

# MAINE STATE LEGISLATURE

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(Emergency)  
SECOND REGULAR SESSION

ONE HUNDRED AND THIRTEENTH LEGISLATURE

Legislative Document

No. 2521

S.P. 950 In Senate, March 15, 1988  
Approved for Introduction by a Majority of the Legislative  
Council pursuant to Joint Rule 26.  
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-EIGHT

1 AN ACT to Correct Errors and  
2 Inconsistencies in the Laws of Maine.  
3

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

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

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

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

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

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

16       Sec. 1. 1 MRSA §405, sub-§6, ¶A, as amended by  
17       PL 1987, c. 477, §2, is repealed and the following  
18       enacted in its place:

19       A. Discussion or consideration of the employment,  
20       appointment, assignment, duties, promotion,  
21       demotion, compensation, evaluation, disciplining,  
22       resignation or dismissal of an individual or group  
23       of public officials, appointees or employees of  
24       the body or agency or the investigation or hearing  
25       of charges or complaints against a person or  
26       persons subject to the following conditions:

27       (1) An executive session may be held only if  
28       public discussion could be reasonably  
29       expected to cause damage to the reputation or  
30       the individual's right to privacy would be  
31       violated;

32       (2) Any person charged or investigated shall  
33       be permitted to be present at an executive  
34       session if desired;

35       (3) Any person charged or investigated may

1 request in writing that the investigation or  
2 hearing of charges or complaints against him  
3 be conducted in open session. A request, if  
4 made to the agency, must be honored; and

5 (4) Any person bringing charges, complaints  
6 or allegations of misconduct against the  
7 individual under discussion shall be  
8 permitted to be present.

9 This paragraph does not apply to discussion of a  
10 budget or budget proposal;

11 Sec. 2. 3 MRSA §162-A, first ¶, as repealed and  
12 replaced by PL 1987, c. 349, Pt. K, §1, is amended to  
13 read:

14 Notwithstanding any other provisions of law, the  
15 salaries of the following legislative officials shall  
16 be at the salary ranges indicated in this section. At  
17 the time of initial appointment, the salary of each of  
18 these officials shall be set at Step A and, in no  
19 case, may it exceed Step B of their respective  
20 ranges. The Legislative Council may adjust the salary  
21 of each official by one step for each year of  
22 continuous continuous service after the initial  
23 appointment to office.

24 Sec. 3. 3 MRSA §507, sub-§7, ¶B, as repealed  
25 and replaced by PL 1985, c. 763, Pt. A, §3 and as  
26 amended by PL 1985, c. 779, §5, is repealed and the  
27 following enacted in its place:

28 B. The evaluations and analyses of the  
29 justification reports for the programs of the  
30 following Group D-2 departments shall be reviewed  
31 by the Legislature no later than June 30, 1987:  
32 The Department of Educational and Cultural  
33 Services, excluding the State Museum Bureau, the  
34 Arts Bureau and the vocational-technical  
35 institutes.

36 Sec. 4. 3 MRSA §507, sub-§10, ¶B, as repealed  
37 and replaced by PL 1987, c. 395, Pt. A, §8, and c.  
38 440, §1, is repealed and the following enacted in its

1 place:

2 B. Unless continued or modified by law, the  
3 following Group G-2 independent agencies shall  
4 terminate, not including the grace period, no  
5 later than June 30, 1990. The Board of Emergency  
6 Municipal Finance, the Finance Authority of Maine  
7 and the Maine Municipal Bond Bank shall not  
8 terminate, but shall be reviewed by the  
9 Legislature no later than June 30, 1990:

- 10 (1) Board of Emergency Municipal Finance;  
11 (2) Finance Authority of Maine;  
12 (3) Maine Municipal Bond Bank;  
13 (4) State Liquor Commission;  
14 (5) Capitol Planning Commission;  
15 (6) State Board of Property Tax Review;  
16 (7) Maine Vocational-Technical Institute  
17 System;  
18 (8) Maine Commission for Women; and  
19 (9) Maine Human Rights Commission.

20 Sec. 5. 3 MRSA §507-B, sub-§10, as enacted by  
21 PL 1987, c. 68, §1, and c. 395, Pt. A, §9, is repealed  
22 and the following enacted in its place:

23 10. Agencies scheduled for termination on June  
24 30, 1986. Pursuant to section 507, subsection 8,  
25 paragraph A, the following independent agencies,  
26 scheduled for termination on June 30, 1986, are  
27 continued.

28 A. Maine Arts Commission; and

29 B. Maine State Museum.

30 Sec. 6. 3 MRSA §507-B, sub-§11 is enacted to  
31 read:

1 11. Agencies scheduled for termination on June  
2 30, 1987; continued. Pursuant to section 507,  
3 subsection 8, paragraph B, the following agencies  
4 scheduled for termination on June 30, 1987, are  
5 continued.

6 A. Real Estate Commission;

7 B. Maine Athletic Commission;

8 C. State Claims Board;

9 D. Board of Examiners on Speech Pathology and  
10 Audiology;

11 E. Maine State Board for Licensure of Architects  
12 and Landscape Architects;

13 F. State Board of Barbers;

14 G. State Board of Cosmetology;

15 H. Manufactured Housing Board;

16 I. State Board of Substance Abuse Counselors;

17 J. State Board of Licensure for Professional  
18 Foresters;

19 K. State Board of Certification for Geologists  
20 and Soil Scientists;

21 L. Board of Examiners in Physical Therapy;

22 M. State Historian;

23 N. Historic Preservation Commission; and

24 O. Oil and Solid Fuel Board.

25 **Sec. 7. 4 MRSA §1151, sub-§2, as repealed and**  
26 **replaced by PL 1987, c. 141, Pt. B, §1; c. 395, Pt. A,**  
27 **§15; and c. 402, Pt. A, §9, is repealed and the**  
28 **following enacted in its place:**

1           2.   Licensing jurisdiction. Except as provided in  
2   Title 5, section 10004; Title 10, section 8003-A;  
3   Title 29; Title 32, chapter 113; and Title 35-A,  
4   section 3132, the Administrative Court shall have  
5   exclusive jurisdiction upon complaint of an agency or,  
6   if the licensing agency fails or refuses to act within  
7   a reasonable time, upon complaint of the Attorney  
8   General, to revoke or suspend licenses issued by the  
9   agency, and shall have original jurisdiction upon  
10   complaint of a licensing agency to determine whether  
11   renewal or reissuance of a license of that agency may  
12   be refused. The Administrative Court shall have  
13   original concurrent jurisdiction to grant equitable  
14   relief in proceedings initiated by an agency or the  
15   Department of the Attorney General alleging any  
16   violation of a license or licensing laws or rules.

17   Notwithstanding any other provisions of law, no  
18   licensing agency may reinstate or otherwise affect a  
19   license suspended, revoked or modified by the  
20   Administrative Court pursuant to a complaint filed by  
21   the Attorney General, without the approval of the  
22   Attorney General.

23           Sec. 8.   5 MRSA §135, first ¶, as repealed and  
24   replaced by PL 1987, c. 247, §1, and c. 402, Pt. A,  
25   §10, is repealed and the following enacted in its  
26   place:

27           The Treasurer of State may deposit the money,  
28   including trust funds of the State, in any of the  
29   banking institutions or trust companies or state or  
30   federal savings and loan associations or mutual  
31   savings banks organized under the laws of this State  
32   or in any national bank or banks or state or federal  
33   savings and loan associations located in the State,  
34   except as provided in chapter 161. When there is  
35   excess money in the State Treasury which is not needed  
36   to meet current obligations, the Treasurer of State  
37   may invest, with the concurrence of the State  
38   Controller or the Commissioner of Finance and with the  
39   consent of the Governor, those amounts in bonds,  
40   notes, certificates of indebtedness or other

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

33 Sec. 9. 5 MRSA §200-B, as amended by PL 1987,  
34 c. 141, Pt. B, §2, and c. 260, is repealed and the  
35 following enacted in its place:

36 §200-B. Authority of Attorney General to request  
37 telephone records

38 Whenever the Attorney General, a deputy attorney  
39 general or a district attorney has reasonable grounds  
40 to believe that the services furnished to a person or  
41 to a location by a public utility, as defined in Title  
42 35-A, section 102, subsections 17 and 19, whether or



1 not subject to the jurisdiction of the Public  
2 Utilities Commission, and that such public utility  
3 services are being or may be used for, or to further,  
4 an unlawful purpose, he may demand, in writing, all  
5 the records in the possession of the public utility  
6 relating to that service. Upon a showing of cause to  
7 any Justice of the Supreme Judicial Court or the  
8 Superior Court or Judge of the District Court, the  
9 justice or judge shall approve the demand. Such  
10 showing shall be by the affidavit of any law  
11 enforcement officer. Upon receipt of a demand,  
12 approved by a justice or judge, the public utility  
13 shall forthwith deliver to the person making the  
14 request all the records or information in compliance  
15 with the demand. If the person making request demands  
16 that the public utility not release the fact of the  
17 request or that records will be or have been supplied,  
18 the public utility shall not release such fact or  
19 facts without court order. No public utility or  
20 employee of that public utility may be criminally or  
21 civilly responsible for furnishing any records or  
22 information in compliance with the demand.

23 Sec. 10. 5 MRSa §282, sub-§6, as amended by PL  
24 1987, c. 395, Pt. A, §17 and c. 448, §1-A, is repealed  
25 and the following enacted in its place:

26 6. Supervise. To supervise and direct the  
27 administration of the State Claims Commission; and

28 Sec. 11. 5 MRSa §285, sub-§1, ¶G, as repealed  
29 and replaced by PL 1987, c. 221, §2 and c. 402, Pt. A,  
30 §14, is repealed and the following enacted in its  
31 place:

32 G. Subject to subsection 1-A, employees in any of  
33 the categories denominated in paragraphs A to F-1  
34 who:

35 (1) On April 26, 1968, have retired and who  
36 were covered under plans of insurance which  
37 by virtue of Public Law 1967, chapter 543,  
38 were terminated;

39 (2) After April 26, 1968, retire and who on

1           the date of their retirement are currently  
2           enrolled in this group accident and sickness  
3           or health insurance plan as an employee;

4           (3) After December 2, 1986, and after  
5           reaching normal retirement age, cease to be  
6           members of the Legislature and are recipients  
7           of retirement allowances from the Maine State  
8           Retirement System based upon creditable  
9           service as teachers, as defined by section  
10           1001, subsection 25. This paragraph shall  
11           also apply to former members who were members  
12           on December 2, 1986; or

13           (4) After December 2, 1986, and not yet  
14           normal retirement age, cease to be members of  
15           the Legislature and are recipients of  
16           retirement allowances from the Maine State  
17           Retirement System based upon creditable  
18           service as teachers, as defined by section  
19           1001, subsection 25. This paragraph also  
20           applies to former members who were members on  
21           December 2, 1986.

22           Sec. 12. 5 MRSA §1094, sub-§13, as repealed and  
23           replaced by PL 1985, c. 790, is repealed.

24           Sec. 13. 5 MRSA §1951, first ¶, as enacted by  
25           PL 1987, c. 247, §4, is amended to read:

26           After July 1, 1992, no state funds, including  
27           trust funds of the State and funds created pursuant  
28           to ~~chapter 101~~ Part 20, may be:

29           Sec. 14. 5 MRSA §7002, sub-§3, as enacted by PL  
30           1987, c. 500, §1; as repealed by PL 1987, c. 534, Pt.  
31           A, §§16, 19; and as enacted by PL 542, Pt. I, §6, is  
32           repealed.

33           Sec. 15. 5 MRSA §12004, sub-§3, ¶A, sub-¶(2),  
34           as amended by PL 1987, c. 468, §1, is further amended  
35           to read:

1 (2) Panel of Mediators \$125 \$100/ 26 MRSA \$892,  
2 Day 26 MRSA \$965,  
3 sub-\$2, ¶C

4 Sec. 16. 5 MRSA §12004, sub-§7, ¶A, sub-¶(11),  
5 as enacted by PL 1987, c. 438, §2; c. 527, §1; and c.  
6 530, §1, is repealed and the following enacted in its  
7 place:

8 (11) Maine Court Facilities Expenses 4 MRSA \$1602  
9 Authority Only

10 Sec. 17. 5 MRSA §12004, sub-§7, ¶A, sub-¶¶(12)  
11 and (13) are enacted to read:

12 (12) Board of Directors, \$50/day 20-A MRSA  
13 Student Educational \$12610  
14 Enhancement Deposit  
15 Plan

16 (13) Maine Low-Level \$100/day 38 MRSA  
17 Radioactive Waste \$1512  
18 Authority

19 Sec. 18. 5 MRSA §12004, sub-§8, ¶A,  
20 sub-¶(20-A), as enacted by PL 1987, c. 349, Pt. H,  
21 §6, and c. 506, §§2 and 4, is repealed and the  
22 following enacted in its place:

23 (20-A) Mental Health Region II Expenses 34-B MRSA  
24 and Mental Crisis Inter- Only \$3621  
25 Retardation vention Pro-  
26 gram Advisory  
27 Board

28 Sec. 19. 5 MRSA §12004, sub-§8, ¶A, sub-¶(20-B)  
29 is enacted to read:

30 (20-B) Natural Land for Legislative 5 MRSA  
31 Resources Maine's Per Diem and \$6202  
32 Future Expenses for  
33 Board Appointed  
34 Members

35 Sec. 20. 5 MRSA §13058, sub-§10 is enacted to

1 read:

2 10. Assistance to municipalities to generate  
3 economic growth. The commissioner shall administer a  
4 program of assistance to municipalities to generate  
5 jobs and business development. Potential uses of this  
6 money include infrastructure development, planning and  
7 technical assistance, marketing and other types of  
8 capacity building.

9 A. This program may consist of a fund consisting  
10 of money derived from any general obligation bonds  
11 issued for the purposes of generating economic  
12 development and jobs. This fund with money not  
13 exceeding \$1,000,000 shall be administered by the  
14 State Development Office to provide assistance as  
15 defined in this subsection. Money available for  
16 the purpose of this subsection shall not be used  
17 to provide financial assistance to business.

18 B. At least 20% of the money available to  
19 implement this program shall be provided to  
20 opportunity zones pursuant to chapter 403.

21 Sec. 21. 5 MRSA §15134, sub-§§2 and 3, as  
22 enacted by PL 1987, c. 542, Pt. I, §§3 and 6, are  
23 repealed.

24 Sec. 22. 5 MRSA §15134, sub-§§2-A and 2-B are  
25 enacted to read:

26 2-A. Commissioner. "Commissioner" means the  
27 Commissioner of Economic and Community Development.

28 2-B. Department. "Department" means the  
29 Department of Economic and Community Development.

30 Sec. 23. 5 MRSA §15135, sub-§5, as enacted by  
31 PL 1987, c. 542, Pt. I, §3, 6, is amended to read:

32 5. Duties and responsibilities. ~~the~~ The  
33 commission shall review the implementation of this  
34 chapter and assist the ~~director~~ commissioner in

1 preparing reports. The commission shall report to the  
2 Governor and the joint standing committee of the  
3 Legislature having jurisdiction over economic  
4 development matters pursuant to this chapter.

5 **Sec. 24.** 5 M RSA §15136, as enacted by PL 1987,  
6 c. 542, Pt. I, §§3 and 6, is amended to read:

7 §15136. Designation of Job Opportunity Zones

8 The director commissioner may establish 4  
9 demonstration zones in economically distressed areas  
10 of the State as a means of determining the  
11 effectiveness of such zones as a tool for stimulating  
12 economic growth and development.

13 1. Standards for zones. The director  
14 commissioner, by rules adopted in accordance with the  
15 Maine Administrative Procedure Act, Title 5, chapter  
16 375, shall establish standards for the selection of  
17 areas to be designated as zones. The director  
18 commissioner shall consult with the commission in the  
19 preparation of rules for the selection of zones and  
20 the provision of assistance within those zones. At a  
21 minimum, the director commissioner shall apply the  
22 following standards.

23 A. All zones shall be economically distressed  
24 areas as determined by the director  
25 commissioner. At a minimum, the definition of  
26 distress includes areas where the unemployment  
27 rate is at least 1.5 times greater than the  
28 unemployment rate for the State, as reported by  
29 the Department of Labor; the per capita income is  
30 less than 80% of the per capita income of the  
31 State; there is a significant decline in the  
32 population; or there is a significant decline in  
33 the labor force, as reported by the Department of  
34 Labor.

35 (1) The level of general assistance by the  
36 State and municipalities, as well as the  
37 level of federal assistance to persons in  
38 these zones, shall also be considered.

1 B. All areas wishing to be designated as zones  
2 shall demonstrate actual or potential local  
3 capacity for economic development and the  
4 willingness to cooperate with the office  
5 department.

6 C. At least one zone shall be a sudden or  
7 severely economically distressed area which shall  
8 have experienced significant layoffs.

9 D. At least one zone shall be an urban zone,  
10 comprising all or part of a municipality or a  
11 collection of municipalities within the same  
12 geographical area, at least one of which has a  
13 population greater than 10,000.

14 E. At least one zone shall be a rural zone,  
15 comprising a municipality or collection of  
16 municipalities within the same geographical area,  
17 no one of which may have a population greater than  
18 10,000.

19 F. At least one zone shall be designated as a  
20 response to proposed economic development which  
21 will ensure the retention or creation of job  
22 opportunities through the location or expansion of  
23 an industry.

24 2. Duties and responsibilities of the  
25 commissioner. The director commissioner shall  
26 designate zones. The director commissioner, to the  
27 fullest extent possible, shall inform communities  
28 eligible for designation about the program, providing  
29 technical assistance where necessary to communities  
30 interested in pursuing this designation.

31 3. Review of program; report to Governor and  
32 Legislature. The director commissioner shall  
33 report to the Governor and the joint standing  
34 committee of the Legislature having jurisdiction over  
35 economic development matters his findings on regional  
36 economic distress with suggestions for action which  
37 may alleviate this economic distress. In cooperation  
38 with the commission, the director commissioner  
39 shall review and evaluate the operation of these

1 demonstration zones. This report shall be presented  
2 no later than February 1st each year and shall include  
3 the following:

4 A. The number, type and quality of the new jobs  
5 created through the Opportunity Zone Program;

6 B. The number of jobs retained as a result of the  
7 Opportunity Zone Program that would have been  
8 otherwise lost without the targeted assistance of  
9 this program;

10 C. Economic and community development activity  
11 within the zone which is related to the  
12 designation as a zone; and

13 D. Any other results that the commission or the  
14 director commissioner deems significant.

15 The director commissioner, in this report, shall  
16 present findings and recommendations, including  
17 recommendations for the extension, expansion or  
18 elimination of the Job Opportunity Zone Program.

19 Sec. 25. 5 MRSA §15137, as enacted by PL 1987,  
20 c. 542, Pt. I, §§3 and 6, is amended to read:

21 §15137. Determination of regional economic distress

22 The office department shall analyze various  
23 regions and localities of the State in order to  
24 ascertain the level of economic distress, the causes  
25 of that distress and possible actions which may be  
26 undertaken to reduce or eliminate the economic  
27 distress. This analysis of economic distress shall  
28 include, at a minimum, unemployment rate, per capita  
29 income, population decline, decline in the labor  
30 force, the level of federal assistance afforded to the  
31 population, the level of general assistance afforded  
32 to the population, plant closings or other significant  
33 reductions in employment opportunities, the dependence  
34 upon one primary employer or industry within the  
35 region and other standards which may measure economic  
36 distress and employment opportunities.

1           **Sec. 26. 5 MRSA §15138**, as enacted by PL 1987,  
2           c. 542, Pt. I, §§3 and 6, is amended to read:

3           §15138. Assistance to job opportunity zones

4           Agencies of State Government shall cooperate to  
5           assess the needs of zones and provide appropriate  
6           assistance to these zones. There shall be a committee  
7           composed of, at a minimum, the Director of the State  
8           Development Office Commissioner of Economic and  
9           Community Development, Director of the State Planning  
10           Office, Commissioner of Transportation, Commissioner  
11           of Labor, Commissioner of Educational and Cultural  
12           Services, Executive Director of the Maine  
13           Vocational-Technical Institute System, Chief Executive  
14           Officer of the Finance Authority of Maine and the  
15           Director of the Maine State Housing Authority.

16           In special circumstances where it is deemed  
17           critical to meeting zone objectives, in the  
18           director commissioner is authorized to extend zone  
19           benefits to a business in a contiguous community.

20           In order to achieve the purposes for which  
21           opportunity zones are established, the State  
22           Development Office Department of Economic and  
23           Community Development may apply the following programs  
24           of assistance.

25           1. Planning and technical assistance. The  
26           office department may provide planning, technical  
27           assistance and resources to municipalities, regional  
28           development organizations serving the zone, persons,  
29           groups and other interested entities to assist in the  
30           preparation of short-term and long-term goals, the  
31           preparation of implementation plans to achieve these  
32           goals and determining approaches and identifying  
33           resources which can promote economic growth and  
34           development in each zone.

35           2. Small business assistance centers. The  
36           director commissioner may provide business  
37           development services, particularly managerial and  
38           technical assistance, to businesses in designated



1 opportunity zones through the Small Business  
2 Development Centers.

3 3. The Maine Job Development Program and  
4 Financial Assistance to Business. The Finance  
5 Authority of Maine shall designate \$750,000 from the  
6 Maine Job Development Program Fund to be administered  
7 by the authority and to be used to provide assistance  
8 to businesses in zones. This designation shall not be  
9 construed to prohibit the use of additional funds from  
10 this program to provide additional financial  
11 assistance to eligible businesses in the zones. Such  
12 financial assistance shall be offered by the Finance  
13 Authority of Maine in cooperation with the State  
14 Development-Office department.

15 A. This fund may consist of money derived from  
16 any general obligation bonds for the purpose of  
17 generating business opportunities and jobs.

18 B. In implementing the Maine Job Development  
19 Program, the Finance Authority of Maine and the  
20 State Development Office department and its  
21 successor shall coordinate their activities and  
22 other resources to the maximum extent possible.

23 4. The Maine Job Development Program; financial  
24 assistance to municipalities in opportunity zones.  
25 The State Development Office department shall  
26 designate \$200,000 from the Maine Job Development  
27 Program Fund to be provided to municipalities in  
28 opportunity zones. This assistance shall be used to  
29 develop municipal capacity to generate jobs and  
30 business development. Potential uses of this money  
31 shall include, but not be limited to, infrastructure  
32 development, planning and technical assistance,  
33 marketing and other types of capacity building. Money  
34 available for the purpose of this subsection shall  
35 not be used to provide financial assistance to  
36 businesses.

37 5. Opportunity Zone Service Delivery System  
38 Program. The Opportunity Zone Service Delivery System  
39 Program shall be developed by the director  
40 commissioner to coordinate development resources and  
41 services, including the programs and services of the

1 State Planning Office, the Finance Authority of Maine  
2 and the Maine State Housing Authority which shall be  
3 targeted to assist zones.

4       6. Opportunity Zone Human Resource Development  
5 Program. The State Development Office department  
6 shall coordinate and target state and local government  
7 human resource development programs to each zone. The  
8 programs shall include, but not be limited to,  
9 education, including vocational education; job  
10 training; work incentive programs; and dependent  
11 care. Any of these programs applied to opportunity  
12 zones shall use funds appropriated by the Legislature  
13 to carry out the purposes of this Part when other  
14 existing resources are insufficient or unavailable.

15       7. Infrastructure Assistance Program. The  
16 office department shall work with the Department of  
17 Transportation, the Department of Environmental  
18 Protection and the Public Utilities Commission to  
19 develop an infrastructure program for each zone. Such  
20 a program shall include, but not be limited to,  
21 short-term and long-term goals and a carefully  
22 designed plan of implementation.

23       8. Exemption. Application for designation of  
24 municipal development districts within zones shall be  
25 exempted from the limitations on tax increment  
26 financing as stipulated in Title 30, section 4683,  
27 subsection 1, paragraph C, subparagraph (1). To that  
28 end, municipal development district activities shall  
29 not affect or be affected by limitations or activities  
30 within the county wherein the zone is located.

31       9. Assistance to communities, persons and  
32 entities. The director commissioner shall provide  
33 assistance to communities, persons or entities in  
34 opportunity zones to fund programs and activities to  
35 develop and implement community economic development,  
36 business promotion and marketing activities.

37       10. Grants for newly created jobs. Businesses  
38 within the zones shall be eligible to receive direct  
39 grants of up to \$1,250 for each new full-time quality  
40 job created for a maximum of 200 jobs in all zones per

1 year. Businesses shall be eligible to receive job  
2 grants for a period of 2 years from the date of the  
3 designation of the zone. Total grants shall not  
4 exceed a total of \$250,000 for all businesses within  
5 all the zones in any single year. The grants provided  
6 pursuant to this subsection shall be made from funds  
7 appropriated by the Legislature to carry out the  
8 purposes of this Part.

9 A. The Finance Authority of Maine shall be  
10 responsible for the administration of the Job  
11 Grants Program under this subsection. In  
12 administering this program, the Finance Authority  
13 of Maine, in cooperation with the State  
14 Development Office department, shall adopt rules  
15 for the implementation of this program. These  
16 rules shall:

17 (1) Establish criteria and the process by  
18 which the amounts or sizes of grants shall be  
19 determined and awarded. Eligible recipients  
20 of grants shall be provided with 50% of the  
21 credit after a new position has been filled  
22 for a period of 6 months. The remainder of  
23 the job credit shall be made available to the  
24 eligible recipient after the position has  
25 been filled for one year;

26 (2) Define a quality job;

27 (3) Establish a ranking system with minimum  
28 eligibility standards, including factors such  
29 as full-time jobs; wages; job benefits,  
30 including medical insurance, dependent care,  
31 paid vacation and paid sick leave; and any  
32 other standards deemed important by the  
33 Finance Authority of Maine and the State  
34 Development-Office department;

35 (4) Provide special consideration for jobs  
36 created in manufacturing companies, natural  
37 resource-based companies, as well as  
38 companies which contribute to the export base  
39 of an opportunity zone and companies engaged  
40 in the production of value-added products and

1 services; and

2 (5) Require companies applying for grants to  
3 demonstrate their financial viability which  
4 may include the use of the grant to make  
5 them financially viable.

6 B. The State Development Office department  
7 shall be responsible for the promotion and  
8 packaging of applications for consideration by the  
9 Finance Authority of Maine. The State  
10 Development Office department shall contract with  
11 the Finance Authority of Maine to underwrite and  
12 administer the Job Grants Program defined in this  
13 subsection. The contract shall allow for the  
14 reimbursement of reasonable expenses associated  
15 with the administration of the program.

16 Sec. 27. 5 MRSA §15139, as enacted by PL 1987,  
17 c. 542, Pt. I, §§3 and 6, is amended to read:

18 §15139. Cooperation of state agencies

19 All state agencies shall cooperate with the  
20 State Development Office department and the State  
21 Planning Office and expeditiously respond to their  
22 requests to undertake the activities required by this  
23 chapter.

24 Sec. 28. 5 MRSA §17003, as amended by PL 1987,  
25 c. 283 and as repealed by PL 1987, c. 539, is repealed.

26 Sec. 29. 5 MRSA §17004, as amended by PL 1987,  
27 c. 309, and as repealed by PL 1987, c. 539, is  
28 repealed.

29 Sec. 30. 5 MRSA §17005, sub-§3, as enacted by  
30 PL 1987, c. 349, Pt. H, §7, is repealed.

31 Sec. 31. 5 MRSA §17852, sub-§10, ¶B, as enacted  
32 by PL 1985, c. 801, §§5 and 7, is amended to read:

33 B. For members who qualify under section 17851,  
34 subsection 1, paragraph B, and who retire

1 upon or after reaching the age of 55, the  
2 retirement benefit shall be computed in accordance  
3 with subsection 1.

4 **Sec. 32.** 5 MRSA §18553, sub-§4, ¶A, as repealed  
5 and replaced by PL 1987, c. 529, §3, is amended to  
6 read:

7 A. The amount of the survivor benefit shall be  
8 determined as follows.

9 (1) Until January 1, 1989:

10 (a) One dependent child shall be paid  
11 \$150 each month;

12 (b) Two dependent children shall be  
13 paid \$225 each month which shall be  
14 divided equally between them; and

15 (c) Three or more dependent children  
16 shall be paid \$300 each month which  
17 shall be divided equally among them.

18 (2) Starting January 1, 1989, each dependent  
19 child shall receive a benefit of \$150 a month.

20 (3) Starting July 1, 1989, each dependent  
21 child shall receive a benefit of \$175 a month.

22 (4) Starting July 1, 1990, each dependent  
23 child shall receive a benefit of \$200 a month.

24 (5) Starting July 1, 1991, each dependent  
25 child shall receive a benefit of \$225 a month.

26 (6) Starting July 1, 1992, each dependent  
27 child shall receive a benefit of \$250 a month.

28 (7) Starting July 1, ~~1991~~ 1993, a  
29 participating local district may increase the  
30 \$250 benefit under subparagraph (6) by the  
31 cost of living, in accordance with the  
32 provisions of subsection 10.

1           Sec. 33. 5 MRSA Pt. 22, first 2 lines, as  
2 repealed and replaced by PL 1987, c. 539, is repealed  
3 and the following enacted in their place:

4                                   PART 23

5                                   PUBLIC HEALTH

6           Sec. 34. 5 MRSA §19202, first ¶, as repealed  
7 and replaced by PL 1987, c. 539, is amended to read:

8           The Committee to Advise the Department of Human  
9 Services on AIDS, as established by section 12004,  
10 subsection 10, shall consist of not less than 26  
11 members nor more than 30 members to include  
12 representation of: One allopathic physician from  
13 nominees submitted by the Maine Medical Association;  
14 one osteopathic physician from nominees submitted by  
15 the Maine Osteopathic Association; one nursing home  
16 administrator from nominees submitted by the Maine  
17 Health Care Association; one funeral director from  
18 nominees submitted by the Maine Funeral Directors  
19 Association; one social worker from nominees submitted  
20 by the Maine Chapter of the National Association of  
21 Social Workers; one public school administrator from a  
22 local school district from nominees submitted by the  
23 Maine Superintendents Association; one nurse from  
24 nominees submitted by the Maine State Nurses  
25 Association; one representative from nominees  
26 submitted by the Maine Hospice Council; one teacher  
27 from nominees submitted by the Maine Teachers  
28 Association; 2 members of the high risk community; one  
29 insurance industry representative; one employee of a  
30 community mental health center; one dentist from  
31 nominees submitted by the Maine Dental Association;  
32 one state employee from nominees submitted by the  
33 Maine State Employees Association; 2 members of the  
34 public, including one parent of a school-age child;  
35 the Commissioner of Human Services or his a  
36 designee who shall serve during the commissioners  
37 commissioner's term of office; one psychologist from  
38 nominees submitted by the Maine Psychological  
39 Association; one state employee from nominees  
40 submitted by the American Federation of State, County

1 and Municipal Employees; one member representing  
2 hospitals from nominees submitted by the Maine  
3 Hospital Association; one member representing public  
4 health professionals from nominees submitted by the  
5 Maine Public Health Association; one representative of  
6 a nonprofit hospital or medical service organization;  
7 one substance abuse counselor; one member of the  
8 clergy; and 2 Legislators, one representative  
9 member of the House of Representatives appointed by  
10 the Speaker of the House and one Senator appointed by  
11 the President of the Senate. The members, except for  
12 those specifically designated in this paragraph, shall  
13 be appointed by the Governor for their competence and  
14 experience in connection with these fields.

15 Sec. 35. 5 MRSA §19205, sub-§3 is enacted to  
16 read:

17 3. Development of a client support services  
18 system. A client support services system shall be  
19 developed to assist individuals infected with the  
20 Human Immune Deficiency Virus and to ensure that they  
21 receive necessary services. The client support  
22 service, arranged by the staff of community-based  
23 agencies, shall include, but not be limited to,  
24 assisting the individual's needs and assisting the  
25 individual with obtaining access to necessary health  
26 care, social service, housing, transportation,  
27 counseling and income maintenance services. The  
28 Department of Human Services shall be responsible for  
29 providing overall direction for the development of the  
30 client support services system.

31 Sec. 36. 7 MRSA §972, as amended by PL 1987, c.  
32 319, §1, and c. 534, Pt. B, §§2 and 23, is repealed  
33 and the following enacted in its place:

34 §972. Potato Marketing Improvement Committee

35 There is established an advisory committee, as  
36 authorized by Title 5, section 12004, subsection 9, of  
37 10 members to be known as the Potato Marketing  
38 Improvement Committee. The Potato Marketing  
39 Improvement Committee shall advise the commissioner on

1 the development and implementation of improved potato  
2 marketing systems, including the modernization,  
3 construction and operation of storage and central  
4 packing facilities. The Potato Marketing Improvement  
5 Committee shall also advise the commissioner  
6 concerning the funding and expenditures of the Potato  
7 Marketing Improvement Fund created pursuant to section  
8 973. The commissioner shall appoint one member  
9 representing the University of Maine System, one  
10 member representing the Farmers Home Administration,  
11 one member representing the Farm Credit System, one  
12 member representing the Department of Economic and  
13 Community Development and one member representing the  
14 public. Each executive council established pursuant  
15 to Title 36, section 4603, subsection 3, shall appoint  
16 one person to serve as a member of the committee. The  
17 commissioner and the executive councils shall appoint  
18 as members persons with education, training or  
19 experience relevant to the development and  
20 implementation of improved potato marketing systems,  
21 including the modernization, construction and  
22 operation of storage and central packing facilities  
23 and with an understanding of the importance of those  
24 facilities for potato quality and marketing. When the  
25 commissioner finds it appropriate, the members  
26 representing the Farmers Home Administration and the  
27 Farm Credit System may serve as a loan review  
28 committee and advise the commissioner, on a  
29 confidential basis, on applications for funding.

30 **Sec. 37. 8 MRSA §329, 2nd ¶, as repealed by PL**  
31 **1987, c. 395, Pt. A, §33, and as amended by PL 1987,**  
32 **c. 402, Pt. A, §82, is repealed.**

33 **Sec. 38. 8 MRSA §360, as amended by PL 1987, c.**  
34 **402, Pt. A, §83, and as repealed by PL 1987, c. 505,**  
35 **§1, is repealed.**

36 **Sec. 39. 9 MRSA §2301, as repealed and replaced**  
37 **by PL 1975, c. 381, §1, is amended to read:**

38 **§2301. Industrial loan companies**

39 All corporations chartered and doing business as  
40 "industrial loan companies" pursuant to sections



1 ~~2301 to 2302~~ this section and former sections 2302,  
2 2303, 2341 to 2345 and 2381 and 2382 and which were  
3 not accepting certificates of investment prior to June  
4 1, 1967 are hereby made corporations organized under  
5 Title 13-A and such "industrial loan companies" shall  
6 be subject to Title 9-A to the extent that the  
7 activities of such companies are within the provisions  
8 of said Title 9-A.

9       Sec. 40. 9-A M RSA §6-103, as amended by PL  
10 1987, c. 105, §1 and c. 402, Pt. A, §84, is repealed  
11 and the following enacted in its place:

12 §6-103. Administration

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

34       Sec. 41. 9-B M RSA §211, sub-§1, as amended by  
35 PL 1987, c. 105, §2 and c. 402, Pt. A, §85, is  
36 repealed and the following enacted in its place:

37       1. Appointment; term; qualifications. The  
38 activities of the bureau shall be directed by a  
39 superintendent who shall be appointed by the Governor

1 and subject to review by the joint standing committee  
2 of the Legislature having jurisdiction over banking  
3 and insurance and to confirmation by the Legislature.  
4 The superintendent shall hold office for a term of 5  
5 years, or until his successor is appointed and  
6 qualified. The superintendent may be removed from  
7 office for cause by impeachment or by the Governor on  
8 the address of both branches of the Legislature, and  
9 Title 5, section 931, subsection 2, shall not apply.  
10 Any person appointed as superintendent shall have the  
11 knowledge of, or experience in, the theory and  
12 practice of banking.

13       Sec. 42. 10 MRSA §363, sub-§3, as amended by PL  
14 1987, c. 3, §1 and as repealed by PL 1987, c. 413, §4,  
15 is repealed.

16       Sec. 43. 10 MRSA §363, sub-§8, as enacted by PL  
17 1987, c. 3, §2 and c. 413, §4, is repealed and the  
18 following enacted in its place:

19       8. Allocation to the Maine Educational Loan  
20 Marketing Corporation. That portion of the state  
21 ceiling allocated to the category of bonds providing  
22 funds for student loans shall be allocated to the  
23 Maine Educational loan Marketing Corporation, which  
24 may further allocate that portion of the state ceiling  
25 to student loan bonds requiring an allocation in order  
26 to qualify as tax-exempt bonds.

27       Sec. 44. 10 MRSA §963-A, sub-§49-A, as enacted  
28 by PL 1987, c. 393, §2, and c. 521, §3, is repealed  
29 and the following enacted in its place:

30       49-A. Seller-sponsored loan. "Seller-sponsored  
31 loan" means a loan to one or more individuals or to a  
32 family farm corporation from the seller of  
33 agricultural land, which loan represents all or a  
34 significant portion of the purchase price for that  
35 land, provided that the authority has issued a  
36 certificate designating the loan as a seller-sponsored  
37 loan with respect to an identified seller after  
38 finding that the interest rate to be charged is  
39 reasonably consistent with current interest rates for

1 loans for the purchase of agricultural land, and that  
2 the purchasers intend to use the land primarily for  
3 growing or raising plants or animals for business  
4 purposes. The loan shall cease to be a  
5 seller-sponsored loan if the land ceases to be used  
6 for agricultural purposes.

7 Sec. 45. 10 MRSA §963-A, sub-§49-B, as enacted  
8 by PL 1987, c. 521, §3, is repealed and the following  
9 enacted in its place:

10 49-B. Underground oil storage  
11 facility. "Underground oil storage facility" means  
12 the same as set forth in Title 38, section 562,  
13 subsection 13.

14 Sec. 46. 10 MRSA §963-A, sub-§49-C is enacted  
15 to read:

16 49-C. Underground oil storage facility  
17 replacement project. "Underground oil storage  
18 facility replacement project" means the removal,  
19 disposal or replacement of all or any part of an  
20 underground oil storage facility which is used for  
21 marketing and distribution of oil, petroleum products  
22 or their by-products to persons or entities other than  
23 the owner of the facility.

24 Sec. 47. 10 MRSA §1100-S, sub-§1, as enacted by  
25 PL 1987, c. 542, Pt. I, §4, is amended to read:

26 1. Cooperation with the Development of Economic  
27 and Community Development. In administering this  
28 program, the authority shall cooperate with the  
29 State Development Office Department of Economic and  
30 Community Development. The authority and the State  
31 Development Office Department of Economic and  
32 Community Development shall adopt rules in accordance  
33 with the Maine Administrative Procedure Act, Title 5,  
34 chapter 375, to implement this program. These rules  
35 shall:

36 A. Establish criteria and the process by which  
37 the amounts or sizes of grants shall be determined  
38 and awarded. Eligible recipients of grants shall

1 be provided with 50% of the credit after a new  
2 position has been filled for a period of 6  
3 months. The remainder of the job credit shall be  
4 made available to the eligible recipient after the  
5 position has been filled for one year;

6 B. Define a quality job;

7 C. Establish a ranking system with minimum  
8 eligibility standards, including factors such as  
9 full-time jobs; wages; job benefits, including  
10 medical insurance, dependent care, paid vacation,  
11 paid sick leave; and any other standards deemed  
12 important by the Finance Authority of Maine and  
13 the State Development Office Department of  
14 Economic and Community Development;

15 D. Provide special consideration for jobs created  
16 in manufacturing companies, natural resources  
17 based companies as well as companies which  
18 contribute to the export base of an opportunity  
19 zone and companies engaged in the production of  
20 value-added products and services; and

21 E. Require companies applying for grants to  
22 demonstrate their financial viability which may  
23 include the use of the grant to make them  
24 financially viable.

25 Sec. 48. 12 MRSA §602, sub-§10, as repealed by  
26 PL 1987, c. 308, §3, and as amended by PL 1987, c.  
27 340, §1, is repealed.

28 Sec. 49. 12 MRSA §602, sub-§19, as enacted by  
29 PL 1987, c. 217, §§1 and 3, and c. 402, Pt. A, §92, is  
30 repealed and the following enacted in its place:

31 19. State Park Reservation System. A State Park  
32 Reservation System shall be established and funded as  
33 provided in this subsection.

34 A. The director shall establish a statewide  
35 reservation system for overnight camping at state  
36 parks with overnight camping facilities  
37 incorporating a deposit system and a mechanism for

1 accepting payments by credit card. Baxter State  
2 Park, the Allagash Wilderness Waterway and the  
3 Public Reserved Lands System are excluded from  
4 this system.

5 B. The money for this program shall be  
6 appropriated from the General Fund. A surcharge  
7 shall be collected on all reservations to be  
8 deposited in the General Fund.

9 C. The Bureau of Parks and Recreation shall  
10 submit a report detailing the effectiveness of the  
11 reservation system to the joint standing committee  
12 having jurisdiction over energy and natural  
13 resources in the Second Regular Session of the  
14 114th Legislature. The committee shall report its  
15 findings no later than March 1, 1990.

16 Sec. 50. 12 MRSA §602, sub-§20 is enacted to  
17 read:

18 20. Management of ATV's. To administer the ATV  
19 Recreational Management Fund, established under  
20 section 7854, subsection 4, for the purposes given in  
21 that subsection. The bureau may promulgate rules, in  
22 accordance with Title 5, chapter 375, subchapter II,  
23 for the issuance of grants-in-aid from the fund and to  
24 further define alpine tundra areas pursuant to  
25 section 7851, subsection 5.

26 Sec. 51. 12 MRSA §602-A, as enacted by PL 1987,  
27 c. 340, §2, is amended to read:

28 §602-A. Lifeguard training

29 The Bureau of Parks and Recreation shall oversee  
30 the existing lifeguard training being conducted by the  
31 Lifeguard Academy. The training procedures shall be  
32 in compliance with the guidelines for open-water  
33 lifeguard training, promulgated by the United States  
34 Lifesaving Association. The Bureau of Parks and  
35 Recreation will designate an employee to serve as  
36 coordinator of lifeguard training.

37 Sec. 52. 12 MRSA §685-B, sub-§1, ¶C, as amended

1 by PL 1985, c. 819, Pt. A, §18, is further amended to  
2 read:

3 C. No person may commence any construction or  
4 operation of any development without a permit  
5 issued by the commission.

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

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

40 The commission may establish standards within  
41 which authority may be delegated to its staff, to

1 approve with reasonable conditions or deny  
2 applications submitted hereunder. Any person  
3 aggrieved by a decision of the staff shall have  
4 the right to a review of such decision by the  
5 commission members.

6 The commission shall establish coordination and  
7 assistance procedures for all land use permits  
8 issued by agencies of the State for proposed  
9 development within the unorganized townships and  
10 plantations. Such procedures shall, to the extent  
11 practicable, ensure: The availability to the  
12 public of necessary information concerning such  
13 land use permits; the provision of assistance to  
14 applicants in obtaining such permits from such  
15 agencies; the coordination of application  
16 procedures, time schedules, application forms and  
17 similar requirements so as to reduce delay and  
18 duplication of effort by applicants and the  
19 issuing agencies. Such permit issuing agencies  
20 shall cooperate with the commission in the  
21 development and effectuation of such coordination  
22 and assistance procedures.

23 **Sec. 53.** 12 MRSA §7827, sub-§4-A, as amended by  
24 PL 1987, c. 317, §23, and c. 402, Pt. B, §15, is  
25 repealed and the following enacted in its place:

26 4-A. Unlawfully operating a vehicle on a  
27 snowmobile trail. A person is guilty of unlawfully  
28 operating a vehicle on a snowmobile trail if that  
29 person operates any 4-wheel drive vehicle, dune buggy,  
30 all-terrain vehicle, motorcycle or any other motor  
31 vehicle, other than a snowmobile and appurtenant  
32 equipment, on snowmobile trails which are financed in  
33 whole or in part with funds from the Snowmobile Trail  
34 Fund, unless that use has been authorized by the  
35 landowner or the landowner's agent, or unless the use  
36 is necessitated by an emergency involving safety of  
37 persons or property.

38 **Sec. 54.** 12 MRSA §8901, sub-§1, as amended by  
39 PL 1987, c. 69, §1, and c. 349, Pt. H, §11, is  
40 repealed and the following enacted in its place:

1        1. Appointment. The Director of the Bureau of  
2 Forestry shall appoint forest rangers, subject to the  
3 Civil Service Law and the State Supervisor, Forest  
4 Fire Operations. Rangers assigned to posts at Clayton  
5 Lake, St. Pamphile, Estcourt Station, Daaguam,  
6 Musquacook Lake, Snare Brook and Baker Lake must be  
7 bilingual in French and English.

8        **Sec. 55. 14 MRSA §8102, sub-§1, as amended by**  
9 **PL 1987, c. 218, §1, and c. 386, §1, is repealed and**  
10 **the following enacted in its place:**

11        1. Employee. "Employee" means a person acting on  
12 behalf of the governmental entity in any official  
13 capacity, whether temporarily or permanently, and  
14 whether with or without compensation from local, state  
15 or federal funds, including elected or appointed  
16 officials, volunteer firefighters as defined in Title  
17 30, section 3771, emergency medical service personnel,  
18 and Maine National Guardsmen while receiving state  
19 active duty pay under Title 37-B, section 143, in  
20 accordance with Title 37-B, sections 181 to 183 and  
21 742, and while engaged in the Domestic Action Program,  
22 but the term "employee" shall not mean a person or  
23 other legal entity acting in the capacity of an  
24 independent contractor under contract to the  
25 governmental entity.

26        **Sec. 56. 15 MRSA §3105, sub-§1, ¶A, as repealed**  
27 **by PL 1987, c. 222, §1, and as amended by PL 1987, c.**  
28 **277, §1, is repealed.**

29        **Sec. 57. 15 MRSA §3105-A, sub-§2, ¶C, as**  
30 **enacted by PL 1987, c. 222, §2, is repealed and the**  
31 **following enacted in its place:**

32        C. A prosecution for conduct specified in section  
33 3103, subsection 1, paragraph B, C, D, E or F  
34 shall be commenced within one year after it is  
35 committed.

36        **Sec. 58. 17 MRSA §1301-A, 2nd ¶, as amended by**  
37 **PL 1987, c. 45, Pt. B, §4, and c. 402, Pt. A, §115, is**  
38 **repealed and the following enacted in its place:**



1       The inspectors and agents of licensing authorities  
2 issuing licenses under this section shall have the  
3 authority to investigate and prosecute complaints  
4 against its licensees for violation of this section  
5 and to institute proceedings before the Administrative  
6 Court Judge who shall be empowered to proceed under  
7 Title 5, chapter 375, and not under Title 28-A,  
8 chapter 33.

9       Sec. 59. 17-A MRSA §1322, sub-§1, ¶C, as  
10 enacted by PL 1977, c. 455, §3, is amended to read:

11       C. Workmen's Workers' compensation;

12       Sec. 60. 17-A MRSA §1329, sub-§2, as enacted by  
13 PL 1981, c. 360, is amended to read:

14       2. Reports. A probation officer having knowledge  
15 of a default in restitution by an offender shall  
16 report the default to the office of the district  
17 attorney prosecutor. A district attorney  
18 prosecutor having knowledge of a default in  
19 restitution by an offender shall report the default to  
20 the court.

21       Sec. 61. 19 MRSA §212 is amended to read:

22       §212. Actions for loss of services

23       The parents of a minor child jointly may maintain  
24 an action for loss of the services or earnings of  
25 such that child when such that loss is caused by  
26 the negligent or wrongful act of another, but where  
27 one parent refuses to sue, the other may sue alone.  
28 Nothing contained herein shall in this section may  
29 be deemed to limit, amend, supersede or affect the  
30 Workmen's Workers' Compensation Law or acts in  
31 amendment-thereof Act.

32       Sec. 62. 20-A MRSA §1401, sub-§1, ¶B, as  
33 amended by PL 1987, c. 395, Pt. A, §57, and c. 402,  
34 Pt. A, §119, is repealed and the following enacted in  
35 its place:

1           B. The agreement may contain a new method of  
2           sharing costs among the member municipalities of  
3           the district in accordance with section 1301. The  
4           article set out in section 1202, subsection 6,  
5           paragraph D, authorizing units to vote on  
6           alternate methods of sharing costs shall be used  
7           if the agreement recommended by the commissioner  
8           contains a provision for using one of the  
9           alternate methods of sharing costs.

10           **Sec. 63. 20-A MRSA §3656, first ¶, as enacted**  
11           **by PL 1981, c. 693, §§5 and 8, is amended to read:**

12           Each employee of an interstate district assigned  
13           to a school located in New Hampshire shall be  
14           considered an employee of a New Hampshire school  
15           district for the purpose of the New Hampshire teachers  
16           retirement system, the New Hampshire state employees  
17           retirement system, the New Hampshire ~~workmen's~~  
18           workers' compensation law and any other law relating  
19           to the regulation of employment or the provision of  
20           benefits for employees of New Hampshire school  
21           districts except as follows:

22           **Sec. 64. 20-A MRSA §3661, first ¶, as enacted**  
23           **by PL 1981, c. 693, §§5 and 8, is amended to read:**

24           Each employee of an interstate district assigned  
25           to a school located in Maine shall be considered an  
26           employee of a Maine school district for the purpose of  
27           the Maine State Retirement System, the Maine  
28           ~~workmen's~~ workers' compensation law, and any other  
29           laws relating to the regulation of employment or the  
30           provision of benefits for employees of Maine school  
31           districts except as follows:

32           **Sec. 65. 20-A MRSA §3667, as enacted by PL**  
33           **1981, c. 693, §§5 and 8, is amended to read:**

34           §3667. Immunity from tort liability

35           Notwithstanding the fact that an interstate  
36           district may derive income from operating profit,  
37           fees, rentals, and other services, it shall be

1 immune from suit and from liability for injury to  
2 persons or property and for other torts caused by it  
3 or its agents, servants or independent contractors,  
4 except insofar as it may have undertaken such  
5 liability under RSA 221:7 relating to workmen's  
6 workers' compensation, or RSA 412:3 relating to the  
7 procurement of liability insurance by a governmental  
8 agency and except insofar as it may have undertaken  
9 such liability under Maine laws relating to  
10 workmen's workers' compensation or Maine laws  
11 relating to the procurement of liability insurance by  
12 a governmental agency.

13 **Sec. 66. 20-A MRSA §8606-A**, as enacted by PL  
14 1987, c. 395, Pt. A, §80, and c. 496, §2, is repealed  
15 and the following enacted in its place:

16 §8606-A. Reimbursement procedures

17 1. Definitions. As used in this chapter, unless  
18 the context otherwise indicates, the following terms  
19 have the following meanings.

20 A. "Adult education program costs" includes  
21 expenditures for salaries and supplies as  
22 identified in section 8607.

23 B. "Foundation year" means the 2nd school year  
24 prior to the year of allocation of funds.

25 C. "Maximum allowable expenditures," for state  
26 subsidy purposes, means an amount not to exceed  
27 the sum of funds raised through taxation and  
28 expended in accordance with section 8607 in the  
29 foundation year, plus the amount of subsidy paid  
30 by the State during the foundation year.

31 2. Commissioner certification. Prior to December  
32 15th of each year, the commissioner shall prepare and  
33 certify to the Legislature and to the Bureau of the  
34 Budget a recommendation for the funding level for the  
35 various program categories in adult education for  
36 payment in the next fiscal year.

37 A. The requested funding level shall be for the

1 authorized reimbursement rates established in  
2 section 8607 and may not exceed the maximum  
3 allowable expenditures in the foundation year.

4 B. A school administrative unit shall provide the  
5 commissioner with information which the  
6 commissioner shall request to carry out the  
7 purpose of this chapter according to time  
8 schedules which the commissioner shall establish.  
9 The commissioner may withhold subsidy payment or a  
10 portion of the subsidy payment from a school  
11 administrative unit when information is not filed  
12 in specified format and content and within the  
13 specified time schedule.

14 C. The recommendation in this certificate shall  
15 include local program cost adjustment to the  
16 equivalent of the year prior to the year of  
17 allocation.

18 3. State reimbursement. State reimbursement for  
19 expenditures on adult education programs shall be  
20 based on each administrative unit's actual adult  
21 education program costs in the foundation year.

22 A. The reimbursement shall be based on the unit's  
23 expenditures for the foundation year in accordance  
24 with the maximum allowable expenditures and the  
25 cost adjustment as in subsection 2.

26 B. State reimbursement shall be paid to each  
27 eligible school administrative unit during the 2nd  
28 quarter of the State's fiscal year.

29 4. Action by the Legislature. The Legislature  
30 shall appropriate the necessary funds to meet the  
31 state obligation as defined in subsections 1 and 2.

32 5. Rule-making authority. The commissioner shall  
33 have the authority to promulgate rules to administer  
34 this section. Upon the effective date of this  
35 provision, the commissioner shall begin to promulgate  
36 rules which ensure that the maximum allowable  
37 expenditures for the initial foundation year accurately

1 reflect the total costs of adult education for that  
2 year.

3 6. State administration. The commissioner shall  
4 add to the budget request an amount sufficient to  
5 provide for the administration of this section.

6 Sec. 67. 20-A MRSA §12705, sub-§1, ¶E, as  
7 amended by PL 1987, c. 532, §2, and c. 534, Pt. B,  
8 §§12 and 23, is repealed and the following enacted in  
9 its place:

10 E. The Commissioner of Economic and Community  
11 Development, or his successor, who shall serve ex  
12 officio.

13 Sec. 68. 22 MRSA §396-D, sub-§9, ¶E, as enacted  
14 by PL 1987, c. 402, Pt. A, §137, and c. 440, §3, is  
15 repealed and the following enacted in its place:

16 E. In determining payment year financial  
17 requirements, the commission shall include an  
18 adjustment to reflect the reasonable costs,  
19 including reasonable attorneys' fees, incurred by  
20 a hospital to prosecute an appeal of a commission  
21 decision pursuant to section 397, subsection 4,  
22 provided that the adjustment shall reflect only  
23 those reasonable costs that are associated with  
24 the issues on which the hospital has prevailed in  
25 court, including costs associated with presenting  
26 those issues to the commission in the case from  
27 which the appeal was taken. The commission shall  
28 make an adjustment under this paragraph only to  
29 the extent that the costs found to be reasonable  
30 are not otherwise included in financial  
31 requirements.

32 Sec. 69. 22 MRSA §396-D, sub-§9, ¶G is enacted  
33 to read:

34 G. The commission shall include an adjustment to  
35 financial requirements for increases in costs of  
36 compensation for professional medical personnel,  
37 including nurses and certified nurses aides, to  
38 the extent that a hospital demonstrates that such

1 increases are reasonably necessary to retain or  
2 recruit such personnel, that such increases are in  
3 excess of the increases attributable to the  
4 compensation proxy included in the economic trend  
5 factor, that the hospital has passed on the value  
6 of the compensation cost proxy in past years and  
7 that the hospital will experience economic  
8 hardship without additional funds. Economic  
9 hardship means an excess of noncapital operating  
10 expenses over noncapital financial requirements.  
11 In determining this adjustment, the commission  
12 shall consider the current labor market conditions  
13 affecting the hospital and the hospital's  
14 compensation rates in relation to those of other  
15 similarly situated hospitals. Those adjustments  
16 may be made during the course of a payment year.

17 **Sec. 70. 22 MRSA §396-D, sub-§9-A, ¶B, as**  
18 **enacted by PL 1987, c. 51, §1, is amended to read:**

19 **B. In determining the amount of the excess upon**  
20 **which an adjustment may be based, the commission:**

21 (1) Shall consider the extent to which other  
22 adjustments have been made under this section  
23 for changes that occurred during the base  
24 year; and

25 (2) Shall adjust the amount determined  
26 under subsection paragraph A to reflect  
27 the impact, determined by means of the  
28 economic trend factor established in  
29 accordance with subsection 1, of inflation  
30 from the base year through the payment year  
31 prior to the year for which an adjustment has  
32 been requested.

33 **Sec. 71. 22 MRSA §674, sub-§4, ¶¶H and I, as**  
34 **amended by PL 1987, c. 493, §4, and c. 519, §3, are**  
35 **repealed and the following enacted in their place:**

36 H. Shall encourage, participate in, or conduct  
37 studies, investigations, training, research and  
38 demonstrations relating to control of sources of  
39 radiation;

1 I. Shall collect and disseminate information  
2 relating to control of sources of radiation,  
3 including:

4 (1) Maintenance of a file of all license  
5 applications, issuances, denials, amendments,  
6 transfers, renewals, modifications,  
7 suspensions and revocations;

8 (2) Maintenance of a file of registrants  
9 possessing sources of radiation requiring  
10 registration under this Act and any  
11 administrative or judicial action pertaining  
12 to this Act; and

13 (3) Maintenance of a file of all of the  
14 department's rules relating to regulation of  
15 sources of radiation, pending or promulgated,  
16 and any connected proceedings;

17 **Sec. 72. 22 MRS** A §674, sub-§4, ¶¶J and K, as  
18 enacted by PL 1987, c. 493, §4, and c. 519, §4, are  
19 repealed and the following enacted in their place:

20 J. May investigate and sample sites where  
21 radioactive substances or devices are stored or  
22 handled to identify uncontrolled radioactive  
23 substance sites;

24 K. May take whatever action is deemed necessary  
25 to abate, clean up or mitigate the threats or  
26 hazards posed or potentially posed by radioactive  
27 material or radiation-generating equipment to  
28 protect the public health, safety or welfare or  
29 the environment, including administering or  
30 carrying out measures to abate, clean up or  
31 mitigate the threats or hazards and implementing  
32 remedies to remove, store, treat, dispose of or  
33 otherwise handle radioactive material, including  
34 soil and water contaminated by the material;

35 **Sec. 73. 22 MRS** A §674, sub-§4, ¶¶L and M are  
36 enacted to read:

37 L. Shall establish and maintain a continuous

1 radiation monitoring system to record the  
2 radioactive levels of gaseous and liquid  
3 discharges from any commercial nuclear power  
4 facility operating in the State; and

5 M. Shall establish and maintain an off-site  
6 monitoring network to provide continuous  
7 monitoring of gamma radiation levels within the  
8 vicinity of any commercial nuclear power facility  
9 operating in the State. Portable off-site  
10 monitoring devices shall be made available to  
11 members of the public to establish a network of  
12 volunteer monitors who shall report to the  
13 department their findings. For this purpose, the  
14 department shall make Geiger Rate meters available  
15 to 50 volunteer monitors. In addition to the  
16 placement of Geiger Rate meters, the department  
17 shall procure 20 Gamma Scintillation Detection  
18 Devices and place 16 of them in homes of members  
19 of the public who volunteer to participate in the  
20 program. The 4 additional devices shall be  
21 maintained by the department in reserve. The  
22 volunteers with Gamma Scintillation Detection  
23 Devices shall also be provided with 2-way radios  
24 so they can report their findings in the case of  
25 emergency. All volunteers will assist the  
26 department in its continuous monitoring network.  
27 All off-site monitoring devices shall be  
28 geographically distributed throughout the  
29 surveillance area to provide the most effective  
30 monitoring network. The department shall adopt  
31 rules to provide for the selecting of the  
32 volunteers, the appropriate and accurate use of  
33 the meters and devices and the method and  
34 frequency of reporting to the department and other  
35 procedures necessary to implement the program.

36 Sec. 74. 22 MRSA §674, sub-§5, as amended by PL  
37 1987, c. 370, §3, and c. 519, §5, is repealed and the  
38 following enacted in its place:

39 5. Coordination. In consultation with the State  
40 Nuclear Safety Advisor in fulfillment of the advisor's  
41 duties pursuant to Title 25, sections 51 and 52, the  
42 commissioner shall serve as the coordinator of



1 radiation activities among the Maine Emergency  
2 Management Agency, Department of Public Safety,  
3 Department of Human Services and Department of  
4 Environmental Protection. The commissioner shall:

5 A. Consult with and review regulations and  
6 procedures of the agencies and federal law to  
7 assure consistency and to prevent unnecessary  
8 duplication, inconsistencies or gaps in regulatory  
9 requirements; and

10 B. Review, prior to promulgation, the proposed  
11 rules of all agencies of the State relating to use  
12 of control of radiation, to assure that these  
13 rules are consistent with the Maine Administrative  
14 Procedure Act, Title 5, chapter 375, and rules of  
15 other agencies of the State. The review shall be  
16 completed within 15 days.

17 If the commissioner determines that proposed rules are  
18 inconsistent with rules of other agencies of the State  
19 or federal law, the commissioner shall consult with  
20 the agencies involved in an effort to resolve these  
21 inconsistencies. In the event no inconsistency is  
22 reported within 15 days, the proposed rules shall be  
23 presumed consistent for the purposes of this  
24 subsection. Upon notification by the commissioner  
25 that the inconsistency has not been resolved, the  
26 Governor may find that the proposed rules or parts of  
27 rules are inconsistent with rules of other agencies of  
28 the State or the Federal Government and may issue or  
29 order to that effect, in which event the proposed  
30 rules or parts of rules shall not become effective.  
31 The Governor may direct, in the alternative, upon a  
32 similar determination, the appropriate agency or  
33 agencies to amend or repeal existing rules to achieve  
34 consistency with the proposed rules.

35 Sec. 75. 22 MRSA §1682, as repealed and  
36 replaced by PL 1987, c. 86, §1, is repealed.

37 Sec. 76. 22 MRSA §1682-A, as enacted by PL  
38 1987, c. 86, §2, is repealed.

39 Sec. 77. 22 MRSA §1686, as enacted by PL 1987,

1 c. 8, §2, is repealed and the following enacted in its  
2 place:

3 §1686. Toilet facilities required

4 Unless it is licensed for fewer than 13 seats and  
5 is not licensed for on-premise consumption of  
6 alcoholic beverages, an eating establishment shall  
7 provide at least one toilet facility for the use of  
8 its customers. Toilet facilities which require access  
9 through the food preparation area or the use of which  
10 would in any way cause the establishment to be in  
11 violation of any state law or rule shall not be  
12 considered as fulfilling this requirement. The  
13 location of the toilets shall be clearly marked,  
14 maintained in a sanitary condition, in good repair and  
15 their location identifiable from the eating area.  
16 There shall be no charge for their use. Lavatory  
17 facilities shall be located within or immediately  
18 adjacent to all toilet rooms or vestibules.

19 Upon appeal, the Division of Health Engineering  
20 may exempt from the requirements of this chapter  
21 eating establishments of 13 to 25 seats which are not  
22 licensed for on-premise consumption of alcoholic  
23 beverages and which were in existence prior to  
24 September 30, 1985, and which:

25 1. Shopping malls. Are part of an enclosed mall  
26 which provides customer toilet facilities which are  
27 part of the public portion of the mall and not part of  
28 a business within the mall;

29 2. Other locations. Have submitted evidence of  
30 an agreement with a 2nd party that customers of the  
31 eating establishment may use toilet facilities which  
32 are on the premises owned or rented by the 2nd party  
33 in cases where such use would not create a substantial  
34 inconvenience to the customer of the eating  
35 establishment;

36 3. Construction costs. Are housed in buildings  
37 of unique construction which makes installation of a  
38 toilet facility cost prohibitive; or

1       4. Space loss. Would lose 1/4 or more of their  
2 existing seating space if required to provide a toilet  
3 facility of a minimum size of 3 feet by 6 feet.

4       Any eating establishment which does not have a  
5 toilet facility available shall post a sign to that  
6 effect which may be seen upon entry to the eating  
7 establishment.

8       Sec. 78. 22 M RSA §1686-A is enacted to read:

9       §1682-A. Eating establishments that permit consump-  
10 tion of alcoholic beverages

11       Any eating establishment regardless of the number  
12 of seats that permits on-premise consumption of  
13 alcoholic beverages shall be bound by section 1686,  
14 regarding the provision of a toilet facility.

15       Sec. 79. 22 M RSA §2842, sub-§2, as amended by  
16 PL 1987, c. 72, and c. 296, §2, is repealed and the  
17 following enacted in its place:

18       2. Medical certificate by physician. The medical  
19 certification of the cause of death shall be completed  
20 and signed in a timely fashion by a physician  
21 authorized to practice in the State who has knowledge  
22 of the patient's recent medical condition, in  
23 accordance with department regulations and other laws  
24 detailing who can certify and in what time frame,  
25 except when the death falls under the jurisdiction of  
26 the medical examiner as provided in section 3025. If  
27 the patient was a resident of a nursing home licensed  
28 under section 1817 at the time of death and if the  
29 physician in charge of the patient's care or another  
30 physician designated by the physician in charge had  
31 not examined the patient within 48 hours prior to  
32 death, or within 2 weeks prior to death in the case of  
33 a terminally ill patient, the physician in charge or  
34 another physician designated by the physician in  
35 charge shall examine the body prior to completing the  
36 certification of death process. Any physician who  
37 fails to complete the medical certification of the  
38 cause of death fully, and in a timely manner, or who  
39 fails to examine the body of a nursing home resident

1 prior to certifying cause of death as required by this  
2 section shall be reported to the Board of Registration  
3 in Medicine or the Board of Osteopathic Examination  
4 and Registration, whichever is appropriate, by the  
5 State Registrar of Vital Statistics of the Department  
6 of Human Services.

7 For the purposes of this subsection, the following  
8 terms have the following meanings.

9       A. "Life-sustaining procedure" means any medical  
10 procedure or intervention that, when administered  
11 to a qualified patient, will serve only to prolong  
12 the dying process and shall not include nutrition  
13 and hydration.

14       B. "Terminally ill patient" means a patient who  
15 has been diagnosed as having an incurable or  
16 irreversible condition that, without the  
17 administration of life-sustaining procedures,  
18 will, in the opinion of the attending physician,  
19 result in death within a short time.

20       Sec. 80. 22 MRSA §3725, sub-§2, as enacted by  
21 PL 1987, c. 402, Pt. A, §142, is repealed and the  
22 following enacted in its place:

23       2. Limit on disbursements. Of the first \$100,000  
24 of income each year, the amount remaining after  
25 payment of operating expenses and expenses for  
26 developing public awareness shall be expended by the  
27 board in the following proportions: A minimum of 1/3  
28 shall be allocated to the trust fund and up to 2/3  
29 allocated for grants to local programs. One half of  
30 the amount of income each year which exceeds \$100,000,  
31 but which does not exceed \$500,000, shall be set aside  
32 for the development of the trust fund. The board may  
33 expend the remainder in accordance with the duties set  
34 out in section 4084. The board may not expend the  
35 amount of income each year which exceeds \$500,000.  
36 For purposes of this section, income includes interest  
37 attributed to the fund pursuant to Title 36, section  
38 5285. When the total amount of the fund reaches  
39 \$4,000,000, contributions to the fund shall cease, as  
40 provided in Title 36, section 5285, and the

1 expenditures by the board shall be limited to the  
2 amount of interest credited annually to the fund.

3 ,Sec. 81. 22 MRSA §4002, sub-§7-A, ¶F, as  
4 enacted by PL 1985, c. 739, §2, is amended to read:

5 F. Emancipation of the child, if the requirements  
6 of Title 15, section 3506 3506-A, are met.

7 Sec. 82. 22 MRSA §4085, sub-§2, as amended by  
8 PL 1987, c. 366, and as repealed by PL 1987, c. 402,  
9 Pt. A, §144, is repealed.

10 Sec. 83. 22 MRSA §5304, sub-§14, as enacted by  
11 PL 1973, c. 793, §12, is amended to read:

12 14. Income. "Income" means the sum of Maine  
13 adjusted gross income determined in accordance with  
14 the Maine Revised Statutes, Title 36, Part 8, the  
15 amount of capital gains excluded from adjusted gross  
16 income, alimony, support money, nontaxable strike  
17 benefits, the gross amount of any pension or annuity  
18 including railroad retirement benefits, all payments  
19 received under the Federal Social Security Act, state  
20 unemployment insurance laws and veterans veterans'  
21 disability pensions, nontaxable interest received from  
22 the Federal Government or any of its  
23 instrumentalities, ~~workmen's~~ workers' compensation  
24 and the gross amount of "loss of time" insurance, cash  
25 public assistance and relief. It does not include  
26 gifts from nongovernmental sources or surplus foods or  
27 other relief in kind supplied by a governmental agency  
28 or property tax relief for the elderly.

29 Sec. 84. 22 MRSA §7901-A, sub-§5, as amended by  
30 PL 1987, c. 304, §1, is further amended to read:

31 5. Mobile nonambulatory. "Mobile nonambulatory,"  
32 as applied to a resident of a boarding care facility,  
33 means being able to transfer independently and able to  
34 evacuate a facility in less than 2 1/2 minutes with  
35 the assitance assistance of another person  
36 throughout the evacuation procedure.

1           Sec. 85.   23 MRSA §152, 5th ¶, as repealed and  
2 replaced by PL 1987, c. 395, Pt. A, §92, and c. 402,  
3 Pt. A, §145, is repealed and the following enacted in  
4 its place:

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

15           Sec. 86.   23 MRSA §152, 6th ¶, as repealed and  
16 replaced by PL 1987, c. 395, Pt. A, §92, and c. 402,  
17 Pt. A, §146, is repealed and the following enacted in  
18 its place:

19           The Commissioner of Finance shall appoint and fix  
20 the compensation of a reporter to the commission, and  
21 shall review and approve all charges made by such  
22 reporter for transcripts of the record of hearings  
23 before the commission. The commissioner may appoint,  
24 subject to the Civil Service Law, such clerical  
25 assistants for the commissioner as he deems necessary.

26           Sec. 87.   23 MRSA §652, sub-§1, as amended by PL  
27 1987, c. 395, Pt. A, §105, and c. 402, Pt. B, §18, is  
28 repealed and the following enacted in its place:

29           1. Change of grade. Whenever the department  
30 changes the grade of any state or state aid highway,  
31 as provided in chapters 1 to 19, to the injury of an  
32 owner of adjoining land, that owner may apply, within  
33 24 months after completion of the work according to  
34 the records of the department, to the department in  
35 writing for a determination and assessment of  
36 damages. If the department is unable to settle that  
37 damages at what it deems a reasonable amount, the  
38 department or interested parties may apply to the  
39 State Claims Commission in writing for a determination

1 and assessment of the damages. The proceedings shall  
2 then be the same as in condemnation cases.

3       **Sec. 88.** 23 MRSA §652, sub-§2, ¶E, as amended  
4 by PL 1987, c. 395, Pt. A, §106, and c. 402, Pt. B,  
5 §19, is repealed and the following enacted in its  
6 place:

7       E. If the department is unable to settle at what  
8 it deems a reasonable settlement, the department  
9 or owner may apply to the State Claims Commission  
10 in writing for a determination of the alleged  
11 cause and assessment of the damage. The  
12 proceedings shall then be the same as in  
13 condemnation cases.

14       **Sec. 89.** 23 MRSA §1851, first ¶, as enacted by  
15 PL 1987, c. 473, is amended to read:

16       The department may administer bond issue funds for  
17 the construction of municipal or county salt and sand  
18 storage facilities in order to reduce salt pollution  
19 of ground and surface waters. Any bonds issued under  
20 this section shall be paid for out of the Highway  
21 Fund. In administering these funds, the department  
22 shall provide reimbursement to municipal and county  
23 governmental entities for approved projects according  
24 to the order of priority established ~~biannually~~  
25 ~~biennially~~ by the Department of Environmental  
26 Protection. Allocation of funds shall be based upon  
27 1.25 times the ratio of miles of state and state-aid  
28 roads maintained for winter maintenance, as described  
29 in sections 1001 and 1003, to all miles maintained for  
30 winter maintenance by the municipality,  
31 quasi-municipal agency or county. The department  
32 shall establish guidelines to reimburse eligible local  
33 government entities in a consistent and timely manner.

34       **Sec. 90.** 23 MRSA c. 410-A is enacted to read:

35                               CHAPTER 410-A

36                               MAINE TRANSPORTATION CAPITAL IMPROVEMENT

37                               PLANNING COMMISSION

1 §4261. Commission

2 The Maine Transportation Capital Improvement  
3 Planning Commission, as established in Title 5,  
4 section 12004, subsection 10, shall be within the  
5 Department of Transportation.

6 §4262. Composition; appointment; term

7 1. Membership. The commission shall consist of  
8 no more than 17 members. Membership shall include one  
9 representative from each of the State's 8 designated  
10 planning and economic development regions who shall be  
11 appointed by the Governor and who shall serve as  
12 representatives of local government or regional  
13 planning agencies. In addition to these members, the  
14 Governor shall appoint one representative on the  
15 commission for each of the following areas: air  
16 passenger or cargo service, rail service, truck  
17 service, surface passenger transportation, marine  
18 passenger service, marine cargo service and economic  
19 or community development. To the extent possible, the  
20 Governor shall consider representatives who are active  
21 members of established corridor committees. At least  
22 2 members of the commission shall be current members  
23 of the joint standing committee of the Legislature  
24 having jurisdiction over transportation, consisting of  
25 one member from the House of Representatives appointed  
26 by the Speaker of the House to serve at the Speaker's  
27 pleasure and one member from the Senate appointed by  
28 the President of the Senate to serve at the  
29 President's pleasure.

30 2. Qualifications. To be qualified to serve,  
31 members must have education, training, experience,  
32 knowledge, expertise and interest in transportation  
33 matters. Members must be residents of different  
34 geographical areas of the State who reflect  
35 experiential diversity and concern for transportation  
36 in the State.

37 3. Term; vacancy. Members shall be appointed for  
38 terms of 3 years, except that, of the members first  
39 appointed, 5 shall be appointed for terms of 3 years,



1 5 shall be appointed for terms of 2 years and 5 shall  
2 be appointed for terms of one year, as designated by  
3 the Governor at the time of appointment. Any member  
4 appointed to fill a vacancy occurring prior to the  
5 expiration of the term for which a predecessor was  
6 appointed shall be appointed only for the remainder of  
7 that term. Members who are members of the current  
8 Legislature and who are appointed by the President of  
9 the Senate or the Speaker of the House shall serve at  
10 their pleasure. Any vacancy in the commission shall  
11 not affect its powers, but shall be filled in the same  
12 manner as the original appointment was made.

13 4. Reappointment; termination. Members shall be  
14 eligible for reappointment for not more than 2 full  
15 consecutive terms and may serve after the expiration  
16 of their terms until their successors have been  
17 appointed, qualified and taken office. The appointing  
18 authority may terminate the appointment of any member  
19 of the commission for good cause and the reason for  
20 the termination of each appointment shall be  
21 communicated to each member terminated. The  
22 appointment of any member of the commission shall be  
23 terminated if a member is absent from 3 consecutive  
24 meetings without good cause that is communicated to  
25 the chairman. An official, employee, consultant or  
26 any other individual employed, retained or otherwise  
27 compensated by or representative of the Executive  
28 Department of State Government, other than the  
29 commissioner, shall not be a member of the commission,  
30 but shall assist the commission if requested.

31 5. Chairman; officers. The commission shall  
32 elect biennially the chairman from among its members.  
33 The commission may elect such other officers from its  
34 members as it deems appropriate.

35 §4263. Administrative authority

36 1. Meetings. The commission shall meet at the  
37 call of the commissioner, who shall call meetings at  
38 least twice within a calendar year.

39 2. Subcommittee. The commission may establish  
40 subcommittees consisting of its own members to carry

1 out the purposes of this chapter.

2 3. Quorum. A majority of the commission members  
3 shall constitute a quorum for the purpose of  
4 conducting the business of the commission and  
5 exercising all the powers of the commission. A vote  
6 of the majority of the members present shall be  
7 sufficient for all actions of the commission.

8 A majority of any subcommittee shall also constitute a  
9 quorum for the purposes of conducting the business for  
10 which the subcommittee was established. A vote of the  
11 majority of the subcommittee members present shall be  
12 sufficient for all actions of the subcommittee.

13 §4264. Duties

14 The commission shall:

15 1. Advise, consult and assist. Advise, consult  
16 and assist the commissioner on activities of State  
17 Government relating to transportation capital  
18 improvement planning. The commission shall be solely  
19 advisory in nature. The commission shall not become  
20 involved in the preparation or any aspect of the  
21 implementation of the department's biennial  
22 transportation improvement program;

23 2. Prepare a transportation capital improvement  
24 plan. Assist the department in the preparation of a  
25 transportation capital improvement plan that  
26 identifies long-range capital improvement needs for  
27 the State's highways and bridges, ferries and related  
28 facilities, cargo ports, airports, public buses and  
29 related facilities and rail facilities. The capital  
30 improvement plan shall only address needs that are of  
31 a statewide significance. The needs to be addressed  
32 shall exclude those items to be addressed in the  
33 department's current biennial transportation  
34 improvement program. The capital improvement plan  
35 shall set forth goals, objectives, schedules and a  
36 budget that provides a balanced statewide response to  
37 the needs identified. The plan shall be updated every  
38 2 years; and

1           3. Serve as advocate. Serve as advocate for the  
2 public in promoting policies which address the  
3 long-term transportation capital improvement needs of  
4 the entire State.

5           Sec. 91. 23 MRSA c. 413, as enacted by PL 1987,  
6 c. 542, Pt. G, §2, is repealed.

7           Sec. 92. 24 MRSA §2354, sub-§4, ¶C, as enacted  
8 by PL 1987, c. 405, §35, is amended to read:

9           C. Nothing in this section may be construed to  
10 prohibit or limit a corporation from acquiring or  
11 investing in related corporations pursuant to  
12 section 2359 2360.

13           Sec. 93. 24-A MRSA §721, sub-§6, as enacted by  
14 PL 1969, c. 132, §1, is amended to read:

15           6. This section shall not apply to life or health  
16 insurance, annuities, title insurance, insurance of  
17 wet marine and transportation risks, workmen's  
18 workers' compensation insurance, employers' liability  
19 coverages, nor to any policy or type of coverage as to  
20 which the maximum possible loss to the insurer is not  
21 readily ascertainable on issuance of the policy.

22           Sec. 94. 24-A MRSA §1160, sub-§1, as enacted by  
23 PL 1987, c. 399, §14, is amended to read:

24           1. Purchase of own common stock. A stock insurer  
25 may not purchase its own common stock, except for the  
26 purpose of mutualization under chapter 47; for  
27 retirement; or pursuant to a plan for investment or  
28 loan submitted in writing by the insurer to the  
29 superintendent in advance, and which the  
30 superintendent has not disapproved within 20 days  
31 after the submission or within any additional  
32 reasonable period as the superintendent may request,  
33 as being unfair or inequitable to the insurer may  
34 not purchase its own common insurers' insurer's  
35 policyholders or stockholders.

36           Sec. 95. 24-A MRSA §2302, sub-§2, ¶D, as

1 enacted by PL 1969, c. 132, §1, is amended to read:

2 D. Insurance of hulls of aircraft, including  
3 their accessories and equipment, or against  
4 liability, other than workmen's workers'  
5 compensation and employers' liability, arising out  
6 of the ownership, maintenance or use of aircraft;

7 **Sec. 96.** 24-A MRSA §2002, sub-§4, as enacted by  
8 PL 1969, c. 132, §1, is amended to read:

9 4. Insurance of aircraft owned or operated by  
10 manufacturers of aircraft, or of aircraft operated in  
11 commercial interstate flight, or cargo of such  
12 aircraft, or against liability, other than  
13 workmen's workers' compensation and employer's  
14 liability, arising out of the ownership, maintenance  
15 or use of such aircraft.

16 **Sec. 97.** 24-A MRSA §2361, as enacted by PL  
17 1987, c. 559, §4, is amended to read:

18 §2361. Title

19 This subchapter shall be known and may be cited as  
20 the "Workers' Compensation Competitive Rating Act."

21 **Sec. 98.** 24-A MRSA §2363, sub-§7, ¶C, as  
22 enacted by PL 1987, c. 559, §4, is amended to read:

23 C. The justness and reasonableness of rates shall  
24 be determined for the period in which the rates  
25 are in effect. Losses Deficits in the residual  
26 market in any preceding year may not be included  
27 in the determination of rates.

28 **Sec. 99.** 24-A MRSA §2363, sub-§11, as enacted  
29 by PL 1987, c. 559, §4, is amended to read:

30 11. Public hearing. The superintendent shall hold  
31 a public hearing as provided in sections 229 and to  
32 235 on each filing. The public hearing shall be  
33 conducted no sooner than 30 days and no later than 60  
34 days of the date the rate filing is deemed complete by

1 the superintendent, unless the superintendent extends  
2 these limits under subsection 6. The superintendent  
3 shall establish just and reasonable rates and state  
4 his findings in a written order issued within 90 days  
5 from the date the filing is completed, unless he  
6 extends this limit under subsection 6. If the  
7 superintendent denies or dismisses a filing, any  
8 further filing shall be deemed to be a new filing,  
9 subject to this public hearing requirement.

10 Sec. 100. 24-A MRSA §2364, sub-1, ¶B, as  
11 enacted by PL 1987, c. 559, § 4, is amended to read:

12 B. The superintendent may disapprove a  
13 subclassification if:

14 (1) The insurer fails to demonstrate that  
15 the data produced may be reported consistent  
16 with the uniform statistical plan and  
17 classification system; or

18 (2) The proposed subclassification:

19 (a) Is not reasonably related to the  
20 exposure;

21 (b) Is not adequately defined;

22 (c) Has not been shown to distinguish  
23 among insured insureds based on the  
24 potential for or hazard of loss; or

25 (d) Is likely to be unfairly  
26 discriminatory.

27 Sec. 101. 24-A MRSA §2366, sub-§8, as enacted  
28 by PL 1987, c. 559, §4, is amended to read:

29 8. Contracts; consultants. The superintendent  
30 may, in its the superintendent's discretion, enter  
31 into contracts for the provision of any services  
32 necessary or appropriate to the operation of the  
33 residual market mechanism and may retain consultants  
34 to provide such other technical and professional  
35 services as he the superintendent may require for

1 the discharge of his the superintendent's duties.

2 Sec. 102. 24-A MRSA §2367, first ¶, as enacted  
3 by PL 1987, c. 559, §4, is amended to read:

4 Beginning in 1990, the superintendent shall  
5 annually determine, after hearing but on or before  
6 ~~February~~ March 15th of each year, whether premiums  
7 collected from risks in the residual market and  
8 investment income allocable to those premiums are  
9 greater or less than the incurred losses and expenses  
10 associated with that market. In establishing  
11 surcharges under this section, the superintendent may  
12 approve application of surcharges to policies issued  
13 on or after January 1st, but prior to the date of his  
14 order, provided that the policies contain language  
15 approved by the superintendent which is sufficient to  
16 notify policyholders that they may be subject to  
17 surcharges approved after the effective date of their  
18 policies. For purposes of this section, the residual  
19 market shall be the Accident Prevention Account and  
20 the Safety Pool. For purposes of this section,  
21 "deficit" means the amount by which incurred losses  
22 and expenses associated with the residual market  
23 exceed premiums collected from risks in that market  
24 and investment income allocable to those premiums.  
25 The superintendent shall also determine whether  
26 insurers have in good faith made their best efforts to  
27 maximize the number of risks in the voluntary market  
28 for workers' compensation insurance in the State. The  
29 superintendent may make timely and appropriate  
30 requests for any data deemed necessary by the  
31 superintendent to make these determinations.

32 Sec. 103. 24-A MRSA §2367, sub-§2, ¶C, as  
33 enacted by PL 1987, c. 559, §4, is repealed and the  
34 following enacted in its place:

35 C. Beginning in 1991, the superintendent, after  
36 hearing and only if the rates in the entire  
37 workers' compensation market are inadequate to  
38 produce a reasonable rate of return, shall  
39 determine as of March 15th of each year whether  
40 insurers have in good faith made their best efforts

1 to maximize the number of risks in the voluntary  
2 market. If the superintendent's determination is  
3 affirmative, the surcharge in paragraph A shall be  
4 applied.

5 If the determination is negative, then the  
6 superintendent shall determine the percentage of  
7 workers' compensation insurance, by premium  
8 volume, that has been written voluntarily  
9 statewide. If the premium volume in the voluntary  
10 market is greater than or equal to the amount  
11 specified in the table below, then the surcharge  
12 in paragraph A shall be applied.

<u>Policy Year</u>	<u>Premium Volume</u>
14 <u>1989</u>	<u>50%</u>
15 <u>1990</u>	<u>60%</u>
16 <u>1991 and later</u>	<u>70%</u>

17 Sec. 104. 24-A MRSA §2371, sub-§2, ¶B, as  
18 enacted by PL 1987, c. 559, §4, is amended to read:

19 B. Claims history information on each claim,  
20 including:

21 (1) Date of injury or exposure to disease,  
22 date of first report, type of injury or  
23 exposure disclosure and affected body part;

24 (2) Preinjury wage history, date of initial  
25 payment and date of notice of controversy, if  
26 any, together with the reason for denial;

27 (3) Date of maximum medical improvement  
28 and independent medical examiner finding or  
29 findings;

30 (4) Identification of cumulative or opened  
31 claims; and

32 (5) Duration of wage loss period or periods.

1           Sec. 105. 24-A MRSA §2371, sub-§2, ¶C, as  
2 enacted by PL 1987, c. 559, §4, is repealed and the  
3 following enacted in its place:

4           C. Information concerning Workers' Compensation  
5           Commission proceedings, including:

6                   (1) As to each informal conference, the  
7                   date, commissioner, involvement of attorney  
8                   or other designated representative,  
9                   employer's or insurer's offer, employee's  
10                   expectation and resolution; and

11                   (2) As to each hearing, the date,  
12                   commissioner, involvement of attorney or  
13                   other designated representative, employer's  
14                   or insurer's offer, employee's demand and  
15                   commissioner's decision.

16           Sec. 106. 24-A MRSA c. 71, first 2 lines, as  
17 enacted by PL 1987, c. 481, §3, are repealed and the  
18 following enacted in their place:

19                                   CHAPTER 72-A

20                                   MAINE LIABILITY RISK RETENTION ACT

21           Sec. 107. 24-A MRSA §6201, sub-§§10 and 16, as  
22 enacted by PL 1987, c. 482, §1, are amended to read:

23           10. Maintenance fee. "Maintenance fee" means any  
24 fee which a subscriber is required to pay to the  
25 provider on a regular basis to cover the cost of  
26 shelter and, health care or supportive services, or  
27 any combination thereof, provided to the subscriber.

28           16. Supportive services. "Supportive services"  
29 means providing assistance in the activities of daily  
30 living and or other social services, or both.  
31 Supportive services does not refer to services of the  
32 type commonly provided to tenants in a conventional  
33 apartment building.

34           Sec. 108. 24-A MRSA §6203, sub-§2, ¶F, as



1 enacted by PL 1987, c. 482, §1, is amended to read:

2 F. The department certifies to the superintendent  
3 that the provider has demonstrated the willingness  
4 and potential ability to assure that the health  
5 care services and or supportive services, or  
6 both, will be provided in a manner to assure both  
7 availability and accessibility of adequate  
8 personnel and facilities and in a manner enhancing  
9 availability, accessibility and continuity of  
10 service services; and

11 Sec. 109. 25 MRSA §2901, as amended by PL 1987,  
12 c. 251, §2, and c. 411, §1, is repealed and the  
13 following is enacted in its place:

14 §2901. Department; commissioner

15 There is created and established the Department of  
16 Public Safety to coordinate and efficiently manage the  
17 law enforcement and public safety responsibilities of  
18 the State, to consist of the Commissioner of Public  
19 Safety, in this chapter called "commissioner," who  
20 shall be appointed by the Governor, subject to review  
21 by the joint standing committee of the Legislature  
22 having jurisdiction over state and local government  
23 and to confirmation by the Legislature, to serve at  
24 the pleasure of the Governor, and the following as  
25 created and established: the Bureau of State Police,  
26 the Bureau of Liquor Enforcement, the Office of the  
27 State Fire Marshal, the Maine Criminal Justice  
28 Academy, the Maine Highway Safety Commission and the  
29 Bureau of Intergovernmental Drug Enforcement.

30 Sec. 110. 25 MRSA §2902, sub-§4, as amended by  
31 PL 1987, c. 251, §3, and c. 411, §2, is repealed and  
32 the following is enacted in its place:

33 4. Maine Highway Safety Commission. The Maine  
34 Highway Safety Commission, as authorized by Title 5,  
35 section 12004, subsection 10, shall be under the  
36 direction of the Commissioner of Public Safety and  
37 advisory to the Governor. The commission shall  
38 consist of not more than 25 members selected by the  
39 Governor from state, civic and industrial

1 organizations and individuals with interests relating  
2 to highway safety. The Commissioner of Public Safety,  
3 the Commissioner of Transportation, the Commissioner  
4 of Human Services and the Commissioner of Educational  
5 and Cultural Services, the Secretary of State and the  
6 Attorney General shall serve as ex officio members.  
7 The ex officio members shall appoint persons in major  
8 policy-influencing positions as their designees to  
9 represent them at meetings of the commission with  
10 voting privileges. The commission members shall serve  
11 at the pleasure of the Governor and shall be  
12 compensated in accordance with Title 5, chapter 379.  
13 The commission shall stimulate active support for  
14 highway safety measures and programs and shall advise  
15 the Department of Public Safety regarding these  
16 issues. The commission shall annually report its  
17 findings and recommendations, including any necessary  
18 implementing legislation, to the Governor and to the  
19 joint standing committee of the Legislature having  
20 jurisdiction over state and local government; and

21       Sec. 111. 26 MRSA §811, sub-§1, as enacted by  
22 PL 1987, c. 285, §1, is amended to read:

23       1. Intent. The intent of this Act section is  
24 to ensure that members of the state military forces,  
25 including the Maine Army and Air National Guards, and  
26 the Reserves of the United States Armed Forces will  
27 not suffer harm as the result of their military  
28 obligations and that an employee returning from  
29 military leave from his civilian job shall be treated  
30 no differently than any other employee with an  
31 approved leave of absence.

32       Sec. 112. 26 MRSA §1043, sub-§11, ¶F, as  
33 amended by PL 1987, c. 17, §1, is further amended to  
34 read:

35       F. The term "employment" shall not include:

36               (1) Service performed in the employ of this  
37 State, or of any political subdivision  
38 thereof, or of any instrumentality of this  
39 State or its political subdivisions, except  
40 as provided by this subsection;

1 (2) Service performed in the employ of the  
2 United States Government or an  
3 instrumentality of the United States immune  
4 under the Constitution of the United States  
5 from the contributions imposed by this  
6 chapter, except that on and after January 1,  
7 1940 to the extent that the Congress of the  
8 United States has permitted states to require  
9 any instrumentalities of the United States to  
10 make payments into an unemployment  
11 compensation fund under a state unemployment  
12 compensation or employment security law, all  
13 of the provisions of this chapter shall be  
14 applicable to such instrumentalities and to  
15 services performed for such  
16 instrumentalities, in the same manner, to the  
17 same extent and on the same terms as to all  
18 other employers, employing units, individuals  
19 and services. If this State shall not be  
20 certified for any year by the Secretary of  
21 Labor under section 3304 of the Federal  
22 Internal Revenue Code, the payments required  
23 of such instrumentalities with respect to  
24 such year shall be refunded by the  
25 commissioner from the fund in the same manner  
26 and within the same period as is provided in  
27 section 1225, subsection 5, with respect to  
28 contributions erroneously collected;

29 (3) Service with respect to which  
30 unemployment compensation is payable under an  
31 unemployment compensation system or  
32 employment security system established by an  
33 Act of Congress. The commissioner is  
34 authorized and directed to enter into  
35 agreements with the proper agencies under  
36 such Act of Congress, which agreements shall  
37 become effective 10 days after publication  
38 thereof in the manner provided in section  
39 1082, subsection 2, for regulations, to  
40 provide reciprocal treatment to individuals  
41 who have, after acquiring potential rights to  
42 benefits under this chapter, acquired rights  
43 to unemployment compensation under such Act

1 of Congress, or who have, after acquiring  
2 potential rights to unemployment compensation  
3 under such Act of Congress, acquired rights  
4 to benefits under this chapter;

5 (4) Agricultural labor as defined in  
6 subsection 1, except as provided in paragraph  
7 A-2;

8 (4-1) Agricultural labor in the harvesting  
9 of apples, if performed by an individual who  
10 is an alien, other than a citizen of a  
11 contiguous country with which the United  
12 States has an agreement with respect to  
13 unemployment compensation, admitted to the  
14 United States to perform agricultural labor  
15 pursuant to the United States Immigration and  
16 Nationality Act, Sections 214(c) and 101(a)  
17 (15) (H);

18 (5) Domestic service in a private home,  
19 except as provided in paragraph A-3;

20 (6) Service performed by an individual in  
21 the employ of his son, daughter or spouse,  
22 and service performed by a child under the  
23 age of 18 in the employ of his father or  
24 mother;

25 (6-1) Services performed by a student  
26 attending an elementary or secondary school  
27 while participating in a cooperative program  
28 of education and occupational training;

29 (9) Service performed with respect to which  
30 unemployment compensation is payable under  
31 the Railroad Unemployment Insurance Act (52  
32 Stat. 1094);

33 (10) Services performed in the employ of any  
34 other state, or any political subdivision  
35 thereof, or any instrumentality of any one or  
36 more of the foregoing which is wholly owned  
37 by one or more states or political

1 subdivisions; and any services performed in  
2 the employ of any instrumentality of one or  
3 more other states or their political  
4 subdivisions to the extent that the  
5 instrumentality is, with respect to such  
6 service, immune under the Constitution of the  
7 United States from the tax imposed by section  
8 3301 of the Federal Internal Revenue Code;  
9 except as provided in paragraph A-1,  
10 subparagraph (1);

11 (11) Service performed in any calendar  
12 quarter in the employ of any organization  
13 exempt from income tax under section 501(a)  
14 of the Federal Internal Revenue Code, other  
15 than an organization described in section  
16 401(a) or under section 521, of such Code, if  
17 the remuneration for such service is less  
18 than \$150;

19 (16) Service performed in the employ of a  
20 foreign government, including service as a  
21 consular or other officer or employee or a  
22 nondiplomatic representative;

23 (17) Service performed in the employ of an  
24 instrumentality wholly owned by a foreign  
25 government:

26 (a) If the service is of a character  
27 similar to that performed in foreign  
28 countries by employees of the United  
29 States Government or an instrumentality  
30 thereof; and

31 (b) If the commissioner finds that the  
32 United States Secretary of State has  
33 certified to the United States Secretary  
34 of the Treasury that the foreign  
35 government, with respect to whose  
36 instrumentality exemption is claimed,  
37 grants an equivalent exemption with  
38 respect to similar service performed in  
39 the foreign country by employees of the

1 United States Government and of  
2 instrumentalities thereof;

3 (18) Service performed as a student nurse in  
4 the employ of a hospital or a nurses'  
5 training school by an individual who is  
6 enrolled and is regularly attending classes  
7 in a nurses' training school chartered or  
8 approved pursuant to state law; and service  
9 performed as an intern in the employ of a  
10 hospital by an individual who has completed a  
11 4 years' course in a medical school chartered  
12 or approved pursuant to state law;

13 (19) Service performed by an individual for  
14 a person as a real estate broker, real estate  
15 salesman, an insurance agent or as an  
16 insurance solicitor, if all such service  
17 performed by such individual for such person  
18 is performed for remuneration solely by way  
19 of commission;

20 (20) Service performed by an individual  
21 under the age of 18 in the delivery or  
22 distribution of newspapers or shopping news,  
23 not including delivery or distribution to any  
24 point for subsequent delivery or distribution;

25 (21) Service performed in the employ of any  
26 organization which is excluded from the term  
27 "employment" as defined in the Federal  
28 Unemployment Tax Act solely by reason of  
29 section 3306(c)(7) or (8) if:

30 (a) Service performed in the employ of  
31 a church or convention or association of  
32 churches, or an organization which is  
33 operated primarily for religious  
34 purposes and which is operated,  
35 supervised, controlled or principally  
36 supported by a church or convention or  
37 association of churches;

38 (b) Service performed by a duly  
39 ordained, commissioned or licensed .

1 minister of a church in the exercise of  
2 his ministry or by a member of a  
3 religious order in the exercise of  
4 duties required by such order;

5 (c) Prior to January 1, 1978, service  
6 performed in the employ of a school  
7 primarily operated as an elementary,  
8 secondary or preparatory school for  
9 higher education, which is not an  
10 institution of higher education;

11 (d) Service performed in a facility  
12 conducted for the purpose of carrying  
13 out a program of rehabilitation for  
14 individuals whose earning capacity is  
15 impaired by age or physical or mental  
16 deficiency or injury or providing  
17 remunerative work for individuals who,  
18 because of their impaired physical or  
19 mental capacity, cannot be readily  
20 absorbed in the competitive labor market  
21 by an individual receiving such  
22 rehabilitation or remunerative work;

23 (e) Service performed as part of an  
24 unemployment work - relief or work -  
25 training program assisted or financed in  
26 whole or in part by any federal agency  
27 or an agency of a state or political  
28 subdivision thereof by an individual  
29 receiving such work-relief or  
30 work-training;

31 (f) Service performed in the employ of  
32 a hospital as defined in subsection 26  
33 by a patient of such hospital;

34 (g) Services performed prior to January  
35 1, 1978, for a hospital in a state  
36 prison or other state correctional  
37 institution by an inmate of such prison  
38 or correctional institution and after  
39 December 31, 1977, by an inmate of a  
40 custodial or penal institution;

- 1 (h) Service performed in the employ of  
2 a school, college or university, if such  
3 service is performed by a student who is  
4 enrolled and is regularly attending  
5 classes at such school, college or  
6 university; or
- 7 (i) Prior to January 1, 1978, service  
8 performed in the employ of a school  
9 which is not an institution of higher  
10 education; after December 31, 1977,  
11 service performed in the employ of a  
12 governmental entity referred to in  
13 paragraph A-1, subparagraph (1) if such  
14 service is performed by an individual in  
15 the exercise of duties:
- 16 (i) As an elected official;
- 17 (ii) As a member of a legislative  
18 body, or a member of the judiciary,  
19 of a state or political subdivision  
20 thereof;
- 21 (iii) As a member of the State  
22 National Guard or Air National  
23 Guard;
- 24 (iv) As an employee serving on a  
25 temporary basis in case of fire,  
26 storm, snow, earthquake, flood or  
27 similar emergency; or
- 28 (v) In a position which, under or  
29 pursuant to the laws of this State,  
30 is designated as a major nontenured  
31 policymaking or advisory position,  
32 or a policymaking or advisory  
33 position the performance of the  
34 duties of which ordinarily does not  
35 require more than 8 hours per week;
- 36 (29) Services performed by a  
37 hairdresser who holds a booth license



1 and operates within another hairdressing  
2 establishment if operated under a booth  
3 rental agreement or other rental  
4 agreement;

5 (30) Services performed by a barber who  
6 holds a booth license and operates  
7 within another barbering establishment  
8 if operated under a booth rental  
9 agreement or other rental agreement;

10 (31) Services performed by a contract  
11 interviewer engaged in marketing  
12 research or public opinion interviewing,  
13 when such interviewing is conducted in  
14 the field or over the telephone on  
15 premises not used or controlled by the  
16 person for whom such contract services  
17 are being provided;

18 (32) After December 31, 1981, services  
19 performed by an individual on a boat  
20 engaged in catching fish or other forms  
21 of aquatic animal life, unless those  
22 services would be included in the  
23 definition of "employment" for federal  
24 unemployment tax purposes under the  
25 Federal Unemployment Act, United States  
26 Code, Title 26, Section 3306(c), as it  
27 may be amended;

28 (33) Services performed by a member or  
29 leader of a musical group, band or  
30 orchestra or an entertainer when the  
31 services are performed under terms of a  
32 contract entered into by the leader or  
33 an agent of the musical group, band,  
34 orchestra or entertainer with an  
35 employing unit for whom the services are  
36 being performed, provided the leader or  
37 agent is not an employer by reason of  
38 subsection 9 or of section 1222,  
39 subsection 3;

40 (34) Services performed in the delivery

1 or distribution of periodicals to the  
2 ultimate consumer by an individual who  
3 is compensated by receiving or retaining  
4 a commission or profit on the sale of  
5 the periodical;

6 (35) Services performed by a homemaker  
7 in the knitted outerwear industry as  
8 those terms are defined, on the  
9 effective date of this subparagraph, in  
10 the 29 Code of Federal Regulations, Part  
11 530, Section 530.1; and

12 (36) Service performed by a full-time  
13 student, as defined in subsection 30, in  
14 the employ of an organized camp if the  
15 full-time student performed services in  
16 the employ of the camp for less than 13  
17 calendar weeks in the calendar year and  
18 the camp:

19 (a) Did not operate for more than  
20 7 months in the calendar year and  
21 did not operate for more than 7  
22 months in the preceding calendar  
23 year; or

24 (b) Had average gross receipts for  
25 any 6 months in the preceding  
26 calendar year which were not more  
27 than 33 1/3% of its average gross  
28 receipts for the other 6 months in  
29 the preceding calendar year.

30 **Sec. 113. 26 MRSA §1452, as repealed and**  
31 **replaced by PL 1987, c. 402, Pt. A, §159, and c. 534,**  
32 **Pt. B, §§ 16 and 23, is repealed and the following**  
33 **enacted in its place:**

34 §1452. Maine Occupational Information Coordinating  
35 Committee

36 The Maine Occupational Information Coordinating  
37 Committee, as established by Title 5, chapter 379,  
38 shall support the development, maintenance and

1 operation of the Comprehensive Career, Occupational  
2 and Economic Data-based System and foster  
3 communication and coordination of education,  
4 employment and training programs through the use of  
5 the system. The committee shall consist of the  
6 Commissioner of Labor, Commissioner of Human Services,  
7 Commissioner of Educational and Cultural Services,  
8 Commissioner of Economic and Community Development,  
9 Director of the State Planning Office and the Chairmen  
10 of the Maine Human Resource Development Council, the  
11 State Board of Education and the Board of Trustees of  
12 the Maine Vocational-Technical Institute System. The  
13 Commissioner of Labor and the Commissioner of  
14 Educational and Cultural Services may serve as the  
15 representatives of the Chairmen of the Maine Human  
16 Resource Development Council and the State Board of  
17 Education, respectively, upon the agreement of that  
18 designation by the Maine Human Resource Development  
19 Council and the State Board of Education. The  
20 Commissioner of Labor shall be the chairman of the  
21 committee, with the Department of Labor serving as the  
22 fiscal agent for the committee.

23 Sec. 114. 26 MRSA §2005, sub-§5, ¶C, as enacted  
24 by PL 1987, c. 542, Pt. F, §4, is amended to read:

25 C. Based on its assessment of the need for better  
26 coordination of the delivery of services listed  
27 in ~~paragraph~~ paragraph A, recommend to the  
28 Governor and Legislature the "Human Resource  
29 Development Coordination Criteria" affecting  
30 agencies involved with human resource  
31 development. This document shall contain the  
32 elements of the United States Job Training  
33 Partnership Act, Section 121, and shall also  
34 contain coordination requirements derived from the  
35 State Human Resources Development Policy.

36 The coordination requirements of the "Human  
37 Resource Development Coordination Criteria" shall  
38 be communicated to affected state, federal and  
39 local agencies through planning instructions  
40 issued by the Department of Labor;



1 by PL 1987, c. 342, §25, is further amended to read:

2 Except as otherwise provided in this section, no  
3 license or any interest in a license may be sold,  
4 transferred, assigned or otherwise subject to control  
5 by any person other than the licensee. If the  
6 business, or any interest in the business, in  
7 connection with which a licensed activity is  
8 conducted, is sold, transferred or assigned, the  
9 license holder shall immediately ~~sent~~ send to the  
10 commission ~~his~~ the license and a sworn statement  
11 showing the name and address of the purchaser. The  
12 commission is not required to refund any portion of  
13 the licensee fee if the license is surrendered before  
14 it expires.

15 Sec. 120. 28-A MRSA §652, sub-§5, ¶A, as  
16 enacted by PL 1987, c. 45, Pt. A, §4, is amended to  
17 read:

18 A. In unincorporated places, the applicant shall  
19 pay the filing fee of \$10 to the county treasurer  
20 of the county in which the unincorporated place is  
21 located. All applications for a license in  
22 unincorporated places must be accompanied by  
23 evidence of payment of the filing fee to the  
24 county treasurer.

25 Sec. 121. 29 MRSA §252-A, as amended by PL  
26 1987, c. 56, §4, and c. 352, §2, is repealed and the  
27 following enacted in its place:

28 §252-A. Disabled veterans; special free license plates

29 The Secretary of State on application and upon  
30 evidence of payment of the excise tax required by  
31 Title 36, section 1482, shall issue a registration  
32 certificate and set of special designating plates to  
33 be used in lieu of regular registration plates to any  
34 100% disabled veteran when that application is  
35 accompanied by certification from the United States  
36 Veterans Administration as to the veteran's disability  
37 and receipt of 100% service-connected benefits and  
38 that the veteran is permanently confined to a  
39 wheelchair or restricted to the use of crutches or

1 braces or otherwise handicapped in such a way that  
2 mobility is seriously restricted.

3 These special designating plates shall bear the  
4 letters VET which indicate that the vehicle is owned  
5 by a disabled veteran.

6 Sec. 122. 29 MRSA §2713, sub-§3, ¶A, as amended  
7 by PL 1987, c. 141, Pt. B, §30, and c. 442, §1, is  
8 repealed and the following enacted in its place:

9 A. There shall be allocated to the Department of  
10 Public Safety for the State Police up to  
11 \$1,200,000 annually from the fund to carry out the  
12 duties of the bureau imposed by this chapter and  
13 Title 35-A and for related activities.

14 Sec. 123. 30 MRSA §1425, sub-§5, as repealed  
15 and replaced by PL 1987, c. 41, is repealed.

16 Sec. 124. 30 MRSA §1465, sub-§5, as enacted by  
17 PL 1987, c. 402, Pt. A, §162, is repealed and the  
18 following enacted in its place:

19 5. Adoption of budget. After completion of the  
20 public hearing, the county commissioners may further  
21 increase, decrease, alter or revise the proposed  
22 itemized budgets, provided that:

23 A. The county commissioners shall enter into  
24 their minutes and submit to the budget committee a  
25 statement of their basis for any rejection of any  
26 recommendation of the budget committee; and

27 B. The county commissioners shall hold a public  
28 meeting prior to December 7th with the budget  
29 committee to discuss any rejections.

30 The proposed itemized budget shall be finally adopted  
31 by a majority vote of the county commissioners at a  
32 duly called meeting not later than December 15th.

33 Sec. 125. 30 MRSA §2063, first ¶, as amended by  
34 PL 1987, c. 188, §18, and c. 258, §4, is repealed

1 and the following enacted in its place:

2 Upon written application of any candidate for a  
3 municipal office within 3 days after the result of a  
4 city election or an election under section 2061 has  
5 been declared, the clerk shall permit the candidate or  
6 an agent of the candidate to inspect the ballots under  
7 proper protective regulations, subject to the  
8 following provisions.

9 **Sec. 126. 30 MRSA §2151, sub-§2, ¶K, as amended**  
10 **by PL 1987, c. 298, §6, and c. 390, §5, is repealed**  
11 **and the following enacted in its place:**

12 K. Providing for the establishment and policing  
13 of parking spaces designated for handicapped  
14 persons. A municipality with off-street public  
15 parking areas may set aside an adequate number of  
16 these spaces for use by handicapped persons. A  
17 municipality with on-street public parking spaces  
18 may set aside an adequate number of these spaces  
19 in appropriate locations for use by handicapped  
20 persons. The municipality may post any of the  
21 signs authorized by this paragraph adjacent to and  
22 visible from each handicapped parking space. One  
23 sign shall consist of a profile view of a  
24 wheelchair with an occupant in white on a blue  
25 background with a printed inscription. The  
26 inscription shall read: "Handicapped Parking:  
27 Special Plate Required. Unauthorized vehicles are  
28 subject to a fine." The other signs authorized  
29 under this paragraph and which may be posted in  
30 lieu of the first sign shall consist of a profile  
31 view of a wheelchair with an occupant in white on  
32 a blue background which may bear an inscription.  
33 Any new sign erected or any sign replaced after  
34 the effective date of this paragraph shall conform  
35 to the signs authorized by this paragraph. Any  
36 existing posted signs that do not conform to the  
37 provisions of this paragraph and which were  
38 erected prior to the effective date of this  
39 paragraph shall be deemed to be valid for  
40 enforcement purposes. Any vehicle or motorcycle  
41 parked in a clearly marked parking space  
42 designated as a handicapped parking space that

1 docs not bear a special registration plate or  
2 placard issued under Title 29, section 252, or a  
3 similar plate issued by another state, shall be  
4 cited for a penalty of not less than \$50 unless  
5 otherwise established by local ordinance. Owners  
6 of private off-street parking shall arrange for  
7 private enforcement or shall enter into agreements  
8 with local or county law enforcement agencies for  
9 the policing of stalls and spaces dedicated for  
10 handicapped persons' vehicles, under which  
11 agreements unauthorized vehicles shall be tagged.  
12 Where service facilities are established on the  
13 Maine Turnpike and on the interstate highway  
14 system in Maine, the State Police shall enforce  
15 this subsection. "Clearly marked" includes  
16 painted signs on pavement, vertical standing signs  
17 or barriers which are visible in existing weather  
18 conditions.

19 Under these agreements, public law enforcement  
20 officials may exercise their vested authority to  
21 ensure that parking spaces designated for the  
22 handicapped are utilized appropriately by  
23 handicapped persons, irrespective of whether the  
24 designated handicapped parking spaces are located  
25 on public or private lots open to the public.

26 Sec. 127. 32 MRSA c. 2, first 2 lines are  
27 repealed and the following enacted in their place:

28 CHAPTER 2

29 NURSING HOME ADMINISTRATORS LICENSING BOARD

30 Sec. 128. 32 MRSA §62, sub-§§2-A and 2-B, as  
31 enacted by PL 1985, c. 233, §4, are amended to read:

32 2-A. Commissioner. "Commissioner" means the  
33 Commissioner of Business, Occupational and  
34 Professional and Financial Regulation.

35 2-B. Department. "Department" means the  
36 Department of Business, Occupational and  
37 Professional and Financial Regulation.



1        **Sec. 129. 32 MRSA §407-A,** as enacted by PL  
2 1987, c. 395, Pt. A, §141, is repealed and the  
3 following enacted in its place:

4        §407-A. Fees

5        1. Amounts. Fees may be established by the board  
6 in amounts which are reasonable and necessary for  
7 their respective purposes. With the exception of the  
8 various examination fees which are to be collected  
9 upon the administration of such examinations, all fees  
10 are to be collected by the board on an annual basis.  
11 The fees may not exceed the following amounts:

12        A. For an instructor's examination, \$45;

13        B. For an instructor's license, \$25;

14        C. For a shop license, \$35;

15        D. For a barber's examination, \$25;

16        E. For a barber's license, \$40;

17        F. For a student permit, \$10;

18        G. For a temporary permit, \$10;

19        H. For an apprentice's registration, \$10; and

20        I. For a technician's registration, \$10.

21        **Sec. 130. 32 MRSA §1202, sub-§1, ¶A,** as  
22 repealed and replaced by PL 1987, c. 395, Pt. B, §7  
23 and c. 402, Pt. A, §168, is repealed and the following  
24 enacted in its place:

25        A. For a journeyman electrician's license, a  
26 person must:

27                (1) Complete at least 8,000 hours of service  
28 as an apprentice or helper electrician or at  
29 least 8,000 hours of experience in electrical  
30 installations, as defined in section 1101,

1 and satisfactorily complete a program of  
2 study comprising 576 hours as approved by the  
3 Electricians' Examining Board or from an  
4 accredited institution. The 576 hours shall  
5 consist of 225 hours of required study,  
6 including an approved course of not less than  
7 45 hours in the current National Electrical  
8 Code; and 351 hours of elective study,  
9 comprised of all trade-related electives or  
10 225 hours of trade-related courses and 135  
11 hours of degree-related courses;

12 (2) Be a graduate of an accredited regional  
13 vocational high school 2-year electrical  
14 program, have worked for 8,000 hours in the  
15 field of electrical installations under the  
16 supervision of a master electrician or the  
17 equivalent and have completed a course of not  
18 less than 45 hours in the current National  
19 Electrical Code, the course to be approved by  
20 the board;

21 (3) Be a graduate of an accredited Maine  
22 vocational-technical institute electrical  
23 program, have worked for 4,000 hours in the  
24 field of electrical installations under the  
25 supervision of a master electrician or the  
26 equivalent and have completed a course of not  
27 less than 45 hours in the current National  
28 Electrical Code, the course to be approved by  
29 the board. Persons qualifying under this  
30 paragraph may write the journeyman's  
31 examination upon graduation if application is  
32 made within one year of graduation; or

33 (4) Be an electrical apprentice registered  
34 with the Maine State Apprenticeship and  
35 Training Council and have completed 576 hours  
36 of related instruction, as defined in this  
37 paragraph, prescribed in their apprenticeship  
38 program, the 8,000-hour approved program and  
39 a course of not less than 45 hours in the  
40 current National Electrical Code, the course  
41 to be approved by the board. Persons  
42 qualifying under this paragraph may write the

1 journeyman's examination after completion of  
2 the 576 hours of instruction, if application  
3 is made within one year of the completion of  
4 the instruction.

5 Sec. 131. 32 MRSA §2261, sub-§3, ¶D, as enacted  
6 by PL 1985, c. 724, §29, is amended to read:

7 D. Whether there will be a sufficient supply of  
8 both levels or of nurses to meet needs  
9 throughout the State if associate or baccalaureate  
10 degrees are required;

11 Sec. 132. 32 MRSA §7060, first ¶, as amended by  
12 PL 1987, c. 113, §3 and c. 395, Pt. B, §19, is  
13 repealed and the following is enacted in its place:

14 Licenses shall expire biennially on December 31st  
15 or at such other times as the Commissioner of  
16 Professional and Financial Regulation may designate.  
17 Biennial fees for renewal of license shall be set by  
18 the board in an amount not to exceed those amounts  
19 specified in section 7056 and shall be due and payable  
20 biennially on or before the first day of January.  
21 License renewal fees for certified social workers  
22 shall be the same as those for licensed master social  
23 workers. Every 2nd renewal shall be contingent upon  
24 evidence of participation in a continuing professional  
25 education course or program as approved by the board.  
26 A license may be renewed up to 90 days after the date  
27 of expiration upon payment of a late fee of \$10 in  
28 addition to the renewal fee. Any person who submits  
29 an application for renewal more than 90 days after the  
30 renewal date shall be subject to all requirements  
31 governing new applicants under this chapter, except  
32 that the board may in its discretion, giving due  
33 consideration to the protection of the public, waive  
34 examination if the renewal application is made within  
35 2 years from the date of the expiration.

36 Sec. 133. 32 MRSA §9502, sub-§4, as enacted by  
37 PL 1981, c. 456, Pt. A, §113, is amended to read:

38 4. Commissioner. "Commissioner" means the  
39 Commissioner of Business Professional and Financial



1 Community Support Systems' report, developed  
2 in accordance with section 3004, subsection  
3 3, paragraph C.

4 (4) The plan shall be prepared biennially  
5 and shall be submitted to the joint standing  
6 committee of the Legislature having  
7 jurisdiction over human resources by December  
8 15th of every even-numbered year. The  
9 committee shall review the plan and make  
10 recommendations with respect to  
11 administrative and funding improvements in  
12 the system.

13 (5) The plan shall be made public within the  
14 State in such a manner as to facilitate  
15 public involvement;

16 B. Assure that the development of the plan  
17 includes the participation of community mental  
18 health service providers, consumer and family  
19 groups and others in annual statewide hearings, as  
20 well as informal meetings and work sessions; and

21 C. Consider community service needs, relate these  
22 identified needs to biennial budget requests and  
23 incorporate necessary service initiatives into a  
24 comprehensive planning document.

25 Sec. 137. 34-B MRSA §5437, first ¶, as amended  
26 by PL 1987, c. 349, Pt. H, §22, is further amended to  
27 read:

28 The bureau shall establish a contingency fund for  
29 use by community based intermediate care facilities  
30 for the mentally retarded and bureau clients residing  
31 in licensed boarding and foster homes or intermediate  
32 care facilities or participating in appropriate day  
33 treatment treatment programs. This fund shall be  
34 uses in accordance with the following provisions.

35 Sec. 138. 34-B MRSA §5464, as enacted by PL  
36 1983, c. 459, §7, is amended to read:

37 §5464. Correspondence and reports

1           The commissioner shall provide the client, if  
2 he the client is competent, the client's next of kin  
3 or legal guardian, if any exists, and the client's  
4 advocate with access to copies of correspondence and  
5 reports concerning the client, in accordance with  
6 section ~~1206~~ 1207.

7           **Sec. 139.** 34-B MRSA §5605, sub-§15, as enacted  
8 by PL 1983, c. 459, §7, is amended to read:

9           15. Records. All client records shall remain  
10 confidential as provided in section ~~1206~~ 1207.

11           A. The client or, if the client is incompetent,  
12 his a parent or guardian is entitled to have  
13 access to the records upon request.

14           B. The commissioner is entitled to have access to  
15 the records of a day facility or a residential  
16 facility if necessary to carry out the statutory  
17 functions of his the commissioner's office.

18           **Sec. 140.** 34-B MRSA §5607, first ¶, as enacted  
19 by PL 1983, c. 459, §7, is amended to read:

20           The commissioner shall provide a written copy of  
21 this subchapter and of section ~~1206~~ 1207 to each  
22 client and, if the client has been adjudged  
23 incompetent, to the parent or guardian of the client.

24           **Sec. 141.** 35 MRSA §13-B, sub-§5, as enacted by  
25 PL 1987, c. 123, §1, and as repealed by PL 1987, c.  
26 141, Pt. A, §5, is repealed.

27           **Sec. 142.** 35 MRSA §17, sub-§1, as amended by PL  
28 1987, c. 37, §1, and as repealed by PL 1987, c. 141,  
29 Pt. A, §5, is repealed.

30           **Sec. 143.** 35 MRSA §2323, sub-§4, as enacted by  
31 PL 1987, c. 123, §2, and as repealed by PL 1987, c.  
32 141, Pt. A, §5, is repealed.

33           **Sec. 144.** 35 MRSA §2330, sub-§1, as amended by

1 PL 1987, c. 123, §3, and as repealed by PL 1987, c.  
2 141, Pt. A, §5, is repealed.

3 Sec. 145. 35 MRSA §2330, sub-§5, as enacted by  
4 PL 1987, c. 123, §4, and as repealed by PL 1987, c.  
5 141, Pt. A, §5, is repealed.

6 Sec. 146. 35 MRSA §3223, sub-§5, as repealed by  
7 PL 1987, c. 141, Pt. A, §5, and as repealed and  
8 replaced by PL 1987, c. 256, §45, is repealed.

9 Sec. 147. 35-A MRSA §1316, sub-§1, ¶A, as  
10 enacted PL 1987, c. 141, Pt. A, §6, is amended to read:

11 A. "Employee" means a person who performs a  
12 service for wages or other remuneration  
13 remuneration under a contract of hire, expressed  
14 or implied, but does not include an independent  
15 contractor.

16 Sec. 148. 35-A MRSA §3133, sub-§9, as enacted  
17 by PL 1987, c. 387, §3, and c. 490, Pt. B, §4, is  
18 repealed and the following enacted in its place:

19 9. Renewal of contracts for purchase or  
20 conversion. This section applies to any amendment,  
21 extension or renewal of any contract between the  
22 utility and other parties governing the terms of their  
23 participation in a purchase or conversion subject to  
24 this section, for which the original contract was  
25 subject to approval by the commission.

26 A. The commission may waive the approval  
27 requirements of this section with respect to a  
28 particular amendment, extension or renewal or a  
29 group of amendments, extensions or renewals upon  
30 request by the utility. The commission may also  
31 wave the 2-month notice required in subsection 2.  
32 If the commission does not respond to a request  
33 for waiver within 30 days, the request shall be  
34 deemed to have been granted. The commission shall  
35 prescribe by rule the content of a request for  
36 waiver and procedures for the expeditious  
37 processing of the request in certain circumstances.

1        B. For any amendment, extension or renewal of any  
2 contract otherwise subject to this section for  
3 which the original contract was not subject to  
4 approval by the commission, the utility shall file  
5 a copy of the proposed amendment, extension or  
6 renewal with the commission within 7 days of the  
7 day when the utility receives notice of the  
8 proposal, but approval under this section is not  
9 required.

10        Sec. 149. 35-A MRSA §3133, sub-§10 is enacted  
11 to read:

12        10. Imported power. In its review of any  
13 petition filed on or after January 1, 1987, for  
14 approval of the purchase of generating capacity or  
15 energy from outside the State, the commission may  
16 consider the comparative economic impact on the State  
17 of production of additional power within the State,  
18 investments in energy conservation and the purchase of  
19 the power from outside the State.

20        Sec. 150. 35-A MRSA §3152, as enacted by PL  
21 1987, c. 141, Pt. A, §6, is amended to read:

22        §3152. Policy and findings

23        1. Increased efficiency.        The Legislature  
24 declares and finds that improvements in electric  
25 utility rate design and related regulatory programs  
26 have great potential for reducing the cost of electric  
27 utility services to consumers, for encouraging energy  
28 conservation and efficient use of existing facilities  
29 and for minimizing the need for expensive new electric  
30 generating and transmission capacity. It is the  
31 purpose of this chapter to:

32        A. Require the commission to relate electric  
33 rates more closely to the costs of providing  
34 electric service; and

35        B. Encourage the commission to set electric rates  
36 to promote the maximum efficient utilization of  
37 natural energy resources existing in the State in  
38 order to promote the use of indigenous energy



1 resources to the extent that this will reduce  
2 overall electric costs.

3 **Sec. 151.** 35-A MRSA §3153, sub-§5, repealed by  
4 PL 1987, c. 451, §1, and as amended by PL 1987, c.  
5 490, Pt. B, §6, is repealed.

6 **Sec. 152.** 35-A MRSA §3153-A, sub-§1, ¶E, as  
7 enacted by PL 1987, c. 451, §2, is repealed and the  
8 following enacted in its place:

9 E. Electric utility financing or subsidization  
10 of capital improvements undertaken by ratepayers  
11 to conserve electricity used by the ratepayers in  
12 the future. The commission may approve and allow  
13 cost recovery for proposals that result in savings  
14 in fuel other than electricity. This paragraph  
15 shall apply to future programs for utility  
16 financing of energy conservation or load  
17 management and to such programs that the  
18 commission has already approved prior to September  
19 29, 1987.

20 **Sec. 153.** 35-A MRSA §3303, sub-§1-A is enacted  
21 to read:

22 1-A. Affiliate. "Affiliate" means any person  
23 who, as determined by the commission:

24 A. Directly controls, is controlled by or is  
25 under common control with an electric generation  
26 enterprise; or

27 B. Substantially owns, is substantially owned by  
28 or is substantially under common ownership with,  
29 an electric generation enterprise.

30 **Sec. 154.** 35-A MRSA §6303, sub-§5, as enacted  
31 by PL 1987, c. 141, Pt. A, §6, is repealed and the  
32 following enacted in its place:

33 5. Trustees' retirement. Persons who have not  
34 been trustees prior to January 1, 1987, and who are  
35 not full-time employees, shall not be eligible to  
36 become members of the Maine State Retirement System as

1 a result of their selection as trustees. For purposes  
2 of determining a water district trustee's eligibility  
3 to be a member of the Maine State Retirement System  
4 prior to January 1, 1987, the provisions of the  
5 appropriate governing charter in effect at the time of  
6 the trustee's application for membership shall control.

7       Sec. 155. 36 MRSA §191, sub-§2, ¶K, as repealed  
8 and replaced by PL 1987, c. 402, Pt. B, §22, and c.  
9 497, §7, is repealed and the following enacted in its  
10 place:

11       K. The disclosure by a municipal assessor, or by  
12 the State Tax Assessor with regard to the  
13 unorganized territory, of information contained on  
14 the declaration of value form required by section  
15 4641-B;

16       Sec. 156. 36 MRSA §191, sub-§2, ¶L, as amended  
17 by PL 1987, c. 402, Pt. B, §24, and c. 497, §8, is  
18 repealed and the following enacted in its place:

19       L. The listing of gasoline distributors  
20 possessing a certificate under section 2904;

21       Sec. 157. 36 MRSA §191, sub-§2, ¶M, as enacted  
22 by PL 1987, c. 402, Pt. B, §26, and c. 497, §9, is  
23 repealed and the following enacted in its place:

24       M. The disclosure by employees of the Bureau of  
25 Taxation, in connection with their official duties  
26 relating to any examination, collection activity,  
27 civil or criminal tax investigation or any other  
28 offense under this Title, of return information to  
29 the limited extent that disclosure is necessary in  
30 obtaining information, which is not otherwise  
31 available, with respect to the correct  
32 determination of tax, liability for tax or the  
33 amount to be collected or with respect to the  
34 enforcement of this Title;

35       Sec. 158. 36 MRSA §191, sub-§2, ¶N, as enacted  
36 by PL 1987, c. 497, §9, is amended to read:

1 N. The disclosure by the State Tax Assessor of  
2 computerized individual income tax data, without  
3 identification by taxpayer name, number or  
4 address, to a research agency of the  
5 Legislature; and

6 Sec. 159. 36 MRSA §191, sub-§2, ¶O is enacted  
7 to read:

8 O. The disclosure to an authorized representative  
9 of the Department of Human Services of the most  
10 recent address of a delinquent payor of child  
11 support when a written request containing the  
12 payor's Social Security number is made by the  
13 department.

14 Sec. 160. 36 MRSA §457, sub-§5, ¶B, as enacted  
15 by PL 1987, c. 507, §1, is amended to read:

16 B. "Telecommunications personal property" means  
17 personal property used for the transmission of any  
18 interactive 2-way communications, include  
19 including voice, image, data and information.  
20 Transmission of communications includes the use of  
21 any medium such as wires, cables, Community  
22 Antenna Television or other broadband broad  
23 band cables, microwaves, radio waves, light waves  
24 or any combination of those of similar media.  
25 Telecommunications personal property includes  
26 qualifying property used to provide telegraph  
27 service. It does not include property used solely  
28 to provide value-added nonvoice services in which  
29 computer processing applications are used to act  
30 on the form, content, code and protocol of the  
31 information to be transmitted, unless those  
32 services are provided under tariff approved by the  
33 Public Utilities Commission. It does not include  
34 single or multiline standard telephone  
35 instruments. Notwithstanding section 551,  
36 "telecommunications personal property" includes  
37 any interest of a telecommunications business in  
38 poles.

39 Sec. 161. 36 MRSA §1483, sub-§6, as repealed  
40 and replaced by PL 1987, c. 13, and c. 507, §§2 and 6,  
41 is repealed and the following enacted in its place:

1           6. Persons subject to other excise taxes.  
2 Vehicles owned or leased by persons providing  
3 telecommunications service subject to the excise tax  
4 imposed in chapter 364 and vehicles owned by railroad  
5 companies subject to the excise tax imposed in chapter  
6 361.

7           **Sec. 162.** 36 MRSA §1484, sub-§3, ¶C, as amended  
8 by PL 1987, c. 141, Pt. B, §34, and c. 497, §14, is  
9 repealed and the following enacted in its place:

10           C. If the motor vehicle is owned by a corporation  
11 or a partnership, the excise tax shall be paid in  
12 the following manner.

13                   (1) If it is a corporation or partnership  
14 other than one described in subparagraph (2),  
15 the excise tax shall be paid to the place in  
16 which the registered or main office of that  
17 organization is located, except that if the  
18 organization has an additional permanent  
19 place, or places, of business where motor  
20 vehicles are customarily kept, the tax on  
21 these vehicles shall be paid to the place  
22 where such permanent place of business is  
23 located. The temporary location of an office  
24 and the stationing of vehicles in connection  
25 with a construction project of less than 24  
26 months duration is not considered to  
27 constitute a permanent place of business. In  
28 the case of a foreign corporation or  
29 partnership not maintaining a place of  
30 business within the State, the excise tax  
31 shall be paid to the State.

32                   (2) In the case of corporations described in  
33 Title 35-A, sections 2101 to 2104, any excise  
34 taxes owed shall be paid to the place in  
35 which the registered or main office of that  
36 organization is located.

37                   (3) If a municipality, county or motor  
38 vehicle owner feels the excise tax has been  
39 improperly levied under the authority of this

1 paragraph, the owner, county or municipality  
2 may request within 3 years from the date of  
3 an excise tax levy a determination of this  
4 question by the State Tax Assessor. The  
5 State Tax Assessor's determination is limited  
6 to the same 3-year period and shall be  
7 binding on all parties. Any party may seek  
8 review of the determination in accordance  
9 with the Maine Rules of Civil Procedure, Rule  
10 80-C. Upon notification by the State Tax  
11 Assessor of a determination made under this  
12 section, any municipality or county which has  
13 incorrectly accepted excise tax money, within  
14 30 days of that determination, shall pay the  
15 money, together with interest at the maximum  
16 rate determined by the Treasurer of State,  
17 pursuant to section 505, to the municipality  
18 or county named in the determination as the  
19 proper place of payment.

20 Sec. 163. 36 MRSA §1760, sub-§56, as enacted by  
21 PL 1987, c. 343, §5, and c. 497, §39, is repealed and  
22 the following enacted in its place:

23 56. Nonprofit youth organizations. Sales to  
24 nonprofit youth organizations whose primary purpose is  
25 to provide athletic instruction in a nonresidential  
26 setting.

27 Sec. 164. 36 MRSA §1760, sub-§61 is enacted to  
28 read:

29 61. Construction contracts with exempt  
30 organizations. Sales of tangible personal property,  
31 to a construction contractor, which are to be  
32 physically incorporated in, and become a permanent  
33 part of, real property for sale to any organization or  
34 government agency provided exemption under this  
35 section, except as otherwise provided. In order to  
36 qualify for this exemption, the contractor must have  
37 entered into a construction contract with the exempt  
38 organization prior to the purchase of the tangible  
39 personal property.

40 Sec. 165. 36 MRSA §1764, as amended by PL 1987,

1 c. 49, §2, and c. 128, §2, is repealed and the  
2 following enacted in its place:

3 §1764. Tax against certain isolated sales

4 The tax imposed by chapters 211 to 225 shall be  
5 levied upon all isolated transactions involving the  
6 sale of camper trailers, motor vehicles, special  
7 mobile equipment, livestock trailers or aircraft  
8 excepting those sold for resale, and excepting an  
9 isolated transaction involving the sale of camper  
10 trailers, motor vehicles, special mobile equipment,  
11 livestock trailers or aircraft to a corporation when  
12 the seller is the owner of a majority of the common  
13 stock of the corporation.

14 Sec. 166. 36 MRSA §2965, as amended by PL 1987,  
15 c. 200, §§1 and 3, and as repealed by PL 1987, c. 472,  
16 §§3 and 4, is repealed.

17 Sec. 167. 36 MRSA §5102, sub-§11, as amended by  
18 PL 1987, c. 4, §2, and c. 504, §6, is repealed and the  
19 following enacted in its place:

20 11. Other terms. Any other term used in this  
21 Part has the same meaning as when used in a comparable  
22 context in the laws of the United States relating to  
23 federal income taxes, unless a different meaning is  
24 clearly required. Notwithstanding other provisions of  
25 this subsection, for taxable years ending in 1986, any  
26 reference in this Part to the laws of the United  
27 States shall be construed as a reference to the United  
28 States Internal Revenue Code of 1986 and amendments to  
29 that Code and other provisions of the laws of the  
30 United States relating to federal income taxes as of  
31 December 1, 1986, for items of income, deductions,  
32 loss or gain earned, incurred or accrued within those  
33 taxable years.

34 Sec. 168. 36 MRSA §5126, last ¶, enacted by PL  
35 1987, c. 504, §12, is amended to read:

36 For tax years beginning in 1987, or thereafter  
37 thereafter, an additional personal exemption is  
38 allowable to each individual who, pursuant to the  
39 United States Internal Revenue Code, Section 63(f),

1 would, if claiming a standard deduction for the tax  
2 year, be entitled to the additional amount provided in  
3 either the first paragraph or the higher amount  
4 provided in the 2nd paragraph. An additional personal  
5 exemption is also allowable to each individual who,  
6 pursuant to the United States Internal Revenue Code,  
7 Section 63(f), would, if claiming a standard deduction  
8 for the tax year, be entitled to the additional amount  
9 provided in the 2nd paragraph. For a tax year in  
10 which the taxpayer does not make a joint return with  
11 his the taxpayer's spouse and if the spouse for the  
12 calendar year in which the taxable year of the  
13 taxpayer begins has no gross income and is not the  
14 dependent of another taxpayer, the taxpayer is  
15 entitled to claim any additional personal exemptions  
16 allowable to the spouse as provided by this section.

17 Sec. 169. 36 MRSa §5127, sub-§2, as amended by  
18 PL 1987, c. 343, §10 and as repealed by PL 1987, c.  
19 504, §13, is repealed.

20 Sec. 170. 36 MRSa §5217, as enacted by PL 1987,  
21 c. 343, §11, and c. 504, §32, is repealed and the  
22 following enacted in its place:

23 §5217. Employer-assisted day care

24 1. Credit allowed. A taxpayer constituting an  
25 employing unit is allowed a credit against the tax  
26 imposed by this Part for each taxable year equal to  
27 the lowest of:

28 A. Five thousand dollars;

29 B. Twenty percent of the costs incurred by the  
30 taxpayer in providing day care service for  
31 children of employees of the taxpayer; or

32 C. One hundred dollars for each child of an  
33 employee of the taxpayer enrolled on a full-time  
34 basis, or each full-time equivalent, throughout  
35 the taxable year in day care service provided by  
36 the taxpayer or in the first year that the  
37 taxpayer provides day care services, for each  
38 child enrolled on a full-time basis, or each  
39 full-time equivalent, on the last day of the year.

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

4           A. "Employing unit" has the same meaning as in  
5 Title 26, section 1043.

6           B. "Providing day care services" means expending  
7 funds to build, furnish, license, staff, operate  
8 or subsidize a day care center licensed by the  
9 Department of Human Services to provide day care  
10 services to children of employees of the taxpayer  
11 at no profit to the taxpayer or to contract with a  
12 day care facility licensed by or registered with  
13 the department to provide day care services to  
14 children of the employees of the taxpayer.  
15 "Providing day care services" also includes the  
16 provision of day care resource and referral  
17 services to employees and the provision of  
18 vouchers by an employer to an employee for  
19 purposes of paying for day care services for  
20 children of the employee.

21           3. Carryover; carry back. The amount of the  
22 credit that may be used by a taxpayer for a taxable  
23 year may not exceed the amount of tax otherwise due  
24 under this section. Any unused credit may be carried  
25 over to the following year or years for a period not  
26 to exceed 15 years or it may be carried back for a  
27 period not to exceed 3 years.

28           **Sec. 171. 36 MRSA §5217-A is enacted to read:**

29           §5217-A. Income tax paid to other taxing jurisdiction

30           A resident individual is allowed a credit against  
31 the tax otherwise due under this Part for the amount  
32 of income tax imposed on that individual for the  
33 taxable year by another state of the United States, a  
34 political subdivision of any such state, the District  
35 of Columbia or any political subdivision of a foreign  
36 country which is analogous to a state of the United  
37 States with respect to income derived from sources in  
38 that taxing jurisdiction which is also subject to tax



1 under this Part. The credit, for any of the specified  
2 taxing jurisdictions, shall not exceed the proportion  
3 of the tax otherwise due under this Part that the  
4 amount of the taxpayer's Maine adjusted gross income  
5 derived from sources in that taxing jurisdiction bears  
6 to the taxpayer's entire Maine adjusted gross income;  
7 provided that, when a credit is claimed for taxes paid  
8 to both a state and a political subdivision of a  
9 state, the total credit allowable for those taxes  
10 shall not exceed the proportion of the tax otherwise  
11 due under this Part that the amount of the taxpayer's  
12 Maine adjusted gross income derived from sources in  
13 the other state bears to the taxpayer's entire Maine  
14 adjusted gross income.

15 Sec. 172. 36 MRSA §5218, as enacted by PL 1987,  
16 c. 504, §32, is repealed and the following enacted in  
17 its place:

18 §5218. Income tax credit for child care expenses

19 A resident individual shall be allowed a credit  
20 against the tax otherwise due under this Part in the  
21 amount of 20% of the federal tax credit allowable for  
22 child and dependent care expenses in tax year 1987,  
23 and 25% of the federal tax credit allowable for child  
24 and dependent care expenses thereafter. In no case  
25 may this credit reduce the Maine income tax to less  
26 than zero.

27 Sec. 173. 36 MRSA §5255-B, as amended by PL  
28 1987, c. 497, §51, and c. 504, §38, is repealed and  
29 the following enacted in its place:

30 §5255-B. Certain items of income under the United  
31 States Internal Revenue Code

32 Any person maintaining an office or transacting  
33 business within this State and who is required to  
34 deduct and withhold a tax on items of income under the  
35 Code, other than wages subject to withholding as  
36 provided in section 5250, shall deduct and withhold  
37 from such items to the extent they constitute income  
38 which is not excluded from taxation under Maine law, a  
39 tax equal to 5% thereof, unless withholding pursuant

1 to the Code is based on other than a flat rate  
2 amount. In that event, the State's withholding  
3 procedure should estimate taxable income using the  
4 same approach to exemptions as the Code and the amount  
5 of tax to be withheld should be calculated in  
6 accordance with withholding methods prescribed  
7 pursuant to section 5250.

8 Sec. 174. 37-B MRSA §186, sub-§1, ¶F is enacted  
9 to read:

10 F. For the purpose of Title 39, section 62, all  
11 federal benefits received by the member as a  
12 result of an injury, disability or disease shall  
13 be considered to be derived from the employer and  
14 shall constitute a setoff to compensation awarded  
15 as a result of this section. A dollar-for-dollar  
16 setoff is authorized for all federal benefits to  
17 include continuation of pay under section 143,  
18 continuation of federal pay and allowances,  
19 incapacitation pay, severance pay, disability  
20 retirement pay, Veterans' Administration  
21 disability payments and military and Veterans'  
22 Administration death benefits; and

23 Sec. 175. 37-B MRSA §186, sub-§1, ¶G, as  
24 enacted by PL 1987, c. 271, is repealed and the  
25 following enacted in its place:

26 G. Reporting under the early pay provisions of  
27 Title 39 do not have to be initiated until a final  
28 decision is reached on the injured service  
29 member's entitlement to federal benefits or while  
30 military or veterans' disability benefits are  
31 received in lieu of compensation under Title 39,  
32 whichever ceases first. Veterans' disability  
33 benefits provided in this subsection include state  
34 military duty pay received under section 143,  
35 federal continuation pay or incapacitation pay in  
36 lieu of Title 39 benefits. The time provisions of  
37 Title 39 are effective upon notification to the  
38 service member that federal benefits are  
39 not authorized, or the gross monetary federal  
40 benefits are determined to be less than the  
41 entitlements under Title 39 without taking into

1 account the setoff prescribed in paragraph E.

2 Sec. 176. 37-B MRSA §824, sub-§1, as enacted by  
3 PL 1983, c. 460, §3, is amended to read:

4 1. General Fund. The Governor may whenever an  
5 emergency has been declared, as provided in section  
6 742, transfer to the bureau agency money from the  
7 General Fund of the State, including unexpended  
8 appropriation balances of any state department or  
9 agency, allotted or otherwise. The Governor may  
10 expend that money for the purpose of carrying out this  
11 chapter.

12 Sec. 177. 37-B MRSA §960, as amended by PL  
13 1987, c. 370, §19, and as repealed and replaced by PL  
14 1987, c. 519, §11, is repealed and the following  
15 enacted in its place:

16 §960. Emergency planning area

17 The emergency planning area is identified as  
18 follows.

19 1. Primary Emergency Planning Zone. The Primary  
20 Emergency Planning Zone shall be designated by the  
21 Maine Emergency Management Agency by rule as the zone  
22 where specific evacuation plans are required to  
23 protect from radiation exposure by the inhalation  
24 pathway. Unless changed by rule, the Primary  
25 Emergency Planning Zone shall be the Emergency  
26 Planning Zone contained in the existing Emergency  
27 Radiological Preparedness Plan, with approximately a  
28 10-mile radius around any nuclear power plant. The  
29 Primary Emergency Planning Zone shall be compatible  
30 with applicable federal laws and regulations.

31 1-A. Secondary Emergency Planning Zone. The  
32 Secondary Emergency Planning Zone shall be designated  
33 by the Maine Emergency Management Agency, by rule, as  
34 the zone beyond the Primary Emergency Planning Zone  
35 where protective action plans, pursuant to the State's  
36 police powers, are required:

37 A. To further protect the health and safety of

1 the State's citizens from exposure or other  
2 potential dangers in that zone; and

3 B. To protect the State's economic interests.  
4 The Secondary Emergency Planning Zone shall extend  
5 from the Primary Emergency Planning Zone to a  
6 designated area, determined by rule, around any  
7 nuclear power plant, including the area within  
8 this State which lies within the designated area  
9 from nuclear power plants in adjacent states or  
10 provinces.

11 2. Ingestion Pathway Zone. The Ingestion Pathway  
12 Zone shall be designated by the Maine Emergency  
13 Management Agency, by rule, as the zone beyond the  
14 Emergency Planning Zone where protective action plans  
15 are required relative to the food chain. Unless  
16 changed by rule, the Ingestion Pathway Zone shall be a  
17 circle of a radius not less than 50 miles centered on  
18 any nuclear power plant, whether located within this  
19 State or in any adjacent state or province.

20 Sec. 178. 37-B MRSA §1052, sub-§3, as enacted  
21 by PL 1983, c. 460, §3, is amended to read:

22 3. Emergency or emergency situation. "Emergency"  
23 or "emergency situation" means situations deemed by  
24 the bureau agency, after consultation with other  
25 state and federal agencies, if time permits, to  
26 present a potential but real and imminent danger to  
27 life, limb or property because of flooding or  
28 potential and imminent flooding and includes those  
29 situations which the Governor declares to be emergency  
30 pursuant to section 742.

31 Sec. 179. 37-B MRSA §1053, as enacted by PL  
32 1983, c. 460, §3, is amended to read:

33 §1053. Administration

34 This chapter shall be administered by the  
35 bureau agency. In carrying out the provisions of  
36 this chapter, the bureau agency shall consult with  
37 other state agencies, including the Soil and Water

1 Conservation Commission, the State Planning Office,  
2 the Department of Environmental Protection, Department  
3 of Conservation, Department of Transportation and  
4 Department of Public Safety, on matters pertaining to  
5 the technical aspects of the administration of this  
6 chapter and in emergency situations may require the  
7 aid and assistance of those agencies.

8 **Sec. 180. 37-B MRSA §1054**, as enacted by PL  
9 1983, c. 460, §3, is amended to read:

10 §1054. Powers of agency

11 1. Rules. The bureau agency may, in  
12 accordance with the Maine Administrative Procedure  
13 Act, Title 5, chapter 375, subchapter II, adopt,  
14 modify or repeal rules for carrying out this chapter.

15 2. Orders. The bureau agency may, in  
16 emergency situations, issue reasonable orders  
17 necessary for carrying out this chapter or rules  
18 adopted under subsection 1.

19 3. Investigations. For the purpose of enabling  
20 it to make decisions as compatible as possible,  
21 with economy and protection of life and property and  
22 for the purpose of determining compliance with this  
23 chapter, the bureau agency may make necessary  
24 investigations and inspections. In making  
25 investigations and inspections required or authorized  
26 by this chapter, the bureau agency or its  
27 representatives may, as necessary in emergency  
28 situations, enter upon public or private property or  
29 in nonemergency situations secure administrative  
30 warrants from any District Court Judge or Superior  
31 Court Justice for the purpose of gaining entry onto  
32 private property.

33 4. Injunction; civil or criminal proceedings. In  
34 the event of violation of any of the provisions of  
35 this chapter or of any rule, order or decision of  
36 the bureau agency, the bureau agency may  
37 institute injunctive proceedings or other civil action  
38 as provided in section 1059.

1           5. Remedial means. When an emergency situation  
2 arises, the bureau agency shall warn the public of  
3 the emergency and shall employ all reasonable remedial  
4 means necessary to protect life and property.  
5 Remedial means which the bureau agency may employ  
6 include, but are not limited to, the following:

7           A. Taking full charge and control of any dam or  
8 reservoir;

9           B. Lowering the water level by releasing water  
10 from the reservoir;

11          C. Completely emptying the reservoir;

12          D. Breaching or removing of the dam itself; and

13          E. Taking other necessary steps to safeguard life  
14 and property.

15          6. Contingency plans. The bureau agency shall  
16 develop contingency plans for the safe passage of  
17 floodwaters and for preparations prior to flood  
18 conditions.

19          **Sec. 181.** 37-B MRSA §1057, sub-§1, as enacted  
20 by PL 1983, c. 460, §3, is amended to read:

21          1. Immunity. No action may be brought against  
22 the State, the bureau agency or its agents or  
23 employees for the recovery of damages caused by the  
24 partial or total failure of any dam or reservoir or  
25 through the operation of any dam or reservoir upon the  
26 ground that the defendant is liable by virtue of any  
27 of the following:

28          A. The issuance or enforcement of orders for the  
29 maintenance or operation of the dam or reservoir;

30          B. Control and regulation of the dam or  
31 reservoir; and

32          C. Measures taken to protect against failure  
33 during an emergency.

1       Sec. 182. 37-B MRSA §1105, as repealed by PL  
2 1987, c. 209, and as amended by PL 1987, c. 370, §22,  
3 is repealed.

4       Sec. 183. 38 MRSA §356, as enacted by PL 1987,  
5 c. 349, Pt. H, §28, is amended to read:

6       §356. Disbursements

7       The fund shall be available to compensate the  
8 municipalities of the State for legal expenses,  
9 including court costs, ~~attorneys~~ attorneys' fees  
10 and expert and other witness fees, incurred in the  
11 enforcement of local land use laws and ordinances  
12 affecting great ponds and the ~~defence~~ defense of  
13 regulatory actions taken pursuant to such land use  
14 laws and ordinances. The State shall provide 75% of a  
15 municipality's legal expenses which shall be matched  
16 with a 25% local share, except that no single  
17 municipality may receive more than \$25,000 from the  
18 fund in any fiscal year. For purposes of this  
19 subchapter, "land use laws and ordinances" means those  
20 laws and ordinances enumerated in Title 30, section  
21 4966.

22       Sec. 184. 38 MRSA §413, sub-§2-E, as enacted by  
23 PL 1987, c. 235, and c. 372, is repealed and the  
24 following enacted in its place:

25       2-E. Exemptions; pesticide permits. The  
26 following activities have been determined to have no  
27 significant adverse effect on the quality of the  
28 waters of the State and do not need to obtain an  
29 aquatic pesticide permit from the Department of  
30 Environmental Protection:

31       A. The application of aquatic pesticides by the  
32 Department of Inland Fisheries and Wildlife to  
33 waters of the State for the purpose of restocking,  
34 including the elimination of undesirable species;  
35 or

36       B. The treatment of public water supplies by the  
37 application of copper sulfate or copper sulfate

1 compounds where those water supplies are closed to  
2 swimming and fishing.

3 Sec. 185. 38 MRSA §413, sub-§2-F is enacted to  
4 read:

5 2-F. Exemption; aquaculture. No person may be  
6 considered in violation of this section if:

7 A. The discharge activity is associated with  
8 off-shore marine aquaculture operations in the  
9 estuarine and marine waters; and

10 B. As a condition of obtaining a leasehold from  
11 the Department of Marine Resources, the Department  
12 of Environmental Protection certifies that the  
13 aquaculture activities mentioned in this  
14 subsection will not have a significant adverse  
15 effect on water quality or violate the standards  
16 ascribed to the receiving waters' classifications.

17 Sec. 186. 38 MRSA §413, sub-§8, as enacted by  
18 PL 1987, c. 318, §3, and c. 394, §1, is repealed and  
19 the following enacted in its place:

20 8. Treated waste water. Municipalities may apply  
21 to the board for authority to issue licenses for the  
22 discharge of not more than 2,500 gallons a day of  
23 treated domestic waste water to surface waters within  
24 their jurisdiction and for the inspection and  
25 enforcement of the licenses, in conformance with this  
26 chapter and applicable regulation of the board.

27 Authority shall only be given to a municipality after  
28 a finding by the board that the municipality has the  
29 capability and will fully execute all responsibilities  
30 under applicable state law, will routinely inspect and  
31 monitor licensed discharges within its jurisdiction  
32 and will take enforcement action against those persons  
33 who violate discharge permit requirements.

34 Upon issuance of a license, a municipality shall  
35 forward a copy of that license to the department  
36 within 5 working days. Within 30 days of the receipt



1 of the license by the department, any person aggrieved  
2 by the decision of the municipality, or the  
3 department, may appeal to the board to reverse the  
4 decision of the municipality.

5 Municipalities delegated authority pursuant to this  
6 subsection may prescribe, by ordinance, standards for  
7 the issuance of waste discharge licenses and for  
8 minimum performance and maintenance of treatment  
9 systems as may be necessary to carry out the intent of  
10 this subsection. No ordinance or other municipal law  
11 may establish standards and procedures that are less  
12 stringent than those required under relevant state and  
13 federal law and departmental rule.

14 The Board of Environmental Protection may promulgate  
15 rules governing the minimum requirements that shall  
16 control the licensing and enforcement of discharges by  
17 the municipalities. Included in these rules shall be  
18 a model ordinance which, if adopted by municipalities,  
19 will satisfy the requirements of the rules.

20 Notwithstanding section 352, municipalities may  
21 establish reasonable fees, not to exceed \$200 per  
22 year, to defray the costs of discharge license  
23 issuance, inspection and testing. The department  
24 shall not collect fees associated with those licenses  
25 delegated under this subsection.

26 The department may provide municipalities with  
27 technical assistance in their licensing, inspections  
28 and enforcement programs.

29 If at any time the board determines that a  
30 municipality may be failing to exercise its  
31 license-granting authority in accordance with its  
32 approval procedures or the purposes of this chapter  
33 and rules promulgated by the board, it shall notify  
34 the municipality of the specific alleged deficiencies  
35 and shall order a public hearing, of which adequate  
36 public notice shall be given, to be held in the  
37 municipality to solicit public or official comment on  
38 those alleged deficiencies. Following the hearing, if  
39 it finds such deficiencies, it may revoke the  
40 municipality's license-granting authority. The

1 municipality may reapply for authority at any time.  
2 Nothing in this subsection limits the board's or  
3 department's authority to inspect or initiate  
4 enforcement action against any discharge within a  
5 municipality.

6 Sec. 187. 38 MRSA §413, sub-§9 is enacted to  
7 read:

8 9. Emergency public water utility license. An  
9 emergency license may be issued pursuant to section  
10 414-A to a certified public water supply operator for  
11 the purpose of discharging or causing to be discharged  
12 copper sulfate or related compounds into a public  
13 water supply.

14 Sec. 188. 38 MRSA §451-A, sub-§1, as amended by  
15 PL 1987, c. 192, §14, is further amended to read:

16 1. Power to grant variances. The Board of  
17 Environmental Protection may grant a variance from any  
18 statutory water pollution abatement requirement,  
19 pursuant to section 414-A, subsection 1, paragraph D,  
20 to any municipality or quasi-municipal entity,  
21 hereinafter called the "municipality," upon  
22 application by it. The board may grant a variance  
23 only upon a finding that:

24 A. Federal funds for the construction of  
25 municipal waste water treatment facilities are not  
26 available for the project;

27 B. The municipality has demonstrated that it has  
28 completed preliminary plans acceptable to the  
29 Department of Environmental Protection for the  
30 treatment of municipal wastes and for construction  
31 of that portion of the municipal sewage system  
32 intended to be served by the planned municipal  
33 treatment plant when that plant first begins  
34 operations; and

35 C. Beginning on October 1, 1976, the municipality  
36 shall collect, from each discharger into its  
37 sewage system and each discharger not connected to  
38 the sewage system which has signed an approved

1 agreement with the municipality pursuant to  
2 subsection 2, a fee sufficient to equal their  
3 proportionate share of the actual current cost of  
4 operating the sewage system for which preliminary  
5 plans have been completed and approved pursuant to  
6 paragraph B. Actual current costs shall include  
7 but not be limited to preliminary plans, final  
8 design plans, site acquisition, legal fees,  
9 interest fees, sewer system maintenance and  
10 rehabilitation and other administrative costs. A  
11 municipality may provide, when permitted under the  
12 federal construction grant program, that in lieu  
13 of such annual fees paid by dischargers, the  
14 municipality may apportion an appropriate amount  
15 from general revenues to cover that share of fees  
16 to be paid by dischargers.

17 The funds collected or apportioned pursuant to  
18 this paragrph and interest collected thereon  
19 shall be invested and expended pursuant to Title  
20 30, chapter 241.

21 Any funds paid by a discharger or discharger not  
22 connected to the sewage system pursuant to this  
23 paragraph may be credited to the account of the  
24 discharger if the municipality is subsequently  
25 reimbursed by the federal construction grant  
26 program. The credit arrangement shall be  
27 determined by agreement between the municipality  
28 and the discharger.

29 Variances shall be issued for a term certain not to  
30 exceed 3 years, and may be renewed, except that no  
31 variance may run longer than the time specified for  
32 completion of the municipal waste treatment facility.  
33 Notwithstanding the provisions of this subsection, no  
34 variance issued under this section may extend beyond  
35 July 1, 1988. Upon notice of the availability of  
36 federal funds, the municipality shall present to the  
37 Department of Environmental Protection for approval an  
38 implementation schedule for designing, constructing  
39 and placing the waste collection and treatment  
40 facilities in operation.

41 Variances may be conditioned upon reasonable and

1 necessary terms relating to appropriate interim  
2 measures to be taken by the municipality to maintain  
3 or improve water quality.

4       Sec. 189. 38 MRSA §569, sub-§4, as amended by  
5 PL 1987, c. 278, and c. 491, §20, is repealed and the  
6 following enacted in its place:

7       4. Funding. A fee of 3¢ per barrel of gasoline  
8 and 2¢ per barrel of refined petroleum products and  
9 their by-products other than gasoline and liquid  
10 asphalt, including #6 fuel oil, #2 fuel oil, kerosene,  
11 jet fuel and diesel fuel, shall be assessed on the  
12 transfer of those products by oil terminal facility  
13 licensees, as defined in section 542, subsection 7.  
14 These fees shall be paid monthly by the oil terminal  
15 facility licensees on the basis of records certified  
16 to the department. All such transfer fees shall be  
17 credited to the Ground Water Oil Clean-up Fund upon  
18 receipt by the department.

19       Sec. 190. 38 MRSA §§610-A and 610-B are enacted  
20 to read:

21       §610-A. Hexavalent chromium particulate emission  
22       standard

23       1. Scope. This regulation shall be effective in  
24 all ambient air quality control regions in the State.

25       2. Definition. A potential source of hexavalent  
26 chromium air emissions shall be defined as follows:  
27 Any fuel burning equipment, incinerator or general  
28 process source which handles material containing total  
29 aggregate chromium concentration in excess of 0.05%,  
30 or 500 parts per million, by weight.

31       3. Emissions standards. The emission standards  
32 for any potential source of hexavalent chromium air  
33 emissions shall represent the lowest emission rate for  
34 hexavalent chromium which is technologically  
35 achievable. The emissions standards shall be decided  
36 on a case-by-case basis, with the following conditions  
37 representing the minimum requirements:

1 A. Any potential source of hexavalent chromium  
2 air emissions shall demonstrate compliance with  
3 the ambient air quality standards;

4 B. If a source cannot demonstrate to the  
5 satisfaction of the commissioner a technique for  
6 measuring hexavalent chromium at the emission  
7 source, its modeled air quality impact shall be  
8 derived from its total chromium emissions and  
9 shall not exceed a 24-hour ambient concentration  
10 of 25 nanograms per cubic meter; and

11 C. The modeled impact derived from hexavalent  
12 chromium emissions shall not exceed the limits  
13 specified in section 584-A, subsection 8,  
14 paragraph B, subparagraph (1).

15 4. Exemptions. Chromium emissions resulting from  
16 processes, including leather processing, in which  
17 chromium is present only in the trivalent oxidation  
18 state; from metal plating operations; and from the  
19 preparation of chrome tanning liquors shall not be  
20 subject to these emission requirements.

21 §610-B. Owner or mortgagee in possession liable for  
22 acts of tenants

23 The owner or mortgagee in possession, as well as  
24 any tenant, of any mill used for manufacturing lumber  
25 is liable for the acts of the tenant in unlawfully  
26 obstructing or diverting the water of any river or  
27 stream by the slabs or other mill waste from that  
28 mill, but no action may be maintained without a demand  
29 of damages, at least 30 days prior to its  
30 commencement. Such an unlawful obstruction or  
31 diversion by the tenant shall terminate, at the  
32 election of the owner or mortgagee and on written  
33 notice to the tenant, the tenancy.

34 Sec. 191. 38 MRSA §611, as enacted by PL 1954,  
35 c. 180, §35, is repealed.

36 Sec. 192. 38 MRSA §611, as amended by PL 1985,  
37 c. 746, §28, is repealed.

1           **Sec. 193. 38 MRSA §818, sub-§3, as amended by**  
2 **PL 1987, c. 370, §23, and c. 402, Pt. A, §204, is**  
3 **repealed and the following enacted in its place:**

4           **3. Other powers. No provision of this article**  
5 **may be construed as limiting the powers of the Maine**  
6 **Emergency Management Agency under Title 37-B, sections**  
7 **1051 to 1059.**

8           **Sec. 194. 38 MRSA §1303, sub-§5, as amended by**  
9 **PL 1983, c. 432, §3, is further amended to read:**

10           **5. Hazardous waste.** "Hazardous waste" means a  
11 waste substance or material, in any physical state,  
12 designated as hazardous by the board under section  
13 ~~1303-A~~ 1319-O. It does not include waste resulting  
14 from normal household or agricultural activities. The  
15 fact that a hazardous waste or part or constituent may  
16 have value or other use or may be sold or exchanged  
17 does not exclude it from this definition.

18           **Sec. 195. 38 MRSA §1310-L, sub-§4, as enacted**  
19 **by PL 1987, c. 517, §25, is amended to read;**

20           **4. Meetings.** The council shall meet at least 4  
21 **time times** per year.

22           **Sec. 196. 38 MRSA §1535, sub-§1, as enacted by**  
23 **PL 1987, c. 530, §4, is amended to read:**

24           **1. Assessment.** The authority shall assess any  
25 nuclear plant within the State for the full cost of  
26 planning, siting, licensing and construction of a  
27 low-level radioactive waste disposal facility,  
28 including reasonable reserves for unforeseen  
29 contingencies. The assessment shall not exceed  
30 \$10,000,000 and shall be assessed as follows:  
31 \$1,500,000 on March 1, 1988; \$2,500,000 on March 1,  
32 1989; \$2,000,000 on March 1, 1990; \$2,000,000 on March  
33 1, 1991; \$2,000,000 on March 1, 1992. The amount  
34 assessed shall be paid within 30 days of assessment.  
35 This assessment shall be deposited in the Low-level  
36 Radioactive Waste Facility Fund.

37           **Sec. 197. 39 MRSA §22-C, as amended by PL 1987,**

1 c. 206, §1, is repealed.

2 Sec. 198. 39 MRSA §22-D, as amended by PL 1987,  
3 c. 206, §2, is repealed.

4 Sec. 199. PL 1985, c. 737, emergency clause is  
5 repealed and the following enacted in its place:

6 Emergency clause. In view of the emergency  
7 cited in the preamble, unless otherwise indicated,  
8 this Act shall take effect when approved, except for  
9 Part A, section 64, which shall take effect on July 1,  
10 1986.

11 Sec. 200. PL 1985, c. 763, Pt. A, §86, first 2  
12 lines are repealed and the following enacted to read:

13 Sec. 86. 32 MRSA §4682-A, as enacted by PL  
14 1983, c. 236, §1, is amended to read:

15 Sec. 201. PL 1985, c. 804, §16, first 2 lines  
16 are repealed and the following enacted in their place:

17 Sec. 16. 24 MRSA c. 21, sub-cc. VI, VII and  
18 VIII are enacted to read:

19 Sec. 202. PL 1987, c. 20, §4, first 2 lines are  
20 repealed and the following enacted in their place:

21 Sec. 4. P&SL 1865, c. 532, §4-B, as amended by  
22 P&SL 1969, c. 238, §3, is amended to read:

23 Sec. 203. PL 1987, c. 20, §4, §4-B, sub-§2 is  
24 amended by adding at the end the following:

25 The chancellor may delegate any of such powers and  
26 responsibilities to such members of his staff as he  
27 deems necessary.

28 Sec. 204. PL 1987, c. 239, first 2 lines after  
29 the enacting clause are repealed and the following  
30 enacted in their place:

31 32 MRSA §3279, sub-§5 is enacted to read:

1           Sec. 205. PL 1987, c. 256, §24 is repealed.

2           Sec. 206. PL 1987, c. 425, §3 is amended to  
3 read:

4           Sec. 3. Effective date. This subchapter Act  
5 shall take effect January 1, 1988.

6           Sec. 207. PL 1987, c. 490, Pt. B, §3 is  
7 repealed and the following enacted in its place:

8           Sec. 3. 35-A MRSA §1103, sub-§3 is enacted to  
9 read:

10           3. Acquiring additional stock. Nothing in this  
11 section may be construed to prevent the holding of  
12 stock lawfully acquired prior to the effective date of  
13 Public Law 1913, chapter 129, section 38, as approved  
14 March 27, 1913, or to prevent the acquiring of  
15 additional stock by a public utility which owned on  
16 that date a majority of the stock of such other  
17 utility.

18           Sec. 208. PL 1987, c. 499, §8 is amended to  
19 read:

20           Sec. 8. Effective date. Section 4 3 of this  
21 Act shall take effect on March 1, 1988.

22           Sec. 209. PL 1987, c. 516, §4, first ¶ is  
23 repealed and the following enacted in its place:

24           Sec. 4. Allocation. The funds appropriated by  
25 the Legislature for this purpose shall be allocated as  
26 follows:

27           Sec. 210. PL 1987, c. 519, §12, 2nd sentence is  
28 amended to read:

29           The Bureau of Civil Emergency Preparedness  
30 Preparedness shall submit a report to the Joint  
31 Standing Committee on Human Resources, no later than  
32 January 15, 1988.

33           Sec. 211. PL 1987, c. 534, Pt. A, §18, sub-§1  
34 is amended to read:



1           1. Funds transferred. Notwithstanding the Maine  
2 Revised States Statutes, Title 5, sections 1585 and  
3 1586, all accrued expenditures, assets, liabilities,  
4 balances, appropriations or allocations, transfers,  
5 revenues or other available funds in any account or  
6 subdivision of an account of any unit of State  
7 Government, including any department, bureau,  
8 division, program or other subunit of a state agency,  
9 affected by this Act shall remain with that unit  
10 following transfer to another department.

11           Sec. 212. P&SL 1987, c. 61, §1, first sentence  
12 is amended to read:

13 The Treasurer of State is authorized, under the  
14 direction of the Governor, to issue from time to time  
15 registered bonds in the name and behalf of the State  
16 to an amount not exceeding \$8,000,000 for the purpose  
17 of raising funds for capital repairs and improvements  
18 to state ~~facilities~~ facilities as authorized by  
19 section 6.

20           Sec. 213. P&SL 1987, c. 70, §1, first sentence  
21 is amended to read:

22 The Treasurer of State is authorized, under the  
23 ~~discretion~~ direction of the Governor, to issue from  
24 time to time registered bonds in the name and behalf  
25 of the State to an amount not exceeding \$8,000,000 for  
26 the purpose of raising funds to provide for the  
27 remediation and closure of solid waste landfills,  
28 including municipal and abandoned landfills, as  
29 authorized by section 6.

30           Sec. 214. P&SL 1987, c. 73, §5 is amended to  
31 read:

32           Sec. 5. Disbursement of bond proceeds. The  
33 proceeds of the bonds set out in section 6 shall be  
34 expended under the direction and supervision of the  
35 Director of the State Planning Office until the  
36 creation of a Recreation and Natural Heritage the  
37 Land for Maine's Future Board for acquisition of lands  
38 for conservation, outdoor recreation and wildlife.



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STATEMENT OF FACT

Section 1 corrects an error in format in Public Law 1987, chapter 477, section 2.

Section 2 corrects a technical error.

Section 3 resolves a conflict between the 1985 sunset bill and the law which changed the name of the University of Maine System.

Section 4 corrects a conflict between 2 public laws and provides for an earlier sunset date for the Maine Health Care Finance Commission.

Sections 5 and 6 correct a conflict where 2 substantially different provisions were assigned the same subsection number.

Section 7 corrects conflicting statutory references contained in 3 laws.

Section 8 corrects a conflict which had already been corrected by substantive law.

Section 9 incorporates provisions of 2 public laws amending the same section.

Section 10 combines provisions of 2 public laws amending same section.

Section 11 combines provisions of 2 public laws amending the same section.

Section 12 corrects an error caused when subsection of old retirement laws was not repealed at time of recodification.

Section 13 corrects an erroneous cross-reference.

Section 14 repeals a provision which belongs within the laws relating to the duties of the Commissioner of Economic and Community Development in

1 the Maine Revised Statutes, Title 5, section 13058,  
2 subsection 10.

3 Section 15 corrects the rate of compensation of  
4 the Panel of Mediators to correctly reflect the rate  
5 as set out in Title 26, section 965, subsection 2,  
6 paragraph C.

7 Sections 16 and 17 resolve a conflict where 3 laws  
8 enacted same subparagraph and correctly renumber  
9 subparagraphs.

10 Sections 18 and 19 resolve a conflict where 2  
11 public laws enacted same subparagraph and correctly  
12 renumber subparagraphs.

13 Section 20 correctly places duties formerly of the  
14 Director of the State Development Office within the  
15 Department of Economic and Community Development in  
16 Title 5, section 13058, subsection 10.

17 Sections 21 to 27 correct references to the State  
18 Development Office which was abolished and its  
19 functions incorporated into the Department of Economic  
20 and Community Development by Public Law 1987, chapter  
21 534. Section 23 also corrects a technical error.

22 Sections 28 and 29 remove a conflict created by  
23 repeal and relocation of AIDS laws; these provisions  
24 were included in new sections.

25 Section 30 correctly places section in reallocated  
26 chapter of law.

27 Section 31 corrects an erroneous cross-reference.

28 Section 32 corrects a typographical error in the  
29 effective date.

30 Section 33 corrects a conflict where 2  
31 substantially different provisions were assigned the  
32 same Part number.

33 Section 34 corrects a reference to a member of the  
34 House of Representatives.

1 Section 35 correctly places section in reallocated  
2 chapter of law.

3 Section 36 combines provisions of 2 laws amending  
4 the same section.

5 Section 37 resolves a conflict in section which  
6 was amended in the errors bill and repealed in the  
7 sunset bill by repealing it.

8 Section 38 resolves a conflict made when 1987  
9 errors bill made technical changes to law that was  
10 later repealed by substantive Bureau of Lottery law.

11 Section 39 corrects a cross reference.

12 Section 40 combines provisions of 2 public laws  
13 amending same section.

14 Section 41 combines provisions of 2 public laws  
15 amending same section.

16 Section 42. Emergency amendments to the section  
17 pertaining to state ceiling on private activity bonds  
18 were superseded by subsequent legislation which  
19 repealed and replaced entire section.

20 Section 43 removes a conflict created when one law  
21 added new subsection 8 and a later law added new  
22 subsections 8 and 9 which contained previously enacted  
23 subsection 8.

24 Sections 44, 45 and 46 correctly renumber 2  
25 subsections of "definition" sections which were  
26 enacted with the same designation.

27 Section 47 corrects a reference to the State  
28 Development Office which was abolished and its  
29 functions incorporated into the Department of Economic  
30 and Community Development by Public Law 1987, chapter  
31 534.

32 Section 48 resolves a conflict created by law  
33 amending a repealed law; correctly places change in  
34 another section in same chapter.

1 Sections 49 and 50 resolve a conflict between 2  
2 public laws which enacted the same subsection number.

3 Section 51 clarifies employment provision within  
4 the Bureau of Parks and Recreation.

5 Section 52 corrects a technical error.

6 Section 53 combines provisions of 2 public laws  
7 amending same subsection.

8 Section 54 combines provisions of 2 public laws  
9 which amended the same subsection.

10 Section 55 incorporates provisions of 2 public  
11 laws affecting the same subsection.

12 Section 56 incorporates changes made by 2 public  
13 laws amending the same section.

14 Section 57 incorporates changes which were made in  
15 section 3103, subsection 1.

16 Section 58 combines provisions of 2 public laws  
17 amending the same section.

18 Section 59 corrects a reference to workers'  
19 compensation.

20 Section 60 makes the office which handled the  
21 underlying prosecution responsible for enforcement of  
22 restitution.

23 Section 61 corrects technical errors and reference  
24 to Workers' Compensation Act.

25 Section 62 combines provision of 2 public laws  
26 which amended the same subsection.

27 Sections 63 to 65 correct references to the  
28 workers' compensation law.

29 Section 66 combines provisions of 2 public laws  
30 which enacted the same section.

31 Section 67 incorporates provisions of 2 public

1 laws which amended the same subsection.

2 Sections 68 and 69 correct duplicate paragraph  
3 designations.

4 Section 70 corrects an erroneous internal  
5 reference.

6 Sections 71, 72 and 73 correct numbering and  
7 typographical errors.

8 Section 74 incorporates changes made by 2 public  
9 laws.

10 Sections 75 and 76 repeal 2 sections.

11 Sections 77 and 78 combine and clarify intent of  
12 provisions in 2 public laws.

13 Section 79 combines provisions of 2 public laws.

14 Section 80 resolves a conflict where the law  
15 amended a repealed section.

16 Section 81 corrects erroneous statutory reference.

17 Section 82 resolves a conflict where the law  
18 amended a repealed section.

19 Sections 83 corrects erroneous reference to  
20 Workers' Compensation Act.

21 Section 84 corrects a spelling error.

22 Section 85 resolves conflict created by errors  
23 bill and substantive bill, using latter version.

24 Section 86 resolves conflict created by errors  
25 bill and substantive bill, using latter version.

26 Section 87 combines provisions made by 2  
27 conflicting public laws.

28 Section 88 combines provisions of 2 conflicting  
29 public laws.

1           Section 89 corrects an erroneous word choice.

2           Sections 90 and 91. With enactment of Public Law  
3 1987, chapter 141, Part A, the chapter on the Maine  
4 Transportation Capital Improvement Planning  
5 Commission, enacted by Public Law, chapter 542, Part  
6 C, section 2, appears within the part on waterborne  
7 transportation. Sections 90 and 91 reallocated the  
8 Maine Transportation Capital Improvement Planning  
9 Commission to its correct allocation within the Maine  
10 Revised Statutes, Title 23, Part 5.

11          Section 92 corrects an erroneous reference.

12          Section 93 corrects erroneous reference to  
13 workers' compensation law.

14          Section 94 corrects a technical error.

15          Sections 95 and 96 correct erroneous references to  
16 the workers' compensation law.

17          Section 97 deletes the word "competitive" from the  
18 title of the Workers' Compensation Rating Act as that  
19 Act is not a competitive rating law.

20          Section 98 replaces the word "losses," which is  
21 ambiguous in the context used, with the more proper  
22 word "deficits."

23          Section 99 corrects an improper cross-reference.

24          Section 100 corrects a grammatical error.

25          Section 101 corrects improper pronoun references.

26          Sections 102 and 103 amend references to dates by  
27 which certain determinations must be made by the  
28 Superintendent of Insurance to conform with the  
29 sequence of events contemplated by the rest of the Act.

30          Section 104 deletes improper reference to  
31 independent medical examiners. The independent  
32 medical examiner concept was considered in initial  
33 versions of the Workers' Compensation Rating Act, but  
34 was rejected in the final version.



1 Section 105 corrects an inconsistency between  
2 Title 24-A, section 2371, and Title 39, section  
3 110-A. Also, it corrects inconsistent internal  
4 punctuation.

5 Section 106 corrects a conflict between duplicate  
6 chapter designations.

7 Sections 107 and 108 resolve errors created by  
8 incorrect substitution of "and" for "and/or" in  
9 original draft.

10 Section 109 combines provisions of 2 public laws  
11 amending the same section.

12 Section 110 combines provisions of 2 public laws  
13 amending the same subsection.

14 Section 111 corrects an internal reference.

15 Section 112 corrects the content of Title 26,  
16 section 1043, subsection 11, paragraph F, subparagraph  
17 (32) to reflect the intent of Public Law 1981, chapter  
18 633, which intentionally dropped divisions (a), (b)  
19 and (c).

20 Section 113 replaces the errors bill version of  
21 this section with substantive economic and community  
22 development law version.

23 Section 114 corrects a technical error.

24 Section 115 corrects error in chapter number  
25 designation.

26 Sections 116 and 117 correct section numbering  
27 error.

28 Sections 118 to 120 correct technical errors.

29 Section 121 combines 2 public laws which are in  
30 conflict.

31 Section 122 incorporates changes from 2 public  
32 laws.

1           Section 123 removes a conflict created when errors  
2 bill reallocated a chapter and a substantive bill  
3 amended the old section number.

4           Section 124 removes a conflict created when errors  
5 bill reallocated a chapter and a substantive bill  
6 amended the old section number.

7           Section 125 removes a conflict between 2 public  
8 laws which referred to different statutory references  
9 by replacing them with the correct reference.

10          Section 126 combines provisions of 2 public laws  
11 amending the same paragraph.

12          Section 127 provides correct reference to Nursing  
13 Home Administrators Licensing Board.

14          Section 128 provides correct references to the  
15 Department of Professional and Financial Regulation.

16          Section 129 corrects a numbering error.

17          Section 130 resolves the conflict created when the  
18 errors bill amended the paragraph and the sunset bill  
19 substantively revised the entire subsection.

20          Section 131 corrects typographical error.

21          Section 132 combines provisions of 2 public laws  
22 which amended the same section.

23          Section 133 corrects a reference to the  
24 Commissioner of Professional and Financial Regulation.

25          Sections 134 and 135 correct duplicative chapter  
26 designations.

27          Section 136 corrects numbering error.

28          Section 137 corrects a technical error.

29          Sections 138 to 140 correct an erroneous  
30 cross-reference.

31          Section 141 resolves a conflict created by

1 recodification of Title 35. This provision appears,  
2 pursuant to this bill, as Title 35-A, section 3133,  
3 subsection 9.

4 Section 142 removes a conflict created by law  
5 amending Title 35, which was recodified as Title 35-A.

6 Section 143 resolves a conflict created by  
7 recodification of Title 35. The provision appears,  
8 pursuant to this bill, as Title 35-A, section 3303,  
9 subsection 1-A.

10 Sections 144 and 145 resolve a conflict created by  
11 recodification of Title 35. The changes appear,  
12 pursuant to this bill, in Title 35-A, section 3182,  
13 subsections 1 and 5.

14 Section 146 resolves a conflict created by  
15 recodification of Title 35. The provision appears,  
16 pursuant to this bill, in Title 35-A, section 6303,  
17 subsection 5.

18 Section 147 corrects a spelling error.

19 Section 148 removes a conflict created by 2 public  
20 laws enacting substantively different sections with  
21 the same designation.

22 Section 149 resolves conflict created by  
23 recodification of Title 35.

24 Section 150 corrects a format error.

25 Section 151 removes a conflict created by law  
26 amending a repealed section and correctly amends  
27 replacement section, pursuant to this bill, in Title  
28 35-A, section 3153-A, subsection 1, paragraph E.

29 Section 152 incorporates change intended to a  
30 replacement provision created by the recodification of  
31 Title 35.

32 Sections 153 and 154 resolve conflicts created by  
33 recodification of Title 35.

34 Sections 155 to 159 resolve conflict between

1 errors bill versions and later substantive changes.

2 Section 160 corrects a technical error.

3 Section 161 combines provisions of 2 public laws  
4 amending the same subsections.

5 Section 162 combines provisions of 2 public laws  
6 amending the same subparagraph.

7 Section 163 resolves a conflict where 2  
8 substantively different provisions were given the same  
9 subsection designation. The 2nd version is, pursuant  
10 to this bill, now in Title 36, section 1760,  
11 subsection 61.

12 Section 164 resolves a conflict created by 2  
13 public laws enacting the same subsection number. The  
14 section version is, pursuant to this bill, now in  
15 Title 36, section 1760, subsection 61.

16 Section 165 combines provision of 2 public laws  
17 amending the same section.

18 Section 166 clarifies a repeal of a chapter within  
19 Title 36.

20 Section 167 combines provisions of 2 public laws  
21 amending the same section.

22 Section 168 corrects a technical error.

23 Sections 169 and 172 remove a conflict created by  
24 the law making technical changes to a repealed section  
25 and make those changes in a new section.

26 Sections 170 and 171 resolve a conflict between 2  
27 public laws enacting the same section.

28 Section 173 combines provisions of 2 public laws  
29 amending the same section.

30 Sections 174 and 175 correct paragraph designation  
31 error in sections which enacted 2 paragraph G's.

32 Section 176 corrects a reference to bureau,

1 necessitated by change in name of agency.

2 Section 177 incorporates changes made by 2 public  
3 laws which amended the same section.

4 Sections 178 to 181 correct reference to bureau,  
5 necessitated by change in name of agency.

6 Section 182 removes conflict created by a law  
7 making corrections in a section repealed by another  
8 law.

9 Section 183 corrects a technical error.

10 Sections 184 and 185 remove the conflict created  
11 by 2 subsections enacted with the same designation.

12 Sections 186 and 187 correct a conflict created  
13 when 2 subsections were enacted with the same  
14 designation.

15 Section 188 corrects an omission in a statutory  
16 reference.

17 Section 189 corrects a conflict between 2 laws  
18 amending the same subsection.

19 Sections 190, 191 and 192 correct a numbering  
20 conflict between 2 statutory sections and make  
21 technical corrections in these sections.

22 Section 193 combines provisions of 2 public laws  
23 amending the same subsection.

24 Section 194 corrects a statutory cross-reference.

25 Section 195 corrects a technical error.

26 Section 196 corrects an error where a yearly  
27 assessment was erroneously omitted.

28 Sections 197 and 198 eliminate inconsistency  
29 created when Public Law 1987, chapter 559, moved the  
30 Workers' Compensation Rating Act from Title 39 to  
31 Title 24-A, but neglected to repeal pertinent  
32 provisions of Title 39.

1 Section 199 corrects an error in the emergency  
2 clause.

3 Section 200 corrects an error in the amending  
4 clause.

5 Section 201 corrects an error in the enacting  
6 clause.

7 Sections 202 and 203 insert a sentence which was  
8 missing from an original text as amended.

9 Section 204 corrects an amending clause.

10 Section 205 removes an erroneous amending clause.

11 Section 206 corrects an erroneous reference to  
12 subchapter.

13 Section 207 corrects a technical error.

14 Section 208 corrects erroneous reference in the  
15 effective date provision.

16 Section 209 corrects an error whereby the adoption  
17 of House Amendment "D" to Committee Amendment "A" to  
18 Legislative Document 721 was incorrectly incorporated  
19 into Public Law 1987, chapter 516.

20 Sections 210 to 212 correct technical errors.

21 Section 213 corrects an error in word choice.

22 Sections 214 and 215 correct the title of the Land  
23 for Maine's Future Board as previously established in  
24 PL 1987, chapter 506, for the purpose of managing the  
25 Land for Maine's Future Fund.

26 Section 216 corrects a technical error.

27 Section 217 corrects a typographical error.

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