in the new retirement system laws, Title
29 5, section 17001.

30 Sections 35 and 36. Correct a conflict by repealing
31 this provision and incorporating the intended change
32 in this bill to Title 5, section 17103, subsection 9,
33 paragraph B.

34 Sections 37 to 40. Repeals provisions which are now
35 incorporated in the new retirement system, Title 5,
36 chapter 421, and the changes are reflected in amend-

- 1 ments to this bill to Title 5, sections 17105 and
2 17107.
- 3 Section 41. Corrects a conflict. The provisions of
4 Title 5, section 1122, subsection 8, are now included
5 in Title 5, section 17910.
- 6 Section 42. Corrects a conflict. The substance of
7 the provision in conflict is now in Title 5, section
8 19002.
- 9 Section 43. Corrects a reference to Department of
10 Finance.
- 11 Section 44. Corrects an internal reference.
- 12 Section 45. Corrects an internal reference.
- 13 Sections 46 to 49. Repeal laws which made minor
14 changes to Title 5, section 1742, subsection 20,
15 which was repealed and the provisions included in Ti-
16 tle 5, section 1742, subsection 20-A.
- 17 Section 50. Incorporates changes made by 2 public
18 laws.
- 19 Sections 51 and 52. Repeal a provision which is now
20 included in the new Department of Administration
21 laws, Title 5, chapter 158.
- 22 Section 53. Repeals a provision which is included
23 in the new Department of Administration laws, Title
24 5, chapter 158.
- 25 Section 54. Repeals a section which is now included
26 in the new Department of Administration laws, Title
27 5, chapter 158.
- 28 Section 55. Incorporates changes provided in Public
29 Law 1985, chapter 785.
- 30 Section 56. Corrects a typographical error.
- 31 Section 57. Clarifies the reference to a single
32 deputy commissioner.
- 33 Section 58. Makes a technical change.

1 Sections 59 and 60. Relocate a section to avoid a
2 conflict.

3 Section 61. Corrects a statutory reference.

4 Section 62. Incorporates changes provided for in
5 Public Law 1985, chapter 779, section 12.

6 Sections 63 and 64. Correct a reference to the Uni-
7 versity of Maine System.

8 Sections 65 to 68. Incorporate changes from Public
9 Law 1985, chapter 720, which were not included when
10 the old language from Title 5, section 634, was re-
11 pealed and enacted as Title 5, section 7065, by Pub-
12 lic Law 1985, chapter 785.

13 Sections 69 and 70. Correct conflicts created by 3
14 separate public laws.

15 Section 71. Incorporates changes to reflect the in-
16 tent of Public Law 1985, chapter 785, Part A, section
17 85.

18 Section 72. Resolves a conflict of 2 substantively
19 different provisions with the same section designa-
20 tion. The substance of Title 5, Part 20, is
21 redesignated in the bill as Part 22, sections 19201
22 to 19206.

23 Sections 73 and 74. Incorporate changes made by Pub-
24 lic Law 1985, chapter 785, Part B, section 26, into
25 the new retirement laws.

26 Sections 75 and 76. Correct conflict by incorporat-
27 ing change from Public Law 1985, chapter 785, Part B,
28 section 27, into the proper provision of the new re-
29 tirement laws.

30 Sections 77 and 78. Incorporate changes made by Pub-
31 lic Law 1985, chapter 785, Part B, section 28, into
32 the new retirement laws.

33 Sections 79 and 80. Incorporate changes made by Pub-
34 lic Law 1985, chapter 785, Part B, section 29, into
35 the new retirement laws.

- 1 Sections 81 and 82. Correct an erroneous statutory
2 reference.
- 3 Sections 83 and 84. Correct an erroneous statutory
4 reference.
- 5 Section 85. Corrects an internal reference.
- 6 Section 86. Makes a technical correction to imple-
7 ment the intent of Public Law 1985, chapter 779, sec-
8 tion 14.
- 9 Sections 87 to 88. Resolve a conflict of 2
10 substantively different provisions which were given
11 the same statutory section designation.
- 12 Sections 89 and 90. Resolve conflict where 3 sub-
13 stantially different laws enacted by the same chapter
14 or section numbers. The conflicts in numbering are
15 resolved by moving the chapter on Agricultural Tech-
16 nology Transfer and Special Research Projects, en-
17 acted by Public Law 1985, chapter 428, after the
18 chapter on Local Food Centers, enacted by Public Law
19 1983, chapter 532, section 2.
- 20 Section 91. Correctly designates a "Part" of the
21 laws.
- 22 Section 92. Corrects an internal reference.
- 23 Section 93. Corrects a reference to a repealed law.
- 24 Section 94. Corrects a reference to a repealed law.
- 25 Section 95. Incorporates provisions of 2 laws.
- 26 Section 96. Removes an outdated reference to the
27 Administrative Hearing Commissioner.
- 28 Section 97. Clarifies the reference to persons pro-
29 hibited from participating in the lottery.
- 30 Section 98. Corrects a statutory reference.
- 31 Section 99. Corrects a statutory reference.
- 32 Section 100. Corrects an incomplete cross-
33 reference.

- 1 Section 101. Corrects the form of internal cross-
2 references.
- 3 Section 102. Incorporates changes made by 2 differ-
4 ent public laws.
- 5 Section 103. Corrects a statutory reference.
- 6 Section 104. Corrects a conflict between 2 public
7 laws. Public Law 1985, chapter 344, section 94, in-
8 corporated the dollar limitations as changed in Pub-
9 lic Law 1985, chapter 198, section 2.
- 10 Section 105. Corrects a conflict created by 2 sepa-
11 rate public laws.
- 12 Sections 106 and 107. Correct a numbering conflict.
- 13 Section 108. Incorporates changes made by 2 differ-
14 ent public laws.
- 15 Section 109. Corrects internal cross-references.
- 16 Section 110. Corrects an internal cross-reference.
- 17 Section 111. Corrects an internal cross-reference.
- 18 Section 112. Eliminates a conflict created by 2
19 public laws.
- 20 Section 113. Corrects a spelling error.
- 21 Section 114. Corrects a statutory reference.
- 22 Section 115. Incorporates changes made by 2 differ-
23 ent public laws.
- 24 Section 116. Corrects an internal cross-reference.
- 25 Section 117. Corrects a statutory reference.
- 26 Section 118. Corrects a lettering error where 2
27 substantively different provisions were enacted with
28 the same paragraph letter.
- 29 Sections 119 to 121. Change the responsibility for
30 settlement of claims against the State under the

- 1 Maine Tort Claims Act from the Department of Finance
2 to the Department of Administration since the Risk
3 Management Division is within the Department of Ad-
4 ministration.
- 5 Sections 122 to 124. Incorporate changes from Public
6 Law 1985, chapter 630, section 1 and chapter 796,
7 section 2, and preserve the order and correct the
8 format for provisions relating to examinations and
9 evaluations of persons accused of crimes.
- 10 Section 125. Corrects a statutory reference.
- 11 Section 126. Corrects a statutory reference.
- 12 Sections 127 to 129. Change a statutory reference to
13 reflect the changes made in this bill concerning Ti-
14 tle 15, sections 101 to 101-C.
- 15 Sections 130 to 132. Correct statutory references.
- 16 Section 133. Clarifies the intent of Public Law
17 1985, chapter 652, section 33, concerning collection
18 of child support, by creating a lien against nonex-
19 empt property.
- 20 Section 134. Clarifies the intent of Public Law
21 1985, chapter 652, which enacted Title 19, section
22 498-A.
- 23 Section 135. Corrects improper citations and word-
24 ing found in the school administrative district law.
- 25 Section 136. Corrects an improper citation.
- 26 Section 137. Resolves a conflict between 2 public
27 laws.
- 28 Section 138. Corrects an error in Public Law 1985,
29 chapter 779, section 48, when part of a subsection
30 was incorrectly printed with another subsection.
- 31 Sections 139 and 140. Correct an error in alloca-
32 tion.
- 33 Section 141. Corrects a conflict.

1 Section 142. Resolves a conflict created by 2 pub-
2 lic laws.

3 Section 143. Incorporates a change intended by Pub-
4 lic Law 1985, chapter 779, section 58.

5 Section 144. Incorporates a change intended by Pub-
6 lic Law 1985, chapter 110, to clarify use of voc-
7 ational-technical institutes' facilities by others.

8 Section 145. Incorporates a change intended by Pub-
9 lic Law 1985, chapter 779.

10 Section 146. Corrects an inconsistency between 2
11 public laws.

12 Section 147. Removes a conflict created by 2 public
13 laws which both enacted this section.

14 Section 148. Incorporates provisions of 2 similar
15 laws.

16 Section 149. When Public Law 1985, chapter 785,
17 separated the Department of Finance and Administra-
18 tion into 2 departments, each responsibility of the
19 commissioner was assigned to one department or the
20 other. Apparently the determination of an inflation
21 factor for school construction debt service contained
22 in Title 20-A, section 15905, subsection 1, paragraph
23 A-1, was overlooked in this process. This should be
24 the responsibility of the Commissioner of Administra-
25 tion.

26 Section 150. Incorporates provisions of 2 similar
27 laws.

28 Sections 151 and 152. Correct an error in numbering
29 of sections.

30 Sections 153 and 154. Correct a conflict between 2
31 public laws that enacted 2 substantively different
32 provisions both designated paragraph D.

33 Section 155. Corrects a typographical error.

34 Section 156. Corrects a statutory reference to ju-
35 dicial review of a departmental decision.

- 1 Section 157. Incorporates changes made by 2 differ-
2 ent public laws.
- 3 Sections 158 and 159. Correct an error created by
4 enactment of 2 substantively different provisions
5 with the same section number.
- 6 Sections 160 to 162. Correct errors where 2 1985
7 public laws enacted the same section numbers. They
8 remove conflicts by placing the Maine Children's
9 Trust Fund law in a different chapter.
- 10 Sections 163 and 164. Incorporate changes made in
11 separate parts of Public Law 1985, chapter 785. One
12 changed the name of the Department of Finance and Ad-
13 ministration and the other changed Personal Law to
14 Civil Service Law.
- 15 Section 165. Incorporates changes made by 2 differ-
16 ent public laws.
- 17 Section 166. Corrects an error in an internal ref-
18 erence.
- 19 Sections 167 and 168. Correct a numbering error cre-
20 ated by 2 different laws enacting the same section.
- 21 Section 169. Corrects a statutory reference.
- 22 Section 170. Repeals Title 25, chapter 254, which
23 no longer has relevance since the phrase "applicable
24 provisions of the Gun Control Act of 1968 and regula-
25 tions thereunder, as administered by the United
26 States Secretary of the Treasury" no longer exists
27 because of recent changes in the federal firearms
28 laws.
- 29 Section 171. Corrects a statutory reference and
30 changes Personnel Law to Civil Service Law.
- 31 Section 172. Corrects a reference to the leave of
32 absence as Legislators provision in the election
33 laws.
- 34 Section 173. Incorporates changes made by 2 differ-
35 ent public laws.

- 1 Section 174. Incorporates changes made by 2 public
2 laws.
- 3 Section 175. Corrects a typographical error.
- 4 Section 176. Resolves conflicts between 2 public
5 laws.
- 6 Section 177. Resolves a conflict between the errors
7 bill and a substantive bill and retains provisions of
8 the substantive bill.
- 9 Section 178. Incorporates provisions of 2 public
10 laws.
- 11 Section 179. Incorporates changes made by 2 public
12 laws.
- 13 Sections 180 and 181. Correct a conflict created by
14 3 different public laws using the same chapter num-
15 bers and section numbers.
- 16 Section 182. Corrects an omission of the subchapter
17 title.
- 18 Section 183. Corrects an internal reference.
- 19 Section 184. Incorporates changes made by 2 public
20 laws.
- 21 Section 185. Corrects a statutory reference.
- 22 Section 186. Corrects a statutory reference.
- 23 Section 187. Repeals a paragraph which was repealed
24 by Public Law 1983, chapter 331, which enacted the
25 subchapter on Dental Radiographers, making technical
26 amendments passed by Public Law 1983, chapter 378,
27 unnecessary.
- 28 Section 188. Corrects inconsistencies created by
29 passage of 2 laws and retains changes made by Public
30 Law 1985, chapter 734.
- 31 Section 189. Corrects punctuation errors.

1 Section 190. Repeals a provision which is now in
2 Title 32, section 2431-A, subsection 2, paragraph N.

3 Sections 191 and 192. Correct conflicts that oc-
4 curred when 3 public laws enacted 3 different chap-
5 ters using the same chapter number.

6 Sections 193 and 194. Correct conflicts that oc-
7 curred when 2 public laws enacted 2 different chap-
8 ters using the same chapter number.

9 Section 195. Repeals the following provisions of
10 Title 34:

11 1. Section 1-B, subsection 4. The changes made
12 by Public Law 1983, chapter 176, Part A, section 2,
13 were incorporated by Public Law 1983, chapter 459 in
14 that part which enacted Title 34-A, section 3003,
15 subsection 1, paragraph D, which has since been re-
16 pealed and replaced by Public Law 1983, chapter 581,
17 section 14;

18 2. Section 34. Changes enacted by Public Law
19 1983, chapter 382, are now reflected in Title 34-A,
20 section 3031, subsection 8;

21 3. Section 41. Changes to this section are now
22 reflected in Title 20-A, section 7503, subsection 8
23 and Title 34-B, sections 1403 and 6253;

24 4. Section 262, subsection 2. Changes to this
25 subsection are now reflected in Title 34-A, section
26 7002, subsection 2;

27 5. Section 555. The text of this section is now
28 reflected in Title 34-A, section 3231, subsection 3,
29 paragraph J;

30 6. Section 952-A. The text of this section is
31 now reflected in Title 30, section 1752;

32 7. Section 1008. The text of this section is
33 now reflected in Title 30, section 1805;

34 8. Section 1591. The text of this section is
35 now reflected in Title 34-A, sections 5401 and 5402;

1 9. Section 1592. The text of this section is
2 now reflected in Title 34-A, section 5402;

3 10. Section 1681. The text of this section is
4 now reflected in Title 34-A, section 5602, subsection
5 1;

6 11. Section 2613. The text of this section is
7 new reflected in Title 34-B, section 1210;

8 12. Section 2665. The text of this section is
9 now reflected in Title 34-B, sections 5474 to 5476;

10 13. Section 2954. The text of this section is
11 now reflected in Title 34-B, section 6253; and

12 14. Section 3101. The text of this section was
13 incorporated as Title 34-B, section 1206, which was
14 subsequently repealed by Public Law 1985, chapter
15 503, section 4, now see Title 34-B, section 6204.

16 Section 196. Incorporates changes made by 2 public
17 laws.

18 Section 197. Includes language from Public Law
19 1983, chapter 480, Part B, section 31, to clarify
20 that the general board of visitors provisions, now in
21 Title 34-B, section 1403, do not apply to the Mili-
22 tary and Naval Children's Home, as the home has its
23 own governing section in Title 34-B, section 6253.

24 Section 198. Incorporates technical changes made by
25 3 different public laws.

26 Sections 199 and 200. Correct a conflict created by
27 2 different provisions enacted with the same section
28 numbers.

29 Section 201. Corrects conflict created by 2 public
30 laws which enacted the same section numbers. This
31 renumbers subsections.

32 Section 202. Corrects the format for the section.

33 Section 203. Corrects a typographical error.

- 1 Section 204. Corrects an error created in 2 parts
2 of the same public law by incorporating all changes
3 made.
- 4 Section 205. Repeals a section which was a transi-
5 tion provision to implement changes in the method of
6 fuel tax assessment.
- 7 Section 206. Incorporates provisions of 2 separate
8 public laws.
- 9 Section 207. Incorporates provisions of 2 public
10 laws.
- 11 Section 208. Clarifies references to the State Tax
12 Assessor and corrects a spelling error.
- 13 Section 209. Entirely repeals this section which is
14 now in Title 36, section 4603.
- 15 Section 210. Repeals a provision which is adequate-
16 ly covered by Title 36, sections 5111 and 5127, sub-
17 section 2.
- 18 Section 211. Incorporates changes made by 2 public
19 laws.
- 20 Section 212. Incorporates changes made by 2 public
21 laws.
- 22 Section 213. Incorporates provisions made by 2 pub-
23 lic laws.
- 24 Section 214. Incorporates provisions made by 2 pub-
25 lic laws.
- 26 Section 215. Corrects a cross-reference to the
27 Maine Children's Trust Fund to reflect enactment in
28 this bill of the fund provisions in a new chapter.
- 29 Section 216. Repeals the Citizens' Civil Emergency
30 Commission to reflect the intent of Public Law 1983,
31 chapter 516, section 5.
- 32 Sections 217 and 218. Resolve a conflict created by
33 2 public laws as the penalty provisions now encom-
34 passed by Title 38, section 349, subsection 1, as re-

1 pealed and replaced by Public Law 1985, chapter 162,
2 section 2.

3 Section 219. Corrects a typographical error which
4 occurred when this section was amended in 1985.

5 Section 220. Corrects a statutory reference.

6 Section 221. Corrects a spelling error.

7 Section 222. Corrects a wording error.

8 Sections 223 to 225. Correct an internal cross-
9 reference.

10 Section 226. Corrects statutory references.

11 Section 227. Corrects a statutory reference.

12 Section 228. Corrects a statutory reference.

13 Section 229. Enacts a subchapter heading before Ti-
14 tle 38, section 1481 et. seq.

15 Sections 230 to 233. Correct statutory references.

16 Section 234. Deletes a duplicative provision for
17 the calling of the first meeting of the committee to
18 study the retirement system established in Public Law
19 1987, chapter 68, section 9.

20 Section 235. Public Law 1985, chapter 732, section
21 7, correctly identifies the Commissioner of Finance
22 to be consistent with changes made in this bill to
23 Title 5, section 12006, subsection 1.

24 Sections 236 to 238. Correct amending clauses.

25 Section 239. Corrects a sewer treatment facilities
26 bond issue law by removing erroneous references to
27 storage of road salt and sand.

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