

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Eds.

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47

L.D. 1671

(Filing No. S-344)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671, Bill, "An Act to Correct Errors and Inconsistencies in the Laws of Maine"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

PART A

Sec. 1. 1 MRSA §814, 2nd ¶, as repealed and replaced by PL 1975, c. 470, §1, is amended to read:

All proceedings under this section shall be in accordance with Title 35 35-A, chapter 263 65.

Sec. 2. 2 MRSA §6, sub-§4, as amended by PL 1987, c. 715, §2, and c. 787, §1, is repealed and the following enacted in its place:

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

State Purchasing Agent;

Director, Arts and Humanities Bureau;

Director, State Museum Bureau;

Director of the Bureau of Parks and Recreation;

State Director of Alcoholic Beverages;

Director of Public Lands;

State Librarian;

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 Director of Employee Relations:

3 Director, Bureau of Air Quality Control:

5 Director, Bureau of Land Quality Control:

7 Director, Bureau of Water Quality Control:

9 Director, Bureau of Oil and Hazardous Materials Control:

11 Director, Bureau of Solid Waste Management; and

13 Director, Bureau of Administration.

15
17 Sec. 3. 2 MRSA §6, sub-§5, as amended by PL 1987, c. 666, §1;
19 c. 715, §3; and c. 816, Pt. DD, §1, is repealed and the following
enacted in its place:

21 5. Range 86. The salaries of the following state officials
23 and employees shall be within salary range 86:

25 Director of Labor Standards:

27 Deputy Chief of the State Police:

29 Director of State Lotteries:

31 State Archivist:

33 Director of Maine Geological Survey:

35 Executive Director, Maine Land Use Regulation Commission:

37 Director of the Risk Management Division:

39 Chairman, Maine Unemployment Insurance Commission:

41 Director of the Bureau of State Employee Health:

43 Child Welfare Services Ombudsman:

45 Director of the Bureau of Intergovernmental Drug Enforcement:

47 Deputy Director, Retirement System; and

49 Executive Director, Maine Science and Technology Commission.

51 Sec. 4. 2 MRSA §6-A, sub-§5, as enacted by PL 1983, c. 863,
Pt. B, §§3, 45, is amended to read:

R of S
COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 5. Retirement contribution. The State shall pay the
2 mandatory retirement contribution required by Title 5, section
3 ~~1095,--subsection-1 17701~~, for commissioners who elect to become
4 members of the Maine State Retirement System. Payment shall be
5 made as provided in Title 5, section ~~1062,--subsection--2,~~
6 ~~paragraph--G 17702~~. A commissioner may elect at the time of
7 appointment to receive a 5% salary increase instead of state
8 payment of the retirement contribution.

9
10 Membership in the Maine State Retirement System is optional.

11 **Sec. 5. 2 MRSA §7, sub-§2**, as amended by PL 1985, c. 693, §§4
12 and 14, is further amended to read:

13 2. Regulatory boards. Notwithstanding section 6 or any
14 other provision of law, the salaries of the Workers' Compensation
15 Commission commissioners shall be:

16 A. For the ~~chairman~~ chair, a salary within salary range 91,
17 step G, for fiscal year 1987; and a salary within salary
18 range 91, step H, for fiscal year 1988; and annually
19 thereafter;

20 B. For the members, a salary within salary range 90, step
21 G, for fiscal year 1987; and a salary within salary range
22 90, step H, for fiscal year 1988; and annually thereafter.

23
24 The State shall pay the mandatory retirement contribution
25 required by Title 5, section ~~1095,--subsection--1 17701~~, for
26 commissioners who elect to become members of the Maine State
27 Retirement System. Payment shall be made as authorized by Title
28 5, section ~~1062,--subsection-2,--paragraph-G 17702~~. A commissioner
29 may elect to receive a 5% salary increase instead of state
30 payment of the retirement contribution. A commissioner electing
31 to receive the salary increase shall so notify ~~his~~ the
32 commissioner's appointing authority in writing on or before
33 January 1, 1985. The salary increase shall be effective at the
34 start of the pay week closest to January 1, 1985. New
35 commissioners shall exercise the option at the time of
36 appointment.

37
38 Membership in the Maine State Retirement System is optional.

39 **Sec. 6. 3 MRSA §507-B, sub-§11**, as enacted by PL 1987, c. 735,
40 §3, and c. 769, Pt. A, §6, is repealed and the following enacted
41 in its place:

42 11. Agencies scheduled for termination on June 30, 1987;
43 continued. Pursuant to section 507, subsection 8, paragraph B,
44 the following agencies scheduled for termination on June 30,
45 1987, are continued.

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

- 1 A. Real Estate Commission;
- 3 B. Maine Athletic Commission;
- 5 C. State Claims Board;
- 7 D. Board of Examiners on Speech Pathology and Audiology;
- 9 E. Maine State Board for Licensure of Architects and
11 Landscape Architects;
- 13 F. State Board of Barbers;
- 15 G. State Board of Cosmetology;
- 17 H. Manufactured Housing Board;
- 19 I. State Board of Substance Abuse Counselors;
- 21 J. State Board of Licensure for Professional Foresters;
- 23 K. State Board of Certification for Geologists and Soil
25 Scientists;
- 27 L. Board of Examiners in Physical Therapy;
- 29 M. State Historian;
- 31 N. Historic Preservation Commission; and
- 33 O. Oil and Solid Fuel Board.

Sec. 7. 3 MRSA §507-B, sub-§12 is enacted to read:

12. Agencies scheduled for termination on June 30, 1988;
35 continued. Pursuant to section 507, subsection 8-A, paragraph B,
37 the following agencies scheduled for termination on June 30,
39 1988, are continued:

- 41 A. Board of Trustees of the University of Maine System;
- 43 B. Board of Trustees of the Maine Maritime Academy;
- 45 C. State Government Internship Advisory Committee;
- 47 D. Arborist Examining Board;
- 49 E. Maine Occupational Information Coordinating Committee;
- 51 F. Maine Conservation School;
- G. Board of Examiners of Psychologists;

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1

H. Board of Commissioners of the Profession of Pharmacy; and

3

I. Alcohol and Drug Abuse Planning Committee.

5

7

Sec. 8. 4 MRSA §120, 3rd ¶, as repealed and replaced by PL 1987, c. 769, Pt. B, §2, is amended to read:

9

11

13

The order of the Chief Justice of the Supreme Judicial Court directing a Justice of the Superior Court to sit in the District Court shall be filed with the Executive Clerk of the Supreme Judicial Court, but need not be docketed or ~~ethewise~~ otherwise recorded in any case heard by the assigned justice.

15

17

Sec. 9. 4 MRSA §1151, sub-§2, as repealed and replaced by PL 1987, c. 595, §1, and c. 769, Pt. A, §7, is repealed and the following enacted in its place:

19

21

23

25

27

29

31

33

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

35

37

39

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

41

Sec. 10. 4 MRSA §1201, sub-§17, as amended by PL 1983, c. 863, Pt. B, §§10 and 45, is further amended to read:

43

45

47

17. Regular interest. "Regular interest" means interest at the rate which the Board of Trustees of the Maine State Retirement System sets from time to time, in accordance with Title 5, section 1061,--subsectien-2 17156.

49

Sec. 11. 5 MRSA §199, as amended by PL 1973, c. 711, §6, is further amended to read:

51

§199. Consultation with, and advice to, district attorneys

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 The Attorney General shall consult with and advise the
 2 district attorneys in matters relating to their duties. If in his
 3 the Attorney General's judgment the public interest so requires,
 4 he the Attorney General shall assist them by attending the grand
 5 jury in the examination of a case in which the accused is charged
 6 with treason or murder, and if in his the Attorney General's
 7 judgment the public interest so requires, he the Attorney General
 8 shall appear for the State in the trial of indictments for
 9 treason or murder. He The Attorney General may institute and
 10 conduct prosecutions for all offenses against Title 21 21-A, and
 11 for that purpose attend and present evidence to grand juries and
 12 assist them in the examination of witnesses and drawing
 13 indictments. He The Attorney General may, in his the Attorney
 14 General's discretion, act in place of or with the district
 15 attorneys, or any of them, in instituting and conducting
 16 prosecutions for crime, and is invested, for that purpose, with
 17 all the rights, powers and privileges of each and all of them.
 18 Any or all of the powers and duties enumerated in this chapter
 19 may, at the discretion of the Attorney General, be delegated to
 20 and performed by, any deputy attorney general, assistant attorney
 21 general or staff attorney. The authority given under this section
 22 shall not be construed to deny or limit the duty and authority of
 23 the Attorney General as heretofore authorized, either by statute
 24 or under the common law.

25

26 **Sec. 12. 5 MRSA §285, sub-§1, ¶G,** as repealed and replaced by
 27 PL 1987, c. 769, Pt. A, §11, is amended to read:

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

30

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

34

35 (2) After April 26, 1968, retire and who on the date
 36 of their retirement are currently enrolled in this
 37 group accident and sickness or health insurance plan as
 38 an employee;

39

40 (3) After December 2, 1986, and after reaching normal
 41 retirement age, cease to be members of the Legislature
 42 and are recipients of retirement allowances from the
 43 Maine State Retirement System based upon creditable
 44 service as teachers, as defined by section ~~1001~~ 17001,
 45 subsection ~~25~~ 42. This paragraph shall also apply to
 46 former members who were members on December 2, 1986; or

47

48 (4) After December 2, 1986, and not yet normal
 49 retirement age, cease to be members of the Legislature
 50 and are recipients of retirement allowances from the
 51 Maine State Retirement System based upon creditable

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 service as teachers, as defined by section 1001 17001,
3 subsection 25 42. This paragraph also applies to
former members who were members on December 2, 1986.

5
7 **Sec. 13. 5 MRSA §1514, sub-§4, ¶B,** as enacted by PL 1987, c.
816, Pt. S, and repealed and replaced by PL 1987, c. 819, §1, is
9 repealed and the following enacted in its place:

11 B. A transfer from this fund to the General Fund to offset
12 the loss of revenue resulting from individual income tax
13 reform for the 1988 tax year. The amount of this transfer
14 will be equal to the amount certified to the fund because of
15 increased individual income tax collections through the
16 period ending June 30, 1988, less the amount transferred in
17 paragraph A to offset individual income tax reductions and
18 less the amount expended to offset 1987 tax year rebates and
19 their administrative costs. This transfer shall be made no
later than October 1, 1988.

21 **Sec. 14. 5 MRSA §1514, sub-§4, ¶C** is enacted to read:

23 C. The State Controller shall transfer to the General Fund
24 any balance in this fund on June 30, 1988, which was
25 certified to it in accordance with subsection 2 as revenue
26 directly attributable to corporate income tax. This
27 transfer will provide additional resources for property tax
28 relief through an appropriation to the General Purpose Aid
29 to Local Schools Account.

31 **Sec. 15. 5 MRSA §1742, sub-§23, ¶C,** as amended by PL 1987, c.
32 733, §2, and c. 741, §2, is further amended to read:

34 C. Nothing in this subsection shall be construed to pertain
35 to public reserved lands which are exempt from this
36 subsection, and .

37
38 **Sec. 16. 5 MRSA §1742, sub-§23, ¶D,** as enacted by PL 1987, c.
39 820, §1, is amended to read:

41 D. The department shall work closely with the Maine State
42 Housing Authority to develop a procedure by which surplus
43 state-owned land and structures are held in trust for the
44 purpose set forth in this section and Title 30 30-A, chapter
45 239 201, ~~subchapter--II--articles--3--A--and--8--~~ subchapters
46 III-A and XI;

47
48 **Sec. 17. 5 MRSA §1742, sub-§24,** as enacted by PL 1987, c. 733,
49 §3 and c. 741, §3, is repealed and the following enacted in its
50 place:

1 24. Application of minimum air ventilation standards.
2 Beginning September 1, 1988, to apply the ANSA-ASHARE Indoor Air
3 Quality and Ventilation Standards contained in the proposed
4 revision, 1981 R, July 15, 1986, as prepared by the American
5 Society of Heating, Refrigeration and Air Conditioning Engineers,
6 Inc. or more stringent standards to buildings occupied by state
7 employees during normal working hours. These standards shall be
8 applied to buildings which are constructed or substantially
9 renovated by the State after September 1, 1988, and to buildings
10 for which the State enters into new leases or renews leases
11 following the date in this subsection. For the purpose of this
12 subsection, "substantial renovation" means any renovation for
13 which the cost exceeds 50% of the buildings' value.

15 A. The bureau, in cooperation with a labor-management
16 committee established to look at this issue, shall develop a
17 plan by which priorities are established for improving
18 indoor air quality and ventilation standards in buildings
19 occupied by state employees. This plan shall include data
20 gathering and analysis of air quality in a sample number of
21 buildings by which reasonable projections and estimates
22 concerning air quality can be established. The bureau shall
23 report its findings to the joint standing committee of the
24 Legislature having jurisdiction over state and local
25 government no later than January 16, 1989. This report, at
26 a minimum, shall contain the following:

27 (1) A description of the extent of the problem, if
28 any, with respect to air quality and ventilation in
29 buildings occupied by state employees;

30 (2) Priorities of locations for which the improvement
31 of air quality is necessary. These locations shall be
32 areas occupied by state employees during normal working
33 hours;

34 (3) A timetable by which these priorities could be
35 addressed;

36 (4) A description of what may be necessary to address
37 these priorities, including feasible alternatives;

38 (5) The costs of addressing these priorities; and

39 (6) If possible, locations leased by the State which
40 may not meet the air quality standards defined in this
41 subsection.

42 Nothing in this paragraph may be construed to require the
43 bureau to conduct an in depth analysis for each building or
44 to present technical data for each building occupied by
45 state employees.

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

B. The indoor air quality and ventilation standards applied by the bureau shall remain in effect until the Board of Occupational Safety and Health adopts air quality and ventilation standards; and

Sec. 18. 5 MRSA §1742, sub-§25 is enacted to read:

25. Sites for child care programs. To review, in cooperation with the Office of Child Care Coordination in the Department of Human Services, feasible sites for child care programs offered primarily as a service to state employees pursuant to Title 22, section 8307, subsection 2.

Sec. 19. 5 MRSA §1892, sub-§1, ¶L, as enacted by PL 1987, c. 701, §3, is amended to read:

L. The ~~Executive-Director~~ Chief Executive Officer of the Finance Authority of Maine or the ~~director's~~ chief executive officer's designee.

Sec. 20. 5 MRSA §1955, sub-§1, ¶D, as enacted by PL 1987, c. 743, is amended to read:

D. Publicly advertising and implementing special recruitment, efforts for all job openings to attract applicants from underrepresented religious groups;

Sec. 21. 5 MRSA §3305, sub-§1, ¶D, as amended by PL 1987, c. 737, Pt. C, §§8 and 106; and c. 816, Pt. P, §3; and as amended by PL 1989, c. 6 and c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

D. Upon request provide technical assistance to local and regional planning groups in the fields of planning, public housing and urban renewal;

Sec. 22. 5 MRSA §19205, sub-§§1 and 2, as repealed and replaced by PL 1987, c. 539, are amended to read:

1. Policy; services. It shall be the policy of the State to provide to persons who test positive for HIV or have been diagnosed as having AIDS or ~~Aids-Related~~ AIDS-Related Complex services of departments and agencies, including, but not limited to, the Department of Educational and Cultural Services, the Department of Mental Health and Retardation, the Department of Human Services and the Department of Corrections.

2. Coordination of services. A person designated by the Commissioner of Human Services shall insure coordination of new and existing services so as to meet the needs of persons with

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 AIDS, ~~Aids-Related AIDS-Related~~ Complex and viral positivity and
2 identify gaps in programs.

3
4 The committee established in section 12004 ~~12004-I~~, subsection 10
5 42, shall work with the person designated in this chapter to
6 insure the coordination of services to meet the needs of persons
7 with AIDS, ~~ARG AIDS-Related Complex~~ and viral positivity.

8 **Sec. 23. 5 MRSA c. 383, sub-c. II, first 2 lines,** are repealed and
9 the following are enacted in their place:

11

SUBCHAPTER II

13

BUSINESS DEVELOPMENT

15

ARTICLE 1

17

GENERAL PROVISIONS

19

20 **Sec. 24. 5 MRSA c. 383, sub-c. II, article II, first line,** is repealed
21 and the following enacted in its place:

23

ARTICLE 2

25

BUSINESS ASSISTANCE REFUND AND FACILITATION PROGRAM

27

28 **Sec. 25. 7 MRSA c. 51, first 2 lines,** are repealed and the
29 following enacted in their place:

31

CHAPTER 10-A

33

THE MAINE AGRICULTURAL VIABILITY ACT OF 1985

35

36 **Sec. 26. 10 MRSA §174,** as repealed by PL 1983, c. 381, §4 and
37 reallocated by PL 1983, c. 500, §1, is repealed.

39

40 **Sec. 27. 10 MRSA §363, sub-§8,** as repealed and replaced by PL
41 1987, c. 769, Pt. A, §42, and c. 807, §2, is repealed and the
42 following enacted in its place:

43

44 8. Allocations for educational bonds. That portion of the
45 state ceiling allocated to the categories of bonds providing
46 funds for the purposes of a corporation created pursuant to Title
47 20, section 2237, and Title 20-A, section 11407, or of the Maine
48 Educational Loan Authority shall be allocated to that corporation
49 or to the Maine Educational Loan Authority, or both, and each may
50 further allocate the portion of the state ceiling allocated to it
51 to bonds requiring an allocation to qualify as tax-exempt bonds.

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 **Sec. 28. 10 MRSA §1100-T, sub-§2**, as enacted by PL 1987, c.
854, §§2 and 5, is amended to read:

3

2. **Eligibility for tax credit certificate.** The authority
5 shall adopt rules in accordance with the Maine Administrative
Procedure Act, Title 5, chapter 375, to implement the program.
7 Without limitation, the requirements for eligibility for a tax
credit certificate ~~includes~~ include the following.

9

11 A. A tax credit certificate may be issued in an amount not
more than 30% of the amount of cash actually invested in a
Maine business in any calendar year.

13

15 B. The Maine business must provide a product or service
which is sold or rendered, or is projected to be sold or
rendered, predominantly outside of the State, as determined
17 by the authority. Businesses which bring products into the
State and then sell the same products outside the State are
19 not eligible. Construction, transportation, financial
services, insurance and real estate businesses are not
21 eligible. Other service businesses are eligible provided
that the customers are predominantly out of the State and
23 the employment functions are carried out predominantly in
the State.

25

27 C. Aggregate investment eligible for tax credits shall not
be less than \$25,000 nor more than \$250,000 for any one
business as of the date of issuance of a tax credit
29 certificate.

31

33 D. The investment with respect to which any individual is
applying for a tax credit certificate shall be not less than
\$10,000 nor more than an aggregate of \$50,000 in any one
business, provided that this paragraph shall not be
35 interpreted to limit other investment by any applicant for
which that applicant is not applying for a tax credit
37 certificate.

39

41 E. The business receiving the investment must have annual
revenues of \$200,000 or less and the operation of the
business must be the full-time professional activity of the
principal owner, as determined by the authority. The
43 principal owner and the principal owner's spouse, parents,
brothers, sisters and children may not be eligible for a
45 credit for investment in that business. Businesses in which
the principal owners are not one or more individuals shall
47 not be eligible.

49

51 F. The investment must be expended on plant, equipment,
research and development, or working capital for the
business or such other business activity as may be approved
by the authority.

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

G. The authority shall establish limits on repayment of the investment, requiring at a minimum that the investment remain in the business for at least 5 years with no current income to the investor during the 5-year period. The investment must be at risk in the business.

H. The investors qualifying for the credit must collectively own less than 1/2 of the business.

Sec. 29. 10 MRSA §1328, sub-§2, ¶C, as enacted by PL 1979, c. 636, §2, is amended to read:

C. The expenses of the administrator necessarily incurred in the examination of persons subject to this chapter shall be chargeable to that person in the same manner and for the same expenses set forth in Title 9-A, section 6-203, subsection--4 6-106, subsection 6, except that users as defined in section 1312, subsection 11, shall not be charged examination expenses unless the administrator finds a violation of this Act.

Sec. 30. 10 MRSA §1486, sub-§1, as enacted by PL 1987, c. 574, is amended to read:

1. Change orders. "Change orders" means a written amendment to the home construction contract which becomes part of and is in conformance with the existing contract.

Sec. 31. 10 MRSA §8001, as repealed and replaced by PL 1987, c. 395, Pt. A, §34, and c. 488, §2, is repealed and the following enacted in its place:

§8001. Department: organization

There is created and established the Department of Professional and Financial Regulation, in this chapter referred to as the "department," to regulate financial institutions, insurance companies, commercial sports, grantors of consumer credit and to license and regulate professions and occupations. The department shall be composed of the following bureaus, boards and commissions:

- Acupuncture Licensing Board:
- Arborist Examining Board:
- Athletic Commission, Maine:
- Auctioneers, Board of Licensing of:
- Banking, Bureau of:

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 Barbers, State Board of:
3 Commercial Driver Education, Board of:
5 Consumer Credit Protection, Bureau of:
7 Dietetic Practice, Board of Registration of:
9 Electricians' Examining Board:
11 Foresters, State Board of Licensure for Professional:
13 Funeral Service, State Board of:
15 Geologists and Soil Scientists, State Board of Certification
17 for:
19 Hearing Aid Dealers and Fitters, Board of:
21 Insurance, Bureau of:
23 Manufactured Housing Board:
25 Nursing Home Administrators Licensing Board:
27 Occupational Therapy Practice, Board of:
29 Oil and Solid Fuel Board:
31 Physical Therapy, Board of Examiners in:
33 Pilotage Commission, Maine State:
35 Plumbers' Examining Board:
37 Psychologists, State Board of Examiners of:
39 Radiologic Technology Board of Examiners:
41 Real Estate Commission:
43 Respiratory Care Practitioners, Board of:
45 Social Worker Licensure, State Board of:
47 Speech Pathology and Audiology, Board of Examiners on:
49 Substance Abuse Counselors, Board of Registration of: and
51 Veterinary Medicine, State Board of.

1 **Sec. 32. 10 MRSA §9098, sub-§3, ¶A**, as enacted by PL 1987, c.
2 737, Pt. B, §1 and Pt. C, §106, and as amended by PL 1989, c. 6;
3 c. 9, §2; c. 104, Pt. C, §§8 and 10, is further amended to read:

5 A. If the mobile home park operator fails to return the
6 security deposit and provide the itemized statement within
7 21 days as specified in subsection 3 2, paragraph B, the
8 tenant must notify the mobile home park operator of the
9 intention to bring a legal action at least 7 days before
10 commencing the action. If the mobile home park operator
11 fails to return the entire security deposit within the 7-day
12 period, it is presumed that the landlord is willfully and
13 wrongfully retaining the security deposit.

15 **Sec. 33. 12 MRSA §602, sub-§10**, as repealed by PL 1987, c. 308,
16 §3, and as amended by PL 1987, c. 340, §1, is repealed.

17 **Sec. 34. 12 MRSA §602, sub-§10-B** is enacted to read:

19 10-B. Lifeguard training. To designate an employee to
20 serve as coordinator of lifeguard training:

23 **Sec. 35. 12 MRSA §6022, sub-§13**, as enacted by PL 1981, c.
24 505, §3, is repealed.

27 **Sec. 36. 12 MRSA §7034, sub-§9**, as enacted by PL 1981, c. 698,
28 §72, is repealed.

29 **Sec. 37. 12 MRSA §9621, first ¶**, as amended by PL 1983, c. 812,
30 §94, is further amended to read:

33 The Governor shall appoint a 9-member council, as authorized
34 by Title 5, section ~~12004~~ 12004-I, subsection ~~10 68~~, to advise
35 the Department of Conservation on all matters pertaining to the
36 forest fire control program. The council shall consist of one
37 representative each from the Forest Fire Control Division of the
38 Department of Conservation and the Maine State Fire Chief's
39 Association. At least one member shall be a municipal official.
40 Four members shall represent the commercial forest industry, of
41 which 2 shall represent landowners in the organized portions of
42 the State and 2 shall represent landowners in the unorganized
43 portion of the State. One member shall represent a forest related
44 tourist industry and one shall represent a noncommercial private
45 owner of acreage which is subject to the tax assessed under Title
46 36, chapter ~~366~~ 367.

47 **Sec. 38. 13-B MRSA §201, sub-§2, ¶B**, as amended by PL 1987, c.
48 141, Pt. B, §13, is further amended to read:

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 B. Cooperatives, as that term is used in Title 13, section
 2 1771, et seq; credit unions, as defined in Title 9-B,
 3 section 131; rural electrification cooperatives, as that
 4 term is used in Title 35-A, ~~section~~ chapter 37, subchapters
 5 I, II and III; consumers' cooperatives, as that term is used
 6 in Title 13, section 1501 et seq; and fish marketing
 7 associations, as that term is used in Title 13, section 2001
 8 et seq.

9
 10 **Sec. 39. 14 MRSA §5524**, as amended by PL 1987, c. 736, §15
 11 and as repealed by PL 1987, c. 758, §5, is repealed.

12 **Sec. 40. 14 MRSA §8111, sub-§1**, as repealed and replaced by PL
 13 1987, c. 740, §8, is amended to read:

14
 15 1. **Immunity.** Notwithstanding any liability that may have
 16 existed at common law, employees of governmental entities shall
 17 be absolutely immune from personal civil liability for the
 18 following:
 19

20
 21 A. Undertaking or failing to undertake any legislative or
 22 quasi-legislative act, including, but not limited to, the
 23 adoption or failure to adopt any statute, charter,
 24 ordinance, order, rule, policy, resolution or resolve;
 25

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

32
 33 C. Performing or failing to perform any discretionary
 34 function or duty, whether or not the discretion is abused;
 35 and whether or not any statute, charter, ordinance, order,
 36 resolution, rule or resolve under which the discretionary
 37 function or duty is performed is valid;

38
 39 D. Performing or failing to perform any prosecutorial
 40 function involving civil, criminal or administrative
 41 enforcement; or

42
 43 E. Any intentional act or omission within the course and
 44 scope of employment; provided that such immunity shall not
 45 exist in any case in which an employee's actions are found
 46 to have been in bad faith.

47 The absolute immunity provided by ~~this subsection~~ paragraph C
 48 shall be applicable whenever a discretionary act is reasonably
 49 encompassed by the duties of the governmental employee in
 50 question, regardless of whether the exercise of discretion is
 51 specifically authorized by statute, charter, ordinance, order,
 resolution, rule or resolve and shall be available to all

1 governmental employees, including police officers and
3 governmental employees involved in child welfare cases, who are
required to exercise judgment or discretion in performing their
official duties.

5
7 **Sec. 41. 15 MRSA §3301, sub-§5, ¶A**, as amended by PL 1985, c.
439, §11, is further amended to read:

9 A. Decide that no further action is required either in the
11 interests of the public or of the juvenile. If the juvenile
caseworker determines that the facts in the report prepared
13 for him the caseworker by the referring officer pursuant to
section ~~3203~~ 3203-A, subsection 3, are sufficient to file a
15 petition, but in his the caseworker's judgment the interest
of the juvenile and the public will be served best by
17 providing the juvenile with services voluntarily accepted by
the juvenile and his the juvenile's parents, guardian or
19 legal custodian if the juvenile is not emancipated, the
juvenile caseworker may refer the juvenile for that care and
treatment and not request that a petition be filed;

21
23 **Sec. 42. 15 MRSA §3309-B**, as enacted by PL 1987, c. 369, is
amended to read:

25 **§3309-B. Limitations on diagnostic evaluations in a secure
27 detention facility**

29 The court shall not order a juvenile to undergo a diagnostic
evaluation at a secure detention facility unless the juvenile
meets the requirements of section ~~3202-A~~ 3203-A, subsection 4,
31 paragraphs C and D.

33 **Sec. 43. 15 MRSA §3314, sub-§1, ¶H**, as amended by PL 1989, c.
231, §2, is further amended to read:

35
37 H. The court may commit the juvenile to the Maine Youth
Center and order that the sentence be suspended or may
39 commit the juvenile for a period of detention which shall
not exceed 30 days, with or without an underlying suspended
41 sentence to the Maine Youth Center, which detention may be
served intermittently as the court may order and which shall
43 be ordered served in a county jail designated by the
Department of Corrections as a place for the secure
45 detention of juveniles, or in a nonsecure group care home or
halfway house. When the detention is ordered served in a
47 county jail, the juvenile may be detained only in that part
of the jail which meets the requirements of section 3203-A,
49 subsection 7, paragraph A, unless the court orders that the
person be housed with adults for that portion of the
51 detention served after the detainee has attained the age of
18 years. The court may order such a sentence to be served
as a part of and with a period of probation, which shall be

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 subject to such provisions of Title 17-A, section 1204 as
 2 the court may order and which shall be administered pursuant
 3 to Title 34 ~~34-A~~, chapter ~~121~~ 5, subchapter V-A IV.
 4 Revocation of probation shall be governed by the procedure
 5 contained in subsection 2.

7 **Sec. 44. Effective date.** That section of this Act which amends
 8 the Maine Revised Statutes, Title 15, section 3314, subsection 1,
 9 paragraph H, shall take effect 90 days after adjournment.

11 **Sec. 45. 15 MRSA §3402, sub-§1, ¶D,** as repealed and replaced by
 12 PL 1979, c. 512, §9, is amended to read:

13 D. A detention order or any refusal to alter an order for
 14 changed circumstances entered pursuant to section ~~3203~~
 15 ~~3203-A~~, subsection 5, for abuse of discretion, provided that
 16 the appeal shall be handled expeditiously.

19 **Sec. 46. 17 MRSA §2306,** as amended by PL 1975, c. 424, §6, is
 20 further amended to read:

21 **§2306. Exemptions; lotteries**

22 Any person, firm, corporation, association or organization
 23 licensed by the Chief of the State Police as provided in chapter
 24 14 or authorized to conduct a raffle without a license as
 25 provided in section 331, subsection 2 ~~6~~, shall be exempt from the
 26 application of this chapter insofar as the possession of raffle
 27 tickets, gambling apparatus and implements of gambling which are
 28 permitted within the scope of said license or licenses issued,
 29 and all persons shall be exempt from this chapter insofar as
 30 gambling or possession of raffle tickets is concerned, if the
 31 gambling and possession is in connection with a game of chance
 32 licensed as provided in chapter 14 or a raffle conducted without
 33 a license as authorized by section 331, subsection 2 ~~6~~.

37 **Sec. 47. 17-A MRSA §602, sub-§1, ¶C,** as enacted by PL 1981, c.
 38 349, §2, is amended to read:

39 C. He ~~That person~~ promises, offers or gives any pecuniary
 40 benefit to another with the intention of obtaining the
 41 other's signature on an absentee ballot under Title 21 ~~21-A~~,
 42 chapter ~~29~~ 9, subchapter IV, or referendum petition under
 43 Title 21 ~~21-A~~, chapter ~~33~~ 11, or he ~~that person~~ solicits,
 44 accepts or agrees to accept any pecuniary benefit from
 45 another knowing or believing the other's purpose is to
 46 obtain his ~~that person's~~ signature on an absentee ballot or
 47 referendum petition, or fails to report to a law enforcement
 48 officer that he ~~the person~~ has been offered or promised a
 49 pecuniary benefit in violation of this paragraph.

51

1 **Sec. 48. 17-A MRSA §951**, as amended by PL 1975, c. 740, §93,
is further amended to read:

3 **§951. Inapplicability of chapter**

5 Any person licensed by the Chief of the State Police as
7 provided in Title 17, chapter 13-A or chapter 14, or authorized
to operate or conduct a raffle pursuant to Title 17, section 331,
9 subsection 2 6, shall be exempt from the application of the
provisions of this chapter insofar as his that person's conduct
11 is within the scope of such the license.

13 **Sec. 49. 20-A MRSA §253, sub-§1** as amended by PL 1983, c.
859, Pt. A, §§1 and 25, is further amended to read:

15 1. **General duties.** The commissioner shall exercise the
17 powers and perform the duties granted to the department and
enforce the requirements ~~to the department in~~ of this Title and
19 shall devote full time to the duties of the office.

21 **Sec. 50. 20-A MRSA §1304, sub-§5**, as enacted by PL 1981, c.
693, §§5 and 8, is amended to read:

23 5. **Voting lists.** Registration of voters for the annual
25 budget meeting shall be held in each member municipality in
accordance with ~~the time schedule specified in~~ Title 21 21-A,
27 section ~~621~~ 122.

29 A. Prior to the annual budget meeting, the municipal clerks
of the member municipalities shall supply to the board of
31 directors a certified corrected copy of the registered
voters of their municipality.

33 B. The lists shall be used in determining the voters who
35 are eligible to vote at the annual budget meeting.

37 **Sec. 51. 20-A MRSA §1305, sub-§1, ¶C**, as enacted by PL 1981, c.
693, §§5 and 8, is amended to read:

39 C. The warrants, notices and voting procedures to be
41 followed within a municipality, including absentee voting
procedures, shall be the same as those provided in Title 21
43 21-A, except that the duties of the Secretary of State shall
be performed by the board of directors.

45 **Sec. 52. 20-A MRSA §1353, sub-§2, ¶B**, as enacted by PL 1981, c.
47 693, §§5 and 8, is amended to read:

49 B. The voting at referendum in cities shall be held and
conducted in accordance with Title 21 21-A, including the
51 absentee voting procedure, except that the duties of the

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 Secretary of State shall be performed by the board of
2 directors.

3 Sec. 53. 20-A MRSA §1701, sub-§5, ¶A, as enacted by PL 1981, c.
4 693, §§5 and 8, is amended to read:

5 A. Registration of voters for the annual budget meeting
6 shall be held in each member municipality in accordance with
7 the-schedule-specified-in Title 21 21-A, section 631 122.

8 Sec. 54. 20-A MRSA §4604, sub-§5, as enacted by PL 1987, c.
9 216, §1, is repealed.

10 Sec. 55. 20-A MRSA §8703-A is enacted to read:

11 §8703-A. Use of seatbelts

12 The instructor and students are required to use seat belts
13 during the behind-the-wheel instruction portion of the course.

14 Sec. 56. 20-A MRSA §7207-B, sub-§3, as enacted by PL 1985, c.
15 318, §3, is amended to read:

16 3. Subpoenas. The commissioner may issue subpoenas in the
17 name of the department to require the attendance and testimony of
18 the witnesses and the production of any evidence relating to any
19 issue or fact in the due process hearing as requested by any
20 party to the hearing. Any fees for attendance and travel
21 required by the witnesses shall be the responsibility of the
22 party seeking the subpoena. The issuance of subpoenas shall
23 conform in all other ways to the requirements of the Maine
24 Administrative Procedure Act, Title 5, chapter 375, subchapter I
25 IV.

26 Sec. 57. 20-A MRSA §10955, sub-§1, as enacted by PL 1987, c.
27 735, §14, is amended to read:

28 1. Form; terms; manner of sale. All evidences of
29 indebtedness issued in connection with the financing transactions
30 pursuant to this chapter may be in serial form; may bear such
31 date or dates; may mature at such time or times, and in such
32 amount or amounts; may bear interest at such rate or rates,
33 including variable or adjustable; may be payable in such form and
34 at such time or times and at such place or places; and may
35 include such redemption and conversion privileges as those votes
36 may provide. All evidences of indebtedness shall be issued and
37 sold under such terms and conditions as the trustees determine.
38 The votes shall provide that the treasurer shall manually sign
39 evidences of indebtedness and other related financing documents
40 and the votes may provide for counter-signature of those
41 evidences of indebtedness and related documents by another
42 officer, either manually or in facsimile form. All such

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 evidences of indebtedness shall be deemed to be negotiable
 2 instruments under the Uniform ~~Commercial~~ Commercial Code, Title
 3 11, Article 8.

5 **Sec. 58. 20-A MRSA §10956, 4th ¶**, as enacted by PL 1987, c.
 7 735, §14, is amended to read:

9 All expenses incurred in carrying out the trust agreement,
 10 financing document or resolution may be treated as a part of the
 11 cost of the operation of a project. All pledges of revenues
 12 under this chapter shall be valid and binding from the time when
 13 the pledge is made. All such revenues so pledged and received by
 14 the university shall immediately be subject to the lien of the
 15 pledges without any physical delivery of them or further action
 16 under the Uniform Commercial Code, Title 11, or otherwise. The
 17 lien of those pledges shall be valid and binding as against all
 18 parties having claims of any kind in tort, contract or otherwise
 19 against the university irrespective of whether the parties have
 20 notice of the liens, and the liens shall automatically, without
 21 further action, be perfected and have the same status as a
 22 security interest perfected under the Uniform ~~Commercial~~
 23 Commercial Code, Title 11, Article 9.

25 **Sec. 59. 20-A MRSA §11413, sub-§§6 and 9**, as enacted by PL
 26 1987, c. 807, §3, are amended to read:

27 6. Cost of attendance. "Cost of attendance" means the
 28 tuition and fees applicable to a student, together with an
 29 estimate of other expenses reasonably related to cost of
 30 attendance at an institution, including, without limitation, the
 31 cost of room and board, ~~transportation~~ transportation, books and
 32 supplies.

33 9. Education loan. "Education loan" means a loan which is
 34 made by the authority or by, or on behalf of, an institution to a
 35 student or to parents of a student, or both, in amounts not in
 36 excess of the maximum amounts specified by the authority to
 37 finance a part or all of the student's cost of attendance at an
 38 ~~institution~~ institution. An education loan shall constitute an
 39 authority loan.

41 **Sec. 60. 20-A MRSA §11417, sub-§3**, as enacted by PL 1987, c.
 42 807, §3, is amended to read:

43 3. Policies. The members of the authority shall have the
 44 power and duty to establish and revise, from time to time, rules
 45 pertaining to participation in programs of the authority, issuing
 46 bonds and borrowing money by the authority, a process for
 47 allocation and ~~carry-forward~~ carry-forward of that portion of the
 48 state ceiling on issuance of tax-exempt bonds allocated to the
 49 authority pursuant to Title 10, chapter 9, servicing and
 50 collection of loans made pursuant to programs of the authority

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 and other policies governing the operation of the authority. In
 2 addition, the members of the authority may, by resolution of the
 3 members, determine that the authority may borrow money in
 4 accordance with any such resolution. All other powers and duties
 5 of the authority shall be vested in the executive director who
 6 shall carry out such powers and duties in accordance with this
 7 chapter and the rules of the authority.

9 **Sec. 61. 20-A MRSA §12551**, as enacted by PL 1985, c. 472, is
 10 amended to read:

11

12 **§12551. Purpose**

13

14 In recognition of the indispensable indispensable public
 15 service role which firefighters and law enforcement officers play
 16 in the well-being of the people of this State, it is the purpose
 17 of this chapter to provide for assistance to the children of
 18 firefighters and law enforcement officers who are killed in the
 19 line of duty so that these children may have the opportunity to
 20 pursue a degree at one of the state post-secondary educational
 21 institutions.

23

24

25

Sec. 62. 20-A MRSA §12705, sub-§1, ¶E, as amended by PL 1987,
 c. 693, and as repealed and replaced by PL 1987, c. 769, Pt. A,
 §63, is repealed and the following enacted in its place:

27

28

29

E. The Commissioner of Economic and Community Development,
 or the commissioner's successor, who shall serve ex officio;
 and

31

32

33

Sec. 63. 21-A MRSA §630, sub-§2, ¶B, as amended by PL 1985, c.
 383, §10, is further amended to read:

35

36

37

38

39

40

41

42

43

44

45

46

47

48

49

50

51

B. In municipalities in which one or more voting places are
 inaccessible to handicapped voters and in which the office
 of the clerk is in a building which is accessible as defined
 in subsection 1, paragraph A, the municipal officers shall
 designate the office of the clerk as an alternative voting
 place for physically handicapped voters who reside in voting
 districts which do not have accessible voting places. In
 municipalities in which one or more voting places and the
 office of the clerk are inaccessible to physically
 handicapped voters and in which one or more voting place is
 accessible to these voters, the municipal officers shall
 designate one of these accessible voting places, as
 centrally located as possible, as the alternative voting
 place for physically handicapped voters who reside in voting
 districts which do not have accessible voting places. A
 physically handicapped voter who wishes to vote at an
 alternative voting place must notify the clerk of the
 municipality at least 48 hours before the date of any
 election. This notice may be waived if an emergency

2 of 5
COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 exists. The clerk shall keep a list of the persons who give
2 this notice.

3
4 Not later than 10 days before the date of any election, the
5 clerk shall issue a public notice designating the location
6 of the alternative accessible voting place. This notice is
7 not required in any municipality in which all or no voting
8 places are accessible to these persons.

9
10 When a physically handicapped voter votes at the office of
11 the clerk or at an alternative voting place, he that voter
12 shall vote by absentee ballot and the method of voting shall
13 be the same as in section 754 754-A. If an alternative
14 voting place has been designated, the clerk shall furnish a
15 reasonable number of absentee ballots and return envelopes
16 to the warden. When the clerk or the warden receives such a
17 ballot, he the clerk or warden shall follow, as far as
18 applicable, the same procedure prescribed in subchapter IV
19 for the clerk to follow in handling absentee ballots.

20 **Sec. 64. 22 MRSA §42-B**, as enacted by PL 1985, c. 385, is
21 amended to read:

22
23 **§42-B. Adoption of a grievance procedure concerning**
24 **discrimination on the basis of handicap**

25
26 The commissioner shall adopt rules pursuant to the Maine
27 Administrative Procedure Act, Title 5, chapter 375, subchapter
28 II, to create a grievance procedure applicable to all bodies of
29 State Government in accordance with 45 Code of Federal
30 Regulations, Section 84.7. To the extent that a grievance
31 procedure adopted under this section conflicts with a grievance
32 procedure otherwise adopted by a state agency to comply with 45
33 Code of Federal Regulations, Section 84.7, the procedure adopted
34 under this section shall control, except in cases of conflict
35 with other federal regulations.

36
37 **Sec. 65. 22 MRSA §309, sub-§6**, as amended by PL 1987, c. 436,
38 **§6**, is further amended to read:

39
40 **6. Hospital projects.** Notwithstanding subsections 1, 4 and
41 5, the department may not issue a certificate of need for a
42 project which is subject to the provisions of section 396-D,
43 subsection 5, and section 396-K, if the associated costs exceed
44 the amount which the commission has determined will have been
45 credited to the Certificate of Need Development Account pursuant
46 to section 396-K, after accounting for previously approved
47 projects. A project shall not be denied solely on the basis of
48 exceeding the amount remaining in the Certificate of Need
49 Development Account or Hospital Development Account in a
50 particular payment year and shall be held for further
51 consideration by the department in the first appropriate review

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 cycle beginning after the Certificate of Need Development Account
2 or Hospital Development Account is credited with additional
3 amounts. Projects which are carried forward shall compete equally
4 with newly proposed projects. For the purposes of this
5 subsection, a project may be held for a final decision beyond the
6 time frames set forth in section 307, ~~subsections--3--and--4~~
7 subsection 3.

9 **Sec. 66. 22 MRSA §396-E, sub-§1, ¶B,** as enacted by PL 1983, c.
10 579, §10, is amended to read:

11 B. Except as provided in ~~paragraphs--E--and--F~~ paragraph F,
12 accumulated income from operations and income from
13 investment thereof shall not be considered available
14 resources.

15
16
17 **Sec. 67. 22 MRSA §1471-M, sub-§4,** as enacted by PL 1987, c.
18 702, §5, is amended to read:

19 4. Designation of critical areas. The board may designate
20 critical areas which shall include, but not be limited to, areas
21 where pesticide use would jeopardize endangered species or
22 critical wildlife habitat, present an unreasonable threat to
23 quality of the water supply, be contrary to a master plan for the
24 area where such area is held or managed by an agency of the State
25 or Federal Government, or would otherwise result in unreasonable
26 adverse effects on the public health, welfare or the environment
27 of the area. The designation of a critical area may prohibit
28 pesticide use or may include such limitations on such use as the
29 board deems appropriate. The proceedings to designate a critical
30 area under this section shall conform to Title 5, chapter 375,
31 subchapter II, 1.

32
33
34 The board, by rule, shall establish criteria for designation of
35 critical areas by March 1, 1989.

36
37 In addition to the provisions of the Maine Administrative
38 Procedure Act, Title 5, section 8001, any municipality and, for
39 the purpose of representing unorganized territory, any county may
40 petition the board for establishment of a critical area within
41 their boundaries. If the board designates a critical area, the
42 board shall develop a pesticide management plan for that area
43 after receiving comments from the municipality or, for
44 unorganized territory, the county; the volunteer medical advisory
45 panel as established through the board; local applicators; owners
46 of land within the critical area; and other interested parties
47 and agencies.

48
49 **Sec. 68. 22 MRSA §1492,** as amended by PL 1987, c. 816, Pt.
50 KK, §18, is further amended to read:

1 §1492. Occupational disease reporting system

3 The Department of Human Services shall establish, maintain
and operate a statewide occupational disease reporting system.
5 The data collected shall be analyzed and interpreted in order to
better identify risk factors associated with occupational
7 diseases and strategies to prevent or reduce these risks. The
results of this analysis shall be made available to the public.
9 The department shall share and discuss this ~~informatien~~
information with the Department of Labor.

11 Sec. 69. 22 MRSA §1861, as enacted by PL 1983, c. 473, is
13 amended to read:

15 §1861. Limitation on payments to health care institutions

17 The Legislature is concerned that certain health care
institutions have engaged persons with the intent to interfere
19 with, inhibit or disrupt the free exercise of the right of all
employees to organize and choose representatives for the purpose
21 of negotiating the terms and conditions of their employment or
other mutual aid or protection as provided in Title 26, section
23 911 ~~931~~. The Legislature declares that it is consistent with
public policy to prohibit the use of funds received from the
25 State for the purpose of engaging those persons. The Legislature
acknowledges the right of employers to communicate with employees
27 concerning the issue of unionization and further recognizes that
employers may obtain counsel for advice and assistance.

29 Sec. 70. 22 MRSA §3174-D, as enacted by PL 1987, c. 395, Pt.
31 B, §2, and c. 834, §2, is repealed and the following enacted in
its place:

33 §3174-D. Medicaid coverage for services provided by the
35 Governor Baxter School for the Deaf

37 The Department of Human Services may administer a program of
Medicaid coverage for speech and hearing services, psychological
39 services, occupational therapy and any other services provided by
the Governor Baxter School for the Deaf which qualify for
41 reimbursement under the United States Social Security Act, Title
XIX. The Department of Educational and Cultural Services shall
43 have fiscal responsibility for providing the State's match for
federal revenues acquired under this section. An amount equal to
45 the Medicaid reimbursement shall be deposited into the General
Fund undedicated revenue from the Governor Baxter School for the
47 Deaf General Fund appropriation.

49 Sec. 71. 22 MRSA §3174-E, as enacted by PL 1987, c. 831, §1;
c. 836, §§1 and 4; and c. 847, §4, is repealed and the following
51 enacted in its place:

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 §3174-E. Interim assistance agreement

3 The department, with the approval of the Governor and on
 5 behalf of the State, may enter into an agreement with the United
 7 States Social Security Administration for the purpose of
receiving reimbursement for interim assistance payments as
provided by the United States Social Security Act.

9 Sec. 72. 22 MRSA §§3174-F, 3174-G and 3174-H are enacted to
 11 read:

13 §3174-F. Coverage for adult dental services

15 1. Coverage provided. The Department of Human Services
 17 shall provide dental services, reimbursed under the United States
Social Security Act, Title XIX, or successors to it, to
individuals 21 years of age and over, limited to:

19 A. Acute surgical care directly related to an accident
 21 where traumatic injury has occurred. This coverage will
only be provided for the first 3 months after the accident;

23 B. Oral surgical and related medical procedures not
 25 involving the dentition and gingiva;

27 C. Extraction of teeth which are severely decayed and which
 29 pose a serious threat of infection during a major surgical
procedure of the cardiovascular system, the skeletal system
or during radiation therapy for a malignant tumor;

31 D. Treatment necessary to relieve pain, eliminate
 33 infection, prevent imminent tooth loss; and

35 E. The provision of total dentures when necessary to
 37 correct masticatory deficiencies likely to impair general
health, including necessary adjustments, relines, repairs
and replacements.

39 2. Report and study. The Bureau of Medical Services shall,
 41 prior to January 30, 1990:

43 A. Report to the joint standing committee of the
 45 Legislature having jurisdiction over human resources on the
experience of this program, including:

47 (1) The number of individuals assisted by the program;

49 (2) The services provided to those individuals;

51 (3) The cost of services provided;

1 (4) Any significant limitations that have become
3 apparent in the scope of service provided; and

5 (5) Recommendations and rationale for any expansion of
7 service that appears necessary; and

9 B. Study the feasibility of contracting with a prepaid
11 dental plan, health maintenance organization, or other
13 entity for the provision of Medicaid dental services to
 individuals 21 years of age and over and submit the results
 of that study, together with any recommendations, to the
 joint standing committee of the Legislature having
 jurisdiction over human resources.

15 §3174-G. Medicaid coverage of certain elderly and
17 disabled individuals, children and pregnant
 women

19 1. Delivery of services. The department shall provide for
21 the delivery of federally approved Medicaid services to qualified
23 pregnant women up to 60 days following delivery and infants up to
25 one year of age when the woman's or child's family income is
27 below 185% of the nonfarm income official poverty line and
29 children under 5 years of age and qualified elderly and disabled
31 persons, when the child's or person's family income is below 100%
 of the nonfarm income official poverty line. The official
 poverty line shall be that applicable to a family of the size
 involved, as defined by the Federal Office of Management and
 Budget and revised annually in accordance with the United States
 Omnibus Budget Reconciliation Act of 1981, Section 673,
 Subsection 2. These services shall be effective October 1, 1988.

33 2. Resource test. The department may not apply a resource
35 test to those children and pregnant women who are made eligible
37 under this section, unless these persons also receive Aid to
 Families with Dependent Children or United States Supplemental
 Security Income benefits.

39 3. Benefits authorized. The scope of medical assistance to
41 be provided within this section shall be that authorized by the
43 Federal Sixth Omnibus Budget Reconciliation Act, Public Law
 99-509.

45 §3174-H. Availability of income between married
 couples in determination of eligibility

47 Notwithstanding this chapter, for the purpose of determining
49 medical indigency and eligibility for assistance for an
51 individual residing or about to reside in an institution eligible
 for Medicaid participation under this section, there shall be a
 presumption, rebuttable by either spouse, that each spouse has a
 marital property interest in 1/2 of the total monthly income of

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 both spouses at the time of application for medical assistance.
2 Only the 1/2 interest of the applicant spouse shall be considered
3 available to the spouse in determining eligibility for medical
4 indigency and eligibility for assistance.

5
6 The marital property interest of the applicant spouse in the
7 income of both spouses may be rebutted upon a showing of one of
8 the following:

9
10 1. Court order. A court order allocating marital income
11 pursuant to alimony, spousal support, equitable division of
12 marital property or disposition of marital property;

13
14 2. Individual ownership. The establishing of sole
15 individual ownership of income from current active employment; or

16
17 3. Supplementary allocation of spousal income. By applying
18 to the Department of Human Services for a supplementary
19 allocation of spousal income pursuant to this section.

20
21 The Department of Human Services shall establish standards
22 for the reasonable and adequate support of the community spouse
23 and the community residence of the couple. The standards shall
24 consider the cost of housing payments, property taxes, property
25 insurance, utilities, food, medical expenses, transportation,
26 other personal necessities and the presence of other dependent
27 persons in the home.

28
29 The community spouse may apply to the Department of Human
30 Services for a determination pursuant to the standards that the
31 community spouse requires a larger portion of the marital income.
32 Therefore, a smaller portion of the marital income will be
33 available to the applicant spouse in determining medical
34 indigency and eligibility for assistance.

35
36 As soon as authorized by federal law, the department shall
37 implement this section.

38
39 **Sec. 73. 22 MRSA §3296 is enacted to read:**

40 **§3296. Penalty for violations**

41
42 Any person who violates this chapter shall be subject to the
43 applicable penalty as provided in chapters 958-A and 1071 and
44 section 7702.

45
46 **Sec. 74. 22 MRSA §3306, as enacted by PL 1987, c.714, §2, is**
47 **repealed.**

48
49 **Sec. 75. 22 MRSA §3760-B, as enacted by PL 1987, c. 856, §§3**
50 **and 10, is amended to read:**

1 §3760-B. Notification to the Legislature

3 The department shall notify the joint standing committee of
 5 the Legislature having jurisdiction over human resources of any
 7 request for waivers from the United States Department of Health
 and Human Services or any other federal agency concerning the
 implementation of chapters 1053, 1053-A, 1054, and 1054-A.

9 Sec. 76. 22 MRSA §4008, sub-§2, ¶H, as enacted by PL 1987, c.
 11 714, §7, and c. 744, §6, is repealed and the following enacted in
 its place:

13 H. Persons and organizations pursuant to Title 5, section
 15 9057, subsection 6, and pursuant to chapter 857; and

17 Sec. 77. 22 MRSA §4008, sub-§2, ¶I is enacted to read:

19 I. The representative designated to provide child welfare
 21 services by the tribe of an Indian child as defined by the
Indian Child Welfare Act, United States Code, Title 25,
Section 1903.

23 Sec. 78. 22 MRSA §5112, sub-§2, as amended by PL 1985, c. 89,
 25 is further amended to read:

27 2. Advocate. Serve as an advocate on behalf of older
 29 people promoting and assisting activities designed to meet at the
 31 national, state and community levels the problems of older
 33 people. The committee shall serve as an ombudsman on behalf of
 individual citizens and older people as a class in matters under
 the jurisdiction of State Government. It shall be a spokesman on
 behalf of older people to the director, commissioner, Governor,
 Legislature, public-at-large and Federal Government.

35 In order to serve as advocate and ombudsman for older people, the
 37 committee shall have the power to enter onto the premises of any
 39 ~~adult-foster-care-facility-approved-by-the-State-according-to~~
 41 ~~section-7908,~~ any boarding care facility licensed according to
 43 section 7801 and any nursing home facility licensed according to
 45 section 1817 in order to investigate complaints concerning those
 47 facilities. To carry out this function, the committee may enter
 49 onto the premises of any adult foster care facility, any boarding
 51 care facility or any nursing home during the course of an
 investigation, speak privately with any individual therein who
 consents to the conversation and inspect and copy all records
 pertaining to a resident held by a facility or home, provided
 that the resident, or the legal representative of the resident,
 consents in writing to that inspection. The consent, where
 required and not obtainable in writing, may be conveyed orally or
 otherwise to the staff of the facility or home. Where a resident
 is not competent to grant consent and has no legal
 representative, the committee may inspect the resident's records

of S.
COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 and may make such copies that do not contain personally
2 identifiable material without the written consent of a duly
3 appointed legal representative. The committee may authorize up to
4 25 persons, including committee members, staff of the committee
5 and other citizens, to carry out this function of the committee
6 pursuant to this subsection. Appropriate identification shall be
7 issued to all such persons. The committee shall renew the
8 authorization and reissue identification annually. The findings
9 of the committee shall be available to the public upon request.

11 No information or records maintained by the committee relating to
12 complaints may be disclosed unless the ombudsman authorizes the
13 disclosure; and the ombudsman shall not disclose the identity of
14 any complainant or resident unless:

15
16 A. The complainant or resident, or a legal representative
17 of either, consents in writing to the disclosure with
18 respect to that complainant or resident respectively; or

19
20 B. A court orders the disclosure.

21
22 A complainant or resident, or legal representative thereof, in
23 providing the consent, may specify to whom such identity may be
24 disclosed and for what purposes, in which event no other
25 disclosure is authorized.

27 Any person, official or institution who in good faith
28 participates in the registering of a complaint pursuant to this
29 subsection, or in good faith investigates that complaint or
30 provides access to those persons carrying out the investigation,
31 about an act or practice in ~~any approved adult foster care~~
32 ~~facility~~, any licensed boarding care facility or any licensed
33 nursing home licensed according to section 5154, 7908, 7801 or
34 1817, respectively, or who participates in a judicial proceeding
35 resulting from that complaint, shall be immune from any civil or
36 criminal liability that otherwise might result by reason of these
37 actions. For the purpose of any civil or criminal proceedings,
38 there shall be a rebuttable presumption that any person acting
39 pursuant to this subsection did so in good faith.

41 **Sec. 79. 22 MRSA §7230, sub-§1**, as enacted by PL 1987, c. 735,
42 §38, is amended to read:

43
44 1. **Intoxicated person.** An intoxicated person may come
45 voluntarily to an approved public treatment facility for
46 emergency treatment. A person who appears to be intoxicated and
47 to be in need of help, if that person consents to the proffered
48 help, may be assisted home, to an approved public treatment
49 facility, an approved private treatment facility or other health
50 facility by the police or the emergency service patrol.

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 **Sec. 80. 22 MRSA §7701, sub-§2,** as enacted by PL 1975, c.
3 719, §6, is amended to read:

5 2. **Facility.** As used in this subtitle, the word "facility"
7 ~~shall-mean-~~ **means** any of the places defined in section 7901
 ~~7901-A,~~ subsection 1 3, sections 8001, 8101, 8201 or 8301.

9 **Sec. 81. 22 MRSA §7703, sub-§2, ¶F,** as enacted by PL 1983, c.
 691, §2, is amended to read:

11 F. Any information about the private life of any person who
13 has applied for a license or approval or is or has been
15 licensed or approved as an adult ~~ex-child-family~~ foster
17 home, as defined in section 7901, ~~---subsection--3~~ 7901-A,
 subsection 3, and family foster home as defined in section
19 8101, subsection 3, in which there is no legitimate public
 interest and which would be offensive to a reasonable
 person, if disclosed.

21 **Sec. 82. 22 MRSA §7907, first ¶,** as repealed and replaced by PL
 1985, c. 791, §1, is amended to read:

23 Except as otherwise provided in section 7906 7906-A, the
25 department shall:

27 **Sec. 83. 22 MRSA §7907, sub-§2,** as enacted by PL 1985, c. 791,
 §1, is amended to read:

29 2. **Boarding care facilities.** Reimburse all boarding care
31 facilities of 6 or fewer beds, except as provided in section 7906
33 7906-A, on a flat rate basis, which rate shall be increased
35 effective as of July 1, 1986, and on January 1st of each year
 after 1986 by the estimated percentage increase in the cost of
 goods and services purchased by health care facilities during the
 prior year, as published by Data Resources, Inc.

37 **Sec. 84. 22 MRSA §8004,** as enacted by PL 1975, c. 719, §6, is
 amended to read:

39 **§8004. Fire safety**

41 All procedures and other provisions included in section 7904
43 7904-A, subsections 1 and 2, for boarding care facilities shall
45 also apply to drug treatment centers.

47 **Sec. 85. 22 MRSA §8103, sub-§1,** as enacted by PL 1985, c. 706,
 §9, is amended to read:

49 1. **Procedures.** All procedures and other provisions
51 included in section 7904 7904-A, subsections 1 and 2, for
 boarding care facilities shall also apply to children's homes,
 except that the written statement referred to in section 7904

1 7904-A, subsection 1, need not be furnished annually by the State
3 Fire Marshal to the department when a children's home serves only
one or 2 children.

5 **Sec. 86. 22 MRSA §8304**, as enacted by PL 1975, c. 719, §6, is
amended to read:

7
9 **§8304. Fire safety**

11 All procedures and other provisions included in section 7904
7904-A, subsections 1 and 2, for boarding care facilities shall
13 also apply to day care facilities.

15 **Sec. 87. 22 MRSA §8601, sub-§2**, as enacted by PL 1987, c. 389,
§5, is amended to read:

17 2. Any day activity program. Any day activity program
19 licensed by the Department of Mental Health and Mental
Retardation.

21 **Sec. 88. 23 MRSA §159**, as amended by PL 1987, c. 395, Pt. A,
§101, is further amended to read:

23
25 **§159. Interpleader**

27 If difficulty difficult questions of law should arise before
the State Claims Commission as to entitlement to or apportionment
29 of just compensation, then it is authorized to make a blanket
award to all parties interested. If no appeal is taken and no
31 agreement is reached by the parties named in the award within 60
days from the date of such award, the State Claims Commission
33 shall certify the facts and legal questions to the department.
The department shall then interplead the parties named in the
35 award by a complaint filed in the Superior Court in the county
wherein the land is situated and shall pay in the amount of the
37 award to the clerk of courts of the county to be paid in
accordance with the court's order. For purposes of this section,
39 the department shall be acting to prevent double or multiple
liability.

41 **Sec. 89. 23 MRSA §1851, first ¶**, as amended by PL 1987, c. 769,
Pt. A, §85 and c. 793, Pt. A, §4, is repealed and the following
43 enacted in its place:

45 The department may administer funds for the construction of
47 municipal or county salt and sand storage facilities in order to
reduce salt pollution of ground and surface waters. Any bonds
49 issued under this section shall be paid for out of the Highway
Fund. In administering these funds, the department shall provide
51 reimbursement to municipal and county governmental entities for
approved projects according to the order of priority established
biennially by the Department of Environmental Protection.

1 Allocation of funds shall be based upon 1.25 times the ratio of
3 miles of state and state-aid roads maintained for winter
5 maintenance, as described in sections 1001 and 1003, to all miles
7 maintained for winter maintenance by the municipality,
9 quasi-municipal agency or county. The department shall establish
11 guidelines to reimburse eligible local government entities in a
13 consistent and timely manner.

9 **Sec. 90. 23 MRSA §2753**, as amended by PL 1981, c. 470, Pt. A,
11 §138, is further amended to read:

13 **§2753. Bridges crossing town line**

15 Whenever a highway located after the first day of January,
17 1906 crosses any river which divides towns, the expense of
19 constructing, maintaining and repairing any bridge across such
21 river shall be borne by such towns in proportion to their last
23 state valuation prior to such location. This section shall not
25 apply to bridges built or rebuilt under sections 353, and 355,
27 ~~451-to-455-and-457-to-459.~~

21 **Sec. 91. 23 MRSA §4211-A, sub-§10**, as enacted by PL 1987, c.
23 792, §1, is amended to read:

25 10. Consolidation of hearings. The Department department
27 may consolidate any hearing under this section with another
29 hearing concerning railroad service by the same entity in the
31 same area.

31 **Sec. 92. 24-A MRSA §602**, as enacted by PL 1969, c. 132, §1,
33 is amended to read:

33 **§602. Tax on premiums and annuity considerations**

35 As to returns and taxes on premiums and annuity
37 considerations refer to Title 36, ~~section-2511-et-seq-~~ chapter 357.

39 **Sec. 93. 24-A MRSA §605, sub-§1**, as amended by PL 1969, c.
41 177, §14, is further amended to read:

41 1. Payment by the insurer of the taxes as required by Title
43 25, section 2399 and Title 36, ~~section-2511-et-seq-~~ chapter 357
45 shall be in lieu of all taxes imposed by the State upon premiums
or upon income, and of any franchise, privilege or other taxes
measured by income of the insurer.

47 **Sec. 94. 24-A MRSA §2701, sub-§1**, as enacted by PL 1969, c.
49 132, §1, is amended to read:

51 1. Any policy of liability or ~~workmen's~~ workers'
compensation insurance with or without supplementary expense
coverage therein;

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

Sec. 95. 24-A MRSA §2722, sub-§2, as amended by PL 1973, c. 585, §12, is further amended to read:

2. If the foregoing policy provision is included in a policy which also contains the policy provision set out in section 2723 there shall be added to the caption of the foregoing provision the phrase "-- expense incurred benefits." The insurer may, at its option, include in this provision a definition of "other valid coverage," approved as to form by the superintendent, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and by hospital or medical service organizations, and to any other coverage the inclusion of which may be approved by the superintendent. In the absence of such definition such term shall not include group insurance, automobile medical payments insurance, or coverage provided by hospital or medical service organization or by union welfare plans or employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute, including any ~~workmen's~~ workers' compensation or employer's liability statute, whether provided by a governmental agency or otherwise shall in all cases be deemed to be "other valid coverage" of which the insurer has had notice. In applying the foregoing policy provision no third party liability coverage shall be included as "other valid coverage."

Sec. 96. 24-A MRSA §2723, sub-§2, as amended by PL 1973, c. 585, §12, is further amended to read:

2. If the foregoing policy provision is included in a policy which also contains the policy provision set out in section 2722, there shall be added to the caption of the foregoing provision the phrase "other benefits." The insurer may, at its option, include in this provision a definition of "other valid coverage," approved as to form by the superintendent, which definition shall be limited in subject matter to coverage provided by organizations subject to regulation by insurance law or by insurance authorities of this or any other state of the United States or any province of Canada, and to any other coverage the inclusion of which may be approved by the superintendent. In the absence of such definition such term shall not include group insurance, or benefits provided by union welfare plans or by employer or employee benefit organizations. For the purpose of applying the foregoing policy provision with respect to any insured, any amount of benefit provided for such insured pursuant to any compulsory benefit statute, including any ~~workmen's~~ workers' compensation or employer's liability statute, whether provided by a governmental agency or otherwise shall in

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 all cases be deemed to be "other valid coverage" of which the
 2 insurer has had notice. In applying the foregoing policy
 3 provision no third party liability coverage shall be included as
 4 "other valid coverage."

5

6 **Sec. 97. 24-A MRSA §2724, 2nd ¶**, as amended by PL 1973, c.
 7 585, §12, is further amended to read:

8 If the total monthly amount of loss of time benefits
 9 promised for the same loss under all valid loss of time coverage
 10 upon the insured, whether payable on a weekly or monthly basis,
 11 shall exceed the monthly earnings of the insured at the time
 12 disability commenced or his the average monthly earnings for the
 13 period of 2 years immediately preceding a disability for which
 14 claim is made, whichever is the greater, the insurer will be
 15 liable only for such proportionate amount of such benefits under
 16 this policy as the amount of such monthly earnings or such
 17 average monthly earnings of the insured bears to the total amount
 18 of monthly benefits for the same loss under all such coverage
 19 upon the insured at the time such disability commences and for
 20 the return of such part of the premiums paid during such 2 years
 21 as shall exceed the pro rata amount of the premiums for the
 22 benefits actually paid hereunder; but this shall not operate to
 23 reduce the total monthly amount of benefits payable under all
 24 such coverage upon the insured below the sum of \$200 or the sum
 25 of the monthly benefits specified in such coverages, whichever is
 26 the lesser, nor shall it operate to reduce benefits other than
 27 those payable for loss of time. The foregoing policy provision
 28 may be inserted only in a policy which the insured has the right
 29 to continue in force subject to its terms by the timely payment
 30 of premiums (A.) until at least age 50 or, (B.) in the case of a
 31 policy issued after age 44, for at least 5 years from its date of
 32 issue. The insurer may, at its option, include in this provision
 33 a definition of "valid loss of time coverage", approved as to
 34 form by the superintendent, which definition shall be limited in
 35 subject matter to coverage provided by governmental agencies or
 36 by organizations subject to regulation by insurance law or by
 37 insurance authorities of this or any other state of the United
 38 States or any province of Canada, or to any other coverage the
 39 inclusion of which may be approved by the superintendent or any
 40 combination of such coverages. In the absence of such definition
 41 such term shall not include any coverage provided for such
 42 insured pursuant to any compulsory benefit statute, including any
 43 ~~workmen's~~ workers' compensation or employer's liability statute,
 44 or benefits provided by union welfare plans or by employer or
 45 employee benefit organizations.

47

48 **Sec. 98. 24-A MRSA §2904, sub-§5**, as enacted by PL 1969, c.
 49 132, §1, is amended to read:

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 5. Liability under workers' compensation. In the case of
any liability under any ~~workmen's~~ workers' compensation
3 agreement, plan or law; or

5 **Sec. 99. 24-A MRSA §3048, first ¶**, as enacted by PL 1973, c.
239, is amended to read:

7
9 This subchapter shall apply to policies of insurance, other
than automobile insurance and ~~workmen's~~ workers' compensation
insurance, on risks located or resident in this State which are
11 issued and take effect or which are renewed after the effective
date of this subchapter and insuring against any of the following:

13 **Sec. 100. 24-A MRSA §6205, sub-§1, ¶E**, as enacted by PL 1987,
15 c. 482, §1, is amended to read:

17 E. The provider has failed to implement a mechanism
affording the ~~enrollees~~ subscribers an opportunity to
19 participate in matters of policy and operation;

21 **Sec. 101. 25 MRSA §2357**, as amended by PL 1987, c. 192, §4,
is further amended to read:

23 **§2357. No occupancy without certificate; appeal**

25
27 No new building may be occupied until the inspector of
buildings has given a certificate that the same has been built in
accordance with section 2353, and so as to be safe from fire. If
29 the owner permits it to be so occupied without such certificate,
~~he~~ the owner shall be penalized in accordance with Title 30 30-A,
31 section 4966 4452. In case the inspector of buildings for any
cause declines to give ~~his~~ that certificate and the builder has
33 in ~~his~~ the builder's own judgment complied with section 2353, an
appeal may be taken to the municipal officers and, if on such
35 appeal it shall be decided by them that said section has been
complied with, the owner of said building shall not be liable to
37 a fine for want of the certificate of the inspector.

39 **Sec. 102. 25 MRSA §2358**, as amended by PL 1987, c. 192, §4,
is further amended to read:

41 **§2358. Failure to comply with order of inspector**

43
45 If the owner of any building neglects or refuses for more
than 30 days to comply with any direction of the inspector of
buildings concerning the repairs on any building as provided in
47 section 2354, ~~or to make such changes in the construction or~~
~~situation of chimneys, flues, funnels, stoves, furnaces, boilers,~~
49 ~~boiler connections and heating apparatus, as may be required by~~
~~such inspector of buildings under section 2355, or as may be~~
51 ~~confirmed by the municipal officers on appeal,~~ he the owner shall
be penalized in accordance with Title 30 30-A, section 4966 4452.

1 fund. Subrogation to these claims shall be to the extent of
2 payment from the fund to the employee.

3
4 **Sec. 108. 26 MRSA §965, sub-§6**, as enacted by PL 1975, c. 564,
5 §19, is amended to read:

6
7 **6. Arbitration administration.** The cost for services
8 rendered and expenses incurred by the Maine Board of Arbitration
9 and Conciliation, as defined in section 911 931, shall be paid by
10 the State from an appropriation for said Board of Arbitration and
11 Conciliation which shall be included in the budget of the Maine
12 Labor Relations Board. Authorization for services rendered and
13 expenditures incurred by members of the State Board of
14 Arbitration and Conciliation shall be the responsibility of the
15 executive director.

16
17 **Sec. 109. 26 MRSA §1192, sub-§6-C**, as enacted by PL 1987, c.
18 570, §3, and c. 861, §21, is repealed and the following enacted
19 in its place:

20
21 6-C. Prohibition against disqualification of individuals in
22 approved training under section 1196. Notwithstanding any other
23 provision of this chapter, no otherwise eligible individual may
24 be denied benefits for any week because that individual is in
25 training as approved by the commission, under rules adopted by
26 the commission with the advice and consent of the commissioner,
27 nor may that individual be denied benefits by reason of leaving
28 work to enter that training, provided that the work left is not
29 suitable employment.

30
31 For purposes of this subsection, the term "suitable employment"
32 means, with respect to an individual, work of a substantially
33 equal or higher skill level than the individual's past adversely
34 affected employment.

35
36 **Sec. 110. 26 MRSA §1192, sub-§6-D** is enacted to read:

37
38 6-D. Prohibition against disqualification of individuals in
39 approved training under the Strategic Training for Accelerated
40 Reemployment Program. Notwithstanding any provisions of this
41 chapter, the acceptance of training for opportunities available
42 under section 2015-A is deemed to be acceptance of training with
43 state approval under federal or state law relating to
44 unemployment benefits.

45
46 **Sec. 111. 26 MRSA §1285, sub-§8**, as enacted by PL 1983, c.
47 702, is amended to read:

48
49 **8. Arbitration administration.** The cost of services
50 rendered and expenses incurred by the State Board of Arbitration
51 and Conciliation, as defined in section 911 931, shall be paid by
the State from an appropriation for the State Board of

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 Arbitration and Conciliation, which shall be included in the
 2 budget of the Maine Labor Relations Board. Authorization for
 3 services rendered and expenditures incurred by members of the
 4 State Board of Arbitration and Conciliation shall be the
 5 responsibility of the executive director.

7 **Sec. 112. 30-A MRSA §421, sub-§§13 and 14**, as enacted by PL
 8 1987, c. 737, Pt. A, §2 and Pt. C, §106; and as amended by PL
 9 1989, c. 6 and c. 9, §2; and c. 104, Pt. C, §§8 and 10, are
 10 further amended to read:

11
 12 **13. Service of an income tax warrant.** For the service of
 13 an income tax warrant and arrest as provided by Title 36, Part 8,
 14 the same as for service of civil process, and for civil arrests.
 15 For collecting income tax, penalties and interest, under such
 16 warrants, for every dollar of the first \$100, 4¢; for every
 17 dollar above \$100 and not exceeding \$200, 3¢; and for every
 18 dollar above \$200, 2¢. Additional services, including travel,
 19 shall be charged as provided in this section; and

21 **14. Search for persons to serve.** For diligently searching
 22 for persons upon whom they are commanded to serve civil process
 23 when that party cannot be located at an address given to the
 24 sheriff or the deputy sheriff by the plaintiff or the plaintiff's
 25 attorney when commanding the service to be made, \$2, plus
 26 necessary travel; and

27
 28 **Sec. 113. 30-A MRSA §2313, sub-§4**, as enacted by PL 1987, c.
 29 737, Pt. A, §2, and Pt. C, §106; and as amended by PL 1989, c. 6
 30 and c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended
 31 to read:

32 **4. Transfer.** Where a regional planning commission has been
 33 established under article 3, the member municipalities, by
 34 appropriate action, may provide for the transfer of all assets,
 35 liabilities, rights and obligations of the commission to the
 36 council and provide for the dissolution of the ~~emission~~
 37 commission.

38
 39 **Sec. 114. 32 MRSA §9407, sub-§2, ¶B**, as enacted by PL 1981, c.
 40 113, §2, is amended to read:

41
 42 **B.** If the applicant is a corporation, by at least one
 43 principal corporate officer and, if different, by the agent
 44 of the corporation meeting the qualifications of section
 45 9405, subsection 1 1-A; or

46
 47 **Sec. 115. 32 MRSA §9910, sub-§2**, as amended by PL 1987, c.
 48 313, §6, is further amended to read:

49
 50 **2. Disciplinary actions; grounds.** The board may suspend or
 51 revoke a license pursuant to Title 5, section 1004 10004. In

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 addition, the board may refuse to renew or the Administrative
2 Court may revoke, suspend or refuse to renew any license issued
3 under this chapter on any of the following grounds:

5 A. The practice of fraud or deceit in obtaining a license
6 under this chapter or in connection with service rendered
7 within the scope of the license issued;

9 B. A licensee shall be deemed to have engaged in
10 unprofessional conduct if he the licensee violates any
11 standard of professional behavior which has been established
12 in the practice of dietetics;

13 C. Subject to the limitations of Title 5, chapter 341,
14 conviction of a crime which involves dishonesty or false
15 statement or which relates directly to the practice for
16 which the individual is licensed or convicted of any crime
17 for which imprisonment for one year or more may be imposed;
18 or

19 D. Any violation of this chapter or rules adopted by the
20 board.

21
22 **Sec. 116. 32 MRSA §11051, as enacted by PL 1985, c. 702, §2,**
23 **is amended to read:**

24 **§11051. Investigation, suspension and revocation of licenses**

25
26 The Bureau of Consumer Credit Protection may investigate the
27 records and practices of a licensee in accordance with Title 9-A,
28 section 6-106, and may charge for expenses incurred pursuant to
29 Title 9-A, section ~~6-203~~ 6-106, subsection 4 g. The
30 superintendent may file a complaint with the Administrative Court
31 to suspend or revoke a license issued pursuant to this chapter,
32 if, after investigation or hearing, or both, the superintendent
33 has reason to believe that the licensee has violated any
34 provisions of this chapter or any administrative rules issued
35 pursuant to this chapter, or has failed to maintain its financial
36 condition sufficient to qualify for a license on an original
37 application.

38
39 **Sec. 117. 33 MRSA §1652, sub-§1, as enacted by PL 1987, c.**
40 **734, §2, is amended to read:**

41
42 1. Adult. "Adult" means an individual who has attained 21
43 18 years of age.

44
45 **Sec. 118. 33 MRSA §1662, sub-§2, as enacted by PL 1987, c.**
46 **734, §2, is amended to read:**

47
48 2. Transfer irrevocable. A transfer made pursuant to
49 section 1660 is irrevocable and the custodial property is

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 indefeasibly vested in the minor, but the custodian has all the
rights, powers, duties and authority provided in this Act, and
3 neither the the minor nor the minor's legal representative has
any right, power, duty or authority with respect to the custodial
5 property, except as provided in this Act.

7 Sec. 119. 33 MRSA §1672, sub-§1, as enacted by PL 1987, c.
734, §2, is amended to read:

9
1. Reference to prior Act. The transfer purports to have
11 been made the under the Uniform Gifts to Minors Act of this
State; or

13 Sec. 120. 33 MRSA c. 37, as enacted by PL 1987, c. 645, §4, is
15 repealed.

17 Sec. 121. 33 MRSA c. 39 is enacted to read:

19 CHAPTER 39

21 UNIFORM FEDERAL LIEN REGISTRATION ACT

23 §1901. Short title

25 This chapter shall be known and may be cited as the Uniform
27 Federal Lien Registration Act.

29 §1902. Scope

31 This chapter applies only to federal tax liens and to other
33 federal lien notices which, under any Act of Congress or any
35 federal regulation, are required or permitted to be filed in the
37 same manner as notices of federal tax liens.

39 §1903. Place of filing

41 1. Applicability. Notices of liens, certificates and other
43 notices affecting federal tax liens or other federal liens must
45 be filed in accordance with this chapter.

47 2. Real property liens. Notices of liens upon real
49 property for obligations payable to the United States and
51 certificates and notices affecting the liens shall be filed in
the registry of deeds in that county or counties within which the
affected property is situated.

3. Personal property liens. Notices of federal liens upon
personal property, whether tangible or intangible, except
property of a type in which a security interest is perfected
under Title 11, section 9-401, subsection (1), paragraph (a), for
obligations payable to the United States and certificates and

1 notices affecting the liens, shall be filed with the Secretary of
2 State.

3

4 4. Timber, mineral and other liens. Notices of federal
5 liens upon personal property of a type in which a security
6 interest is perfected under Title 11, section 9-401, subsection
7 (1), paragraph (a), for obligations payable to the United States
8 and certificates and notices affecting the liens, shall be filed
9 in the registry of deeds in the county or counties where a
10 mortgage on the real estate concerned would be filed or recorded.

11

12 §1904. Execution of notices and certificates

13

14 Certification of notices of liens, certificates or other
15 notices affecting federal liens by the Secretary of the Treasury
16 of the United States or the secretary's delegate or by any
17 official or entity of the United States responsible for filing or
18 certifying of notice of any other lien is sufficient for filing
19 purposes and no other attestation, certification or
20 acknowledgment is necessary.

21

22 §1905. Duties of filing officer

23

24 1. Notices. If a notice of federal lien, a refiling of a
25 notice of federal lien, or a notice of revocation of any
26 certificate described in subsection 2 is presented to a filing
27 officer who is:

29

30 A. The Secretary of State, the filing officer shall cause
31 the notice to be marked, held and indexed in accordance with
32 Title 11, section 9-403, subsection (4), as if the notice
33 were a financing statement within the meaning of the Uniform
34 Commercial Code, Title 11, except that if the property is of
35 a type in which a security interest is perfected under Title
36 5, section 90-A, the Secretary of State shall cause the
37 notice to be marked, held and indexed in accordance with the
38 procedures established under Title 5, section 90-A, as if
39 the notice were a financing statement within the meaning of
40 that section; or

41

42 B. A register of deeds, the filing officer shall receive,
43 record and index the notice in the same manner as similar
44 instruments are recorded and indexed.

45

46 2. Certificates. If a certificate of release,
47 nonattachment, discharge or subordination of any lien is
48 presented to the Secretary of State for filing, the filing
49 officer shall:

49

50 A. Cause a certificate of release or nonattachment to be
51 marked, held and indexed as if the certificate were a
52 termination statement within the meaning of the Uniform

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 Commercial Code, Title 11, but the notice of lien to which
3 the certificate relates may not be removed from the files:
and

5 B. Cause a certificate of discharge or subordination to be
7 marked, held and indexed as if the certificate were a
9 release of collateral within the meaning of the Uniform
Commercial Code, Title 11.

11 3. Refiled notices; register of deeds. If a refiled notice
13 of federal lien as referred to in subsection 1 or any of the
15 certificates of notices referred to in subsection 2 are presented
for filing to a register of deeds, the register of deeds shall
receive, record and index that instrument in the same manner as
similar instruments are recorded and indexed.

17 4. Filing; fees. Upon request of any person, the Secretary
19 of State shall issue a certificate showing whether there is on
21 file, on the date and hour stated in the request, any notice of
23 lien or certificate or notice affecting any lien filed under this
25 chapter naming a particular person and, if a notice or
27 certificate is on file, giving the date and hour of filing of
each notice or certificate. The fee for a certificate is \$5.
Upon request, the Secretary of State shall furnish a copy of any
notice of federal lien, or notice or certificate affecting a
federal lien, for a fee of \$1 a page.

29 §1906. Fees

31 Applicable fees shall be governed by section 751, subsection
33 8 and Title 5, section 86.

35 §1907. Uniformity of application and construction

37 This chapter shall be applied and construed to effectuate
39 its general purpose to make uniform the law with respect to the
41 subject of this chapter among states enacting it.

43 Sec. 122. 34-B MRSA §5437, first ¶, as amended by PL 1987, c.
45 769, Pt. A, §127, is further amended to read:

47 The bureau shall establish a contingency fund for use by
49 community based intermediate care facilities for the mentally
51 retarded and bureau clients residing in licensed boarding and
foster homes or intermediate care facilities or participating in
appropriate day treatment programs. This fund shall be uses used
in accordance with the following provisions.

Sec. 123. 35-A MRSA Pt. 1, first 2 lines, are repealed and the
following enacted in their place:

PART 1

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

PUBLIC UTILITIES COMMISSION

Sec. 124. 35-A MRSA §1304, sub-§2, ¶C, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

C. Nothing in this section relieves the utility from the provisions of section 3082 ~~308~~.

Sec. 125. 35-A MRSA §2306-A, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed.

Sec. 126. 36 MRSA §328, last ¶, as amended by PL 1979, c. 666, §10, is further amended to read:

Upon a municipality's failure to achieve the minimum assessing standards of this subchapter, the bureau may choose at least one or more of the above administrative practices as necessary corrective steps to be undertaken by said municipality, in accordance with sections ~~291-through-293~~ 271, 272 and 329.

Sec. 127. 36 MRSA §653, sub-§1, ¶C, as amended by PL 1975, c. 550, §1, is further amended to read:

C. The estates up to the just value of \$4,000, having a taxable situs in the place of residence, of veterans who served in the Armed Forces of the United States during any federally recognized war period, including the Korean Campaign and the Viet-Nam Vietnam War, when they shall have reached the age of 62 years or when they are receiving any form of pension or compensation from the United States Government for total disability, service-connected or nonservice-connected, as a veteran. The exemption provided in this paragraph shall apply to the property of such ~~that~~ veteran including property held in joint tenancy with ~~his-er~~ her ~~the veteran's~~ spouse.

Sec. 128. 36 MRSA §653, sub-§1, ¶E, as amended by PL 1975, c. 432, §3, is further amended to read:

E. The word "veteran" as used in this subsection shall mean any person, male or female, who was in active service in the Armed Forces of the United States during any federally recognized war period or the Korean Campaign or the Viet-Nam Vietnam War; and who, if discharged, retired or separated from the Armed Forces, was discharged, retired or separated under other than dishonorable conditions. A veteran of the Viet-Nam Vietnam War shall have served on active duty for a period of more than 180 days, any part of which occurred after August 4, 1964, and before May 7, 1975, except that if ~~he~~ the veteran died in service or was discharged for a service-connected disability after such date. The "Viet-Nam

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 Vietnam War" shall mean that period between August 5, 1964,
and May 7, 1975;

3 Sec. 129. 36 MRSA §1760, sub-§62, as enacted by PL 1987, c.
5 822, and c. 824, is repealed and the following enacted in its
7 place:

9 62. Charitable suppliers of medical equipment. Sales to
local branches of incorporated international nonprofit charitable
organizations which provide, on a loan basis and free of charge,
11 medical supplies and equipment to persons.

13 Sec. 130. 36 MRSA §1760, sub-§63 is enacted to read:

15 63. Organizations fulfilling the wishes of children with
life-threatening diseases. Sales to incorporated nonprofit
17 organizations whose sole purpose is to fulfill the wishes of
children with life-threatening diseases when their family or
19 guardian is unable to otherwise financially fulfill those wishes.

21 Sec. 131. 36 MRSA §1955-A, as amended by PL 1987, c. 497,
§42, is further amended to read:

23 §1955-A. Failure to pay tax on vehicles

25 If, after notice of assessment and demand for payment, any
27 amount required to be paid with respect to any vehicle is not
paid as demanded within the 12-day period prescribed in section
29 1959 173, or such extension thereof as the State Tax Assessor may
allow, the State Tax Assessor may, in addition to proceeding to
31 enforce collection pursuant to chapters 211 to 225, immediately
notify the Secretary of State who shall proceed in accordance
33 with Title 29, section 55-B, to mail the required 5-day notice
and to suspend any registration certificate and plates issued for
35 the vehicle in respect to which the tax remains unpaid upon the
expiration of the 5-day period provided therein.

37 Sec. 132. 36 MRSA §2860, sub-§2, as enacted by PL 1981, c.
39 711, §10, is amended to read:

41 2. Lien. The tax, if unpaid when due, may become a lien on
the mining property or any other property of the mining company,
43 as provided under section 5313 175-A.

45 Sec. 133. 36 MRSA §2903, sub-§1, as amended by PL 1987, c.
793, Pt. A, §9, and c. 798, §2, is repealed and the following
47 enacted in its place:

49 1. Excise tax levied. Except as provided in subsection 2,
an excise tax is levied and imposed at the rate of 16¢ per gallon
51 upon internal combustion engine fuel sold or used within this
State, including these sales when made to the State or any

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 political subdivision thereof, for any purpose whatsoever, except
 3 the internal combustion engine fuel sold or used in such form and
 5 under such circumstances as shall preclude the collection of this
 7 tax by reason of the laws of the United States, or sold wholly
 9 for exportation from the State, or brought into the State in the
 11 ordinary standardized equipment fuel tank attached to and forming
 13 a part of a motor vehicle and used in the operation of that
 15 vehicle within the State, except that the rate shall be 3.4¢ per
 17 gallon upon internal combustion engine fuel, as defined in
 19 section 2902, bought or used by any person, association of
 21 persons, firm or corporation for the purpose of propelling jet or
 23 turbojet engine aircraft, not for international flights, and
 25 except that no tax may be levied upon internal combustion engine
 27 fuel, as defined in section 2902, bought or used by any person,
association of persons, firm or corporation for the purpose of
propelling jet or turbojet engine aircraft, for international
flights, or sold wholly for exportation from the State, or
brought into the State in the fuel tanks of an aircraft, or on or
after July 1, 1983, sold in bulk to any political subdivision of
the State. On the same fuel only one tax shall be paid to the
State, for which tax the distributor first receiving the fuel in
the State shall be primarily liable to the State, except when
that fuel has been sold and delivered to a licensed exporter
wholly for exportation from the State, or to another distributor
in the State, in which case the purchasing distributor shall be
primarily liable to the State for the tax.

29 **Sec. 134. 36 MRSA §3223, as enacted by PL 1987, c. 772, §31,**
 and c. 793, Pt. A, §13, is repealed and the following enacted in
 its place:

31 **§3223. Enforcement**

33 There shall be assigned to the Bureau of Taxation an officer
 35 of the State to assist in the enforcement of this chapter.

37 **Sec. 135. 36 MRSA §3224 is enacted to read:**

39 **§3224. Inventory tax; special fuel**

41 Special fuel subject to tax under this chapter, which is
 43 held by retailers, as defined in section 1752, at 12 midnight,
 45 June 30, 1988, shall be subject to a 19¢ per gallon excise tax.
 47 Retailers shall be liable for the difference between the 19¢ per
 49 gallon tax rate existing on July 1, 1988, and the 14¢ per gallon
tax rate in effect prior to July 1, 1988. Payment shall be made
to the State Tax Assessor before August 15, 1988, accompanied by
the appropriate completed form prescribed by the State Tax
Assessor.

1 **Sec. 136. 36 MRSA §5122, sub-§2, ¶C**, as amended by PL 1987, c.
2 739, §§45 and 48, and c. 772, §36, is repealed and the following
3 enacted in its place:

5 C. Social security benefits and railroad retirement
6 benefits paid by the United States, to the extent included
7 in federal adjusted gross income:

9 **Sec. 137. 36 MRSA §5283, first ¶**, as repealed and replaced by PL
10 1985, c. 427, is amended to read:

11 Every individual resident, who is entitled to a refund under
12 this Part, may designate that any part of that refund be paid
13 over to any specified political party, as defined in Title 21
14 21-A, section 1. Every individual resident, who is entitled to no
15 refund under this Part, may contribute to any specified political
16 party, as defined in Title 21 21-A, section 1, by including with
17 his that resident's return sufficient funds to make the
18 contribution.

19 **Sec. 138. 37-B MRSA §4**, as repealed and replaced by PL 1987,
20 c. 634, §3, is amended to read:

21 **§4. Directors of bureaus**

22 Each bureau of the department shall have a director. The
23 Director of Military Bureau, the Director of Veterans' Services
24 and the Director of Civil Emergency Preparedness shall each be
25 appointed by the Adjutant General and shall serve at the pleasure
26 of the Adjutant General. None of these directors may hold any
27 other state office for compensation. The Director of Veterans'
28 Services shall be a person who served on active duty in the
29 United States Armed Forces during any federally recognized period
30 of conflict as defined in section 504, subsection 4, paragraph A
31 A-1, subparagraph (3), and a person qualified by experience,
32 training and a demonstrated interest in veterans' services.

33 **Sec. 139. 37-B MRSA §503, sub-§1**, as amended by PL 1985, c.
34 785, Pt. B, §174, is further amended to read:

35 1. **Employment of personnel.** The director may employ,
36 subject to the Civil Service Law, the personnel necessary to
37 administer this chapter. All full-time permanent employees,
38 except clerical employees, shall be persons who served on active
39 duty in the United States Armed Forces during any federally
40 recognized period of conflict, as defined in section 504,
41 subsection 4, paragraph A A-1, subparagraph (3).

42 **Sec. 140. 37-B MRSA §505, sub-§1, ¶A**, as enacted by PL 1983, c.
43 460, §3, is amended to read:

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 A. As used in this subsection, unless the context otherwise
indicates, the following terms have the following meanings.

3
5 (1) "Child" means a person who is under the age of 18
years; over the age of 18 years but under the age of 20
7 years, regularly attending school; or over the age of
18 years and not attending school if, prior to reaching
9 the age of 18 years, the child becomes or has become
permanently incapable of self-support by reason of
mental or physical defect, and who is:

11 (a) A natural, legitimate child of a veteran;

13 (b) A foster child of a veteran;

15 (c) A legally adopted child of a veteran;

17 (d) A stepchild, if a member of a veteran's
19 household either at the time of application or, in
the event of the veteran's death, at the time of
21 death, and who thereafter continues as a member of
the household; or

23 (e) An illegitimate child, ~~where~~ when a veteran
25 has been judicially ordered or decreed to
contribute to ~~his~~ that child's support, or
27 judicially decreed to be the putative father, or
has acknowledged under oath and in writing that he
29 is the father of the child.

31 (2) "Federally recognized period of conflict" means
World War I, April 6, 1917 to November 11, 1918, or to
33 March 31, 1920, if service was in Russia; World War II,
December 7, 1941 to December 31, 1946; Korean Conflict,
35 June 27, 1950 to January 31, 1955 and the ~~Viet-Nam~~
Vietnam War, August 5, 1964 to May 7, 1975.

37 (3) "Parent" means the father or mother of a veteran
39 with whom the veteran lived during ~~his~~ that veteran's
minority and for whom he ~~that veteran~~ would be legally
41 responsible under the laws of this State; or the foster
father or mother of the veteran.

43 (4) "Spouse" means the person currently legally
45 married to a living veteran or the widow or widower of
a deceased veteran who has not become the dependent of
47 another person.

49 (5) "Veteran" means any person who served in the
United States Armed Forces during any federally
51 recognized period of conflict and was not dishonorably
discharged; is disabled and a resident of the State; or

1 is deceased and at time of death was a resident of the
2 State. A veteran of the Viet-Nam Vietnam War must have
3 served on active duty for a period of more than 90 days
4 unless he that veteran died in service, or was
5 discharged for a service-connected disability and any
6 part of that active duty service occurred after August
7 4, 1964 and before May 7, 1975.

9 **Sec. 141. 37-B MRSA §601**, as repealed and replaced by PL
10 1985, c. 773, §1, is amended to read:

11 **§601. Home established; purpose**

12
13 There shall be public homes for veterans in Maine known as
14 "Maine Veterans' Homes." In addition to the presently existing
15 home located in Augusta, a 120-bed home located in southern Maine
16 and a home, not to exceed 60 beds, located in Aroostook County,
17 may be constructed if federal Veterans' Administration funds are
18 available to meet part of the costs of each facility for
19 construction or operation. The board of trustees shall plan and
20 develop these additional homes and may use any funds available
21 for those purposes, except for the Augusta facility's funded
22 depreciation account. The primary purpose of the homes shall be
23 to provide support and care for honorably discharged veterans who
24 served in the United States Armed Forces during wartime,
25 including the Korean Conflict and the Viet-Nam Vietnam War.

26
27 **Sec. 142. 38 MRSA §390-A**, as repealed by PL 1987, c. 809, §1,
28 and as amended by PL 1987, c. 842, §§1 and 2, is repealed.

29
30 **Sec. 143. 38 MRSA §438, sub-§2, ¶A**, as amended by PL 1987, c.
31 737, Pt. C, §§84 and 106, and as repealed by PL 1987, c. 815, §§4
32 and 11; and as amended by PL 1989, c. 6; c. 9, §2; and c. 104,
33 Pt. C, §§8 and 10, is repealed.

34
35 **Sec. 144. 38 MRSA §439**, as amended by PL 1987, c. 737, Pt. C,
36 §§85 and 106, and as repealed by PL 1987, c. 815, §§6 and 11; and
37 as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and
38 10, is repealed.

39
40 **Sec. 145. 38 MRSA §480-N, sub-§1**, as enacted by PL 1987, c.
41 809, §2, is amended to read:

42
43 1. **Fund purposes and administration.** There is established
44 a nonlapsing Lake Restoration and Protection Fund, from which the
45 department may pay up to 50% of the eligible costs incurred in a
46 lake restoration or protection project, except that projects
47 addressing technical assistance, public education or research
48 issues may be paid up to 100%. Eligible costs include all costs
49 except those related to land acquisition, legal fees and debt
50 service. All money credited to that fund shall be used by the
51

1 department for projects to improve or maintain the quality of
2 lake waters in the State and for no other purpose. The
3 Commissioner of Environmental Protection may authorize the State
4 Controller to draw a warrant for such funds as may be necessary
5 to pay the lawful expenses of the lake restoration or protection
6 project, up to the limits of the money duly authorized. Any
7 balance remaining in the fund shall continue without lapse from
8 year to year and remain available for the purpose for which the
9 fund is established and for no other purpose.

11 **Sec. 146. 38 MRSA §480-N, sub-§§3 to 5 are enacted to read:**

13 3. Intensive staffing program. The department shall
14 establish an intensive staffing program which shall provide
15 adequate staffing at both the state and regional levels. The
16 department shall provide technical information and guidance and
17 the regional agencies shall assist with the adoption of revised
18 comprehensive plans, standards and local ordinances by local
19 governments.

21 4. Public education program. The department shall develop
22 a coordinated public education program which shall target school
23 children and involve extensive use of the media.

25 5. Research. The department shall encourage internal
26 research focused on the following statewide topics:

27 A. Lake vulnerability, particularly as it relates to
28 noncultural features of the watershed;

31 B. The effectiveness and design of the best management
32 practices to control phosphorous pollution; and

33 C. New lake and watershed diagnostic tools.

35 **Sec. 147. 38 MRSA §551, sub-§2-A, as enacted by PL 1977, c.**
36 **375, §11, is amended to read:**

39 **2-A. Exceptions; 3rd party damage claims.** Subsection 2,
40 3rd party damages, shall not apply to waters of the State
41 classified under sections ~~368,--369~~ 467 and ~~371~~ 468, except those
42 waters below head of tide until July 1, 1978.
43

45 **Sec. 148. 39 MRSA c. 1, first 4 lines, are repealed and the**
46 **following enacted in their place:**

47 TITLE 39

49 WORKERS' COMPENSATION

51 CHAPTER 1

WORKERS' COMPENSATION

Sec. 149. 39 MRSA §28, first ¶, as amended by PL 1973, c. 746, §9, is further amended to read:

An employee of an employer, who shall have secured the payment of compensation as provided in sections 21 21-A to 27 shall be held to have waived his the employees's right of action at common law to recover damages for the injuries sustained by him the employee, and under the statutes specified in section 4.

Sec. 150. 39 MRSA §71-A, sub-§2, ¶D is enacted to read:

D. Any other information, including the age of the employee and of the employee's dependents, which would bear upon whether the settlement is in the best interest of the claimant.

Sec. 151. 39 MRSA §71-A, sub-§2, ¶E, as enacted by PL 1987, c. 559, Pt. B, §37, is repealed.

Sec. 152. PL 1987, c. 132, first 2 lines after the enacting clause are repealed and the following enacted in their place:

12 MRSA §683, as amended by PL 1987, c. 18, §1, is further amended to read:

Sec. 153. PL 1987, c. 159, §1, first 2 lines are repealed and the following enacted in their place:

Sec. 1. 10 MRSA c. 110, sub-c. I-C is enacted to read:

SUBCHAPTER I-C

Sec. 154. PL 1987, c. 396, §13 is amended to read:

Sec. 13. Transition provision. All licenses issued by the administrator pursuant to the Maine Revised Statutes, Title 9-A, section 2-302, and all rules adopted by the administrator pursuant to Title 9-A, section 3-310, subsection 5, that are in effect on the date ~~this-article~~ Title 9-A, article IX, becomes effective shall remain in full force and effect as if issued or adopted, as the case may be, under this article, for their originally stated duration.

Sec. 155. Effective; retroactivity date. That section of Act which amends Public Law 1987, chapter 396, section 13 shall take effect retroactive to September 29, 1987.

Sec. 156. PL 1987, c. 450, §2, first line is repealed and the following enacted in its place:

1 **Sec. 2. 20-A MRSA c. 505-A** is enacted to read:

3 **Sec. 157. PL 1987, c. 506, §1, first 3 lines** are repealed and the
5 following enacted in their place:

7 **Sec. 1. 5 MRSA Pt. 15-A** is enacted to read:

9 PART 15-A

11 LAND FOR MAINE'S FUTURE

13 CHAPTER 353

15 LAND FOR MAINE'S FUTURE FUND

17 **Sec. 158. PL 1987, c. 508, first 3 lines after the enacting clause** are
19 repealed and the following enacted in their place:

21 **12 MRSA §685**, as amended by PL 1987, c. 308, §5, is further
23 amended by adding at the end a new paragraph to read:

25 **Sec. 159. PL 1987, c. 534, Pt. A, §17, first 3 lines** are repealed and
27 the following enacted in their place:

29 **Sec. 17. 5 MRSA Pt. 18-A** is enacted to read:

31 PART 18-A

33 ECONOMIC AND COMMUNITY DEVELOPMENT

35 CHAPTER 383

37 ECONOMIC AND COMMUNITY DEVELOPMENT

39 **Sec. 160. PL 1987, c. 534, Pt. B, §17, first 2 lines** are repealed and
41 the following enacted in their place:

43 **Sec. 17 26 MRSA §1453, sub-§2**, as amended by PL 1983, c. 469,
45 §3, is further amended to read:

47 **Sec. 161. PL 1987, c. 633, §3, first 2 lines** are repealed and the
49 following enacted in their place:

51 **Sec. 3. 34-A MRSA §3003, sub-§1, ¶D** is enacted to read:

Sec. 162. PL 1987, c. 759, §7, last sentence is amended to read:

 Provides funds to establish a new
 Administrative Coordinator position and
 general operation expenses to assist in the

1 administration of the standardbred horses
2 program and the ~~Sires~~ Sire Stakes Fund.

3
4 **Sec. 163.** PL 1987, c. 766, §10, first 2 lines are repealed and the
5 following enacted in their place:

6
7 **Sec. 10.** 30 MRSA §4967 is enacted to read:

8
9 **Sec. 164.** PL 1987, c. 772, §7 is repealed and the following
10 enacted to read:

11
12 **Sec. 7.** 36 MRSA §186, as amended by PL 1985, c. 333, §§1 and
13 3, is further amended to read:

14 **§186. Interest**

15
16 Any person who fails to pay any tax imposed under this
17 Title, except taxes imposed pursuant to chapter 105, on or before
18 the last date prescribed for payment shall be liable for interest
19 on the tax, calculated from that date. The State Tax Assessor
20 shall establish annually, by ~~regulation rule~~, establish the rate
21 of interest which shall not exceed the highest conventional rate
22 of interest charged for commercial unsecured loans by Maine
23 banking institutions on the first business day of October
24 ~~preceding the calendar year as determined by the Treasurer of~~
25 ~~State under section 505, subsection 4.~~ For purposes of this
26 section, the last date prescribed for payment of tax shall be
27 determined without regard to any extension of time permitted for
28 filing a return. A tax which is upheld on administrative or
29 judicial review shall bear interest from the date on which
30 payment would have been due in the absence of review. Any tax,
31 interest or penalty imposed by this Title which has been
32 erroneously refunded and which is recoverable by the State Tax
33 Assessor shall bear interest at the above rate from the date of
34 payment of the refund. Interest shall accrue automatically,
35 without being assessed by the State Tax Assessor, and shall be
36 recoverable by the State Tax Assessor in the same manner as if it
37 were a tax assessed under this Title. If the failure to pay a
38 tax when required is explained to the satisfaction of the State
39 Tax Assessor, he the State Tax Assessor may abate or waive the
40 payment of all or any part of that interest.

41
42 Except as otherwise provided in this Title, and except for
43 taxes imposed pursuant to chapter 105, interest, at the rate
44 determined by the State Tax Assessor for underpayments pursuant
45 to this section, shall be paid ~~from the date of overpayment upon~~
46 ~~any overpayment of tax, interest or penalty on overpayments of~~
47 tax from the date the return listing the overpayment was filed,
48 or the payment was made, whichever is later.

1 by the commissioner from any source for the development and
2 implementation of an improved storage, packing and marketing
3 program. Any money credited to the Potato Marketing Improvement
4 Fund from the issuance of bonds on behalf of the State for
5 agricultural development shall be used only for the purposes of
6 state loans as prescribed by section 974-A, to provide assistance
7 to farmers for the design, construction, improvement, support and
8 operation of storage, packing and marketing facilities and to pay
9 the administrative costs of processing loan applications, to the
10 extent that the costs exceed the fee for administrative costs
11 established by section 974-A, subsection 2. Repayment of these
12 loans and interest thereon shall be credited to the Potato
13 Marketing Improvement Fund to be available for making additional
14 state loans for the same purposes, except that any interest
15 earned on the cash balance of the fund may be used for the grants
16 authorized by section 975.

17
18 A purchaser of a modern storage facility which was
19 previously financed with a state loan from the Potato Marketing
20 Improvement Fund may receive a loan under the conditions of this
21 section. Mortgages obtained from the fund may be assumed by
22 subsequent purchasers of the property. The department shall
23 promulgate rules concerning the purchase of existing buildings.
24 These rules shall include provisions that ensure that such
25 purchases are in keeping with the purposes and intent of this
26 article and of Private and Special Law 1981, chapters 65 and 75.
27 They shall also include a definition of a modern storage facility.

28 Sec. 4. 7 MRSA §975, as enacted by PL 1987, c. 727, §§2 and 4
29 and c. 754, §3 is repealed and the following enacted in its place:

30 §975. Grants

31
32
33 All or any portion of the interest earned or accruing on the
34 cash balance of the Potato Marketing Improvement Fund may be used
35 for grants to individuals, firms, corporations or other
36 organizations for any of the following purposes:

37
38
39 1. Partial cost of project. To pay an amount not to exceed
40 50% of the total cost of any project. The purpose of any project
41 shall be to provide equipment and facilities for washing and
42 otherwise preparing potatoes for packing, such equipment and
43 facilities including, but not limited to, wells, pressure pumps,
44 plumbing and necessary auxiliary equipment. The total amount
45 granted under this subsection for any single year shall not
46 exceed 25% of the aggregate interest earned and attributable to
47 funds from the issuance of state bonds:

48
49 2. Research projects. To partially or fully fund specific
50 research projects, the purpose of which is to study and assess
51 technical problems experienced with new and retrofitted storage

1 facilities, and to develop means of dealing with such problems,
2 or to examine, monitor and develop new technologies for the
3 storage and handling of potatoes; and

5 3. Use and disposal of cull potatoes. To conduct a
6 research program to explore and establish productive uses of cull
7 potatoes, to conduct feasibility studies appropriate to such uses
8 and to conduct research pertaining to the safe and effective
9 disposal of culls not used for productive purposes.

11 The commissioner, by rule, promulgated in accordance with
12 the Maine Administrative Procedure Act, Title 5, chapter 375,
13 shall establish criteria for the allocation of grants.

15 **Sec. 5. Repeal.** The Maine Revised Statutes, Title 7, section
16 975, as repealed and replaced in this Act, is repealed on April
17 15, 1991.

19 **Sec. 6. 7 MRSA §976 is enacted to read:**

21 **§976. Aroostook County office**

23 The department shall maintain or arrange for the maintenance
24 of an office in Aroostook County located in a town most
25 convenient to the largest number of potential users of the Potato
26 Marketing Improvement Fund and sufficiently close to any local
27 office of the Maine Potato Board as to foster a close working
28 relationship and provide a convenience to farmers who wish to
29 visit both agencies. This office shall be staffed by a business
30 development specialist whose responsibilities shall be as defined
31 by the department. The business development specialist shall be
32 available in the Aroostook County office on a regular basis.

33 Should the performance of the functions of the business
34 development specialist be contracted for, this contract shall be
35 made by the agency managing the fund and shall be awarded through
36 competitive bidding.

39 **Sec. 7. 7 MRSA §1331, sub-§4,** as enacted by PL 1987, c. 685,
40 §1, is amended to read:

41 **4. Penalties.** Any person engaged in the business of
42 propagating, possessing, buying or selling domesticated deer
43 without a license as provided for in ~~section~~ subsection 2 is
44 guilty of a Class E crime.

47 **Sec. 8. 12 MRSA §557, sub-§3,** as amended by PL 1987, c. 737,
48 Pt. C, §§21 and 106, PL 1989, c. 6, c. 9, §2, and c. 104, Pt. C,
49 §§8 and 10, is further amended to read:

51 **3. Compensation to municipalities.** Notwithstanding the
other provisions of this section, 25% of the net revenues from

n. of §

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 any public lands, excluding submerged lands, public reserved
 2 lands and ~~lands-held-under-section-560~~ Baxter State Park, and
 3 excluding proceeds from the sale of land, located in
 4 municipalities and managed by the Bureau of Public Lands, shall
 5 be returned by the Treasurer of State to the municipality wherein
 6 the land generating the income is located, to be used for
 7 municipal purposes. With respect to those public reserved lands
 8 which were located in townships or tracts organized into
 9 plantations as of March 1, 1974, when any such plantation,
 10 subsequent to that date, becomes incorporated into a town, 75% of
 11 any income from residential leasehold camps, excluding any income
 12 or proceeds from the sale, exchange or relocation of any of these
 13 camps under ~~Title-12~~, section 590, and 25% of any other income
 14 from such public reserved land shall be returned by the Treasurer
 15 of State to the municipality wherein such public reserved land is
 16 located, to be used for municipal purposes. With respect to
 17 stumpage income from timber located on public reserved lands and
 18 leased pursuant to ~~Title-12~~, section 585, subsection 4, paragraph
 19 K, 50% of the income shall be returned by the Treasurer of State
 20 to the lessee for its own purposes. The director may approve the
 21 handling of income from sales or permits for up to \$500 by the
 22 lessees. The lessees shall submit a semiannual accounting of this
 23 income and payment for the State's share of the income.

25 **Sec. 9. 12 MRSA §4818, sub-§1, ¶B**, as enacted by PL 1985, c.
 26 236, is amended to read:

27 B. "Maritime activity" includes the construction, repair,
 28 storage, loading and unloading of boats, ~~chancellery~~
 29 chandlery and other commercial activities designed and
 30 intended to facilitate maritime trade.

33 **Sec. 10. 12 MRSA §7701-B, sub-§2**, as enacted by PL 1983, c.
 34 374, §3, is amended to read:

35 2. Initiation of fishway proceedings. Within 30 days of
 36 receipt of the construction notice, the commissioner shall review
 37 the plans in order to determine whether fishway construction or
 38 alteration of proposed fishway construction plans may be required
 39 pursuant to the criteria set forth in section ~~7701~~ 7701-A,
 40 subsection 3. If the commissioner determines that the
 41 construction or alteration may be necessary, ~~he~~ the commissioner
 42 shall initiate fishway proceedings and follow the procedures
 43 prescribed in section ~~7701~~ 7701-A.

45 **Sec. 11. 12 MRSA §7857, sub-§15, ¶A**, as enacted by PL 1983, c.
 46 297, §§1 and 3, is amended to read:

47 A. Each ATV shall meet noise ~~emission~~ emission standards of
 48 the United States Environmental Protection Agency and in no
 49 case exceed 82 decibels of sound pressure level at 50 feet
 50 on the 'A' scale as measured by the SAE standards J-192.

1

Sec. 12. 12 MRSA §7901, sub-§6, as enacted by PL 1983, c. 796,
§7, is repealed.

3

5

Sec. 13. 12 MRSA §7901, sub-§7, as enacted by PL 1983, c. 862,
§41, is repealed.

7

9

Sec. 14. 12 MRSA §8861, first ¶, as enacted by PL 1987, c. 286,
is amended to read:

11

As used in this section article, unless the context
indicates otherwise, the following terms have the following
meanings.

13

15

Sec. 15. 14 MRSA §1602-A, sub-§§1 and 2, as enacted by PL 1987,
c. 646, §4, are amended to read:

17

19

1. Actions; District Court jurisdictional limit. For
actions in which the damages claimed or awarded do not exceed the
jurisdictional limit of the District Court set forth in Title 4,
section 152, of 15% per year; and

21

23

2. Other action. For other actions, equal to the coupon
issue yield equivalent, as determined by the United States
Secretary of the Treasury, of the average accepted auction price
for the last auction of 52-week United States Treasury bills
settled immediately prior to the date from which the interest is
calculated, plus 3%.

25

27

29

31

Sec. 16. 15 MRSA §3101, sub-§4, ¶B, as amended by PL 1979, c.
681, §3, is further amended to read:

33

35

B. Every bind-over hearing shall precede and shall be
conducted separately from any adjudicatory hearing.

37

The Maine Rules of Evidence shall apply only to the probable
cause portion of the bind-over hearing.

39

41

For the purpose of making the findings required by paragraph
E, ~~subparagraphs--(2)--and--(3)~~ subparagraph (2), written
reports and other material may be received by the court
along with other evidence, but the court, if so requested by
the juvenile, ~~his~~ the juvenile's parent or guardian or other
party, shall require that the person or persons, who wrote
the report or prepared the material, appear as witness and
be subject to examination, and the court may require that
the persons whose statements appear in the report appear as
witnesses and be subject to examination.

43

45

47

49

51

Sec. 17. 20-A MRSA §1, sub-§34-A, ¶B, as enacted by PL 1985,
c. 789, §§2 and 9, is amended to read:

1
3 B. Placed, with the recommendation of a Bureau of Mental
Retardation case manager or an employee of the ~~Office of~~
5 ~~Children's Services~~ Bureau of Children with Special Needs,
Department of Mental Health and Mental Retardation, with a
7 person who is not the child's parent, legal guardian or
relative;

9 Sec. 18. 20-A MRSA c. 325, first 3 lines, as enacted by PL 1987,
c. 827, §1, are repealed and the following enacted in their place:

11 CHAPTER 327

13 STUDENTS IN LONG-TERM DRUG TREATMENT
15 CENTERS

17 Sec. 19. 20-A MRSA §15612, sub-§10, as enacted by PL 1987, c.
827, §2 and as amended by PL 1987, c. 861, §§16 and 17, is
19 repealed and the following enacted in its place:

21 10. Adjustment for cost of educating eligible students in
long-term drug treatment centers. A school administrative unit
23 which operates an educational program, approved pursuant to
sections 9701 to 9706 to serve eligible students in licensed drug
25 treatment centers, shall be reimbursed in the year in which costs
are incurred as follows.

27 A. Reimbursements shall be limited to a maximum of 12 state
29 average tuition rates a year for each approved plan.

31 B. The rate of reimbursement per student shall not exceed
the state average tuition rates in effect during the year of
33 placement as computed under sections 5804 and 5805.

35 C. The funds for the adjustment shall be limited to the
37 amount appropriated by the Legislature for that purpose.

39 Sec. 20. 20-A MRSA §15612, sub-§11 is enacted to read:

41 11. Special education tuition and cost for out-of-district
placement adjustment. The following provisions shall apply to
43 payment of tuition and room and board costs for out-of-district
placements. Based on the costs under section 15603, subsection
45 22, paragraph B, the State shall annually pay each local unit a
per pupil adjustment determined by dividing the amount of funds
47 made available to the department for carrying out the purposes of
this Act by the number of children in out-of-district
49 placements. The local school administrative unit shall pay the
balance. This program shall be phased in based on the annual
51 appropriation for this purpose.

1 **Sec. 21. Effective date.** That section of this Act which enacts
the Maine Revised Statutes, Title 20-A, section 15612, subsection
3 11 shall take effect July 1, 1989.

5 **Sec. 22. 22 MRSA §2260-A, sub-§2, ¶D,** as repealed and replaced
by PL 1987, c. 745, §1 and c. 816, Pt. KK, §20, is repealed and
7 the following enacted in its place:

9 D. Water transported from a water source that, before July
11 1, 1987, was used to supply water for bottling and sale, and
which is used exclusively for bottling and is sold in its
13 pure form or as a carbonated or flavored beverage product.

15 **Sec. 23. 24-A MRSA §2363, sub-§6,** as enacted by PL 1987, c.
559, Pt. A, §4, is amended to read:

17 **6. Additional information.** The superintendent may require,
19 at any time, any additional information he the superintendent
deems necessary and may reasonably extend the time periods
21 established in subsection 9 11 to allow time to provide that
information.

23 A. Within 30 days of receipt of a filing, the
25 superintendent shall determine if the filing is complete.

27 (1) If the filing is incomplete, the superintendent
shall notify the applicant and all parties in writing
29 of those deficiencies.

31 (2) An applicant shall complete or amend the filing
within 30 days of that written notice. Upon motion by
33 the applicant made within the 30-day period and upon a
showing of good cause, the superintendent may extend
35 the 30-day period as he the superintendent deems
appropriate.

37 (3) An action or inaction by the superintendent under
39 this paragraph does not constitute a substantive
finding that the information in the filing is
41 sufficient to establish that any action or relief
should be granted or that any facts have been proven or
43 limit the superintendent's authority to request further
information or data.

45 B. If the applicant fails to furnish the information within
47 the time prescribed, the superintendent may issue an order
dismissing the filing.

49 C. For all purposes, the date of completing the filing
51 shall be deemed the date on which the last document that
made the filing complete was received by the superintendent,

1 except that the superintendent may treat the day that the
2 incomplete filing was filed as the filing date if the
3 incompleteness is found to be immaterial or not to have
4 delayed, impeded or interfered with the ability of the
5 superintendent, bureau or any party to respond to,
6 investigate or process the filing.

7
8
9 **Sec. 24. 26 MRSA §42**, as amended by PL 1987, c. 559, Pt. B,
10 §5 and c. 733, §5, is repealed and the following enacted in its
11 place:

12 **§42. Powers and duties**

13
14 The bureau shall collect, assort and arrange statistical
15 details relating to all departments of labor and industrial
16 pursuits in the State; to trade unions and other labor
17 organizations and their effect upon labor and capital; to the
18 number and character of industrial accidents and their effect
19 upon the injured, their dependent relatives and upon the general
20 public; to other matters relating to the commercial, industrial,
21 social, educational, moral and sanitary conditions prevailing
22 within the State, including the names of firms, companies or
23 corporations, where located, the kind of goods produced or
24 manufactured, the time operated each year, the number of
25 employees classified according to age and sex and the daily and
26 average wages paid each employee; and the exploitation of such
27 other subjects as will tend to promote the permanent prosperity
28 of the industries of the State. The director is authorized and
29 empowered, subject to the approval of the Governor, to accept
30 from any other agency of government, individual, group or
31 corporation such funds as may be available in carrying out this
32 section, and meet such requirements with respect to the
33 administration of such funds, not inconsistent with this section,
34 as are required as conditions precedent to receiving such funds.
35 An accounting of such funds and a report of the use to which they
36 were put shall be included in the biennial report to the
37 Governor. Each agency of government shall cooperate fully with
38 the bureau's efforts to compile labor and industrial statistics.
39 The director shall cause to be enforced all laws regulating the
40 employment of minors and women; all laws established for the
41 protection of health, lives and limbs of operators in workshops
42 and factories, on railroads and in other places; all laws
43 regulating the payment of wages; and all laws enacted for the
44 protection of the working classes. The director shall, on or
45 before the first day of July, biennially, report to the Governor,
46 and may make such suggestions and recommendations as the director
47 may deem necessary for the information of the Legislature. The
48 director may from time to time cause to be printed and
49 distributed bulletins upon any subject that shall be of public
50 interest and benefit to the State and may conduct a program of
51 research, education and promotion to reduce industrial

1 accidents. The director may review various data, such as
2 workers' compensation records, as well as other information
3 relating to any public or private employer's safety experience.
4 When any individual public or private employer's safety
5 experience causes the director to question seriously the safe
6 working environment of that employer, the director may offer any
7 safety education and consultation programs to that employer that
8 may be beneficial in providing a safer work environment. If the
9 employer refuses this assistance or is in serious noncompliance
10 which may lead to injuries, or if serious threats to worker
11 safety continue, then the director shall communicate concerns to
12 appropriate agencies, such as the United States Occupational
13 Safety and Health Administration. As used in this section, the
14 term "noncompliance" means a lack of compliance with any
15 applicable health and safety regulations of the United States
16 Occupational Safety and Health Administration or other federal
17 agencies. The bureau shall be responsible for the enforcement of
18 indoor air quality and ventilation standards with respect to
19 state-owned buildings and buildings leased by the State. The
20 bureau shall enforce air quality standards in a manner to ensure
21 that corrections to problems found in buildings be made over a
22 reasonable period of time, using consent agreements and other
23 approaches as necessary and reasonable.

25 Sec. 25. 26 MRSA §2106-A, as enacted by PL 1987, c. 769, Pt.
26 A, §111, is repealed.

27 Sec. 26. 28-A MRSA §453, sub-§4, ¶D is enacted to read:

29 D. The commission shall conduct an investigation to
30 determine the most feasible location and type of facility
31 for the agency liquor store.

32 Sec. 27. 28-A MRSA §453, sub-§4, ¶E, as enacted by PL 1987, c.
33 45, Pt. A, §4, is repealed and the following enacted in its place:

34 E. The commission shall notify any applicant denied a
35 license the reasons for the denial by certified mail to the
36 mailing address given by the applicant in the application
37 for an agency liquor store license.

38 Sec. 28. 28-A MRSA §453, sub-§4, ¶F, as enacted by PL 1987, c.
39 45, Pt. A, §4, is repealed.

40 Sec. 29. 29 MRSA §780, sub-§7-A, as enacted by PL 1987, c.
41 562, and c. 789, §17, is repealed and the following enacted in
42 its place:

43 7-A. Governmental vehicle exemption. The provisions of
44 this section shall not apply to governmental vehicles in section
45 256.

1
3 **Sec. 30. 29 MRSA §780, sub-§7-B** is enacted to read:

5 7-B. Other exemptions. The provisions of this section
7 shall not apply to vehicles owned or controlled by a dealer as
 defined by chapter 5, subchapter III-A, nor to any vehicle
 registered by the Secretary of State as a vehicle for hire.

9 **Sec. 31. 29 MRSA §831**, as amended by PL 1987, c. 141, Pt. B,
11 §26, is further amended to read:

13 **§831. Insurance for vehicles for hire**

15 The Secretary of State shall not register any motor vehicle
17 rented or leased on plans commonly known as U-Drive, Drive
19 Yourself or Driverless Car plans nor any motor vehicle used for
21 livery or hire, except as provided in ~~Title-35-A~~, section 2708,
23 and no person, firm or corporation may operate or cause to be
25 operated upon any public highway in this State any such motor
27 vehicle, until the owner or owners thereof shall have procured
29 insurance or a bond, having a surety company authorized to
31 transact business in this State or 2 individuals as sureties
33 thereon, in the amount of \$20,000 because of bodily injury or
35 death to any one person, and subject to the limit respecting one
 person, in the amount of \$40,000 because of bodily injury to or
 death to 2 or more persons in any one accident, and in the amount
 of \$10,000 because of injury to and destruction of property in
 any one accident, which insurance or bond shall be approved by
 the Secretary of State and shall indemnify the insured against
 any legal liability for personal injury, the death of any person
 or property damage, which injury, death or damage may result from
 or have been caused by the operation of the motor vehicle
 described in the contract of insurance or such bond. The
 Secretary of State shall not approve the policy or bond unless it
 provides primary coverage for the operator as well as the owner.

37 **Sec. 32. 29 MRSA §1311-A, sub-§2, ¶C**, as repealed and replaced
39 by PL 1983, c. 850, §1, is amended to read:

41 C. Except as provided in paragraph D, the determination of
43 these facts by the Secretary of State is independent of the
45 determination of the same or similar facts in the
47 adjudication of any ~~civil-or~~ criminal charges arising out of
49 the same occurrence. The disposition of those ~~civil-or~~
51 criminal charges shall not affect any suspension under this
 section. Statements made by the licensee at the hearing
 before the Secretary of State shall not be introduced by the
 State in its case in chief in any prosecution for violation
 of section 1312-B, ~~---1312-C~~ or Title 15, section 3103,
 subsection 1, paragraph F, arising out of the same
 occurrence.

1
2 **Sec. 33. 29 MRSA §1311-A, sub-§2, ¶D**, as repealed and replaced
3 by PL 1983, c. 850, §1, is repealed.

4 **Sec. 34. 29 MRSA §1311-A, sub-§5, ¶¶B and C**, as repealed and
5 replaced by PL 1983, c. 850, §1, are amended to read:
6

7 B. The period of license suspension for a person who whom
8 the Secretary of State has determined to have operated or
9 attempted to operate a motor vehicle with an excessive
10 ~~blood-alcohol~~ blood-alcohol level for a first or subsequent
11 offense shall be the same suspension period as if the person
12 was were convicted or adjudicated of a violation of section
13 1312-B, ~~1312-C~~ or Title 15, section 3103, subsection 1,
14 paragraph F.

15 C. When a person's license is suspended under this section
16 and is also suspended after having been adjudicated or
17 convicted on charges arising out of the same occurrence for
18 a violation of section 1312-B, ~~1312-C~~, or Title 15, section
19 3103, subsection 1, paragraph F, the period of time his the
20 license has been suspended under this section prior to the
21 adjudication or conviction shall be deducted from the period
22 of time any court-imposed suspension ordered pursuant to
23 section 1312-B, ~~1312-C~~ or Title 15, section 3103,
24 subsection 1, paragraph F. The periods of suspension are
25 intended to be minimum periods of suspension and the
26 Secretary of State may suspend the license for the
27 additional periods as provided in section 1312-D, subsection
28 1-A.
29

30 **Sec. 35. 29 MRSA §2453, sub-§2**, as repealed and replaced by PL
31 1987, c. 485, §20, is amended to read:
32

33 2. **Renewal application.** The Secretary of State, after a
34 thorough investigation, shall act upon an application for renewal
35 of a ~~motor-vehicle-dealer's~~ recycler's or scrap processor's
36 license within 90 days after receipt of the application, by
37 renewing that license or refusing to grant the license. If the
38 Secretary of State refuses to renew a recycler's or scrap
39 processor's license, notice shall be given to that applicant that
40 an opportunity for hearing before the Secretary of State or his
41 the Secretary of State's deputy shall be provided upon request to
42 show cause why that renewal should be issued.
43

44 **Sec. 36. 30 MRSA §5058**, as amended by PL 1989, c. 13, is
45 repealed.
46

47 **Sec. 37. 32 MRSA §1602, sub-§2**, as amended by PL 1989, c. 162,
48 §4, is further amended to read:
49

H. 013.

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 2. Rules. The board may adopt rules commensurate with the
2 authority vested in it by this chapter, subject to the Maine
3 Administrative Procedure Act, Title 5, chapter 375, and subject
4 to the approval of the Commissioner of Human Services.

5
6 The rules shall include, but not be limited to, rules concerning
7 the proper use of appliances, apparatus and electrical machines
8 used in any establishment for or in connection with the practice
9 of cosmetology, and prescribing the sanitary requirements to be
10 observed by proprietors of beauty shops and by persons engaged in
11 this practice and shall make regulations not contrary to law
12 relative to the applications for licenses and certificates of
13 registration. The rules shall also include reasonable
14 requirements, including sanitary standards, to govern the
15 practice of ~~barbering~~ cosmetology by persons outside of licensed
16 shops, as authorized by section 1552, subsection 2. The board
17 shall cause these rules to be printed in suitable form and a copy
18 thereof to be sent to the proprietors of those shops, which copy
19 shall be kept posted in a conspicuous place in those shops so as
20 to be easily read by customers.

21
22 A copy of all rules which are adopted by vote of the board and
23 which are approved by the Commissioner of Human Services shall be
24 sent to all persons licensed under this chapter.

25 **Sec. 38. 32 MRSA §2001, 2nd ¶**, as repealed and replaced by PL
26 1983, c. 413, §103, is amended to read:

27
28 Appointments shall be for 5-year terms, except that no more
29 than one appointed member's term may expire in any one calendar
30 year and appointments for terms of less than 5 years may be made
31 in order to comply with this limitation. No appointed member may
32 be eligible to serve more than 2 full consecutive terms, provided
33 that for this purpose only a period actually served which exceeds
34 1/2 of the 5-year term shall be deemed a full term. Upon
35 expiration of a member's term, ~~he~~ the member shall serve until
36 ~~his~~ a successor is qualified and appointed. The successor's term
37 shall be 5 years from the date of ~~his~~ appointment. Any vacancy
38 ~~ensuing~~ occurring prior to the expiration of the specified
39 term shall be filled by appointment for the unexpired term. A
40 board member may be removed by the Governor for cause.

41
42 **Sec. 39. 32 MRSA §13225, sub-§1, ¶D**, as enacted by PL 1987, c.
43 395, Pt. A, §212, is amended to read:

44 D. Files the bond required or otherwise complies with
45 section ~~4125~~ 13226;

46
47 **Sec. 40. 33 MRSA §601, 2nd ¶**, as amended by PL 1981, c. 698,
48 §166, is further amended to read:

49
50
51

1 Vacancies shall be filled for the unexpired term by election
as provided for in section 602 at the next ~~November~~ general
3 election, as defined in Title 21-A, section 1, subsection 19,
after their occurrence. In the meantime, the Governor may fill
5 vacancies by appointment, and the person so appointed shall hold
his office until the first day of January, next after the
7 election ~~last-mentioned~~. Until a vacancy is filled by appointment
by the Governor, the deputy register shall serve as acting
9 register as provided in section 605.

11 **Sec. 41. 33 MRSA §609, is amended to read:**

13 **§609. Successors may complete records and grant certificates**

15 ~~Such clerk as referred to in section 607, or his substitute,~~
~~or the~~ The newly appointed or elected register or any successor
17 within 5 years after the original vacancy occurred shall
complete, compare and certify any unfinished record or
19 certificate required by law and make all requisite certificates
upon deeds and other papers recorded, which ~~his~~ the removed
21 predecessor should have done if such records and certificates had
been completed by ~~him~~ the predecessor, which certificates shall
23 be as effectual in law as if made by ~~his~~ the predecessor; for
doing this, the minutes made by ~~his~~ the predecessor upon such
25 deeds or other papers and the entries made by ~~him~~ the predecessor
in the books required to be kept for such purposes shall be
27 sufficient authority. If payment for such services has been made
to ~~his~~ the predecessor, ~~he~~ the newly appointed or elected
29 register or any successor shall be paid for them out of the
county treasury, and the former register and ~~his~~ the former
31 register's sureties shall refund such payments to the county
treasury, to be recovered by a civil action upon ~~his~~ the former
33 register's official bond.

35 **Sec. 42. 33 MRSA §1660, sub-§2, as enacted by PL 1987, c. 734,**
37 **§2, is amended to read:**

39 2. **Transfer instrument.** An instrument in the following
form satisfies the requirements of subsection 1, paragraph A,
subparagraph (1); and subsection 1, paragraph G, ~~subparagraph (1):~~

41 **TRANSFER UNDER THE MAINE UNIFORM TRANSFERS**
43 **TO MINORS ACT**

45 I,.....(name of transferor or name and
47 representative capacity if a fiduciary) hereby transfer
to.....(name of custodian), as custodian
49 for.....(name of minor) under the Maine Uniform
Transfers to Minors Act, the following: (insert a description of
51 the custodial property sufficient to identify it).

1 Dated:
.....

3 (Signature)

5(name of custodian) acknowledges receipt of
7 the property described above as custodian for the minor name
above under the Maine Uniform Transfers to Minors Act.

9 Dated:
.....

11 (Signature of Custodian)

13 **Sec. 43. 33 MRSA §1869, sub-§§1 to 3, as enacted by PL 1987, c.**
15 **691, §4, are amended to read:**

17 **1. Agreements within 24 months.** All agreements to pay
19 compensation to recover or assist in the recovery of property
reported under section 1851 made 24 months or less after the date
payment or delivery is made under section 1853, are unenforceable.

21 **2. Agreements within 24 to 36 months.** Agreements to pay
23 compensation to recover or assist in the recovery of property
reported under section 1851, made more than 24 months, but less
25 than 36 months after the date payment or delivery is made under
section 1853, may not exceed 15%.

27 **3. Agreements after 36 months.** Agreements to pay
29 compensation to recover or assist in the recovery of property
reported under section 1851 made 36 months or more after the date
31 payment or delivery is made under section 1853 may exceed 15% if
the agreement:

- 33 A. Is in writing and signed by the owner;
- 35 B. Discloses the nature and value of the property; and
- 37 C. Discloses the name and address of the holder and the
39 administrator.

41 **Sec. 44. 34-B MRSA §1214, as enacted by PL 1987, c. 181, §§1**
43 **and 2, and c. 831, §2, is repealed and the following enacted in**
45 **its place:**

§1214. Committee for the Interdepartmental Coordination of
Services to Children and Families

47 **1. Establishment.** The Committee for the Interdepartmental
49 **Coordination of Services to Children and Families is established.**

51 **2. Purpose.** It is the intent of the Legislature to
encourage the coordination of policies and programs for Maine
children and families.

1
3 3. Membership. The committee shall be composed of 4
5 members: The Commissioner of Corrections; Commissioner of
7 Educational and Cultural Services; Commissioner of Human
9 Services; and Commissioner of Mental Health and Mental
11 Retardation.

13 4. Goals of the committee. The goals of the committee
15 shall be:

17 A. To encourage a statewide system of coordinated services,
19 which are responsive to the current needs of children and
21 families and which are delivered by a partnership of public,
23 private and nonprofit state level and community based
25 agencies, and to promote access to services by all children
27 and their families who are in need of these services;

29 B. To evaluate on a continuing basis the allocation of
31 resources to ensure the availability of quality services
33 delivered in a coordinated and efficient manner that is
35 consistent with the needs of children and families; and

37 C. To continue the development of a comprehensive and
39 coordinated approach to initiation and revision of policy
41 affecting services to children and families.

43 5. Meetings. The committee shall meet on a regular basis.

45 6. Chair. The committee shall select a chair from among
47 the 4 commissioners and the chair shall serve for a term
49 established by the committee.

51 7. Subcommittees. The committee may appoint subcommittees
to carry out its work. Subcommittee membership may include
representatives of public and private agencies which serve youth
and families and other persons with special knowledge of,
responsibility for or interest in an area related to the goals of
the committee.

8. Report. The committee shall report annually to the
Legislature on its progress in meeting the goals cited in
subsection 4 and its proposals for implementing these same goals
in the forthcoming year.

9. Administration. The costs associated with the committee
shall be shared among the members of the committee. Nothing in
this section may be construed to prohibit a member department
from assigning its employees to serve as staff to the committee.
The Department of Mental Health and Mental Retardation shall
serve as fiscal agent for the committee.

P. of S.

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 10. Authorization to accept funds. The Department of
2 Mental Health and Mental Retardation may accept, on behalf of the
3 committee, funds from the Federal Government, from any political
4 subdivision of the State or from any individual, foundation or
5 corporation and may expend these funds for purposes which are
6 consistent with this section.

7 Sec. 45. 34-B MRSA §1215 is enacted to read:

9 §1215. Interim assistance payments

11 The department shall establish and maintain a nonlapsing
12 revolving fund to provide interim assistance payments to
13 Supplemental Security Income recipients:

14 1. Benefits for hospitalization. Whose benefits have been
15 terminated while they were hospitalized and who are reapplying
16 for benefits because of their release from the hospital; or

17 2. Benefits when no longer able to work. Whose benefits
18 have been terminated because they returned to work and who are
19 reapplying for benefits because they have suffered a relapse and
20 are no longer able to work.

21 These benefits shall be provided until their Supplemental
22 Security Income application has been acted on. The fund shall be
23 reimbursed, pursuant to Title 22, section 3174-E, for interim
24 assistance payments made under this section.

25 Sec. 46. 36 MRSA §1760, sub-§65, as enacted by PL 1989, c. 28
26 and c. 130, is repealed and the following enacted in its place:

27 65. Sales to monasteries and convents. Sales of items for
28 use in the operation and maintenance of an incorporated nonprofit
29 monastery or convent. For the purpose of this subsection,
30 "monastery" and "convent" means the dwelling place of a community
31 of religious persons.

32 Sec. 47. 36 MRSA §1760, sub-§66 is enacted to read:

33 66. Incorporated nonprofit providers of certain support
34 systems for single-parent families. Sales to incorporated
35 nonprofit organizations engaged primarily in providing support
36 systems for single-parent families for the development of
37 psychological and economic self-sufficiency.

38 Sec. 48. 36 MRSA §2524, sub-§1, as enacted by PL 1987, c. 343,
39 §8, is amended to read:

40 1. Credit allowed. A taxpayer under this chapter
41 constituting an employing unit is allowed a credit against the

1 tax imposed by this section ~~chapter~~ for each taxable year equal
2 to the lowest of:

3

A. Five thousand dollars;

5

7 B. Twenty percent of the costs incurred by the taxpayer in
8 providing day care service for children of employees of the
9 taxpayer; or

9

11 C. One hundred dollars for each child of an employee of the
12 taxpayer enrolled on a full-time basis, or each full-time
13 equivalent, throughout the taxable year in day care service
14 provided by the taxpayer or in the first year that the
15 taxpayer provides day care services, for each child enrolled
16 on a full-time basis, or each full-time equivalent, on the
17 last day of the year.

17

19 **Sec. 49. 38 MRSA §423**, as amended by PL 1979, c. 444, §10, is
20 further amended to read:

19

21 **§423. Discharge of waste from watercraft**

21

23 No person, firm, corporation or other legal entity shall ~~may~~
24 discharge, spill or permit to be discharged sewage, garbage or
25 other pollutants from watercraft, as defined in Title 12, section
26 ~~2061 7791~~, subsection ~~17 14~~, and including houseboats, into
27 inland waters of this State, or on the ice thereof, or on the
28 banks thereof in such a manner that the same may fall or be
29 washed into such waters, or in such manner that the drainage
30 therefrom may flow into such waters.

31

33 Any watercraft, as defined in Title 12, section ~~2061 7791~~,
34 subsection ~~17 14~~, including houseboats, operated upon the inland
35 waters of this State and having a permanently installed sanitary
36 waste disposal system shall have securely affixed to the interior
37 discharge opening of such sanitary waste disposal system a
38 holding tank or suitable container for holding sanitary waste
39 material so as to prevent its discharge or drainage into the
40 inland waters of the State.

39

41 **Sec. 50. 38 MRSA §484, sub-§2**, as repealed and replaced by PL
42 1987, c. 760, §1, and c. 812, §§10 and 18, is repealed and the
43 following enacted in its place:

43

45 2. Traffic movement. The developer has made adequate
46 provision for traffic movement of all types into, out of or
47 within the development area. The board shall consider traffic
48 movement both on-site and off-site. Before issuing a permit, the
49 board shall determine that any traffic increase attributable to
50 the proposed development will not result in unreasonable
51 congestion or unsafe conditions on a road in the vicinity of the
proposed development;

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

Sec. 51. 38 MRSa §1319-T, sub-§1, as amended by PL 1987, c. 545, is further amended to read:

1. Penalty provisions. Any person is guilty of a Class C crime and may be punished accordingly if that person, with respect to any substance or material which has been identified as hazardous waste by the board and which such person believes may be harmful to human health or knows or has reason to know has been so identified, knowingly:

A. Transports any such substance or material without, in fact, having a proper license or permit as may be required under this subchapter;

B. Transports any such substance or material to a waste facility knowing or consciously disregarding a risk that such facility does not have a proper license or permit as may be required under this subchapter;

C. Handles any such substance or material without, in fact, having obtained a proper license or permit to do so as may be required under this subchapter; or

D. Handles any such substance or material at any location knowing or consciously disregarding a risk that such location does not have a proper license or permit as may be required under this subchapter for such treatment, storage or disposal.

Notwithstanding Title 17-A, section 1301, subsection 1, paragraph A-1, or subsection 3, paragraph G D, the fine for such violation shall not exceed \$50,000 for each day of such violation. In a prosecution under paragraph B or paragraph D, the conscious disregard of the risk, when viewed in light of the nature and purpose of the person's conduct and the circumstances known to him the person, must involve a gross deviation from the standard of conduct that a reasonable and prudent person would observe in the same situation.

Sec. 52. 38 MRSa §1451, sub-§17, ¶B, as enacted by PL 1983, c. 381, §9, is amended to read:

B. Activities, whether in the laboratory or in the field, undertaken to establish the geologic condition and the ranges of the parameters of a candidate site relevant to the location of a repository, including borings, surface excavations, excavations of exploratory shafts, limited subsurface lateral excavations and borings, and in site situ testing needed to evaluate the suitability of a candidate site for the location of a repository, but not including

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 preliminary borings and geophysical testing needed to assess
2 whether site characterization should be undertaken.

3 Sec. 53. PL 1981, c. 456, Pt. A, §127, sub-§2 is amended to read:
4

5 2. Justice of the peace. Whoever is a justice of the peace
6 on July 1, 1981, shall continue after July 1st until the
7 expiration of his term, and may have his commission renewed for
8 one additional 7-year term, except that he shall be a notary
9 public as provided in this Act. ~~All subsequent renewals of
10 justice of the peace commissions shall be made under Title 5,
11 section 82.~~

12 Sec. 54. PL 1981, c. 456, Pt. A, §128 is repealed.
13

14 Sec. 55. P&SL 1985, c. 40, §1, first 3 lines are repealed and the
15 following enacted in their place:
16

17 Sec. 1. P&SL 1887, c. 107, §1, as amended by PL 1913, c. 185,
18 §1, is amended by adding at the end the following:
19

20 Sec. 56. P&SL 1985, c. 40, §2, first 3 lines are repealed and the
21 following enacted in their place:
22

23 Sec. 2. P&SL 1887, c. 107, §2, as amended by PL 1913, c. 185,
24 §2, is repealed and the following enacted in its place:
25

26 Sec. 57. PL 1987, c. 256, §24 is repealed.
27

28 Sec. 58. PL 1987, c. 342, §86 is repealed and the following
29 enacted in its place:
30

31 Sec. 86. 28-A MRSA §1062, sub-§3, as enacted by PL 1987, c.
32 45, Pt. A, §4, is amended to read:
33

34 3. Income from sale of food requirement. Except as
35 provided in paragraph B, at least 10% of the total gross annual
36 income must be from the sale of food for both year-round and
37 part-time restaurants.
38

39 A. The commission may not renew any license for the sale of
40 wine or malt liquor unless the licensee furnishes proof to
41 the commission that the previous year's business conformed
42 to the income requirement of this subsection.
43

44 B. Income from the bowling business in bowling alleys must
45 not be included in the income requirement of this section.
46

47 Sec. 59. PL 1987, c. 402, Pt. B, §29, first 2 lines are repealed and
48 the following enacted in their place:
49

50
51

N. O. S.

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 Sec. 29. PL 1987, c. 180, §7, 7th and 8th lines are amended to read:

3 Sec. 60. PL 1987, c. 491, §19 is repealed and the following is
5 enacted in its place:

7 Sec. 19. 38 MRSA §569, sub-§3-A is enacted to read:

9 3-A. Determination of disputed 3rd-party damage claims. The
11 commissioner shall establish a claims processing capability
13 within the department to hear and determine claims filed under
15 this subchapter which are not agreed upon by the claimant and the
17 board.

19 A. An independent hearing examiner appointed by the
21 commissioner shall hear and determine any disputed 3rd-party
23 damage claims.

25 B. To the extent practical, all claims arising from or
27 related to a common discharge shall be heard and determined
29 by the same hearing examiner.

31 C. Hearings before the hearing examiner shall be informal
33 and the rules of evidence prevailing on judicial proceedings
35 shall not be binding. The hearing examiner may administer
37 oaths and require by subpoena the attendance and testimony
39 of witnesses, the production of books, records and other
41 evidence relative or pertinent to the issues presented to
43 the hearing examiner for determination.

45 D. Determinations made by the hearing examiner shall be
47 final and those determinations may be subject to review by a
49 Justice of the Superior Court, but only as to matters
relating to abuse of discretion by the hearing examiner. A
claimant seeking review of a hearing examiner determination
shall file an appeal in the Superior Court within 30 days of
the determination.

E. The commissioner shall certify the amount of the damage
award, if any, after determination by the hearing examiner,
and shall certify the name of the claimant to the Treasurer
of State, unless the commissioner has determined that the
claimant is a responsible party, in which case certification
shall be withheld until all claims that the department has
against the responsible party with respect to the discharge
have been satisfied.

Sec. 61. PL 1987, c. 504, §32 is amended by striking out that
part designated §5219 and inserting in its place the following:

§5219. Income tax credit for installation of renewable

1 energy systems

3 A taxpayer who purchases and installs an active solar
5 system, a passive solar system, a photovoltaic system or a wind
7 energy system or components for any of these systems in this
9 State shall be allowed a credit against the tax otherwise due
11 under this Part equal to 20% of the purchase price of the system,
13 including sales tax, or \$100, whichever is less. The credit is
15 allowable against taxes due only for the year in which
installation is completed and only for the initial purchase of
new equipment. No more than one taxpayer may claim the credit
for any installation. In no case may this credit be claimed more
than once by any taxpayer and in no case may this credit reduce
the state income tax to less than zero. This section shall remain
in effect until January 1, 1989.

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

21 A. An "active solar system" means an assembly of a
23 collector, thermal device and transfer medium which converts
25 solar energy into thermal energy and in which mechanical
27 energy is used to accomplish the transfer of thermal
29 energy. Active solar systems include, but are not limited
to, solar hot water systems and solar space heating panels
that use a fan or pump to circulate the transfer medium.
Qualifying systems or components do not include sunspaces or
heat pumps.

31 B. A "passive solar system" means an assembly of a
33 collector, thermal device and transfer medium which converts
35 solar energy into thermal energy in a controlled manner and
37 in which no fans or pumps are used to accomplish the
39 transfer of the thermal energy. Passive solar systems
41 include, but are not limited to, Trombe walls and
43 thermosiphoning air panels. Qualifying components include,
but are not limited to, phase change materials and water
storage tubes. The following solar-related items do not
qualify as a passive solar system or component: Glazing;
windows and movable insulation; skylights; solar ponds;
swimming pool covers; and masonry walls and floors.

45 C. "Photovoltaic system" means an array of solar cells
47 which convert sunshine directly into electric current. The
system may include batteries that store the electricity.

49 D. A "wind energy system" includes any machine which
51 converts available wind energy into electrical output form.
A wind energy system has 4 subsystems:

(1) A rotor;

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

(2) Power processing components;

(3) Tower; and

(4) Control components.

Sec. 62. PL 1987, c. 530, §5 is amended to read:

Sec. 5. Transitional provisions. In order to provide money for the timely commencement of the work of the authority and additional regulatory responsibilities of the Department of Environmental Protection, there shall be imposed an immediate assessment of up to \$300,000 levied proportionally on all generators as provided in the Maine Revised Statutes, Title 5 38, section 1454, on the amount of their waste generated in calendar year 1986. The fees assessed under this section shall be paid within 30 days of the effective date of this Act and notwithstanding the cap established in Title 38, section 1454, deposited in the Radioactive Waste Evaluation Fund established pursuant to that section. The amount of \$200,000 shall be transferred without repayment from the Radioactive Waste Evaluation Fund to the Low-level Radioactive Waste Facility Fund established pursuant to Title 38, section 1534 to pay for operational costs incurred by the authority in fiscal year 1987-88.

The portion of the \$6,312.49 in milestone incentive payments from the United States Department of Energy in account number 3536.1 which remains in that account on the effective date of this Act is transferred to the Low-level Radioactive Waste Facility Fund for use in accordance with the restrictions on the use of those funds in the United State Low-level Radioactive Waste Policy Amendments Act of 1985, Public Law 99-240.

Sec. 63. PL 1987, c. 547, §3 is enacted to read:

Sec. 3. Sunset. This Act is repealed on September 30, 1992.

Sec. 64. PL 1987, c. 559, Pt. B, §23 is repealed and the following enacted in its place:

Sec. 23. 39 MRSA §53-A, as amended by PL 1987, c. 156, §1, is repealed.

Sec. 65. PL 1987, c. 580, §2, first line is repealed and the following enacted in its place:

Sec. 2. PL 1987, c. 542, Pt. A, §2 is amended to read:

Sec. 66. PL 1987, c. 652, §4 is amended to read:

1 4. Application. This new--draft Act shall apply to all
3 members retiring after September 30, 1985, and to the
5 determination of spousal benefits in a case where a member
retired prior to September 30, 1985, but dies after September 30,
1985.

7 Sec. 67. PL 1987, c. 674, §1, first 3 lines are repealed and the
9 following enacted in their place:

11 Sec. 1. 38 MRSA §321, as amended by PL 1973, c. 460, §19, is
13 further amended by adding at the end 2 new paragraphs to read:

15 Sec. 68. PL 1987, c. 679, §3 is enacted to read:

17 Sec. 3. Sunset. Section 1 of this Act is repealed on
19 September 30, 1992.

21 Sec. 69. PL 1987, c. 769, Pt. A, §74, 2nd and 3rd lines are repealed
23 and the following enacted in their place:

25 §1686-A. Eating establishments that permit consumption of
27 alcoholic beverages

29 Sec. 70. PL 1987, c. 770, §10, first 2 lines are repealed and the
31 following enacted in their place:

33 Sec. 10. 32 MRSA c. 114, sub-c. VI is enacted to read:

35 Sec. 71. PL 1987, c. 772, §35, first 2 lines are repealed and the
37 following enacted in their place:

39 Sec. 35. 36 MRSA §§4433 to 4436 are enacted to read:

41 Sec. 72. PL 1987, c. 816, Pt. J is repealed and the following is
43 enacted in its place:

45 Sec. 1. PL 1987, c. 349, Pt. C, §1, under the caption "FINANCE,
47 DEPARTMENT OF" under the heading "Rainy Day Fund Program," is
49 amended to read:

	<u>1987-88</u>	<u>1988-89</u>
43 Rainy Day Fund Program		
45 Unallocated	(\$ 9,471,785)	\$31,000,000
		<u>\$23,000,000</u>

47 Provides funds in support of
49 implementation of
51 recommendations of the School
Funding Task Force.

R. of S.

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

Sec. 1. 5 MRSA c. 383, sub-c. III, art. II, first line, is repealed and the following enacted in its place:

ARTICLE 2

COMMUNITY INDUSTRIAL BUILDING AUTHORITY

Sec. 2. 8 MRSA §502, 2nd ¶, as amended by PL 1987, c. 737, Pt. C, §§13 and 106, and PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

No traveling circus, traveling amusement show or amusement device may operate or exhibit any parade, show or entertainment in this State without first paying a license fee for each calendar year. Application for the license shall be made to the Commissioner of Public Safety and shall contain the name of the person or corporation using or operating the traveling circus, traveling amusement show or amusement device, and a statement of proposed territory within the limits of the State, and names of the cities and towns in which the traveling circus, traveling amusement show or amusement device is to operate or exhibit. No traveling circus or traveling amusement show or amusement device may exhibit any parade, show or entertainment in this State without first furnishing the Commissioner of Public Safety, in an amount to be determined by him ~~the commissioner~~, a certificate of public liability insurance issued by an authorized insurer or approved surplus lines insurer pursuant to Title 24-A or any risk retention group ~~licensed registered~~ in any state pursuant to the United States Code, Title 15, Chapter 65, or through a purchasing group ~~licensed registered~~ in any state pursuant to the United States Code, Title 15, Chapter 65. Upon receipt of the application, accompanied by a certificate of public liability insurance and upon payment of the required fee, a license shall be issued. For amusement shows, carnivals, thrill shows, ice shows, rodeos or similar types of performances which are held indoors or outdoors the fee shall be \$250. For circuses which are held outdoors or under tents or similar temporary cover or enclosure the fee shall be \$500. For circuses held indoors in an auditorium, arena, civic center or similar type building the fee shall be \$250. For circuses produced in their entirety by a nonprofit, charitable organization a license is required but no fee may be charged. The amusement device license fee shall be \$25 per amusement device. A traveling amusement show, having amusement devices and having secured a traveling amusement show license, shall pay an additional amusement device license fee for each amusement device over 8 rides. "Amusement device" means a device by which a person is conveyed, where control by the rider over the speed or direction of travel is incomplete. It does not include a vehicle or device, the operation of which is regulated as to safety by any other provision of law, except a municipal ordinance under Title 30-A, section 3001, or any coin-operated

R. of J

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 kiddie amusement device on a nonmoving base which is designed to
accommodate one child.

3
5 Sec. 3. 10 MRSA §969-A, sub-§10, as enacted by PL 1985, c.
344, §17, is amended to read:

7 10. Employees. Employ persons, including private legal
9 counsel and financial experts, on either a temporary or permanent
11 basis, in order to carry out any of its powers and duties. The
13 authority shall obtain fidelity insurance coverage on behalf of
15 its full-time employees. Employees of the authority shall not be
17 subject to Title 5, chapters 57-~~and~~ 71 and 372. The members of
the authority may by rulemaking pursuant to Title 5, chapter 375,
subchapter II, delegate powers and duties of the authority to
employees of the authority and each employee is fully authorized
to act in the name and on behalf of the authority pursuant to any
delegation;

19 Sec. 4. 12 MRSA §602, sub-§17, as enacted by PL 1981, c. 505,
21 §2, is repealed.

23 Sec. 5. 17-A MRSA §107, sub-§2, ~~¶B~~, as enacted by PL 1975, c.
740, §29, is repealed and the following enacted in its place:

25 B. To effect an arrest or prevent the escape from arrest of
27 a person when the law enforcement officer reasonably
29 believes that the person has committed a crime involving the
31 use or threatened use of deadly force, is using a dangerous
33 weapon in attempting to escape or otherwise indicates that
the person is likely to endanger seriously human life or to
inflict serious bodily injury unless apprehended without
delay; and

35 (1) The law enforcement officer has made reasonable
37 efforts to advise the person that the officer is a law
39 enforcement officer attempting to effect an arrest or
prevent the escape from arrest and the officer has
reasonable grounds to believe that the person is aware
of this advice; or

41 (2) The law enforcement officer reasonably believes
43 that the person to be arrested otherwise knows that the
45 officer is a law enforcement officer attempting to
effect an arrest or prevent the escape from arrest.

47 For purposes of this paragraph, "a reasonable belief that
49 another has committed a crime involving use or threatened
51 use of deadly force" means such reasonable belief in facts,
circumstances and the law which, if true, would constitute
such an offense by that person. If the facts and
circumstances reasonably believed would not constitute such
an offense, an erroneous but reasonable belief that the law

1 is otherwise justifies the use of deadly force to make an
2 arrest or prevent an escape.

3
4 Sec. 6. 17-A MRSA §107, sub-§4, ¶B, as repealed and replaced by
5 PL 1975, c. 740, §30, is amended to read;

6
7 B. Deadly force only when he the person reasonably believes
8 such force is necessary:

9
10 (1) To defend himself the person or a 3rd person from
11 what he the private citizen reasonably believes to be
12 the imminent use of deadly force; or

13
14 (2) To effect a lawful arrest or prevent the escape
15 from such arrest of a person who in fact;

16
17 (a) has Has committed a crime involving the use
18 or threatened use of deadly force, or is using a
19 deadly dangerous weapon in attempting to escape;
20 and

21
22 (b) the The private citizen has made reasonable
23 efforts to advise the person that he the citizen
24 is a private citizen attempting to effect an
25 arrest or prevent the escape from arrest and has
26 reasonable grounds to believe the person is aware
27 of this advice or he the citizen reasonably
28 believes that the person to be arrested otherwise
29 knows that he the citizen is a private citizen
30 attempting to effect an arrest or prevent the
31 escape from arrest.

32 Sec. 7. 20-A MRSA §15607, sub-§12, as enacted by PL 1987, c.
33 850, §§3 and 5, is amended to read:

34
35 12. Appropriation for special education tuition and costs
36 for out-of-district placements. Appropriate the necessary funds
37 for special education tuition under section 15612, subsection 10
38 11.

39
40 Sec. 8. Effective date. Part C, section 7 of this Act shall
41 take effect July 1, 1989.

42
43 Sec. 9. 26 MRSA §563, sub-§3, as amended by PL 1975, c. 717,
44 §2, is further amended to read:

45
46 3. Bureau. "Bureau" means the Bureau of Labor Standards.

47
48 Sec. 10. 26 MRSA §563, sub-§4, as amended by PL 1975, c. 717,
49 §3, is further amended to read:

1 4. Director. "Director" means the Director of the Bureau
of Labor Standards.

3
5 Sec. 11. 29 MRSA §252-A, as repealed and replaced by PL 1987,
c. 769, Pt. A, §115, is repealed and the following enacted in its
place:

7 §252-A. Disabled veterans; special license plates

9
11 The Secretary of State on application and upon evidence of
12 payment of the excise tax required by Title 36, section 1482,
13 shall issue a registration certificate and set of special
14 designating plates to be used in lieu of regular registration
15 plates to any 100% disabled veteran when that application is
16 accompanied by certification from the United States Veterans
17 Administration as to the veteran's disability and receipt of 100%
18 service-connected benefits and that the veteran is permanently
19 confined to a wheelchair or restricted to the use of crutches or
20 braces or otherwise handicapped in such a way that mobility is
21 seriously restricted.

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

25 Sec. 12. 30-A MRSA §7503, as enacted by PL 1987, c. 737, Pt.
A, §2, and Pt. C, §106, and as amended by PL 1989, c. 6; c. 9,
27 §2; and c. 104, Pt. C, §§8 and 10, is repealed and the following
enacted in its place:

29 §7503. Budget

31
33 1. Procedure. Before November 7th of each year, the county
34 commissioners of each county shall provide to the members of the
35 county legislative delegation a preliminary budget for the
36 services to be provided under this chapter to the unorganized
37 territory in the next year. These preliminary budgets shall be
38 provided in a form that shows how the funds are to be spent for
39 each category of service identified in section 7501 and any
40 projected surplus for the year of unorganized territory funds
41 held by the county. The county commissioners shall provide an
42 opportunity for public comment on the preliminary budget at the
43 same time as a public hearing is held on the county budget, as
44 provided under Part 1, chapter 3, subchapter I.

45 The budget for the unorganized territory shall be finalized at
46 the same time as the regular county budget. A copy of the
47 finalized budget and an accurate identification of any surplus
48 which can be used to reduce the amount needed to be collected in
49 taxes shall be submitted to the State Tax Assessor and to the
50 fiscal administrator of the unorganized territory by January 1st
51 of each year.

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

Sec. 2. Effective date. Part D, section 1 of this Act which repeals and replaces the Maine Revised Statutes, Title 5, section 1513, subsection 4, shall take effect on July 2, 1988, and is retroactive to that date.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except as otherwise indicated.'

STATEMENT OF FACT

PART A

Part A makes the following changes.

Section 1 corrects a statutory reference.

Section 2 removes a conflict created by 2 public laws amending the same subsection and incorporates changes made by both laws.

Section 3 resolves a conflict created by 3 public laws amending the same subsection and incorporates provisions of all 3 laws.

Section 4 corrects 2 statutory references.

Section 5 corrects 2 statutory references.

Section 6 corrects a numbering error where 2 bills enacted law with the same subsection number designation.

Section 7 corrects a numbering error where 2 bills enacted law with the same subsection number designation.

Section 8 corrects a technical error.

Section 9 resolves a conflict created by 2 public laws which amended the same subsection and incorporates changes made by both laws.

Section 10 corrects a statutory reference.

Section 11 corrects a reference to a repealed Title.

Section 12 corrects a statutory reference.

Sections 13 and 14 resolve a conflict between 2 public laws affecting the same subsection and incorporate changes made by both laws.

R.U.S.
COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

Section 15 corrects a technical error.

Section 16 corrects a statutory reference.

Sections 17 and 18 resolve a conflict created by 2 public laws affecting the same subsection and incorporate changes made by both laws.

Section 19 corrects an inconsistency between the Maine Revised Statutes, Title 5, section 1892, subsection 1, paragraph L and Title 10, section 972.

Section 20 corrects a technical error.

Section 21 resolves a conflict between 2 public laws; one making substantive change to the Maine Revised Statutes, Title 5, section 3305, subsection 1, paragraph D and one making a cross-reference correction, using the former version.

Section 22 corrects technical errors for consistency in using the term AIDS and also corrects an erroneous reference to Title 5, section 12004.

Sections 23 and 24 correct technical errors.

Section 25 corrects an error in the numbering of chapters.

Section 26 resolves a conflict created by 2 public laws affecting the same section. This provision is now located in Title 38, section 1474.

Section 27 resolves a conflict created by the errors bill and the substantive bill, both amending the same subsection, and uses the substantive bill version.

Section 28 corrects a technical error.

Section 29 corrects a cross-reference to a repealed section.

Section 30 corrects a technical error.

Section 31 resolves a conflict by combining provisions of 2 laws.

Section 32 corrects an erroneous statutory reference.

Sections 33 and 34 combine provisions of 2 public laws amending the same section.

Section 35 repeals Title 12, section 6022, subsection 13 which required the Commissioner of Marine Resources to provide

1. 01/24

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 information to the Department of Transportation for publication
of the official state map, as the Department of Transportation no
3 longer publishes a state map.

5 Section 36 repeals Title 12, section 7034, subsection 9
which required the Commissioner of Inland Fisheries and Wildlife
7 to provide information to the Department of Transportation for
publication of the official state map, as the department no
9 longer publishes a state map.

11 Section 37 corrects a reference to a repealed section.

13 Section 38 corrects a technical error.

15 Section 39 resolves a conflict created as a result of the
new Maine Bail Code, Title 15, chapter 105-A.

17 Section 40 clarifies a statutory reference.

19 Section 41 corrects a reference to a repealed section.

21 Section 42 corrects a statutory cross-reference.

23 Section 43 corrects an erroneous cross-reference.

25 Section 44 establishes an effective date.

27 Section 45 corrects a reference to a repealed section.

29 Section 46 corrects a cross-reference to a repealed
31 subsection.

33 Section 47 corrects references to repealed sections.

35 Section 48 corrects a cross-reference to a repealed
37 subsection.

39 Section 49 makes a technical correction.

41 Section 50 corrects a reference to a repealed section.

43 Section 51 corrects a reference to a repealed Title.

45 Section 52 corrects a reference to a repealed Title.

47 Section 53 corrects a reference to a repealed section.

49 Section 54 correctly places a section in a reallocated
chapter of law.

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 Section 55 correctly places a section in a reallocated
chapter of law.

3 Section 56 corrects a cross-reference error.

5 Section 57 corrects a technical error.

7 Section 58 corrects a technical error.

9 Section 59 corrects a technical error.

11 Section 60 corrects a technical error.

13 Section 61 corrects a technical error.

15 Section 62 removes a conflict created by the errors bill and
17 a substantive bill amending the same paragraph and uses the
substantive version.

19 Section 63 corrects a reference to a repealed section.

21 Section 64 corrects an erroneous reference.

23 Section 65 corrects a statutory reference.

25 Section 66 removes a reference to a repealed paragraph.

27 Section 67 corrects a technical error.

29 Section 68 corrects a technical error.

31 Section 69 corrects a statutory reference.

33 Sections 70 to 72 correct a numbering error.

35 Sections 73 and 74 correct an error in numbering of sections.

37 Section 75 corrects a technical error.

39 Sections 76 and 77 resolve a conflict created by 2 public
41 laws enacting the same paragraphs.

43 Section 78 removes a section numbering conflict.

45 Section 79 corrects a syntactical error.

47 Section 80 corrects a statutory reference.

49 Section 81 corrects 2 statutory references.

51 Sections 82 and 83 correct a statutory reference.

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

- 1 Section 84 corrects a statutory reference.
- 3 Section 85 corrects a statutory reference.
- 5 Section 86 corrects a statutory reference.
- 7 Section 87 corrects a technical error.
- 9 Section 88 corrects a grammatical error.
- 11 Section 89 resolves a conflict created by 2 public laws
affecting the same section and incorporates changes made by both.
- 13 Section 90 removes references to repealed sections.
- 15 Section 91 corrects a technical error.
- 17 Section 92 corrects a statutory reference.
- 19 Section 93 corrects an erroneous reference to the workers'
21 compensation laws.
- 23 Section 94 corrects a reference to workers' compensation
25 laws.
- 27 Section 95 corrects a reference to the workers' compensation
29 laws.
- 31 Section 96 corrects a reference to the workers' compensation
33 laws.
- 35 Sections 98 and 99 correct a reference to the workers'
37 compensation laws.
- 39 Section 100 resolves an inconsistency in terminology,
substituting a word used in the remainder of the chapter.
- 41 Section 101 corrects a reference to a repealed section.
- 43 Section 102 corrects references to a repealed section and
removes language referring to that section.
- 45 Section 103 corrects a technical error which had
47 inadvertently omitted the chapter number and heading.
- 49 Section 104 clarifies an ambiguity created in Public Law
51 1977, chapter 694.

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 Section 105 corrects a reference to the workers'
3 compensation laws and a reference to a state bureau and a
 reference to a repealed section.

5 Section 106 corrects a reference to a state bureau.

7 Section 107 corrects a reference to a state bureau.

9 Section 108 corrects a statutory reference.

11 Sections 109 and 110 remove a conflict created by 2 public
13 laws enacting the same subsection numbers.

15 Section 111 corrects a statutory reference.

17 Section 112 corrects a technical error.

19 Section 113 corrects a technical error.

21 Section 114 corrects a cross-reference to a repealed
 subsection.

23 Section 115 corrects a statutory reference.

25 Section 116 makes a technical change for consistency.

27 Section 117 corrects a definition. The original bill
29 containing the Uniform Transfers to Minors Act defined a minor as
31 someone under 21 years of age. The committee amendment changed
 this definition to someone under 18 years of age. The amendment
 failed to make the related change in the definition of "adult" in
 the Act.

33 Sections 118 and 119 correct technical errors.

35 Sections 120 and 121 resolve a conflict created by 2 public
37 laws using the same chapter and section numbers. The conflict is
39 not corrected in the usual manner by repealing and replacing
 because one public law enacted an extremely long chapter. That
 chapter is not repealed and replaced by this bill.

41 Section 122 corrects a technical error.

43 Section 123 corrects a technical error.

45 Section 124 corrects a technical error.

47 Section 125 corrects an error where a section was
49 unintentionally repeated.

51 Section 126 corrects statutory references.

5 of 4

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

- 1 Sections 127 and 128 correct technical errors.
- 3 Sections 129 and 130 resolve a conflict where 2 public laws
5 enacted the same subsection numbers.
- 7 Section 131 corrects an erroneous statutory reference and
9 changes the time period prescribed in Title 36, section 173 to
11 provide for consistency in the law.
- 13 Section 132 corrects a statutory reference.
- 15 Section 133 resolves a conflict where 2 public laws amended
17 the same section.
- 19 Sections 134 and 135 resolve a conflict where 2
21 substantially different provisions were assigned the same section
23 number.
- 25 Section 136 resolves a conflict where 2 public laws amended
27 the same section.
- 29 Section 137 corrects references to a repealed Title.
- 31 Section 138 corrects a reference to a repealed paragraph.
- 33 Section 139 corrects a reference to a repealed paragraph.
- 35 Section 140 corrects a technical error.
- 37 Section 141 corrects a technical error.
- 39 Section 142 repeals provisions which are now incorporated in
41 Title 38, section 480-N, as amended in this amendment.
- 43 Section 143 repeals a paragraph, the provisions of which are
45 now found in Title 38, section 438-A.
- 47 Section 144 resolves a conflict created by 2 public laws
49 affecting the same section. The substance of these provisions is
51 now found in Title 38, section 439-A.
- Sections 145 and 146 incorporate changes made to Title 38,
 section 390-A by Public Law 1987, c. 842 in Title 38, section
 480-N. Public Law 1987, c. 809, repealed Title 38, section 390-A
 and transferred its substance to Title 38, section 480-N.
- Section 147 corrects statutory references.
- Section 148 corrects a reference to workers' compensation
 laws.

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

- 1 Section 149 corrects references to a repealed section.
- 3 Sections 150 and 151 correct an alphabetical lettering error.
- 5 Section 152 corrects an error in the amending clause.
- 7 Section 153 corrects a subchapter numbering error.
- 9 Section 154 corrects a reference.
- 11 Section 155 is an effective date.
- 13 Section 156 corrects an error in the amending clause.
- 15 Section 157 corrects a technical error.
- 17 Section 158 corrects an error in the amending clause.
- 19 Section 159 corrects an error in Part designation.
- 21 Section 160 corrects a technical error.
- 23 Section 161 corrects an error in the amending clause.
- 25 Section 162 corrects a technical error.
- 27 Section 163 corrects an error in an amending clause.
- 29 Section 164 corrects a technical error.
- 31 Section 165 is an effective date.
- 33 Section 166 corrects an error in an amending clause.
- 35 Section 167 corrects a technical error.
- 37 Section 168 corrects an error in the amending clause.
- 39 **PART B**
- 41 Part B make the following changes.
- 43 Section 1 corrects a technical error.
- 45 Section 2 corrects an erroneous cross-reference.
- 47 Section 3 removes a conflict created by 2 public laws
affecting the same section by incorporating changes of both
49 sections.

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 Sections 4 and 6 resolve a conflict created by 2
substantively different provisions enacted with the same section
3 designation.

5 Section 5 sunsets the section as intended in its original
enactment.

7 Section 7 corrects an internal reference.

9 Section 8 deletes a reference to a repealed section which
11 referred to lands provided by Governor Baxter and inserts the
name "Baxter State Park," and makes technical corrections.

13 Section 9 corrects a technical error.

15 Section 10 corrects a statutory reference to a repealed
17 section and makes technical corrections.

19 Section 11 corrects a technical error.

21 Sections 12 and 13 remove a penalty provision pertaining to
sections previously repealed which are now in Title 38 as natural
23 resource protection laws.

25 Section 14 corrects a technical error.

27 Section 15 supplies missing headnotes.

29 Section 16 corrects an erroneous reference, and makes
technical corrections.

31 Section 17 replaces the reference to the now defunct Office
33 of Children's Services with its successor agency, the Bureau of
Children with Special Needs.

35 Section 18 resolves a conflict where 2 public laws enacted
37 the same statutory chapter number.

39 Sections 19 to 21 resolve a conflict created by 2 public
laws which enacted the same subsection number and retain the
41 intent of the effective date provision of Public Law 1987,
chapter 861, section 17.

43 Section 22 incorporates provisions of 2 public laws
45 affecting the same paragraph of law.

47 Section 23 clarifies a statutory cross-reference.

49 Section 24 incorporates changes made by 2 public laws
amending the same section.

51

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 Section 25 repeals a provision, making a technical
3 correction, the text of which is identical to Title 26, section
2107, as repealed and replaced by Public Law 1987, chapter 552,
section 6.

5 Sections 26 to 28 correct a paragraph designation error.

7 Sections 29 and 30 resolve a conflict where 2 public laws
9 enacted substantively different provisions with the same
subsection number.

11 Section 31 corrects a statutory reference.

13 Section 32 corrects references to a repealed section.

15 Section 33 corrects a reference to a repealed section.

17 Section 34 corrects references to a repealed section.

19 Section 35 corrects an inconsistency in the law.

21 Section 36 repeals an amendment to Title 30, the provisions
23 of which were included in Title 30-A by Public Law 1989, chapter
104, Part A, section 49.

25 Section 37 corrects a reference to the practice of
27 cosmetology.

29 Section 38 corrects a technical error.

31 Section 39 corrects a statutory cross-reference.

33 Section 40 clarifies that elections for registers of deeds
are held during the general election held every other November
35 rather than yearly.

37 Section 41 clarifies the law concerning completion of
records and granting certificates by removing the references to
39 clerks of court which are no longer elected.

41 Section 42 corrects a statutory cross-reference.

43 Section 43 supplies missing headnotes.

45 Sections 44 and 45 resolve a conflict where 2 public laws
enacted substantively different provisions with the same section
47 number.

49 Sections 46 and 47 resolve a conflict created by 2 public
laws enacting the same subsection.

51

COMMITTEE AMENDMENT "A" to S.P. 594, L.D. 1671

1 Section 48 corrects a technical error.

3 Section 49 corrects a reference to a repealed section and
5 makes a technical correction.

7 Section 50 resolves a technical conflict between 2 public
9 laws.

11 Section 51 corrects a reference to Class C crimes in the
13 criminal code.

15 Section 52 corrects a technical error.

17 Sections 53 and 54 repeal part of a transition in Public Law
19 1981, chapter 456, Part A, sections 127 and 128 to avoid a
21 potential conflict with Public Law 1987, chapter 736, which
23 reinstates the position of justice of the peace.

25 Sections 55 and 56 correct the amending clauses relative to
27 amendments made by Private and Special Law 1985, chapter 40, to
29 the laws relating to the Camden and Rockland Water Company.

31 Section 57 repeals Public Law 1987, chapter 256, section 24.

33 Section 58 inserts 2 paragraphs which were inadvertently
35 omitted from the text, as amended.

37 Section 59 makes a technical correction to an amending
39 clause.

41 Section 60 corrects a technical error.

43 Section 61 corrects technical and format errors.

45 Section 62 corrects an erroneous cross-reference and several
47 technical errors.

49 Section 63 adds a sunset clause to Public Law 1987, chapter
51 547, so that the amended sections will be repealed at the same
time as the rest of the section.

Section 64 corrects an error in a repealing clause.

Section 65 corrects an error in an amending clause.

Section 66 corrects a reference to a public law.

Section 67 corrects a technical error in an amending clause.

Section 68 adds a sunset clause to Public Law 1987, chapter
679 so that the amended section will be repealed at the same time
as the rest of the section.

1
3
5
7
9
11
13
15
17
19
21
23
25
27
29
31
33
35
37
39
41
43
45
47
49
51

Section 69 corrects an error in statute section numbering.

Section 70 corrects an error in an amending clause.

Section 71 corrects an error in an amending clause.

Section 72 corrects an error in section numbering.

Section 73 corrects a public law section number in conflict and corrects an error in an amending clause.

Sections 74 and 75 correct an error in an amending clause and placement of a section within a public law.

PART C

Part C makes the following changes.

Section 1 corrects a technical error.

Section 2 corrects a word choice and clarifies a reference to the United States Code.

Section 3 corrects a statutory reference.

Section 4 repeals a subsection which authorized the Bureau of Parks and Recreation to provide information to the Department of Transportation for publication of an official state map, as the Department of Transportation no longer publishes a state map.

Sections 5 and 6 replace the reference to "deadly weapon" with that of "dangerous weapon." Use of the term "deadly weapon" was removed by Public Law 1977, chapter 510 and replaced with the term "dangerous weapon." These sections also make many style and format changes to the law.

Section 7 corrects statutory reference.

Section 8 is an effective date.

Sections 9 and 10 correct a reference to a state bureau.

Section 11 corrects the headnote of a section to correctly indicate the contents of the section.

Section 12 inserts language inadvertently omitted from the recodification of county and municipal laws.

Section 13 corrects a subsection reference.

