

# MAINE STATE LEGISLATURE

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# 114th MAINE LEGISLATURE

FIRST REGULAR SESSION - 1989

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Legislative Document

No. 1671

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S.P. 594

In Senate, May 16, 1989

Submitted by the Joint Standing Committee on Judiciary pursuant to Joint Rule 20.  
Reference to the Committee on Judiciary suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN  
Secretary of the Senate

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STATE OF MAINE

---

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

---

An Act to Correct Errors and Inconsistencies in the Laws of Maine.

---

(EMERGENCY)



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

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

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

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

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

21           **Sec. 1.** 1 MRSA §814, 2nd ¶, as repealed and replaced by PL  
23 1975, c. 470, §1, is amended to read:

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

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29 and c. 787, §1, is repealed and the following enacted in its  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

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

35           State Purchasing Agent;

37           Director, Arts and Humanities Bureau;

39           Director, State Museum Bureau;

41           Director of the Bureau of Parks and Recreation;

43           State Director of Alcoholic Beverages;

45           Director of Public Lands;

47           State Librarian;

49           Director of Employee Relations;

51           Director, Bureau of Air Quality Control;

1       Director, Bureau of Land Quality Control;  
3       Director, Bureau of Water Quality Control;  
5       Director, Bureau of Oil and Hazardous Materials Control;  
7       Director, Bureau of Solid Waste Management; and  
9       Director, Bureau of Administration.

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

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

19       Director of Labor Standards;  
21       Deputy Chief of the State Police;  
23       Director of State Lotteries;  
25       State Archivist;  
27       Director of Maine Geological Survey;  
29       Executive Director, Maine Land Use Regulation Commission;  
31       Director of the Risk Management Division;  
33       Chairman, Maine Unemployment Insurance Commission;  
35       Director of the Bureau of State Employee Health;  
37       Child Welfare Services Ombudsman;  
39       Director of the Bureau of Intergovernmental Drug Enforcement;  
41       Deputy Director, Retirement System; and  
43       Executive Director, Maine Science and Technology Commission.

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

49       5. Retirement contribution. The State shall pay the  
51       mandatory retirement contribution required by Title 5, section  
~~1095,--subsection-1 17701~~, for commissioners who elect to become  
members of the Maine State Retirement System. Payment shall be  
made as provided in Title 5, ~~section--1062,--subsection--2,~~

1 paragraph-G chapter 421, subchapter IV. A commissioner may elect  
2 at the time of appointment to receive a 5% salary increase  
3 instead of state payment of the retirement contribution.

5 Membership in the Maine State Retirement System is optional.

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

9  
11 2. Regulatory boards. Notwithstanding section 6 or any  
12 other provision of law, the salaries of the Workers' Compensation  
13 Commission commissioners shall be:

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

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

22 The State shall pay the mandatory retirement contribution  
23 required by Title 5, section ~~1095, subsection 1~~ 17701, for  
24 commissioners who elect to become members of the Maine State  
25 Retirement System. Payment shall be made as authorized by Title  
26 5, section ~~1062, subsection 2, paragraph G~~ chapter 421,  
27 subchapter IV. A commissioner may elect to receive a 5% salary  
28 increase instead of state payment of the retirement  
29 contribution. A commissioner electing to receive the salary  
30 increase shall so notify his the commissioner's appointing  
31 authority in writing on or before January 1, 1985. The salary  
32 increase shall be effective at the start of the pay week closest  
33 to January 1, 1985. New commissioners shall exercise the option  
34 at the time of appointment.

35  
36 Membership in the Maine State Retirement System is optional.

37  
38 Sec. 6. 3 MRSA §507-B, sub-§11, as enacted by PL 1987, c. 735,  
39 §3, and c. 769, Pt. A, §6, is repealed and the following enacted  
40 in its place:

41  
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.

47 A. Real Estate Commission;

49 B. Maine Athletic Commission;

51 C. State Claims Board;

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

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

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

- 35          A. Board of Trustees of the University of Maine System;  
37          B. Board of Trustees of the Maine Maritime Academy;  
39          C. State Government Internship Advisory Committee;  
41          D. Arborist Examining Board;  
43          E. Maine Occupational Information Coordinating Committee;  
45          F. Maine Conservation School;  
47          G. Board of Examiners of Psychologists;  
49          H. Board of Commissioners of the Profession of Pharmacy;  
            and  
51          I. Alcohol and Drug Abuse Planning Committee.

1           Sec. 8. 3 MRSA §701, sub-§15, as enacted by PL 1985, c. 507,  
§1, is amended to read:

3  
4           15. Regular interest. "Regular interest" means interest at  
5 the rate which the Board of Trustees of the Maine State  
6 Retirement System sets from time to time, in accordance with  
7 Title 5, section ~~1061~~, sub~~section~~-2 17156.

9           Sec. 9. 3 MRSA §735, as enacted by PL 1985, c. 507, §1, is  
amended to read:

11           §735. Administrative procedures

13  
14           Appeal from the executive director's decision shall be the  
15 same as provided for the Maine State Retirement System in Title  
16 5, section ~~1181~~ 17451.

17           Sec. 10. 3 MRSA §801, sub-§1, as enacted by PL 1985, c. 507,  
19 §1, is amended to read:

21           1. Membership mandatory. Every Legislator serving in the  
22 Legislature on or after December 3, 1986, shall be a member of  
23 the Maine Legislative Retirement System, except that any  
24 Legislator who is a member of the Maine State Retirement System  
25 on December 2, 1986, may continue to be a member of that system  
26 instead of becoming a member of the Maine Legislative Retirement  
27 System, and any Legislator who is a public school teacher on  
28 leave of absence shall continue to be a member of the Maine State  
29 Retirement System and have contributions deducted from his that  
30 member's legislative salary as provided by Title 5, ~~section-1094,~~  
31 sub~~section~~-3 chapter 423, subchapters III and IV and chapter 425,  
32 subchapters III and IV. A Legislator who is the recipient of a  
33 retirement allowance from the Maine State Retirement System shall  
34 become a member of the Maine Legislative Retirement System, but  
35 no creditable service granted under the Maine State Retirement  
36 System shall be transferred to the Maine Legislative Retirement  
37 System. A member shall cease to be a member when he the member  
38 withdraws his the contributions, becomes a beneficiary as a  
39 result of his-own retirement or dies.

41           Sec. 11. 3 MRSA §853, as enacted by PL 1985, c. 507, §1, is  
amended to read:

43           §853. Disability retirement

45  
46           Any member who becomes disabled while in service may receive  
47 a disability retirement allowance on the same basis as provided  
48 for members of the Maine State Retirement System by Title 5,  
49 ~~section-1122~~ chapter 423, subchapter V, article 3 and chapter  
50 425, subchapter V, article 3.

1           Sec. 12. 3 MRSA §855, as enacted by PL 1985, c. 507, §1, is  
amended to read:

3           §855. Ordinary death benefits

5  
7           If a member who is in service or a former member who is a  
recipient of a disability retirement allowance dies, ~~his~~ the  
8 member's beneficiary, or relative if he that member has no  
9 designated beneficiary, shall be entitled to benefits on the same  
10 basis as provided for beneficiaries of state employees who are  
11 members of the Maine State Retirement System by Title 5, ~~section~~  
12 ~~1124~~ chapter 423, subchapter V, article 4 and chapter 425,  
13 subchapter V, article 4.

15           Sec. 13. 3 MRSA §856, as enacted by PL 1985, c. 507, §1, is  
amended to read:

17           §856. Accidental death benefits

19  
21           If a member or a former member who is receiving a disability  
retirement allowance dies as a result of an injury received in  
22 the line of duty, benefits shall be paid on the same basis as  
23 provided for members of the Maine State Retirement System by  
Title 5, ~~section-1125~~ chapter 423, subchapter V, article 5 and  
24 chapter 425, subchapter V, article 5.

27           Sec. 14. 3 MRSA §857, as enacted by PL 1985, c. 507, §1, is  
amended to read:

29           §857. Payment of service retirement allowance

31  
33           All service retirement allowances shall be paid on the same  
basis as provided for members of the Maine State Retirement  
34 System by Title 5, ~~section--1126~~ chapter 423, subchapter V,  
35 article 1 and chapter 425, subchapter V, article 1.

37           Sec. 15. 3 MRSA §858, as enacted by PL 1985, c. 507, §1, is  
amended to read:

39           §858. Cost-of-living and other adjustments

41  
43           Retirement allowances under this chapter shall be adjusted  
on the same basis as provided for members of the Maine State  
44 Retirement System by Title 5, ~~section-1128~~ section 17806.

45           Sec. 16. 4 MRSA §120, 3rd ¶, as repealed and replaced by PL  
47 1987, c. 769, Pt. B, §2, is amended to read:

49           The order of the Chief Justice of the Supreme Judicial Court  
51 directing a Justice of the Superior Court to sit in the District  
Court shall be filed with the Executive Clerk of the Supreme



1 Judicial Court, but need not be docketed or ~~ethewise~~ otherwise  
2 recorded in any case heard by the assigned justice.

3  
4 **Sec. 17. 4 MRSA §1151, sub-§2**, as repealed and replaced by PL  
5 1987, c. 595, §1, and c. 769, Pt. A, §7, is repealed and the  
6 following enacted in its place:

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

22  
23 Notwithstanding any other provisions of law, no licensing agency  
24 may reinstate or otherwise affect a license suspended, revoked or  
25 modified by the Administrative Court pursuant to a complaint  
26 filed by the Attorney General, without the approval of the  
27 Attorney General.

28  
29 **Sec. 18. 4 MRSA §1201, sub-§17**, as amended by PL 1983, c. 863,  
30 Pt. B, §§10 and 45, is further amended to read:

31  
32 **17. Regular interest.** "Regular interest" means interest at  
33 the rate which the Board of Trustees of the Maine State  
34 Retirement System sets from time to time, in accordance with  
35 Title 5, section ~~1061~~, ~~sub-section-2~~ 17156.

36  
37 **Sec. 19. 4 MRSA §1235**, as enacted by PL 1983, c. 853, Pt. C,  
38 §§15 and 18, is amended to read:

39  
40 **§1235. Administrative procedures**

41  
42 Appeal from the executive director's decision shall be the  
43 same as provided for the Maine State Retirement System in Title  
44 5, section ~~1181~~ 17451.

45  
46 **Sec. 20. 5 MRSA §18, sub-§1, ¶B**, as amended by PL 1987, c. 735,  
47 §4 and c. 784, §1, is repealed and the following enacted in its  
48 place:

49  
50 B. "Executive employee" means the constitutional officers,  
51 the State Auditor, members of the state boards and  
commissions as defined in chapter 379 and compensated

1 members of the classified or unclassified service employed  
2 by the Executive Branch, but it shall not include:

3 (1) The Governor;

5 (2) Employees of and members serving with the National  
7 Guard;

9 (3) Employees of the University of Maine System, the  
11 Maine Maritime Academy and state vocational-technical  
12 institutes;

13 (4) Employees who are employees solely by their  
14 appointment to an advisory body;

15 (5) Members of boards listed in chapter 379, who are  
17 required by law to represent a specific interest,  
18 except as otherwise provided by law;

19 (6) Members of advisory boards as listed in chapter  
21 379; and

23 (7) The executive director of the school designated by  
24 the Legislature as the Maine Conservation School.

25 **Sec. 21. 5 MRSA §199**, as amended by PL 1973, c. 711, §6, is  
27 further amended to read:

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

31 The Attorney General shall consult with and advise the  
32 district attorneys in matters relating to their duties. If in his  
33 the Attorney General's judgment the public interest so requires,  
34 he the Attorney General shall assist them by attending the grand  
35 jury in the examination of a case in which the accused is charged  
36 with treason or murder, and if in his the Attorney General's  
37 judgment the public interest so requires, he the Attorney General  
38 shall appear for the State in the trial of indictments for  
39 treason or murder. He The Attorney General may institute and  
40 conduct prosecutions for all offenses against Title 21 21-A, and  
41 for that purpose attend and present evidence to grand juries and  
42 assist them in the examination of witnesses and drawing  
43 indictments. He The Attorney General may, in his the Attorney  
44 General's discretion, act in place of or with the district  
45 attorneys, or any of them, in instituting and conducting  
46 prosecutions for crime, and is invested, for that purpose, with  
47 all the rights, powers and privileges of each and all of them.  
48 Any or all of the powers and duties enumerated in this chapter  
49 may, at the discretion of the Attorney General, be delegated to  
50 and performed by, any deputy attorney general, assistant attorney  
51 general or staff attorney. The authority given under this section  
shall not be construed to deny or limit the duty and authority of

1 the Attorney General as heretofore authorized, either by statute  
or under the common law.

3

5 Sec. 22. 5 MRSA §285, sub-§1, ¶G, as repealed and replaced by  
PL 1987, c. 769, Pt. A, §11, is amended to read:

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

9

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

13

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

17

19 (3) After December 2, 1986, and after reaching normal  
retirement age, cease to be members of the Legislature  
and are recipients of retirement allowances from the  
Maine State Retirement System based upon creditable  
service as teachers, as defined by section ~~1001~~ 17001,  
subsection 25 10. This paragraph shall also apply to  
former members who were members on December 2, 1986; or

25

27 (4) After December 2, 1986, and not yet normal  
retirement age, cease to be members of the Legislature  
and are recipients of retirement allowances from the  
Maine State Retirement System based upon creditable  
service as teachers, as defined by section ~~1001~~ 17001,  
subsection 25 10. This paragraph also applies to  
former members who were members on December 2, 1986.

33

35 Sec. 23. 5 MRSA §938, sub-§1, as amended by PL 1987, c. 787,  
§§2 and 3 and c. 816, Pt. KK, §§8 and 9, is repealed and the  
following enacted in its place:

37

39 1. Major policy-influencing positions. The following  
positions are major policy-influencing positions within the  
Department of Environmental Protection. Notwithstanding any  
other provision of law, these positions and their successor  
positions shall be subject to this chapter:

43

45 A. Deputy Commissioner;

47

47 C. Director, Bureau of Administration;

49

49 D. Director, Bureau of Air Quality Control;

51

51 E. Director, Bureau of Land Quality Control;

- 1           F. Director, Bureau of Water Quality Control;
- 3           G. Director, Bureau of Oil and Hazardous Materials Control;
- 5           H. Director, Division of Licensing and Enforcement, Bureau  
7           of Air Quality Control;
- 9           I. Director, Division of Technical Services, Bureau of Air  
11           Quality Control;
- 13           J. Director, Division of Enforcement and Field Services,  
15           Bureau of Land Quality Control;
- 17           K. Director, Division of Licensing and Review, Bureau of  
19           Land Quality Control;
- 21           L. Director, Division of Licensing and Enforcement, Bureau  
23           of Water Quality Control;
- 25           M. Director, Division of Licensing and Enforcement, Bureau  
27           of Oil and Hazardous Materials Control;
- 29           N. Director, Bureau of Solid Waste Management; and
- 31           O. Director, Policy and Planning.

33           **Sec. 24. 5 MRSA §1514, sub-§4, ¶B**, as enacted by PL 1987, c.  
35           816, Pt. S, and repealed and replaced by PL 1987, c. 819, §1, is  
37           repealed and the following enacted in its place:

39           B. A transfer from this fund to the General Fund to offset  
41           the loss of revenue resulting from individual income tax  
43           reform for the 1988 tax year. The amount of this transfer  
45           will be equal to the amount certified to the fund because of  
47           increased individual income tax collections through the  
49           period ending June 30, 1988, less the amount transferred in  
51           paragraph A to offset individual income tax reductions and  
              less the amount expended to offset 1987 tax year rebates and  
              their administrative costs. This transfer shall be made no  
              later than October 1, 1988.

**Sec. 25. 5 MRSA §1514, sub-§4, ¶C** is enacted to read:

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

1           **Sec. 26. 5 MRSA §1742, sub-§23, ¶C**, as amended by PL 1987, c.  
2           733, §2, and c. 741, §2, is further amended to read:

3  
4           C. Nothing in this subsection shall be construed to pertain  
5           to public reserved lands which are exempt from this  
6           subsection--and .

7  
8           **Sec. 27. 5 MRSA §1742, sub-§23, ¶D**, as enacted by PL 1987, c.  
9           820, §1, is amended to read:

11           D. The department shall work closely with the Maine State  
12           Housing Authority to develop a procedure by which surplus  
13           state-owned land and structures are held in trust for the  
14           purpose set forth in this section and Title 30 30-A, chapter  
15           239 201, ~~subchapter--II,--articles--3-A--and--8,~~ subchapters  
16           III-A and XI;

17  
18           **Sec. 28. 5 MRSA §1742, sub-§24**, as enacted by PL 1987, c. 733,  
19           §3 and c. 741, §3, is repealed and the following enacted in its  
20           place:

21           24. Application of minimum air ventilation standards.  
22           Beginning September 1, 1988, to apply the ANSA-ASHARE Indoor Air  
23           Quality and Ventilation Standards contained in the proposed  
24           revision, 1981 R, July 15, 1986, as prepared by the American  
25           Society of Heating, Refrigeration and Air Conditioning Engineers,  
26           Inc. or more stringent standards to buildings occupied by state  
27           employees during normal working hours. These standards shall be  
28           applied to buildings which are constructed or substantially  
29           renovated by the State after September 1, 1988, and to buildings  
30           for which the State enters into new leases or renews leases  
31           following the date in this subsection. For the purpose of this  
32           subsection, "substantial renovation" means any renovation for  
33           which the cost exceeds 50% of the buildings' value.

34           A. The bureau, in cooperation with a labor-management  
35           committee established to look at this issue, shall develop a  
36           plan by which priorities are established for improving  
37           indoor air quality and ventilation standards in buildings  
38           occupied by state employees. This plan shall include data  
39           gathering and analysis of air quality in a sample number of  
40           buildings by which reasonable projections and estimates  
41           concerning air quality can be established. The bureau shall  
42           report its findings to the joint standing committee of the  
43           Legislature having jurisdiction over state and local  
44           government no later than January 16, 1989. This report, at  
45           a minimum, shall contain the following:

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

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

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

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

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

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

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

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

29          **Sec. 29. 5 MRSA §1742, sub-§25** is enacted to read:

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

37          **Sec. 30. 5 MRSA §1892, sub-§1, ¶L**, as enacted by PL 1987, c.  
          701, §3, is amended to read:

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

43          **Sec. 31. 5 MRSA §1955, sub-§1, ¶D**, as enacted by PL 1987, c.  
45          743, is amended to read:

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

1           **Sec. 32. 5 MRSA §3305, sub-§1, ¶D**, as amended by PL 1987, c.  
3 737, Pt. C, §§8 and 106, and c. 816, Pt. P, §3, is repealed and  
the following enacted in its place:

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

9  
11           **Sec. 33. 5 MRSA §13075, sub-§2, ¶A**, as enacted by PL 1987, c.  
855, §1, is amended to read:

13           A. "Economic growth corridor" means an economic corridor  
15 designated by the Commissioner of Transportation in  
consultation with the Commissioner of Economic and Community  
17 Development and which is included in the Department of  
Transportation's Highway and Bridge Improvement Program that  
19 is presented to the Legislature during the first year of  
each biennium of the Legislature. An economic growth  
corridor shall contain the following:

21                   (1) Economic activity and good potential for continued  
23 economic activity;

25                   (2) Connections between commercial or population  
27 centers;

29                   (3) Connections among state municipalities with  
significant markets in other states and countries;

31                   (4) Connections between natural resource areas and  
value-added processors; and

33                   (5) Connections between markets and tourist  
35 destinations.

37           **Sec. 34. 5 MRSA §13075, sub-§5, ¶C**, as enacted by PL 1987, c.  
39 855, §1, is amended to read:

41           C. The priority of projects for the area; and

43           **Sec. 35. 5 MRSA §19202, first ¶**, as amended by PL 1987, c. 769,  
Pt. A, §33, and c. 861, §7 and 8, is repealed and the following  
45 enacted in its place:

47           The Committee to Advise the Department of Human Services on  
AIDS, as established by section 12004-I, subsection 42, shall  
49 consist of not less than 27 members nor more than 31 members to  
include representation of: One allopathic physician from nominees  
51 submitted by the Maine Medical Association; one osteopathic  
physician from nominees submitted by the Maine Osteopathic  
Association; one nursing home administrator from nominees

1 submitted by the Maine Health Care Association; one funeral  
2 director from nominees submitted by the Maine Funeral Directors  
3 Association; one social worker from nominees submitted by the  
4 Maine Chapter of the National Association of Social Workers; one  
5 public school administrator from a local school district from  
6 nominees submitted by the Maine Superintendents Association; one  
7 nurse from nominees submitted by the Maine State Nurses  
8 Association; one representative from nominees submitted by the  
9 Maine Hospice Council; one teacher from nominees submitted by the  
10 Maine Teachers Association; 3 members of the high risk community,  
11 one of whom must be a person afflicted with hemophilia; one  
12 insurance industry representative; one employee of a community  
13 mental health center; one dentist from nominees submitted by the  
14 Maine Dental Association; one state employee from nominees  
15 submitted by the Maine State Employees Association; 2 members of  
16 the public, including one parent of a school-age child; the  
17 Commissioner of Human Services or the commissioner's designee who  
18 shall serve during the commissioner's term of office; one  
19 psychologist from nominees submitted by the Maine Psychological  
20 Association; one state employee from nominees submitted by the  
21 American Federation of State, County and Municipal Employees; one  
22 member representing hospitals from nominees submitted by the  
23 Maine Hospital Association; one member representing public health  
24 professionals from nominees submitted by the Maine Public Health  
25 Association; one representative of a nonprofit hospital or  
26 medical service organization; one substance abuse counselor; one  
27 member of the clergy; and 2 Legislators, one member of the House  
28 of Representatives appointed by the Speaker of the House and one  
29 Senator appointed by the President of the Senate. The members,  
30 except for those specifically designated in this paragraph, shall  
31 be appointed by the Governor for their competence and experience  
32 in connection with these fields.

33  
34 **Sec. 36. 5 MRSA §19205, sub-§§1 and 2, as repealed and replaced**  
35 **by PL 1987, c. 539, are amended to read:**

36  
37 1. Policy; services. It shall be the policy of the State  
38 to provide to persons who test positive for HIV or have been  
39 diagnosed as having AIDS or Aids AIDS Related Complex services of  
40 departments and agencies, including, but not limited to, the  
41 Department of Educational and Cultural Services, the Department  
42 of Mental Health and Retardation, the Department of Human  
43 Services and the Department of Corrections.

44  
45 2. Coordination of services. A person designated by the  
46 Commissioner of Human Services shall insure coordination of new  
47 and existing services so as to meet the needs of persons with  
48 AIDS, Aids AIDS Related Complex and viral positivity and identify  
49 gaps in programs.

50  
51 The committee established in section 12004 12004-I, subsection 10  
52 42, shall work with the person designated in this chapter to



1 insure the coordination of services to meet the needs of persons  
with AIDS, ARC and viral positivity.

3 Sec. 37. 5 MRSA c. 383, sub-c. I, article I, first 2 lines, are repealed  
5 and the following enacted in their place:

7 ARTICLE I

9 DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT: GENERAL  
ORGANIZATION MISSION AND RESPONSIBILITIES

11 Sec. 38. 5 MRSA c. 383, sub-c. II, first 2 lines, are repealed and  
13 the following are enacted in their place:

15 SUBCHAPTER II

17 BUSINESS DEVELOPMENT

19 ARTICLE I

21 GENERAL PROVISIONS

23 Sec. 39. 5 MRSA c. 383, sub-c. II, article II, first line, is repealed  
25 and the following enacted in its place:

27 ARTICLE II

29 BUSINESS ASSISTANCE REFUND AND FACILITATION PROGRAM

31 Sec. 40. 7 MRSA c. 51, first 2 lines, are repealed and the  
33 following enacted in their place:

35 CHAPTER 10-A

37 THE MAINE AGRICULTURAL VIABILITY ACT OF 1985

39 Sec. 41. 9-A MRSA §8-104, sub-§1, as enacted by PL 1981, c.  
41 243, §25, is amended to read:

43 1. The administrator shall prescribe regulations to carry  
45 out the purposes of this Article. These regulations may contain  
47 such classifications, differentiations or other provisions, and  
49 may provide for such adjustments and exceptions for any class of  
51 transactions, as in the judgment of the administrator are  
necessary or proper to effectuate the purposes of this Article,  
to prevent circumvention or evasion thereof or to facilitate  
compliance therewith. Any regulations prescribed under authority  
of this Article are subject to the procedures provided by

1 ~~sections 6-404 and 6-405~~ the Maine Administrative Procedure Act,  
2 Title 5, chapter 375.

3  
4 **Sec. 42. 9-A MRSA §8-104, sub-§2, ¶B,** as enacted by PL 1981, c.  
5 243, §25, is amended to read:

6  
7 B. Model disclosure forms and clauses shall be adopted by  
8 the administrator after notice and an opportunity for public  
9 comment in accordance with ~~sections 6-404 and 6-405~~ the  
10 Maine Administrative Procedure Act, Title 5, chapter 375.

11  
12 **Sec. 43. 9-B MRSA §467, sub-§1,** as enacted by PL 1975, c. 500,  
13 §1, is amended to read:

14  
15 1. **Acting as security dealer prohibited.** No director,  
16 officer, agent or employee of a financial institution subject to  
17 the laws of this State shall may engage in for any compensation,  
18 direct or indirect, the business of selling or negotiating  
19 securities as the agent or salesman of any securities dealer, as  
20 ~~defined in Title 32, section 751~~ regulated by the Revised Maine  
21 Securities Act, other than the institution.

22  
23 **Sec. 44. 10 MRSA §174,** as enacted by PL 1981, c. 439, §9, is  
24 repealed.

25  
26 **Sec. 45. 10 MRSA §363, sub-§8,** as repealed and replaced by PL  
27 1987, c. 769, Pt. A, §42, and c. 807, §2, is repealed and the  
28 following enacted in its place:

29  
30 **8. Allocations for educational bonds.** That portion of the  
31 state ceiling allocated to the categories of bonds providing  
32 funds for the purposes of a corporation created pursuant to Title  
33 20, section 2237, and Title 20-A, section 11407, or of the Maine  
34 Educational Loan Authority shall be allocated to that corporation  
35 or to the Maine Educational Loan Authority, or both, and each may  
36 further allocate the portion of the state ceiling allocated to it  
37 to bonds requiring an allocation to qualify as tax-exempt bonds.

38  
39 **Sec. 46. 10 MRSA §1100-T, sub-§2,** as enacted by PL 1987, c.  
40 854, §§2 and 5, is amended to read:

41  
42 2. **Eligibility for tax credit certificate.** The authority  
43 shall adopt rules in accordance with the Maine Administrative  
44 Procedure Act, Title 5, chapter 375, to implement the program.  
45 Without limitation, the requirements for eligibility for a tax  
46 credit certificate ~~includes~~ include the following.

47  
48 A. A tax credit certificate may be issued in an amount not  
49 more than 30% of the amount of cash actually invested in a  
50 Maine business in any calendar year.

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

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

19 D. The investment with respect to which any individual is  
21 applying for a tax credit certificate shall be not less than  
23 \$10,000 nor more than an aggregate of \$50,000 in any one  
25 business, provided that this paragraph shall not be  
interpreted to limit other investment by any applicant for  
which that applicant is not applying for a tax credit  
certificate.

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

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

41 G. The authority shall establish limits on repayment of the  
43 investment, requiring at a minimum that the investment  
45 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.

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

51 **Sec. 47.10 MRSA §1328, sub-§2, ¶C**, as enacted by PL 1979, c.  
636, §2, is amended to read:

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

9  
10 **Sec. 48. 10 MRSA §1486, sub-§1**, as enacted by PL 1987, c. 574,  
11 is amended to read:

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

15  
16 **Sec. 49. 10 MRSA §1661-A**, as enacted by PL 1987, c. 615, and  
17 c. 718, is repealed and the following is enacted in its place:

18 **§1661-A. Gasoline stations to provide services for handicapped**  
19 **drivers**

20 Every full-service gasoline station offering self-service  
21 pumping at a lesser cost shall require an attendant employed by  
22 the station to dispense gasoline to any motor vehicle properly  
23 displaying a handicapped placard or special designating plates  
24 issued under Title 29, section 252, when the person to whom the  
25 placard or plates have been issued is the operator of the  
26 vehicle, the service is requested, the operator has a driver's  
27 license designated with a code H, restricted to special  
28 equipment, and there is no nonhandicapped adult in the motor  
29 vehicle.

30  
31 **Sec. 50. 10 MRSA §1661-B** is enacted to read:

32 **§1661-B. Requirement for gasoline stations to post prices of**  
33 **fuels sold**

34 A retail seller of fuel to be used by vehicles on public  
35 highways shall post the price on each pump of the fuel available  
36 at that pump by a sign no less than 64 square inches and in a  
37 manner that is clearly visible to a driver approaching the pump.  
38 On multi-grade pumps, the posted price shall be for the lowest  
39 priced unleaded regular gasoline. The sign should indicate the  
40 difference in price for full-service, mini-service and  
41 self-service if more than one grade of service is available at  
42 that pump.

43  
44 **Sec. 51. 10 MRSA §8001**, as repealed and replaced by PL 1987,  
45 c. 395, Pt. A, §34, and c. 488, §2, is repealed and the following  
46 enacted in its place:  
47

1     §8001. Department; organization

3             There is created and established the Department of  
5     Professional and Financial Regulation, in this chapter referred  
7     to as the "department," to regulate financial institutions,  
9     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:

11            Acupuncture Licensing Board;

13            Arborist Examining Board;

15            Athletic Commission, Maine;

17            Auctioneers, Board of Licensing of;

19            Banking, Bureau of;

21            Barbers, State Board of;

23            Commercial Driver Education, Board of;

25            Consumer Credit Protection, Bureau of;

27            Dietetic Practice, Board of Registration of;

29            Electricians' Examining Board;

31            Foresters, State Board of Licensure for Professional;

33            Funeral Service, State Board of;

35            Geologists and Soil Scientists, State Board of Certification  
37            for;

39            Hearing Aid Dealers and Fitters, Board of;

41            Insurance, Bureau of;

43            Manufactured Housing Board;

45            Nursing Home Administrators Licensing Board;

47            Occupational Therapy Practice, Board of;

49            Oil and Solid Fuel Board;

51            Physical Therapy, Board of Examiners in;

Pilotage Commission, Maine State;

1 Plumbers' Examining Board;

3 Psychologists, State Board of Examiners of;

5 Radiologic Technology Board of Examiners;

7 Real Estate Commission;

9 Respiratory Care Practitioners, Board of;

11 Social Worker Licensure, State Board of;

13 Speech Pathology and Audiology, Board of Examiners on;

15 Substance Abuse Counselors, Board of Registration of; and

17 Veterinary Medicine, State Board of.

19 **Sec. 52. 10 MRSA §9098, sub-§3, ¶A**, as enacted by PL 1987, c.  
21 737, Pt. B, §1 and Pt. C, §106, and as amended by PL 1989, c. 6;  
23 c. 9, §2; c. 104, Pt. C, §§8 and 10, is further amended to read:

25 A. If the mobile home park operator fails to return the  
27 security deposit and provide the itemized statement within  
29 21 days as specified in subsection 3 2, paragraph B, the  
31 tenant must notify the mobile home park operator of the  
33 intention to bring a legal action at least 7 days before  
commencing the action. If the mobile home park operator  
fails to return the entire security deposit within the 7-day  
period, it is presumed that the landlord is willfully and  
wrongfully retaining the security deposit.

35 **Sec. 53. 12 MRSA §602, sub-§10**, as repealed by PL 1987, c. 308,  
§3, and as amended by PL 1987, c. 340, §1, is repealed.

37 **Sec. 54. 12 MRSA §602, sub-§10-B** is enacted to read:

39 10-B. Lifeguard training. To designate an employee to  
41 serve as coordinator of lifeguard training;

43 **Sec. 55. 12 MRSA §6022, sub-§13**, as enacted by PL 1981, c.  
45 505, §3, is repealed.

47 **Sec. 56. 12 MRSA §6503, sub-§1**, as enacted by PL 1981, c. 459,  
§1, is amended to read:

49 1. License required. A nonresident individual may fish for  
51 Atlantic salmon from the areas indicated in subsection 2, or  
take, possess, ship or transport these fish which he that  
nonresident individual has taken if he that individual has a

1 ~~current Atlantic salmon permit, in the form of a stamp, described~~  
2 ~~in section 7152 and a current general fishing license described~~  
3 in section 7151.

5 Sec. 57. 12 MRSA §7034, sub-§9, as enacted by PL 1981, c. 698,  
6 §72, is repealed.

7  
8 Sec. 58. 12 MRSA §7076, sub-§4, ¶C, as enacted by PL 1979, c.  
9 420, §1, is amended to read:

11 C. Has served in a combat zone during either World War I,  
12 World War II, the Korean War or the Viet-Nam Vietnam War;  
13 and

15 Sec. 59. 12 MRSA §7076, sub-§8, ¶D, as repealed and replaced by  
16 PL 1981, c. 302, is amended to read:

17 D. Adult foster care facilities as defined in Title 22,  
18 section 7901 7901-A.

21 Sec. 60. 12 MRSA §7910, sub-§ 4, as enacted by PL 1979, c.  
22 420, §1, is amended to read:

23 4. License and permit fees. License and permit fees shall  
24 be collected and expended in accordance with section 7074 and  
25 ~~section 7152, subsection 4.~~

27 Sec. 61. 12 MRSA §9621, first ¶, as amended by PL 1983, c. 812,  
28 §94, is further amended to read:

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

45 Sec. 62. 13-B MRSA §201, sub-§2, ¶B, as amended by PL 1987, c.  
46 141, Pt. B, §13, is further amended to read:

49 B. Cooperatives, as that term is used in Title 13, section  
50 1771, et seq; credit unions, as defined in Title 9-B,  
51 section 131; rural electrification cooperatives, as that  
term is used in Title 35-A, ~~section~~ chapter 37, subchapters

1 I, II and III; consumers' cooperatives, as that term is used  
2 in Title 13, section 1501 et seq; and fish marketing  
3 associations, as that term is used in Title 13, section 2001  
4 et seq.

5  
6 **Sec. 63. 14 MRSA §5524**, as amended by PL 1987, c. 736, §15  
7 and as repealed by PL 1987, c. 758, §5, is repealed.

8  
9 **Sec. 64. 14 MRSA §8111, sub-§1**, as repealed and replaced by PL  
10 1987, c. 740, §8, is amended to read:

11  
12 **I. Immunity.** Notwithstanding any liability that may have  
13 existed at common law, employees of governmental entities shall  
14 be absolutely immune from personal civil liability for the  
15 following:

16  
17 **A.** Undertaking or failing to undertake any legislative or  
18 quasi-legislative act, including, but not limited to, the  
19 adoption or failure to adopt any statute, charter,  
20 ordinance, order, rule, policy, resolution or resolve;

21  
22 **B.** Undertaking or failing to undertake any judicial or  
23 quasi-judicial act, including, but not limited to, the  
24 granting, granting with conditions, refusal to grant or  
25 revocation of any license, permit, order or other  
26 administrative approval or denial;

27  
28 **C.** Performing or failing to perform any discretionary  
29 function or duty, whether or not the discretion is abused;  
30 and whether or not any statute, charter, ordinance, order,  
31 resolution, rule or resolve under which the discretionary  
32 function or duty is performed is valid;

33  
34 **D.** Performing or failing to perform any prosecutorial  
35 function involving civil, criminal or administrative  
36 enforcement; or

37  
38 **E.** Any intentional act or omission within the course and  
39 scope of employment; provided that such immunity shall not  
40 exist in any case in which an employee's actions are found  
41 to have been in bad faith.

42  
43 The absolute immunity provided by ~~this subsection~~ paragraph C  
44 shall be applicable whenever a discretionary act is reasonably  
45 encompassed by the duties of the governmental employee in  
46 question, regardless of whether the exercise of discretion is  
47 specifically authorized by statute, charter, ordinance, order,  
48 resolution, rule or resolve and shall be available to all  
49 governmental employees, including police officers and  
50 governmental employees involved in child welfare cases, who are  
51 required to exercise judgment or discretion in performing their  
official duties.



1  
3       **Sec. 65. 15 MRSA §3301, sub-§5, ¶A**, as amended by PL 1985, c.  
439, §11, is further amended to read:

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

17       **Sec. 66. 15 MRSA §3309-B**, as enacted by PL 1987, c. 369, is  
18 amended to read:

21       **§3309-B. Limitations on diagnostic evaluations in a secure  
22 detention facility**

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

29       **Sec. 67. 15 MRSA §3314, sub-§1, ¶H**, as amended by PL 1987, c.  
297, is further amended to read:

31       H. The court may commit the juvenile to the Maine Youth  
32 Center and order that the sentence be suspended or may  
33 commit the juvenile for a period of detention which shall  
34 not exceed 30 days, with or without an underlying suspended  
35 sentence to the Maine Youth Center, which detention may be  
36 served intermittently as the court may order and which shall  
37 be ordered served in a county jail designated by the  
38 Department of Corrections as a place for the secure  
39 detention of juveniles, or in a nonsecure group care home or  
40 halfway house. When the detention is ordered served in a  
41 county jail, the juvenile may be detained only in that part  
42 of the jail which meets the requirements of section 3203-A,  
43 subsection 7, paragraph A. The court may order such a  
44 sentence to be served as a part of and with a period of  
45 probation, which shall be subject to such provisions of  
46 Title 17-A, section 1204 as the court may order and which  
47 shall be administered pursuant to Title 34 34-A, chapter 121  
48 5, subchapter V-A IV. Revocation of probation shall be  
49 governed by the procedure contained in subsection 2.

1           **Sec. 68. 15 MRSA §3402, sub-§1, ¶D**, as repealed and replaced by  
PL 1979, c. 512, §9, is amended to read:

3  
4           D. A detention order or any refusal to alter an order for  
5           changed circumstances entered pursuant to section 3203  
6           3203-A, subsection 5, for abuse of discretion, provided that  
7           the appeal shall be handled expeditiously.

9           **Sec. 69. 17 MRSA §337, 3rd ¶**, as amended by PL 1985, c. 93, §1,  
is further amended to read:

11  
12           No distributor may sell, market or otherwise distribute  
13           gambling apparatus or implements to any person or organization,  
14           except to persons or organizations licensed to operate or conduct  
15           games of chance under section 332, or eligible to conduct a  
16           raffle pursuant to section 331, subsection 2 6. No distributor  
17           may lease or loan or otherwise distribute free of charge any  
18           gambling apparatus or implements to any organization eligible to  
19           operate a game of chance.

21           **Sec. 70. 17 MRSA §2306**, as amended by PL 1975, c. 424, §6, is  
further amended to read:

23           **§2306. Exemptions; lotteries**

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

39           **Sec. 71. 17-A MRSA §602, sub-§1, ¶C**, as enacted by PL 1981, c.  
349, §2, is amended to read:

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

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Sec. 72. 17-A MRSA §703, sub-§2, as repealed and replaced by PL 1981, c. 317, §21, is amended to read:

2. Violation of this section is a Class C crime if the actor has 2 prior convictions for any combination of theft, violation of this section, violation of section 702 or 708, or attempts thereat. Determination of whether a conviction constitutes a prior conviction for purposes of this subsection shall be pursuant to section 362, subsection ~~37~~-paragraph-C 3-A. Forgery is otherwise a Class D crime.

Sec. 73. 17-A MRSA §708, sub-§4, ¶B, as repealed and replaced by PL 1983, c. 198, §2, is amended to read:

B. A Class C crime, if:

(1) The face value of the negotiable instrument exceeds \$1,000 but does not exceed \$5,000; or

(2) The actor has 2 prior convictions for any combination of theft, a violation of section 702, 703 or this section, or attempts thereat. Determination of whether a conviction constitutes a prior conviction for purposes of this subsection shall be pursuant to section 362, subsection ~~37~~-paragraph-C 3-A;

Sec. 74. 17-A MRSA §951, as amended by PL 1975, c. 740, §93, is further amended to read:

§951. Inapplicability of chapter

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

Sec. 75. 20-A MRSA §253, sub-§1 as amended by PL 1983, c. 859, Pt. A, §§1 and 25, is further amended to read:

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

Sec. 76. 20-A MRSA §1304, sub-§5, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

5. Voting lists. Registration of voters for the annual budget meeting shall be held in each member municipality in

1 accordance with ~~the time schedule specified in~~ Title 21 21-A,  
2 section 631 122.

3

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

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

11

12 **Sec. 77. 20-A MRSA §1305, sub-§1, ¶C**, as enacted by PL 1981, c.  
13 693, §§5 and 8, is amended to read:

14 C. The warrants, notices and voting procedures to be  
15 followed within a municipality, including absentee voting  
16 procedures, shall be the same as those provided in Title 21  
17 21-A, except that the duties of the Secretary of State shall  
18 be performed by the board of directors.

19  
20 **Sec. 78. 20-A MRSA §1353, sub-§2, ¶B**, as enacted by PL 1981, c.  
21 693, §§5 and 8, is amended to read:

23

24 B. The voting at referendum in cities shall be held and  
25 conducted in accordance with Title 21 21-A, including the  
26 absentee voting procedure, except that the duties of the  
27 Secretary of State shall be performed by the board of  
28 directors.

29

30 **Sec. 79. 20-A MRSA §1701, sub-§5, ¶A**, as enacted by PL 1981, c.  
31 693, §§5 and 8, is amended to read:

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

35  
36 **Sec. 80. 20-A MRSA §4604, sub-§5**, as enacted by PL 1987, c.  
37 216, §1, is repealed.

39

40 **Sec. 81. 20-A MRSA §8703-A** is enacted to read:

41

42 §8703-A. Use of seatbelts

43

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

46  
47 **Sec. 82. 20-A MRSA §7207-B, sub-§3**, as enacted by PL 1985, c.  
48 318, §3, is amended to read:

49

50 3. Subpoenas. The commissioner may issue subpoenas in the  
51 name of the department to require the attendance and testimony of  
the witnesses and the production of any evidence relating to any

1 issue or fact in the due process hearing as requested by any  
2 party to the hearing. Any fees for attendance and travel  
3 required by the witnesses shall be the responsibility of the  
4 party seeking the subpoena. The issuance of subpoenas shall  
5 conform in all other ways to the requirements of the Maine  
6 Administrative Procedure Act, Title 5, chapter 375, subchapter I.

7  
8 **Sec. 83. 20-A MRSA §10955, sub-§1**, as enacted by PL 1987, c.  
9 735, §14, is amended to read:

11 1. **Form; terms; manner of sale.** All evidences of  
12 indebtedness issued in connection with the financing transactions  
13 pursuant to this chapter may be in serial form; may bear such  
14 date or dates; may mature at such time or times, and in such  
15 amount or amounts; may bear interest at such rate or rates,  
16 including variable or adjustable; may be payable in such form and  
17 at such time or times and at such place or places; and may  
18 include such redemption and conversion privileges as those votes  
19 may provide. All evidences of indebtedness shall be issued and  
20 sold under such terms and conditions as the trustees determine.  
21 The votes shall provide that the treasurer shall manually sign  
22 evidences of indebtedness and other related financing documents  
23 and the votes may provide for counter-signature of those  
24 evidences of indebtedness and related documents by another  
25 officer, either manually or in facsimile form. All such  
26 evidences of indebtedness shall be deemed to be negotiable  
27 instruments under the Uniform ~~Commercial~~ Commercial Code, Title  
28 11, Article 8.

29  
30 **Sec. 84. 20-A MRSA §10956, 4th ¶**, as enacted by PL 1987, c.  
31 735, §14, is amended to read:

32 All expenses incurred in carrying out the trust agreement,  
33 financing document or resolution may be treated as a part of the  
34 cost of the operation of a project. All pledges of revenues  
35 under this chapter shall be valid and binding from the time when  
36 the pledge is made. All such revenues so pledged and received by  
37 the university shall immediately be subject to the lien of the  
38 pledges without any physical delivery of them or further action  
39 under the Uniform Commercial Code, Title 11, or otherwise. The  
40 lien of those pledges shall be valid and binding as against all  
41 parties having claims of any kind in tort, contract or otherwise  
42 against the university irrespective of whether the parties have  
43 notice of the liens, and the liens shall automatically, without  
44 further action, be perfected and have the same status as a  
45 security interest perfected under the Uniform ~~Commercial~~  
46 Commercial Code, Title 11, Article 9.

47  
48 **Sec. 85. 20-A MRSA §11413, sub-§§6 and 9**, as enacted by PL  
49 1987, c. 807, §3, are amended to read:

50  
51

1           6. Cost of attendance. "Cost of attendance" means the  
2 tuition and fees applicable to a student, together with an  
3 estimate of other expenses reasonably related to cost of  
4 attendance at an institution, including, without limitation, the  
5 cost of room and board, ~~transportation~~ transportation, books and  
6 supplies.

7  
8           9. Education loan. "Education loan" means a loan which is  
9 made by the authority or by, or on behalf of, an institution to a  
10 student or to parents of a student, or both, in amounts not in  
11 excess of the maximum amounts specified by the authority to  
12 finance a part or all of the student's cost of attendance at an  
13 ~~institution~~ institution. An education loan shall constitute an  
14 authority loan.

15           **Sec. 86. 20-A MRSA §11417, sub-§3**, as enacted by PL 1987, c.  
16 807, §3, is amended to read:

17  
18           3. Policies. The members of the authority shall have the  
19 power and duty to establish and revise, from time to time, rules  
20 pertaining to participation in programs of the authority, issuing  
21 bonds and borrowing money by the authority, a process for  
22 allocation and ~~carry-forward~~ carry-forward of that portion of the  
23 state ceiling on issuance of tax-exempt bonds allocated to the  
24 authority pursuant to Title 10, chapter 9, servicing and  
25 collection of loans made pursuant to programs of the authority  
26 and other policies governing the operation of the authority. In  
27 addition, the members of the authority may, by resolution of the  
28 members, determine that the authority may borrow money in  
29 accordance with any such resolution. All other powers and duties  
30 of the authority shall be vested in the executive director who  
31 shall carry out such powers and duties in accordance with this  
32 chapter and the rules of the authority.

33  
34           **Sec. 87. 20-A MRSA §12551**, as enacted by PL 1985, c. 472, is  
35 amended to read:

36  
37           **§12551. Purpose**

38  
39           In recognition of the ~~indispensible~~ indispensable public  
40 service role which firefighters and law enforcement officers play  
41 in the well-being of the people of this State, it is the purpose  
42 of this chapter to provide for assistance to the children of  
43 firefighters and law enforcement officers who are killed in the  
44 line of duty so that these children may have the opportunity to  
45 pursue a degree at one of the state post-secondary educational  
46 institutions.

47  
48           **Sec. 88. 20-A MRSA §12705, sub-§1, ¶E**, as amended by PL 1987,  
49 c. 693, and as repealed and replaced by PL 1987, c. 769, Pt. A,  
50 §63, is repealed and the following enacted in its place:  
51

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

5 **Sec. 89. 21-A MRSA §356, sub-§2, ¶A,** as enacted by PL 1985, c.  
7 161, §6, is amended to read:

9 A. Only a registered voter residing in the electoral  
11 division of the candidate concerned may file a challenge.  
13 The challenge must be in writing and must set forth the  
reasons for the challenge. The challenge must be filed in  
15 the office of the Secretary of State by 5 p.m. on the 5th  
day after the final date for filing petitions under section  
354, subsection 8 8-A.

17 **Sec. 90. 21-A MRSA §630, sub-§2, ¶B,** as amended by PL 1985, c.  
383, §10, is further amended to read:

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

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

47 When a physically handicapped voter votes at the office of  
the clerk or at an alternative voting place, he that voter  
49 shall vote by absentee ballot and the method of voting shall  
be the same as in section 754 754-A. If an alternative  
51 voting place has been designated, the clerk shall furnish a  
reasonable number of absentee ballots and return envelopes

1 to the warden. When the clerk or the warden receives such a  
2 ballot, he the clerk or warden shall follow, as far as  
3 applicable, the same procedure prescribed in subchapter IV  
4 for the clerk to follow in handling absentee ballots.

5  
6 **Sec. 91. 22 MRSA §42-B**, as enacted by PL 1985, c. 385, is  
7 amended to read:

8 **§42-B. Adoption of a grievance procedure concerning**  
9 **discrimination on the basis of handicap**

10  
11 The commissioner shall adopt rules pursuant to the Maine  
12 Administrative Procedure Act, Title 5, chapter 375, subchapter  
13 II, to create a grievance procedure applicable to all bodies of  
14 State Government in accordance with 45 Code of Federal  
15 Regulations, Section 84.7. To the extent that a grievance  
16 procedure adopted under this section conflicts with a grievance  
17 procedure otherwise adopted by a state agency to comply with 45  
18 Code of Federal Regulations, Section 84.7, the procedure adopted  
19 under this section shall control, except in cases of conflict  
20 with other federal regulations.

21  
22 **Sec. 92. 22 MRSA §309, sub-§6**, as amended by PL 1987, c. 436,  
23 **§6**, is further amended to read:

24  
25 **6. Hospital projects.** Notwithstanding subsections 1, 4 and  
26 5, the department may not issue a certificate of need for a  
27 project which is subject to the provisions of section 396-D,  
28 subsection 5, and section 396-K, if the associated costs exceed  
29 the amount which the commission has determined will have been  
30 credited to the Certificate of Need Development Account pursuant  
31 to section 396-K, after accounting for previously approved  
32 projects. A project shall not be denied solely on the basis of  
33 exceeding the amount remaining in the Certificate of Need  
34 Development Account or Hospital Development Account in a  
35 particular payment year and shall be held for further  
36 consideration by the department in the first appropriate review  
37 cycle beginning after the Certificate of Need Development Account  
38 or Hospital Development Account is credited with additional  
39 amounts. Projects which are carried forward shall compete equally  
40 with newly proposed projects. For the purposes of this  
41 subsection, a project may be held for a final decision beyond the  
42 time frames set forth in section 307, ~~subsections 3 and 4~~  
43 subsection 3.

44  
45 **Sec. 93. 22 MRSA §396-E, sub-§1, ¶B**, as enacted by PL 1983, c.  
46 579, **§10**, is amended to read:

47  
48 **B.** Except as provided in ~~paragraphs E and F~~ paragraph F,  
49 accumulated income from operations and income from  
50 investment thereof shall not be considered available  
51 resources.



1  
3           **Sec. 94. 22 MRSA §396-H**, as enacted by PL 1983, c. 579, §10,  
is repealed and the following is enacted in its place:

5   §396-H. Establishment of gross patient service revenue limits

7           1. Establishment of revenue limits. In accordance with the  
8           procedures under section 398, the commission shall establish a  
9           gross patient service revenue limit for each hospital for each  
10           payment year commencing on and after October 1, 1984. This limit  
11           shall be established by adding:

13           A. The payment year financial requirements of the hospital,  
14           offset by the hospital's available resources in accordance  
15           with section 396-E; and

17           B. The revenue deductions determined pursuant to section  
18           396-F.

19           **Sec. 95. 22 MRSA §1471-M, sub-§4**, as enacted by PL 1987, c.  
21   702, §5, is amended to read:

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

37           The board, by rule, shall establish criteria for designation of  
38           critical areas by March 1, 1989.

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

51

1           Sec. 96. 22 MRS §1471-U, as enacted by PL 1987, c. 702, §6,  
and c. 723, §§4 and 6, is repealed and the following enacted in  
3 its place:

5           §1471-U. Municipal ordinances

7           1. Centralized listing. The Board of Pesticides Control  
shall maintain for informational purposes, for the entire State,  
9 a centralized listing of municipal ordinances that specifically  
apply to pesticide storage, distribution or use.

11           2. Existing ordinances. The clerk of any municipality  
which, on the effective date of this section, has an ordinance to  
13 be listed under subsection 1 shall file a copy of that ordinance  
with the board by December 31, 1988.

15           3. New ordinances. The clerk of the municipality shall  
provide the board with notice and a copy of any ordinance to be  
17 listed under subsection 1 at least 7 days prior to the meeting of  
19 the legislative body or the public hearing at which adoption of  
the ordinance will be considered. The clerk shall notify the  
21 board within 30 days after adoption of the ordinance.

23           4. Intent. It is the intent of this section to provide  
information on municipal ordinances. This section shall not  
25 affect municipal authority to enact ordinances.

27           5. Failure to file. For any ordinance which is not filed  
with the board, with notice given to the board in accordance with  
29 this section, which is otherwise valid under the laws of this  
State, any provision that specifically applies to storage,  
31 distribution or use of pesticides shall be considered void and of  
no effect after the deadline for filing and until the board is  
33 given proper notice and the ordinance is filed with the board.

35           Sec. 97. 22 MRS §1471-W is enacted to read:

37           §1471-W. General use pesticide dealers

39           1. License required. Unless exempted under subsection 5,  
41 no person may distribute general use pesticides without a license.

43           2. Issuance of license. The Board of Pesticides Control  
shall issue a license to distribute general use pesticides to any  
45 person upon payment of a fee of \$20 for a calendar year or any  
part of a calendar year. Any person licensed to distribute  
47 restricted use pesticides shall be considered licensed to  
distribute general use pesticides without any additional fee.  
49 All fees collected under this section shall be deposited in the  
Board of Pesticides Control Special Fund.

1           3. Records; reporting. Any person licensed to distribute  
2           general use pesticides shall keep and maintain records of annual  
3           pesticide sales and shall make them available on request to the  
4           board. Those records shall include the name of the pesticide,  
5           the concentration of active ingredients, the quantity sold and  
6           such other information as the board may require by rule, and  
7           shall be kept on a calendar year basis. The records shall be  
8           kept for 2 years after the end of the calendar year. The board,  
9           by rule, may require submission of an annual written report on  
10           sales of general use pesticides or a subcategory of them. The  
11           board may not require recordkeeping on the sale of household use  
12           pesticide products.

13  
14           4. Violations; penalty. Any person required to be licensed  
15           under subsection 1 who sells general use pesticides without a  
16           license commits a civil violation for which a forfeiture not to  
17           exceed \$500 may be adjudged. Any person who fails to keep or  
18           maintain required records of general use pesticide sales commits  
19           a civil violation for which a forfeiture not to exceed \$250 may  
20           be adjudged.

21  
22           5. Exemptions. The following situations are exempt from the  
23           provisions of this section.

24           A. Any person may distribute the following products without  
25           a general use pesticide dealer license:

26                   (1) Household use pesticide products with no more than  
27                   3 percent active ingredients;

28                   (2) The following products, which have limited  
29                   percentages of active ingredients:

30                           (a) Dichlorovos (DDVP) impregnated strips with  
31                           concentrations not more than 25% in resin strips  
32                           and pet collars;

33                   (3) The following products with unlimited percentages  
34                   of active ingredients:

35                           (a) Pet supplies such as shampoos, tick and flea  
36                           collars and dusts;

37                           (b) Disinfectants, germicides, bactericides and  
38                           virucides;

39                           (c) Insect repellents;

40                           (d) Indoor and outdoor animal repellents;

41                           (e) Moth flakes, crystals, cakes and nuggets;

1 (f) Indoor aquarium supplies;

3 (g) Swimming pool supplies; and

5 (h) Pediculocides and mange cure on man.

7 B. The board may promulgate rules to exempt the sale of  
9 additional general use pesticide products from the dealer  
11 licensing provisions of this section.

11 **Sec. 98. 22 MRSA §1492**, as amended by PL 1987, c. 816, Pt.  
13 KK, §18, is further amended to read:

15 **§1492. Occupational disease reporting system**

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

25 **Sec. 99. 22 MRSA §1861**, as enacted by PL 1983, c. 473, is  
27 amended to read:

29 **§1861. Limitation on payments to health care institutions**

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

43 **Sec. 100. 22 MRSA §1862, sub-§1, ¶A**, as enacted by PL 1983, c.  
45 473, is amended to read:

47 A. The commission of an unfair labor practice or prohibited  
practice as determined by:

49 (1) The National Labor Relations Board pursuant to the  
51 United States Code, Title 29, Section 158;

1 (2) The Maine Labor Relations Board pursuant to Title  
26, chapter 7, 9, 9-A or 9-B; or

3 (3) A court of competent jurisdiction pursuant to  
4 Title 26, section 911 931; and

7 Sec. 101. 22 MRSA §3174-D, as enacted by PL 1987, c. 395, Pt.  
B, §2, and c. 834, §2, is repealed and the following enacted in  
9 its place:

11 §3174-D. Medicaid coverage for services provided by the  
12 Governor Baxter School for the Deaf

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

25 Sec. 102. 22 MRSA §3174-E, as enacted by PL 1987, c. 831, §1,  
26 c. 836, §§1 and 4, and c. 847, §4, is repealed and the following  
27 enacted in its place:

29 §3174-E. Interim assistance agreement

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

37 Sec. 103. 22 MRSA §§3174-F, 3174-G and 3174-H are enacted to  
38 read:

41 §3174-F. Coverage for adult dental services

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

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

51

1 B. Oral surgical and related medical procedures not  
3 involving the dentition and gingiva;

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

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

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

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

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

- 35 (1) The number of individuals assisted by the program;
- 37 (2) The services provided to those individuals;
- 39 (3) The cost of services provided;
- 41 (4) Any significant limitations that have become  
43 apparent in the scope of service provided; and
- 45 (5) Recommendations and rationale for any expansion of  
47 service that appears necessary; and

49 B. Study the feasibility of contracting with a prepaid  
51 dental plan, health maintenance organization, or other  
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.

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

1. Delivery of services. The department shall provide for  
the delivery of federally approved Medicaid services to qualified  
pregnant women up to 60 days following delivery and infants up to  
one year of age when the woman's or child's family income is  
below 185% of the nonfarm income official poverty line and

1 children under 5 years of age and qualified elderly and disabled  
3 persons, when the child's or person's family income is below 100%  
5 of the nonfarm income official poverty line. The official  
7 poverty line shall be that applicable to a family of the size  
9 involved, as defined by the Federal Office of Management and  
11 Budget and revised annually in accordance with the United States  
13 Omnibus Budget Reconciliation Act of 1981, Section 673,  
15 Subsection 2. These services shall be effective October 1, 1988.

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

27 3. Benefits authorized. The scope of medical assistance to  
29 be provided within this section shall be that authorized by the  
31 Federal Sixth Omnibus Budget Reconciliation Act, Public Law  
33 99-509.

35 §3174-H. Availability of income between married  
37 couples in determination of eligibility

39 Notwithstanding this chapter, for the purpose of determining  
41 medical indigency and eligibility for assistance for an  
43 individual residing or about to reside in an institution eligible  
45 for Medicaid participation under this section, there shall be a  
47 presumption, rebuttable by either spouse, that each spouse has a  
49 marital property interest in 1/2 of the total monthly income of  
51 both spouses at the time of application for medical assistance.  
Only the 1/2 interest of the applicant spouse shall be considered  
available to the spouse in determining eligibility for medical  
indigency and eligibility for assistance.

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

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

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

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

The Department of Human Services shall establish standards  
for the reasonable and adequate support of the community spouse  
and the community residence of the couple. The standards shall

1 consider the cost of housing payments, property taxes, property  
3 insurance, utilities, food, medical expenses, transportation,  
5 other personal necessities and the presence of other dependent  
7 persons in the home.

9 The community spouse may apply to the Department of Human  
11 Services for a determination pursuant to the standards that the  
13 community spouse requires a larger portion of the marital income.  
15 Therefore, a smaller portion of the marital income will be  
17 available to the applicant spouse in determining medical  
19 indigency and eligibility for assistance.

21 As soon as authorized by federal law, the department shall  
23 implement this section.

25 Sec. 104. 22 MRSA §3296 is enacted to read:

27 §3296. Penalty for violations

29 Any person who violates this chapter shall be subject to the  
31 applicable penalty as provided in chapters 958-A and 1071 and  
33 section 7702.

35 Sec. 105. 22 MRSA §3306, as enacted by PL 1987, c. 714, §2, is  
37 repealed.

39 Sec. 106. 22 MRSA §3760-B, as enacted by PL 1987, c. 856, §§3  
41 and 10, is amended to read:

43 §3760-B. Notification to the Legislature

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

53 Sec. 107. 22 MRSA §4008, sub-§2, ¶F, as amended by PL 1987, c.  
55 714, §5, and c. 744, §4, is repealed and the following enacted in  
57 its place:

59 F. Any person engaged in bona fide research, provided that  
61 no personally identifying information is made available,  
63 unless it is essential to the research and the commissioner  
65 or the commissioner's designee gives prior approval. If the  
67 researcher desires to contact a subject of a record, the  
69 subject's consent shall be obtained by the department prior  
71 to the contact;

73 Sec. 108. 22 MRSA §4008, sub-§2, ¶G, as amended by PL 1987, c.  
75 714, §6, and c. 744, §5, is repealed and the following enacted in  
77 its place:



1  
3 G. Any agency or department involved in licensing or  
5 approving homes for, or the placement of, children or  
dependent adults, with protection for identity of reporters  
and other persons when appropriate;

7 Sec. 109. 22 MRSA §4008, sub-§2, ¶H, as enacted by PL 1987, c.  
9 714, §7, and c. 744, §6, is repealed and the following enacted in  
its place:

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

15 Sec. 110. 22 MRSA §4008, sub-§2, ¶I is enacted to read:

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

21 Sec. 111. 22 MRSA §4008, sub-§4, as enacted by PL 1983, c.  
23 783, §4, is amended to read:

25 4. Unlawful dissemination; penalty. A person is guilty of  
27 unlawful dissemination if he knowingly disseminates records which  
29 are determined confidential by this section, in violation of the  
mandatory or optional disclosure provisions of this section.  
Unlawful dissemination is a Class E crime, which, notwithstanding  
Title 17-A, section 4-A, subsection 4, is punishable by a fine of  
not more than \$500 or by imprisonment for not more than 30 days.

31 Sec. 112. 22 MRSA c. 1071, sub-c. X, as enacted by PL 1987, c.  
33 511, Pt. A, §4, is repealed.

35 Sec. 113. 22 MRSA c. 1071, sub-c. XI, as enacted by PL 1987, c.  
37 511, Pt. B, §2, is repealed.

39 Sec. 114. 22 MRSA c. 1071, sub-cc. X-A and XI-A are enacted to  
read:

41 SUBCHAPTER X-A

43 CHILD WELFARE SERVICES OMBUDSMAN

45 §4087. Child Welfare Services Ombudsman

47 1. Office established. The Office of Child Welfare  
49 Services Ombudsman is established within the Executive Department  
and is autonomous from any other state agency. Its purpose is to  
51 represent the best interests of individuals involved in the  
State's child welfare system as a class and to investigate and  
resolve complaints against State Government agencies that may be

1 infringing on the rights of individuals involved in the State's  
2 child welfare system.

3  
4 2. Appointment of the Child Welfare Services Ombudsman.  
5 The Child Welfare Services Ombudsman shall be appointed by the  
6 Governor, subject to review by the joint standing committee of  
7 the Legislature having jurisdiction over human resources and to  
8 confirmation by the Legislature and shall serve at the pleasure  
9 of the Governor. Any vacancy shall be filled by similar  
10 appointment.

11 3. Powers and duties. The ombudsman may:

12  
13 A. Provide ombudsman services to individual citizens in  
14 matters relating to those child welfare services provided by  
15 and under the jurisdiction of State Government;

16  
17 B. Advise, consult and assist the Executive Branch and  
18 Legislative Branch of State Government, especially the  
19 Governor, on activities of State Government related to child  
20 welfare. The ombudsman shall be solely advisory in nature,  
21 shall not be delegated any administrative authority or  
22 responsibility nor supplant existing avenues for recourse or  
23 appeals. The ombudsman may make recommendations regarding  
24 any function intended to improve the quality of child  
25 welfare services in State Government. If findings, comments  
26 or recommendations of the ombudsman vary from, or are in  
27 addition to, those of the bureau, department or other state  
28 agency, the statements of the ombudsman shall be sent to the  
29 respective branches of State Government as attachments to  
30 those submitted by the bureau, department or other state  
31 agency. Recommendations may take the form of proposed  
32 budgetary, legislative or policy actions;

33  
34 C. Review and evaluate, on a continuing basis, state and  
35 federal policies and programs relating to the provision of  
36 child welfare services conducted or assisted by any state  
37 departments or agencies for the purpose of determining the  
38 value and impact on individuals involved in the State's  
39 welfare system;

40  
41 D. Receive and address inquiries, complaints, problems or  
42 requests for information and assistance regarding the  
43 State's child welfare services;

44  
45 E. Conduct research, gather facts and evaluate procedures  
46 and policies regarding the State's child welfare services;

47  
48 F. Consult with and advise state agencies on operational  
49 and management issues or specific or special situations  
50 regarding child welfare services and recommend remedial  
51

1 actions when necessary through direct oral communication,  
2 memoranda, reports or meetings;

3  
4 G. Serve as a coordinator of communication and cooperation  
5 for all components of the State's child welfare services  
6 system, especially among state agencies, whenever desirable  
7 or necessary;

8  
9 H. Make referrals for service to relevant state agencies  
10 when appropriate;

11  
12 I. Set priorities in order to effectively carry out the  
13 purposes of this subchapter; and

14  
15 J. Inform the public to encourage a better public  
16 understanding of the current status of the State's child  
17 welfare system by collecting and disseminating information,  
18 conducting or commissioning studies and publishing the  
19 results and by issuing publications and reports.

20  
21 4. Confidentiality of records. No information or records  
22 maintained by the office relating to a complaint or investigation  
23 may be disclosed unless the ombudsman authorizes the disclosure  
24 and the disclosure is otherwise permitted pursuant to section  
25 4008. The ombudsman shall not disclose the identity of any  
26 complainant unless:

27  
28 A. The complainant or the complainant's legal  
29 representative consents in writing to the disclosure with  
30 respect to that complainant; or

31  
32 B. A court orders the disclosure.

33  
34 A complainant or the complainant's legal representative, in  
35 providing the consent, may specify to whom the identity may be  
36 disclosed and for what purposes, in which event no other  
37 disclosure is authorized.

38  
39 5. Administration. The ombudsman shall administer, in  
40 accordance with current fiscal and accounting rules of the State  
41 and in accordance with the philosophy, objectives and authority  
42 of this subchapter, any funds appropriated for expenditure by the  
43 ombudsman or any grants or gifts which may become available,  
44 accepted and received by the ombudsman; make an annual report  
45 which shall be submitted directly to the commissioner, the  
46 Governor and the joint standing committee of the Legislature  
47 having jurisdiction over human resources, not later than March  
48 1st of each year, concerning its work, recommendations and  
49 interests of the previous fiscal year and future plans; and shall  
50 make such interim reports as the ombudsman deems advisable.  
51 Copies of these reports shall be available to all Legislators and  
other state agencies upon request.

1           6. Expenses of the ombudsman. The ombudsman, within  
3 established budgetary limits and as allowed by law, shall  
5 authorize and approve travel, subsistence and related necessary  
7 expenses of the ombudsman or members of the office, incurred  
9 while traveling on official business.

11           7. Information from state agencies. State agencies shall  
13 provide to the ombudsman copies of all reports and other  
15 information required for the fulfillment of the purposes of this  
17 chapter pursuant to section 4008, subsection 3, paragraph D.

19           8. Legal services. The Department of the Attorney General  
21 shall provide legal services as the ombudsman deems necessary in  
23 order to carry out the purposes of this subchapter.

25           9. Location. Office space shall be made available for the  
27 ombudsman within the Capitol Complex.

29           10. Review. This office shall be reviewed 2 years after  
31 the effective date of this section by the joint standing  
33 committee of the Legislature having jurisdiction over human  
35 resources and the joint standing committee of the Legislature  
37 having jurisdiction over audit and program review.

39                           SUBCHAPTER XI-A

41                                   OUT-OF-HOME ABUSE AND NEGLECT  
43                                   INVESTIGATING TEAM

45           §4088. Out-of-home abuse and neglect investigating team

47           1. Definitions. As used in this subchapter, unless the  
49 context indicates otherwise, the following terms have the  
51 following meanings.

A. "Bureau" means the Bureau of Social Services within the  
          Department of Human Services.

B. "Department" means the Department of Human Services.

C. "License" shall be defined in accordance with Title 5,  
          section 8002, and shall include approval and registration.

D. "Out-of-home abuse and neglect" means abuse and neglect  
          of a child which occurs in a facility or by a person subject  
          to licensure or inspection by this department, the  
          Department of Educational and Cultural Services, the  
          Department of Corrections and the Department of Mental  
          Health and Mental Retardation or in a facility operated by  
          these departments.

1           E. "Team" means the out-of-home abuse and neglect  
2           investigating team.

3

4           1-A. Applicability of other definitions. Any terms defined  
5           or used in subchapter II, section 4002 or 4021, have the same  
6           meaning when used in this subchapter.

7

8           2. Team established. The team is established to  
9           investigate reports of suspected abuse and neglect of children by  
10           persons or in facilities subject to licensure pursuant to this  
11           Title. The team is also authorized to assist other persons or  
12           agencies to investigate suspected abuse and neglect by persons or  
13           in facilities providing services to children that are subject to  
14           licensure pursuant to other titles and to assist in  
15           investigations of suspected abuse and neglect in state-operated  
16           facilities providing services for children.

17

18           3. Authority and responsibility. The team shall have the  
19           following authority and responsibilities regarding investigation  
20           of out-of-home abuse and neglect. The team:

21

22           A. Shall receive all reports of out-of-home abuse and  
23           neglect;

24

25           B. Shall investigate all reports received by the department  
26           regarding alleged out-of-home abuse and neglect occurring in  
27           facilities or by persons subject to licensure by the  
28           department;

29

30           C. Shall conduct a single investigation sufficient to  
31           determine not only if abuse or neglect have occurred but  
32           also to determine whether a licensing violation has occurred  
33           in order to protect children from further harm and establish  
34           a basis upon which to take licensing action. This procedure  
35           minimizes duplicative or redundant investigations to the  
36           extent possible in response to the same or related  
37           allegations of out-of-home abuse or neglect in facilities or  
38           by persons subject to licensure by the department;

39

40           D. Shall coordinate and consult with the bureau staff  
41           performing general licensing functions to eliminate  
42           duplicative or redundant investigations to the extent  
43           possible and to prevent, correct or eliminate the abuse or  
44           neglect or threat of abuse or neglect in out-of-home  
45           settings;

46

47           E. Shall provide the results of the investigation to the  
48           bureau's licensing staff for appropriate action;

49

50           F. Shall include relevant professionals outside the  
51           department as members of the team for all investigations of  
            residential treatment centers, group homes or day care

1           centers mandated by this subchapter and for other child care  
2           facilities as warranted;

3  
4           G. When a report alleges out-of-home abuse and neglect in  
5           facilities or by persons not subject to licensure by the  
6           department, shall immediately refer the report to the agency  
7           or department charged with the responsibility to investigate  
8           such a report or, if applicable, to the state department  
9           operating the facility;

10           H. With respect to reports described in paragraph G, may,  
11           on its own initiative or upon request of another department  
12           or agency charged with the responsibility to investigate,  
13           participate in the out-of-home abuse and neglect  
14           investigation of persons or facilities subject to licensure  
15           or operated by the Department of Educational and Cultural  
16           Services, the Department of Corrections or the Department of  
17           Mental Health and Mental Retardation;

18  
19           I. Shall refer to office of the district attorney or office  
20           of the Attorney General, when appropriate, any case in which  
21           criminal activity is alleged and shall coordinate its  
22           investigation with that office in order to minimize the  
23           trauma to the children involved; and

24  
25           J. Shall consult and train law enforcement personnel,  
26           advocates and others in the identification, reporting,  
27           prevention and investigation of out-of-home abuse and  
28           neglect as time allows.

29  
30           4. Training. The team shall be trained in techniques of  
31           investigating out-of-home abuse and neglect of children, as well  
32           as child development; identification of abuse and neglect;  
33           interview techniques; treatment alternatives for perpetrators,  
34           victims and their families; licensing regulations applicable to  
35           facilities or persons licensed pursuant to Subtitle 6; and other  
36           statutory and regulatory remedies available to prevent, correct  
37           or eliminate abuse and neglect in out-of-home settings.

38  
39           5. Records; confidentiality; disclosure. Records created  
40           pursuant to this subchapter shall be maintained in accordance  
41           with section 4008 and shall not be disclosed except as provided  
42           by that section or by section 7703, subsections 2 to 4.

43  
44           6. Assistance. Staff performing general licensing  
45           functions may assist the team in conducting out-of-home  
46           investigations upon the request of the Director of the Bureau of  
47           Social Services, provided that the licensing staff member has  
48           neither currently licensed nor monitored for compliance the  
49           subject of the investigation.

50  
51

1           Sec. 115. 22 MRSA §5112, sub-§2, as amended by PL 1985, c. 89,  
is further amended to read:

3  
4           2. Advocate. Serve as an advocate on behalf of older  
5 people promoting and assisting activities designed to meet at the  
6 national, state and community levels the problems of older  
7 people. The committee shall serve as an ombudsman on behalf of  
8 individual citizens and older people as a class in matters under  
9 the jurisdiction of State Government. It shall be a spokesman on  
10 behalf of older people to the director, commissioner, Governor,  
11 Legislature, public-at-large and Federal Government.

13           In order to serve as advocate and ombudsman for older people, the  
14 committee shall have the power to enter onto the premises of any  
15 adult foster care facility approved by the State according to  
16 section 7908 7801, any boarding care facility licensed according  
17 to section 7801 and any nursing home facility licensed according  
18 to section 1817 in order to investigate complaints concerning  
19 those facilities. To carry out this function, the committee may  
20 enter onto the premises of any adult foster care facility, any  
21 boarding care facility or any nursing home during the course of  
22 an investigation, speak privately with any individual therein who  
23 consents to the conversation and inspect and copy all records  
24 pertaining to a resident held by a facility or home, provided  
25 that the resident, or the legal representative of the resident,  
26 consents in writing to that inspection. The consent, where  
27 required and not obtainable in writing, may be conveyed orally or  
28 otherwise to the staff of the facility or home. Where a resident  
29 is not competent to grant consent and has no legal  
30 representative, the committee may inspect the resident's records  
31 and may make such copies that do not contain personally  
32 identifiable material without the written consent of a duly  
33 appointed legal representative. The committee may authorize up to  
34 25 persons, including committee members, staff of the committee  
35 and other citizens, to carry out this function of the committee  
36 pursuant to this subsection. Appropriate identification shall be  
37 issued to all such persons. The committee shall renew the  
38 authorization and reissue identification annually. The findings  
39 of the committee shall be available to the public upon request.

41           No information or records maintained by the committee relating to  
42 complaints may be disclosed unless the ombudsman authorizes the  
43 disclosure; and the ombudsman shall not disclose the identity of  
44 any complainant or resident unless:

45           A. The complainant or resident, or a legal representative  
46 of either, consents in writing to the disclosure with  
47 respect to that complainant or resident respectively; or

48           B. A court orders the disclosure.  
51

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

5  
7 Any person, official or institution who in good faith  
participates in the registering of a complaint pursuant to this  
subsection, or in good faith investigates that complaint or  
9 provides access to those persons carrying out the investigation,  
about an act or practice in any approved adult foster care  
11 facility, any licensed boarding care facility or any licensed  
nursing home licensed according to section 5154, 7908, 7801 or  
13 1817, respectively, or who participates in a judicial proceeding  
resulting from that complaint, shall be immune from any civil or  
15 criminal liability that otherwise might result by reason of these  
actions. For the purpose of any civil or criminal proceedings,  
17 there shall be a rebuttable presumption that any person acting  
pursuant to this subsection did so in good faith.

19  
21 **Sec. 116. 22 MRSA §7230, sub-§1,** as enacted by PL 1987, c.  
735, §38, is amended to read:

23 1. **Intoxicated person.** An intoxicated person may come  
voluntarily to an approved public treatment facility for  
25 emergency treatment. A person who appears to be intoxicated and  
to be in need of help, if that person consents to the proffered  
27 help, may be assisted home, to an approved public treatment  
facility, an approved private treatment facility or other health  
29 facility by the police or the emergency service patrol.

31 **Sec. 117. 22 MRSA §7701, sub-§2,** as enacted by PL 1975, c.  
719, §6, is amended to read:

33  
35 2. **Facility.** As used in this subtitle, the word "facility"  
~~shall mean~~ means any of the places defined in section 7901  
7901-A, subsection 1 3, sections 8001, 8101, 8201 or 8301.

37  
39 **Sec. 118. 22 MRSA §7703, sub-§2, ¶F,** as enacted by PL 1983, c.  
691, §2, is amended to read:

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

49 **Sec. 119. 22 MRSA §7907, first ¶,** as repealed and replaced by PL  
1985, c. 791, §1, is amended to read:

51



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

3 **Sec. 120. 22 MRSA §7907, sub-§2**, as enacted by PL 1985, c.  
5 791, §1, is amended to read:

7 2. **Boarding care facilities.** Reimburse all boarding care  
9 facilities of 6 or fewer beds, except as provided in section 7906  
11 7906-A, on a flat rate basis, which rate shall be increased  
13 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.

15 **Sec. 121. 22 MRSA §8004**, as enacted by PL 1975, c. 719, §6,  
is amended to read:

17 **§8004. Fire safety**

19 All procedures and other provisions included in section 7904  
21 7904-A, subsections 1 and 2, for boarding care facilities shall  
also apply to drug treatment centers.

23 **Sec. 122. 22 MRSA §8103, sub-§1**, as enacted by PL 1985, c.  
25 706, §9, is amended to read:

27 1. **Procedures.** All procedures and other provisions  
29 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  
31 7904-A, subsection 1, need not be furnished annually by the State  
Fire Marshal to the department when a children's home serves only  
33 one or 2 children.

35 **Sec. 123. 22 MRSA §8304**, as enacted by PL 1975, c. 719, §6,  
is amended to read:

37 **§8304. Fire safety**

39 All procedures and other provisions included in section 7904  
41 7904-A, subsections 1 and 2, for boarding care facilities shall  
also apply to day care facilities.

43 **Sec. 124. 22 MRSA §8601, sub-§2**, as enacted by PL 1987, c.  
45 389, §5, is amended to read:

47 2. **Any day activity program.** Any day activity program  
49 licensed by the Department of Mental Health and Mental  
Retardation.

51 **Sec. 125. 23 MRSA §159**, as amended by PL 1987, c. 395, Pt. A,  
§101, is further amended to read:

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§159. Interpleader

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

Sec. 126. 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 enacted in its place:

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

Sec. 127. 23 MRSA §2753, as amended by PL 1981, c. 470, Pt. A, §138, is further amended to read:

§2753. Bridges crossing town line

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

1           Sec. 128. 23 MRSA §4211-A, sub-§10, as enacted by PL 1987, c.  
2           792, §1, is amended to read:

3  
4           10. Consolidation of hearings. The Department department  
5           may consolidate any hearing under this section with another  
6           hearing concerning railroad service by the same entity in the  
7           same area.

8           Sec. 129. 23 MRSA c. 615, as enacted by PL 1987, c. 748; c.  
9           792, §2; and c. 794, §1, is repealed and the following enacted in  
10          its place:

11  
12                                   CHAPTER 615

13                                   STATE RAILROAD PRESERVATION AND  
14                                   ASSISTANCE ACT

15           §7101. Short title

16           This chapter shall be known and may be cited as the "State  
17           Railroad Preservation and Assistance Act."

18           §7102. Findings of fact

19           The Legislature makes a finding of fact that a viable and  
20           efficient rail transportation system is necessary to the economic  
21           well-being of the State.

22           The Legislature makes a further finding of fact that the  
23           State must take active steps to protect and promote rail  
24           transportation in order to further the general welfare.

25           §7103. Railroad Preservation and Assistance Fund

26           1. Fund created. There is created the "Railroad  
27           Preservation and Assistance Fund" which shall receive revenue  
28           derived from the tax levied pursuant to Title 36, chapter 361,  
29           except that no more than \$150,000 from this revenue shall be  
30           deposited in the fund in any fiscal year. The fund shall also be  
31           eligible to receive grants from other sources. The Treasurer of  
32           State shall receive and deposit all revenue to the fund in a  
33           separate account to be known as the Railroad Preservation and  
34           Assistance Fund.

35           2. Legislative approval of budget. Expenditures from the  
36           Railroad Preservation and Assistance Fund are subject to  
37           legislative approval in the same manner as appropriations from  
38           the General Fund.

39           3. Use of funds. Subject to the Civil Service Law, money  
40           in the fund may be expended to hire employees and to defray other  
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1 costs authorized by law for the Department of Transportation,  
2 Bureau of Transportation Services as follows:

3  
4 A. To conduct studies relating to the economic impact of  
5 rail transportation on the State including cost-benefit  
6 analyses associated with the possible retention or loss of  
7 individual rail lines;

8  
9 B. To conduct periodic condition surveys of rail track and  
10 other related facilities; and

11  
12 C. To acquire, lease and maintain rail lines when these  
13 actions are determined to be in the best interest of the  
14 State.

15  
16 4. Balance carried forward. Any balance in the fund in  
17 excess of that required for the purposes of this section shall  
18 not lapse, but shall be carried forward. Any allocation of this  
19 balance shall be identified as to source.

20  
21 5. Other fund sources. The fund may accept funds from the  
22 Federal Rail Administration in carrying out the provisions of  
23 this chapter.

24 **Sec. 130. 23 MRSA c. 615-A is enacted to read:**

25  
26 **CHAPTER 615-A**

27  
28 **ACQUISITION OF RAILROAD LINES**

29  
30 **§7111. Legislative findings; declaration of policy**

31  
32 1. Legislative findings. The Legislature finds that safe,  
33 efficient and reliable rail service is essential to the economy  
34 of the State, the economic livelihood of industries located in  
35 the State, conservation and protection of the environment and the  
36 quality of life of the citizens of the State. The Legislature  
37 further finds that safe and efficient railroad service is  
38 essential to the State's public safety and the continued health  
39 and well-being of its citizens, particularly because of railroad  
40 transportation of bulk cargoes and hazardous and toxic  
41 substances, and the significant dangers that result from  
42 mishandling those and other cargoes.

43  
44 2. Declaration of policy. It is declared to be the policy  
45 of the State that the State and its agencies shall cooperate with  
46 the Congress of the United States and the appropriate federal  
47 agencies to assure the development and maintenance of safe,  
48 efficient and reliable rail service for the State. For any  
49 railroad line acquired under this chapter, it is the intent of  
50 the Legislature that the State may acquire the railroad line, but  
51

1 the State may not be an operator of the railroad or a rail  
2 carrier under federal law.

3 §7112. Definitions

4 As used in this chapter, unless the context otherwise  
5 indicates, the following terms have the following meanings.

6 1. Financially responsible person. "Financially  
7 responsible person" means a financially responsible person as  
8 defined in the United States Code, Title 49, Section 10910(a) and  
9 who intends to acquire, lease or contract to operate all or part  
10 of the railroad line in question.

11 2. Person. "Person" means a natural person, corporation,  
12 partnership or state agency.

13 3. Railroad line. "Railroad line" means the right-of-way,  
14 track, track appurtenances, ties, bridges, station houses,  
15 sidings, terminals, and other appurtenant structures of a  
16 railroad.

17 §7113. Hearings and report

18 1. Request for hearing. The department shall hold a  
19 hearing with regard to a railroad line if requested by any of the  
20 following:

21 A. A shipper or shippers whose traffic on the railroad line  
22 totaled 500 tons in the year immediately preceding the  
23 application;

24 B. Any municipality having a siding, terminal, station or  
25 agency station of the railroad line within its bounds; or

26 C. A financially responsible person.

27 2. Notice; testimony at hearing. Not less than 14 days  
28 prior to holding a hearing the department shall send written  
29 notice of the date and location to the parties requesting a  
30 hearing as well as the affected railroad company. In addition,  
31 the department shall publish 2 notices of the hearing in a  
32 newspaper of general circulation in the area of the State  
33 affected. Testimony received at the hearing may include the  
34 following:

35 A. Whether the railroad has adequate rail service to  
36 fulfill public convenience and necessity;

37 B. Whether the operator of the railroad is providing safe,  
38 efficient and reliable rail service;

1           C. Whether the rail service over the railroad has  
3           substantially impaired the ability of the shippers or  
          municipalities that depend upon it;

5           D. Whether the operation of the railroad has endangered the  
7           lives or property of the citizens of this State, including  
          railroad employees;

9           E. Whether the operator of the railroad has refused or  
11          failed within a reasonable time to make necessary  
          improvement to provide safe, efficient and reliable rail  
          service; and

13          F. Other relevant issues.

15                   3. Report. Upon conclusion of the hearing, the department  
17                   shall issue a report concerning the operation of the railroad  
19                   which shall be forwarded to the petitioning parties as well as  
          the railroad company. In addition, this report shall be  
21                   presented to the Governor as well as the Speaker of the House of  
          Representatives and the President of the Senate. The department  
23                   may also forward this report to the Interstate Commerce  
          Commission or the Federal Railroad Administration or any other  
          federal agency which is involved in the regulation of railroads.

25           §7114. Acquisition of railroads

27                   1. Authorization to acquire. Upon forwarding the report  
29                   set forth in section 7113, and if the report recommends  
31                   acquisition of the railroad line by the department, the  
          department may acquire, as provided in this section, the railroad  
33                   line and associated real property located in the State and  
          personal property, including rail facilities such as equipment  
35                   and rolling stock when, in the judgment of the department,  
          acquisition of the railroad line is necessary to protect the  
          public interest.

37                   2. Federal regulation. If the railroad line is under the  
39                   exclusive jurisdiction of a federal regulatory agency, the  
          department shall petition that agency and take all steps  
41                   necessary to obtain all regulatory approvals required under  
          federal law to acquire the railroad line.

43                   3. Acquisition. Upon obtaining all necessary federal  
45                   regulatory approvals or, if approval of a federal regulatory  
          agency is not required, the department may acquire the railroad  
47                   line and associated property by purchase or the taking by eminent  
          domain.

49                   4. Limitation. Any acquisition under this section is  
51                   subject to sufficient funds being made available by legislative  
          act to acquire the railroad line.

1  
3 5. Eminent domain. In the event that the department  
5 decides to acquire the railroad line by condemnation, the  
7 department shall have the railroad line and associated property  
9 appraised and shall offer to the owner as just compensation the  
11 constitutional minimum value, which shall be not less than the  
13 net liquidation value or the value as a going concern, whichever  
15 is greater, but shall not include the cost of providing a  
17 protective arrangement concerning the interest of the railroad's  
19 employees.

11 The department shall file in the registry of deeds for the county  
13 or counties, or registry district or districts, where the  
15 railroad line is located a notice of condemnation which shall  
17 contain a description of the property and the interest taken and  
19 the name or names of the owner or owners of record so far as they  
21 can be reasonably determined. The department may join in the  
23 same notice one or more separate properties whether in the same  
25 or different ownership. A check in the amount of the offer and a  
27 copy of the notice of condemnation shall be served on the owner  
29 or owners of record. In case there is multiple ownership, the  
31 check may be served on any one of the owners of each separate  
33 property. The notice of condemnation shall be published once in a  
35 newspaper of general circulation in the county where the property  
37 is located and that publication shall constitute service on any  
39 unknown owner or owners or other persons who may have or claim an  
41 interest in the property.

29 6. Appeals. In the event that any owner or owners of  
31 record are aggrieved by the department's offer, they may appeal  
33 from it to the Kennebec County Superior Court within 30 days  
35 after the date of service or publication of the notice of  
37 condemnation. The appeal shall be taken by filing a complaint  
39 setting forth the facts upon which the case shall be tried  
41 according to the Maine Rules of Civil Procedure. The Superior  
43 Court shall determine compensation by a jury verdict or, if all  
45 parties agree, by a court without a jury or by a referee or  
47 referees and shall render judgment for any compensation, with  
49 interest when it is due, and for costs in favor of the party  
51 entitled to them, pursuant to just compensation standards set  
forth in subsection 5.

43 7. Use of railroad line. The department may lease the  
45 railroad line, or otherwise contract for operation of the  
47 railroad line, to a railroad operator who is a financially  
49 responsible person, or it may hold and manage the railroad line  
51 for future transportation use.

49 §7115. Conditions of sale, lease and operation

51 1. Financial conditions on sale, lease or operating  
contract. Any railroad line acquired pursuant to this chapter

1 may be sold, leased or contracted to an operator, but only upon  
2 terms at least as favorable to the State as follows:

3 A. All of the costs of acquiring the railroad line and  
4 associated property shall be recovered by the State; and

5 B. The credit of the State shall not be pledged unless  
6 separately authorized as required by the Constitution of  
7 Maine, Article IX, Section 14.

8 2. State operation of railroad prohibited. In no event may  
9 the department or any other unit of State Government directly  
10 operate a railroad over a railroad line acquired under this  
11 chapter. The department may own the railroad line and lease or  
12 otherwise contract for its use by a private operator.

13 §7116. Employee protection

14 Any person acquiring or operating a railroad line under this  
15 chapter shall:

16 1. Hiring priority. Give a first right of hire to fill any  
17 subordinate official or nonmanagement position in the staffing of  
18 the new rail operation in the following order of priority:

19 A. First, all employees who are required to be accorded  
20 priority under federal law, employee protection obligations  
21 imposed by law, regulations or contracts which require the  
22 new operator to select employees of the prior operator, and  
23 existing or future collective bargaining agreements;

24 B. Second, all employees, in seniority order for each craft  
25 or class, who hold or held seniority rights in, or in  
26 connection with, the railroad line when it was last operated  
27 by its prior operator;

28 C. Third, employees drawing benefits under the United  
29 States Railroad Unemployment Insurance Act, United States  
30 Code, Title 45, chapter 11, first in the geographical area  
31 in which the railroad line is located, and then elsewhere  
32 within the State; and

33 D. Fourth, any other individual;

34 2. Existing employment obligations and practices. Assume  
35 the existing employment obligations and practices of the railroad  
36 whose property is condemned, including all agreements governing  
37 rates of pay, rules and working conditions, until changes are  
38 made by agreement or otherwise, in accordance with applicable  
39 law; and



1           3. Employee protection. Agree to provide a fair  
2           arrangement to protect the interests of railroad employees who  
3           are affected by the condemnation which is at least as protective  
4           of the interests of those employees as the levels of protection  
5           established by regulation or decision of the Interstate Commerce  
6           Commission.

7  
8           Any person who is entitled to priority of employment under this  
9           section shall be presumed to be physically and mentally qualified  
10           to perform the same or comparable work with the new employer.

11           §7117. Major modifications in rail service

12  
13           1. Findings. The Legislature finds that it is in the  
14           public interest that the State be promptly informed of any  
15           proposed major modifications to the rail service in this State.

16  
17           2. Notice required. Any railroad which files a petition or  
18           proposal with the United States Interstate Commerce Commission  
19           concerning the sale, merger, abandonment or embargo of any  
20           railroad line in this State shall concurrently file a copy of the  
21           petition or proposal with the department. Any person,  
22           corporation or other entity which proposes to acquire or  
23           construct an additional railroad line in this State or provide  
24           rail transportation over or by means of an extended or additional  
25           railroad line and which files a petition or proposal with the  
26           United States Interstate Commerce Commission to do so shall  
27           concurrently file a copy of the petition or proposal with the  
28           department, and shall include information on the fitness and  
29           ability, including management, financial condition and employee  
30           complement, of the entity proposing to provide the rail service  
31           to provide safe, efficient and reliable rail service.

32  
33           3. Review; report. The department shall review any  
34           petition or proposal for major modification to the rail service  
35           in the State filed under subsection 2. Upon conclusion of its  
36           review, the department shall report to the Governor and the  
37           Legislature if the proposal has a major effect on rail service in  
38           the State.

39  
40           4. Failure to notify. Any entity which fails to file  
41           notice with the department required by this section, shall not be  
42           approved to receive financial assistance from the State, as  
43           defined in section 4211-A, subsection 1, for one year next  
44           following the date the notice is required to be filed.

45  
46           Sec. 131. 24-A MRSA §602, as enacted by PL 1969, c. 132, §1,  
47           is amended to read:

48           §602. Tax on premiums and annuity considerations  
49  
50  
51

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

3  
4 **Sec. 132. 24-A MRSA §605, sub-§1**, as amended by PL 1969, c.  
5 177, §14, is further amended to read:

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

13 **Sec. 133. 24-A MRSA §2701, sub-§1**, as enacted by PL 1969, c.  
14 132, §1, is amended to read:

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

19 **Sec. 134. 24-A MRSA §2722, sub-§2**, as amended by PL 1973, c.  
20 585, §12, is further amended to read:

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

49 **Sec. 135. 24-A MRSA §2723, sub-§2**, as amended by PL 1973, c.  
50 585, §12, is further amended to read:

51

1           2. If the foregoing policy provision is included in a  
3 policy which also contains the policy provision set out in  
4 section 2722, there shall be added to the caption of the  
5 foregoing provision the phrase "other benefits." The insurer may,  
6 at its option, include in this provision a definition of "other  
7 valid coverage," approved as to form by the superintendent, which  
8 definition shall be limited in subject matter to coverage  
9 provided by organizations subject to regulation by insurance law  
10 or by insurance authorities of this or any other state of the  
11 United States or any province of Canada, and to any other  
12 coverage the inclusion of which may be approved by the  
13 superintendent. In the absence of such definition such term shall  
14 not include group insurance, or benefits provided by union  
15 welfare plans or by employer or employee benefit organizations.  
16 For the purpose of applying the foregoing policy provision with  
17 respect to any insured, any amount of benefit provided for such  
18 insured pursuant to any compulsory benefit statute, including any  
19 ~~workmen's~~ workers' compensation or employer's liability statute,  
20 whether provided by a governmental agency or otherwise shall in  
21 all cases be deemed to be "other valid coverage" of which the  
22 insurer has had notice. In applying the foregoing policy  
23 provision no third party liability coverage shall be included as  
24 "other valid coverage."

25           **Sec. 136. 24-A MRSA §2724, 2nd ¶**, as amended by PL 1973, c.  
26 585, §12, is further amended to read:

27           If the total monthly amount of loss of time benefits  
28 promised for the same loss under all valid loss of time coverage  
29 upon the insured, whether payable on a weekly or monthly basis,  
30 shall exceed the monthly earnings of the insured at the time  
31 disability commenced or his the average monthly earnings for the  
32 period of 2 years immediately preceding a disability for which  
33 claim is made, whichever is the greater, the insurer will be  
34 liable only for such proportionate amount of such benefits under  
35 this policy as the amount of such monthly earnings or such  
36 average monthly earnings of the insured bears to the total amount  
37 of monthly benefits for the same loss under all such coverage  
38 upon the insured at the time such disability commences and for  
39 the return of such part of the premiums paid during such 2 years  
40 as shall exceed the pro rata amount of the premiums for the  
41 benefits actually paid hereunder; but this shall not operate to  
42 reduce the total monthly amount of benefits payable under all  
43 such coverage upon the insured below the sum of \$200 or the sum  
44 of the monthly benefits specified in such coverages, whichever is  
45 the lesser, nor shall it operate to reduce benefits other than  
46 those payable for loss of time. The foregoing policy provision  
47 may be inserted only in a policy which the insured has the right  
48 to continue in force subject to its terms by the timely payment  
49 of premiums (A.) until at least age 50 or, (B.) in the case of a  
50 policy issued after age 44, for at least 5 years from its date of  
51 issue. The insurer may, at its option, include in this provision

1 a definition of "valid loss of time coverage", approved as to  
3 form by the superintendent, which definition shall be limited in  
subject matter to coverage provided by governmental agencies or  
5 by organizations subject to regulation by insurance law or by  
insurance authorities of this or any other state of the United  
7 States or any province of Canada, or to any other coverage the  
inclusion of which may be approved by the superintendent or any  
combination of such coverages. In the absence of such definition  
9 such term shall not include any coverage provided for such  
insured pursuant to any compulsory benefit statute, including any  
11 ~~workmen's~~ workers' compensation or employer's liability statute,  
or benefits provided by union welfare plans or by employer or  
13 employee benefit organizations.

15 **Sec. 137. 24-A MRSA §2904, sub-§5**, as enacted by PL 1969, c.  
132, §1, is amended to read:

17  
5. **Liability under workers' compensation.** In the case of  
19 any liability under any ~~workmen's~~ workers' compensation  
agreement, plan or law; or

21 **Sec. 138. 24-A MRSA §3048, first ¶**, as enacted by PL 1973, c.  
23 239, is amended to read:

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

31 **Sec. 139. 24-A MRSA §6205, sub-§1, ¶E**, as enacted by PL 1987,  
c. 482, §1, is amended to read:

33  
E. The provider has failed to implement a mechanism  
35 affording the enrollees subscribers an opportunity to  
participate in matters of policy and operation;

37  
**Sec. 140. 25 MRSA §2357**, as amended by PL 1987, c. 192, §4,  
39 is further amended to read:

41 **§2357. No occupancy without certificate; appeal**

43 No new building may be occupied until the inspector of  
buildings has given a certificate that the same has been built in  
45 accordance with section 2353, and so as to be safe from fire. If  
the owner permits it to be so occupied without such certificate,  
47 he the owner shall be penalized in accordance with Title 30 30-A,  
section 4966 4506. In case the inspector of buildings for any  
49 cause declines to give his that certificate and the builder has  
in his the builder's own judgment complied with section 2353, an  
51 appeal may be taken to the municipal officers and, if on such  
appeal it shall be decided by them that said section has been

1 complied with, the owner of said building shall not be liable to  
a fine for want of the certificate of the inspector.

3  
5 **Sec. 141. 25 MRSA §2358**, as amended by PL 1987, c. 192, §4,  
is further amended to read:

7 **§2358. Failure to comply with order of inspector**

9 If the owner of any building neglects or refuses for more  
than 30 days to comply with any direction of the inspector of  
11 buildings concerning the repairs on any building as provided in  
section 2354, ~~or to make such changes in the construction or~~  
13 ~~situation of chimneys, flues, funnels, stoves, furnaces, boilers,~~  
~~boiler connections and heating apparatus, as may be required by~~  
15 ~~such inspector of buildings under section 2355, or as may be~~  
17 ~~confirmed by the municipal officers on appeal, he~~ the owner shall  
be penalized in accordance with Title 30 30-A, section 4966 4506.

19 **Sec. 142. 25 MRSA c. 352**, as enacted by PL 1987, c. 840, §3,  
is amended by inserting before §2921 the following:

21 CHAPTER 352

23 EMERGENCY SERVICES COMMUNICATION

25 **Sec. 143. 26 MRSA §176, last ¶**, as amended by PL 1977, c. 694,  
27 §§448 and 448-A, is repealed and the following enacted in its  
place:

29 The director may file a complaint with the Administrative  
31 Court to revoke a certificate of authority pursuant to Title 4,  
section 1151, for incompetence or untrustworthiness of the holder  
33 thereof or for willful falsification of any matter or statement  
contained in the application or in a report of any inspection.

35 **Sec. 144. 26 MRSA §564, first ¶**, as amended by PL 1983, c. 812,  
37 §158, is further amended to read:

39 The Board of Occupational Safety and Health as established  
by Title 5, section 12004, subsection 8, shall consist of 10  
41 members of which 9 shall be appointed by the Governor. Of the 9  
appointed members of the board, 3 shall represent employers; 3  
43 shall represent employees; one shall represent an insurance  
company licensed to insure ~~workmen's~~ workers' compensation within  
45 the State and 2 shall represent the public. The 10th member of  
the board shall be the Director of the Bureau of Labor Standards.  
47 Of the 3 employer members, one shall represent state agencies,  
one shall represent counties within the State and one shall  
49 represent municipalities within the State. Of the 3 employee  
members, one shall represent state employees, one shall represent  
51 county employees and one shall represent municipal employees.



1           6-D. Prohibition against disqualification of individuals in  
2           approved training under the Strategic Training for Accelerated  
3           Reemployment Program. Notwithstanding any provisions of this  
4           chapter, the acceptance of training for opportunities available  
5           under section 2015-A is deemed to be acceptance of training with  
6           state approval under federal or state law relating to  
7           unemployment benefits.

9           Sec. 150. 26 MRSA §1285, sub-§8, as enacted by PL 1983, c.  
10          702, is amended to read:

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

20           Sec. 151. 30-A MRSA §421, sub-§§13 and 14, as enacted by PL  
21          1987, c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL  
22          1989, c. 6 and c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further  
23          amended to read:

24           13. Service of an income tax warrant. For the service of  
25          an income tax warrant and arrest as provided by Title 36, Part 8,  
26          the same as for service of civil process, and for civil arrests.  
27          For collecting income tax, penalties and interest, under such  
28          warrants, for every dollar of the first \$100, 4¢; for every  
29          dollar above \$100 and not exceeding \$200, 3¢; and for every  
30          dollar above \$200, 2¢. Additional services, including travel,  
31          shall be charged as provided in this section; and

32           14. Search for persons to serve. For diligently searching  
33          for persons upon whom they are commanded to serve civil process  
34          when that party cannot be located at an address given to the  
35          sheriff or the deputy sheriff by the plaintiff or the plaintiff's  
36          attorney when commanding the service to be made, \$2, plus  
37          necessary travel; and

38           Sec. 152. 30-A MRSA §2313, sub-§4, as enacted by PL 1987, c.  
39          737, Pt. A, §2, and Pt. C, §106, and as amended by PL 1989, c. 6  
40          and c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to  
41          read:

42           4. Transfer. Where a regional planning commission has been  
43          established under article 3, the member municipalities, by  
44          appropriate action, may provide for the transfer of all assets,  
45          liabilities, rights and obligations of the commission to the

1 council and provide for the dissolution of the ~~emission~~  
2 commission.

3

4 **Sec. 153. 32 MRSA §9407, sub-§2, ¶B**, as enacted by PL 1981, c.  
5 113, §2, is amended to read:

6  
7 B. If the applicant is a corporation, by at least one  
8 principal corporate officer and, if different, by the agent  
9 of the corporation meeting the qualifications of section  
10 9405, subsection 1 1-A; or

11

12 **Sec. 154. 32 MRSA §9910, sub-§2**, as amended by PL 1987, c.  
13 313, §6, is further amended to read:

14 2. **Disciplinary actions; grounds.** The board may suspend or  
15 revoke a license pursuant to Title 5, section ~~1004~~ 17105. In  
16 addition, the board may refuse to renew or the Administrative  
17 Court may revoke, suspend or refuse to renew any license issued  
18 under this chapter on any of the following grounds:

19  
20 A. The practice of fraud or deceit in obtaining a license  
21 under this chapter or in connection with service rendered  
22 within the scope of the license issued;

23  
24 B. A licensee shall be deemed to have engaged in  
25 unprofessional conduct if he the licensee violates any  
26 standard of professional behavior which has been established  
27 in the practice of dietetics;

28

29 C. Subject to the limitations of Title 5, chapter 341,  
30 conviction of a crime which involves dishonesty or false  
31 statement or which relates directly to the practice for  
32 which the individual is licensed or convicted of any crime  
33 for which imprisonment for one year or more may be imposed;  
34 or

35

36 D. Any violation of this chapter or rules adopted by the  
37 board.

38

39 **Sec. 155. 32 MRSA §10009, sub-§1, ¶A**, as repealed and replaced  
40 by PL 1987, c. 410, §9, is amended to read:

41  
42 A. If the person has passed an oral test based on Title 38,  
43 section 1364, subsection 2, and any rules promulgated under  
44 that subsection by the Board of Environmental Protection  
45 concerning underground hazardous substances substance  
46 storage facility installations;

47

48 **Sec. 156. 32 MRSA §11051**, as enacted by PL 1985, c. 702, §2,  
49 is amended to read:

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51 **§11051. Investigation, suspension and revocation of licenses**



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

Sec. 157. 33 MRSA §1652, sub-§1, as enacted by PL 1987, c. 734, §2, is amended to read:

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

Sec. 158. 33 MRSA §1662, sub-§2, as enacted by PL 1987, c. 734, §2, is amended to read:

2. Transfer irrevocable. A transfer made pursuant to section 1660 is irrevocable and the custodial property is indefeasibly vested in the minor, but the custodian has all the rights, powers, duties and authority provided in this Act, and neither the the minor nor the minor's legal representative has any right, power, duty or authority with respect to the custodial property, except as provided in this Act.

Sec. 159. 33 MRSA §1672, sub-§1, as enacted by PL 1987, c. 734, §2, is amended to read:

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

Sec. 160. 33 MRSA c. 37, as enacted by PL 1987, c. 645, §4, is repealed.

Sec. 161. 33 MRSA c. 39 is enacted to read:

CHAPTER 39

UNIFORM FEDERAL LIEN REGISTRATION ACT

§1901. Short title

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

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§1902. Scope

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

§1903. Place of filing

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

2. Real property liens. Notices of liens upon real property for obligations payable to the United States and 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 notices affecting the liens, shall be filed with the Secretary of State.

4. Timber, mineral and other liens. Notices of federal liens upon personal 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 notices affecting the liens, shall be filed in the registry of deeds in the county or counties where a mortgage on the real estate concerned would be filed or recorded.

§1904. Execution of notices and certificates

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

§1905. Duties of filing officer

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

1       A. The Secretary of State, the filing officer shall cause  
3       the notice to be marked, held and indexed in accordance with  
5       Title 11, section 9-403, subsection (4), as if the notice  
7       were a financing statement within the meaning of the Uniform  
9       Commercial Code, Title 11, except that if the property is of  
11       a type in which a security interest is perfected under Title  
13       5, section 90-A, the Secretary of State shall cause the  
15       notice to be marked, held and indexed in accordance with the  
17       procedures established under Title 5, section 90-A, as if  
19       the notice were a financing statement within the meaning of  
21       that section; or

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

29       2. Certificates. If a certificate of release,  
31       nonattachment, discharge or subordination of any lien is  
33       presented to the Secretary of State for filing, the filing  
35       officer shall:

37       A. Cause a certificate of release or nonattachment to be  
39       marked, held and indexed as if the certificate were a  
41       termination statement within the meaning of the Uniform  
43       Commercial Code, Title 11, but the notice of lien to which  
45       the certificate relates may not be removed from the files;  
47       and

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

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

69       4. Filing; fees. Upon request of any person, the Secretary  
71       of State shall issue a certificate showing whether there is on  
73       file, on the date and hour stated in the request, any notice of  
75       lien or certificate or notice affecting any lien filed under this  
77       chapter naming a particular person and, if a notice or  
79       certificate is on file, giving the date and hour of filing of  
81       each notice or certificate. The fee for a certificate is \$5.  
83       Upon request, the Secretary of State shall furnish a copy of any  
85       notice of federal lien, or notice or certificate affecting a  
87       federal lien, for a fee of \$1 a page.

89       §1906. Fees

1           Applicable fees shall be governed by section 751, subsection  
3 8 and Title 5, section 86.

5 §1907. Uniformity of application and construction

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

11           Sec. 162. 34-B MRSA §5437, first ¶, as amended by PL 1987, c.  
13 769, Pt. A, §127, is further amended to read:

15           The bureau shall establish a contingency fund for use by  
17 community based intermediate care facilities for the mentally  
19 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.

21           Sec. 163. 35-A MRSA Pt. I, first 2 lines, are repealed and the  
23 following enacted in their place:

25                           PART 1

27                                   PUBLIC UTILITIES COMMISSION

29           Sec. 164. 35-A MRSA §1304, sub-§2, ¶C, as enacted by PL 1987,  
c. 141, Pt. A, §6, is amended to read:

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

35           Sec. 165. 35-A MRSA §2306-A, as enacted by PL 1987, c. 141,  
Pt. A, §6, is repealed.

37           Sec. 166. 36 MRSA §198, sub-§4, ¶D, as enacted by PL 1985, c.  
39 .430, §3, is repealed.

41           Sec. 167. 36 MRSA §328, last ¶, as amended by PL 1979, c. 666,  
§10, is further amended to read:

43           Upon a municipality's failure to achieve the minimum  
45 assessing standards of this subchapter, the bureau may choose at  
47 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.

49           Sec. 168. 36 MRSA §653, sub-§1, ¶C, as amended by PL 1975, c.  
51 550, §1, is further amended to read:

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

25 **Sec. 169. 36 MRSA §653, sub-§1, ¶E**, as amended by PL 1975, c.  
27 432, §3, is further amended to read:

29 E. The word "veteran" as used in this subsection shall mean  
31 any person, male or female, who was in active service in the  
33 Armed Forces of the United States during any federally  
35 recognized war period or the Korean Campaign or the Viet-Nam  
37 Vietnam War; and who, if discharged, retired or separated  
39 from the Armed Forces, was discharged, retired or separated  
41 under other than dishonorable conditions. A veteran of the  
43 Viet-Nam Vietnam War shall have served on active duty for a  
45 period of more than 180 days, any part of which occurred  
47 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  
Vietnam War" shall mean that period between August 5, 1964,  
and May 7, 1975;

51 **Sec. 170. 36 MRSA §1760, sub-§62**, as enacted by PL 1987, c.  
53 822, and c. 824, is repealed and the following enacted in its  
55 place:

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

65 **Sec. 171. 36 MRSA §1760, sub-§63** is enacted to read:

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

77 **Sec. 172. 36 MRSA §1955-A**, as amended by PL 1987, c. 497,  
79 §42, is further amended to read:

81 **§1955-A. Failure to pay tax on vehicles**

1  
3 If, after notice of assessment and demand for payment, any  
5 amount required to be paid with respect to any vehicle is not  
7 paid as demanded within the ~~12~~-day 10-day period prescribed in  
9 section ~~1959~~ 173, or such extension thereof as the State Tax  
11 Assessor may allow, the State Tax Assessor may, in addition to  
13 proceeding to enforce collection pursuant to chapters 211 to 225,  
15 immediately notify the Secretary of State who shall proceed in  
17 accordance with Title 29, section 55-B, to mail the required  
19 5-day notice and to suspend any registration certificate and  
21 plates issued for the vehicle in respect to which the tax remains  
23 unpaid upon the expiration of the 5-day period provided therein.

13 **Sec. 173. 36 MRSA §2860, sub-§2**, as enacted by PL 1981, c.  
15 711, §10, is amended to read:

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

21 **Sec. 174. 36 MRSA §2903, sub-§1**, as amended by PL 1987, c.  
23 793, Pt. A, §9, and c. 798, §2, is repealed and the following  
enacted in its place:

25 1. Excise tax levied. Except as provided in subsection 2,  
27 an excise tax is levied and imposed at the rate of 16¢ per gallon  
29 upon internal combustion engine fuel sold or used within this  
31 State, including these sales when made to the State or any  
33 political subdivision thereof, for any purpose whatsoever, except  
35 the internal combustion engine fuel sold or used in such form and  
37 under such circumstances as shall preclude the collection of this  
39 tax by reason of the laws of the United States, or sold wholly  
41 for exportation from the State, or brought into the State in the  
43 ordinary standardized equipment fuel tank attached to and forming  
45 a part of a motor vehicle and used in the operation of that  
47 vehicle within the State, except that the rate shall be 3.4¢ per  
49 gallon upon internal combustion engine fuel, as defined in  
51 section 2902, bought or used by any person, association of  
persons, firm or corporation for the purpose of propelling jet or  
turbojet engine aircraft, not for international flights, and  
except that no tax may be levied upon internal combustion engine  
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

1 in the State, in which case the purchasing distributor shall be  
2 primarily liable to the State for the tax.

3  
4 Sec. 175. 36 MRS §3223, as enacted by PL 1987, c. 772, §31,  
5 and c. 793, Pt. A, §13, is repealed and the following enacted in  
6 its place:

7 §3223. Enforcement

8  
9 There shall be assigned to the Bureau of Taxation an officer  
10 of the State to assist in the enforcement of this chapter.

11  
12 Sec. 176. 36 MRS §3224 is enacted to read:

13  
14 §3224. Inventory tax; special fuel

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

25  
26 Sec. 177. 36 MRS §5122, sub-§2, ¶C, as amended by PL 1987, c.  
27 739, §§45 and 48, and c. 772, §36, is repealed and the following  
28 enacted in its place:

29  
30 C. Social security benefits and railroad retirement  
31 benefits paid by the United States, to the extent included  
32 in federal adjusted gross income;

33  
34 Sec. 178. 36 MRS §5126, as amended by PL 1987, c. 772, §37,  
35 and as repealed and replaced by PL 1987, c. 819, §8, is repealed  
36 and the following enacted in its place:

37  
38 §5126. Personal exemptions tax credit

39  
40 An individual shall be allowed a personal exemption tax  
41 credit of \$40 for each exemption to which the individual is  
42 entitled for the taxable year for federal income tax purposes.

43  
44 For tax years beginning in 1987, or thereafter, an  
45 additional personal exemption tax credit is allowable to each  
46 individual who, pursuant to the Code, Section 63(f), if claiming  
47 a standard deduction for the tax year, would be entitled to the  
48 additional amount provided in either the first paragraph of the  
49 Code or the higher amount provided in the 3rd paragraph. An  
50 additional personal exemption tax credit is also allowable to  
51 each individual who, pursuant to the Code, Section 63(f), would,

1 if claiming a standard deduction for the tax year, be entitled to  
2 the additional amount provided in either the 2nd paragraph of the  
3 Code or the higher amount provided in the 3rd paragraph. For a  
4 tax year in which the taxpayer does not make a joint return with  
5 that taxpayer's spouse and if the spouse has no gross income for  
6 the calendar year in which the taxable year of the taxpayer  
7 begins and is not the dependent of another taxpayer, the taxpayer  
8 is entitled to claim a personal exemption tax credit for each  
9 additional personal exemption allowable to the spouse as provided  
10 by this section. In no case does this credit reduce the Maine  
11 income tax to less than zero.

12 **Sec. 179. 36 MRSA §5191, sub-§1**, as enacted by P&SL 1969, c.  
13 154, §F, is amended to read:

14  
15 1. Modification in determining the adjusted gross income of  
16 a resident partner. Any modification described in section 5125  
17 5122 which relates to an item of partnership income, gain, loss  
18 or deduction shall be made in accordance with the partner's  
19 distributive share, for federal income tax purposes, of the item  
20 to which the modification relates. Where a partner's distributive  
21 share of any such that item is not required to be taken into  
22 account separately for federal income tax purposes, the partner's  
23 distributive share of such that item shall be determined in  
24 accordance with his the partner's distributive share, for federal  
25 income tax purposes, of partnership taxable income or loss  
26 generally.  
27

28 **Sec. 180. 36 MRSA §5283, first ¶**, as repealed and replaced by PL  
29 1985, c. 427, is amended to read:

30  
31 Every individual resident, who is entitled to a refund under  
32 this Part, may designate that any part of that refund be paid  
33 over to any specified political party, as defined in Title 21  
34 21-A, section 1. Every individual resident, who is entitled to no  
35 refund under this Part, may contribute to any specified political  
36 party, as defined in Title 21 21-A, section 1, by including with  
37 his that resident's return sufficient funds to make the  
38 contribution.  
39

40 **Sec. 181. 37-B MRSA §4**, as repealed and replaced by PL 1987,  
41 c. 634, §3, is amended to read:

42  
43 **§4. Directors of bureaus**

44  
45 Each bureau of the department shall have a director. The  
46 Director of Military Bureau, the Director of Veterans' Services  
47 and the Director of Civil Emergency Preparedness shall each be  
48 appointed by the Adjutant General and shall serve at the pleasure  
49 of the Adjutant General. None of these directors may hold any  
50 other state office for compensation. The Director of Veterans'  
51 Services shall be a person who served on active duty in the



1 United States Armed Forces during any federally recognized period  
of conflict as defined in section 504, subsection 4, paragraph A  
3 A-1, subparagraph (3), and a person qualified by experience,  
training and a demonstrated interest in veterans' services.

5  
6 **Sec. 182. 37-B MRSA §503, sub-§1**, as amended by PL 1985, c.  
7 785, Pt. B, §174, is further amended to read:

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

17 **Sec. 183. 37-B MRSA §504, sub-§4, ¶A-1**, as enacted by PL 1985,  
c. 117, §2, is amended to read:

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

23 (1) "Eligible dependent" means the wife, husband,  
25 surviving spouse, unmarried minor child or unmarried  
adult child who became incapable of self-support before  
27 reaching 18 years of age on account of mental or  
physical defects.

29 (2) "Eligible veteran" means any person who:

31 (a) Served on active duty in the United States  
33 Armed Forces during any federally recognized  
period of conflict or was eligible for an Armed  
35 Forces Expeditionary Medal or campaign medal, and  
who:

37 (i) If discharged, received an honorable  
39 discharge or a general discharge under  
honorable conditions, provided that the  
41 discharge was not upgraded through a program  
of general amnesty; and

43 (ii) Was a resident of the State at the time  
45 of entering military service, his death or  
the death of an eligible dependent;

47 (b) Served in the Maine National Guard and died  
49 as a result of injury, disease or illness  
sustained while serving on state active duty as  
51 provided in chapter 3, subchapter III; or

1 (c) Served in the Armed Forces in the United  
3 States at any time and was killed or died as a  
5 result of hostile action and was a resident of the  
7 State at the time of entering military service, at  
the time of his death or at the time of the death  
of an eligible dependent.

9 (3) "Federally recognized period of conflict" means  
11 World War I, April 6, 1917 to November 11, 1918, March  
13 31, 1920, if service was in Russia; World War II,  
December 7, 1941 to December 31, 1946; Korean Conflict,  
June 27, 1950 to January 31, 1955; and the Viet-Nam  
Vietnam War, August 5, 1964 to May 7, 1975.

15 **Sec. 184. 37-B MRSA §1, ¶A**, as enacted by PL 1983, c. 460,  
17 §3, is amended to read:

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

21 (1) "Child" means a person who is under the age of 18  
23 years; over the age of 18 years but under the age of 20  
25 years, regularly attending school; or over the age of  
27 18 years and not attending school if, prior to reaching  
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:

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

31 (b) A foster child of a veteran;

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

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

41 (e) An illegitimate child, where a veteran has  
43 been judicially ordered or decreed to contribute  
to his support, or judicially decreed to be the  
45 putative father, or has acknowledged under oath  
and in writing that he is the father of the child.

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

1  
3 (3) "Parent" means the father or mother of a veteran  
5 with whom the veteran lived during his minority and for  
7 whom he would be legally responsible under the laws of  
9 this State; or the foster father or mother of the  
11 veteran.

13 (4) "Spouse" means the person currently legally  
15 married to a living veteran or the widow or widower of  
17 a deceased veteran who has not become the dependent of  
19 another person.

21 (5) "Veteran" means any person who served in the  
23 United States Armed Forces during any federally  
25 recognized period of conflict and was not dishonorably  
27 discharged; is disabled and a resident of the State; or  
29 is deceased and at time of death was a resident of the  
31 State. A veteran of the Viet-Nam Vietnam War must have  
33 served on active duty for a period of more than 90 days  
35 unless he died in service, or was discharged for a  
37 service-connected disability and any part of that  
39 active duty service occurred after August 4, 1964 and  
41 before May 7, 1975.

43 **Sec. 185. 37-B MRSA §601**, as repealed and replaced by PL  
45 1985, c. 773, §1, is amended to read:

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

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

53 **Sec. 186. 37-B MRSA §1008**, as amended by PL 1987, c. 736,  
55 §58, is further amended to read:

57 **§1008. Witnesses' privileges**

59 No person may be excused from attending and testifying, or  
61 producing any books, papers or other documents before any court,  
judicial officer, notary public, referee or grand jury upon any  
investigation, proceeding or trial, relating to a violation of

1 this chapter of or attempt to commit the violation, upon the  
2 grounds that the testimony or evidence required of him that  
3 person by the State may tend to convict him that person of a  
4 crime or to subject him that person to a penalty or forfeiture.  
5 No person may be prosecuted or subjected to any penalty or  
6 forfeiture for or on account of any transaction, matter or thing  
7 concerning which he that person may so testify or produce  
8 evidence and no testimony so given or produced, may be received  
9 against him that person, during any criminal investigation,  
10 proceeding or trial, except upon a prosecution for perjury or  
11 contempt of court based upon the giving or producing of that  
12 testimony.

13  
14 **Sec. 187. 38 MRSA §390-A**, as repealed by PL 1987, c. 809, §1,  
15 and as amended by PL 1987, c. 842, §§1 and 2, is repealed.

16  
17 **Sec. 188. 38 MRSA §438, sub-§2, ¶A**, as amended by PL 1987, c.  
18 737, Pt. C, §§84, 106, and as repealed by PL 1987, c. 815, §§4  
19 and 11, is repealed.

20  
21 **Sec. 189. 38 MRSA §438-A, sub-§2**, as enacted by PL 1987, c.  
22 815, §§5 and 11, is amended to read:

23  
24 **2. Municipal ordinances.** In accordance with a schedule  
25 adopted by the board and acting in accordance with a local  
26 comprehensive plan, municipalities shall prepare and submit to  
27 the board zoning and land use ordinances which are consistent  
28 with, or are no less stringent than, the minimum guidelines  
29 adopted by the board and which address state land use management  
30 policies cited in Title 30 30-A, chapter 239 191, subchapter VI  
31 and, for coastal communities, the coastal management policies  
32 cited in section 1801. When a municipality determines that  
33 special local conditions of urbanization within portions of the  
34 shoreland zone require a different set of standards than those in  
35 the minimum guidelines, the municipality shall document the  
36 special conditions and submit them, together with its proposed  
37 ordinance provisions, to the board for review and approval.

38  
39 **Sec. 190. 38 MRSA §439**, as amended by PL 1987, c. 737, Pt. C,  
40 §§85 and 106, and as repealed by PL 1987, c. 815, §§6 and 11, is  
41 repealed.

42  
43 **Sec. 191. 38 MRSA §439-A, sub-§4**, as enacted by PL 1987, c.  
44 815, §§7 and 11, is amended to read:

45  
46 **4. Setback requirements.** Notwithstanding any provision in  
47 a local ordinance to the contrary, all new principal and  
48 accessory structures and substantial expansions of such  
49 structures within the shoreland zone as established by section  
50 435 must meet the water setback requirements approved by the  
51 board, except structures which require direct access to the water  
as an operational necessity, such as piers, docks and retaining

1 walls. For purposes of this subsection, a substantial expansion  
2 of a building shall be an expansion which increases either the  
3 volume or floor area by 30% or more. This subsection is not  
4 intended to prohibit a municipal board of appeals from granting a  
5 variance, subject to the requirements of this article and Title  
6 ~~30~~ 30-A, section ~~4963~~ 4504, nor is it intended to prohibit a less  
7 than substantial expansion of an accessory structure attached to  
8 a legally existing nonconforming structure, provided that the  
9 expansion does not create further nonconformity with the water  
10 setback requirement.

11  
12 **Sec. 192. 38 MRSA §480-N, sub-§1**, as enacted by PL 1987, c.  
13 809, §2, is amended to read:

14  
15 **1. Fund purposes and administration.** There is established  
16 a nonlapsing Lake Restoration and Protection Fund, from which the  
17 department may pay up to 50% of the eligible costs incurred in a  
18 lake restoration or protection project, except that projects  
19 addressing technical assistance, public education or research  
20 issues may be paid up to 100%. Eligible costs include all costs  
21 except those related to land acquisition, legal fees and debt  
22 service. All money credited to that fund shall be used by the  
23 department for projects to improve or maintain the quality of  
24 lake waters in the State and for no other purpose. The  
25 Commissioner of Environmental Protection may authorize the State  
26 Controller to draw a warrant for such funds as may be necessary  
27 to pay the lawful expenses of the lake restoration or protection  
28 project, up to the limits of the money duly authorized. Any  
29 balance remaining in the fund shall continue without lapse from  
30 year to year and remain available for the purpose for which the  
31 fund is established and for no other purpose.

32  
33 **Sec. 193. 38 MRSA §480-N, sub-§§3 to 5** are enacted to read:

34  
35 **3. Intensive staffing program.** The department shall  
36 establish an intensive staffing program which shall provide  
37 adequate staffing at both the state and regional levels. The  
38 department shall provide technical information and guidance and  
39 the regional agencies shall assist with the adoption of revised  
40 comprehensive plans, standards and local ordinances by local  
41 governments.

42  
43 **4. Public education program.** The department shall  
44 develop a coordinated public education program which shall target  
45 school children and involve extensive use of the media.

46  
47 **5. Research.** The department shall encourage internal  
48 research focused on the following statewide topics:

49  
50 **A. Lake vulnerability, particularly as it relates to**  
51 **noncultural features of the watershed;**

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

3           C. New lake and watershed diagnostic tools.

4           Sec. 194. 38 MRS §551, sub-§2-A, as enacted by PL 1977, c.  
5           375, §11, is amended to read:

6           2-A. Exceptions; 3rd party damage claims. Subsection 2,  
7           3rd party damages, shall not apply to waters of the State  
8           classified under sections 368, 369, 467 and 371, 468, except those  
9           waters below head of tide until July 1, 1978.

10           Sec. 195. 38 MRS §634, sub-§1 as amended by PL 1985, c. 772,  
11           §2, is further amended to read:

12           1. Coordinated permit review. Permits required under the  
13           following laws shall not be required by any state agency for  
14           projects reviewed or exempted from review under this subarticle:  
15           Land use regulation laws, Title 12, ~~sections 681 to 689;~~ stream  
16           alteration laws, ~~Title 12, sections 776 to 780;~~ great ponds  
17           laws, ~~sections 391 to 394;~~ alteration of coastal wetlands laws,  
18           ~~sections 471 to 478;~~ and chapter 206-A; protection of natural  
19           resources law, chapter 3, subchapter 1, article 5-A; and site  
20           location of development laws, sections 481 to 490 chapter 3,  
21           subchapter 1, article 6. Notwithstanding section 654, the board  
22           may attach reasonable conditions consistent with this Act  
23           concerning the operation of hydropower projects. The board shall  
24           give written notice to the Commissioner of Inland Fisheries and  
25           Wildlife and the Commissioner of Marine Resources of the intent  
26           of any applicant for a permit to construct a dam.

27           Issuance of a water quality certificate required under the United  
28           States Water Pollution Control Act, Section 401, shall be  
29           coordinated for the applicant under this subarticle by the  
30           Department of Environmental Protection. The issuance of a water  
31           quality certificate shall be mandatory in every case where the  
32           board approves an application under this subarticle unless the  
33           board has found that the applicant has not demonstrated that  
34           under section 636, subsection 7, paragraph G, that the project or  
35           discharge will not result in significant harm to water quality or  
36           will not violate applicable water quality standards. The  
37           commissioner or director shall issue or deny this certificate  
38           based on the board's finding pursuant to section 636, subsection  
39           7, paragraph G, within 5 working days of the applicant's request  
40           or the issuance of a permit. If issued, the certificate shall  
41           state that there is a reasonable assurance that the project will  
42           not violate the applicable water quality standards. The  
43           coordination function of the department with respect to water  
44           quality certification shall not include any proceedings or  
45           substantive criteria in addition to those otherwise required by  
46           this subarticle. If the commissioner or director fails to act on

1 the certificate, the federal certification requirements of the  
2 United States Water Pollution Control Act, Section 401, shall be  
3 waived.

5 Sec. 196. 39 MRSA c. 1, first 4 lines, are repealed and the  
6 following enacted in their place:

7  
8 TITLE 39

9 WORKERS' COMPENSATION

11 CHAPTER 1

13 WORKERS' COMPENSATION

15 Sec. 197. 39 MRSA §28, first ¶, as amended by PL 1973, c. 746,  
17 §9, is further amended to read:

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

25 Sec. 198. 39 MRSA §71-A, sub-§2, ¶D is enacted to read:

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

31 Sec. 199. 39 MRSA §71-A, sub-§2, ¶E, as enacted by PL 1987, c.  
33 559, Pt. B, §37, is repealed.

35 Sec. 200. PL 1987, c. 132, first 2 lines after the enacting clause are  
36 repealed and the following enacted in their place:

37 12 MRSA §683, as amended by PL 1987, c. 18, §1, is further  
39 amended to read:

41 Sec. 201. PL 1987, c. 159, §1, first 2 lines are repealed and the  
42 following enacted in their place:

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

45 SUBCHAPTER I-C

47 Sec. 202. PL 1987, c. 396, §13 is amended to read:

49 Sec. 13. Transition provision. All licenses issued by the  
51 administrator pursuant to the Maine Revised Statutes, Title 9-A,  
section 2-302, and all rules adopted by the administrator

1 pursuant to Title 9-A, section 3-310, subsection 5, that are in  
2 effect on the date ~~this article~~ Title 9-A, article IX, becomes  
3 effective shall remain in full force and effect as if issued or  
4 adopted, as the case may be, under this article, for their  
5 originally stated duration.

7 **Sec. 203.** PL 1987, c. 450, §2, first line is repealed and the  
8 following enacted in its place:

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

11 **Sec. 204.** PL 1987, c. 506, §1, first 3 lines are repealed and the  
12 following enacted in their place:

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

17 PART 15-A

19 LAND FOR MAINE'S FUTURE

21 CHAPTER 353

23 LAND FOR MAINE'S FUTURE FUND

25 **Sec. 205.** PL 1987, c. 508, first 3 lines after the enacting clause are  
26 repealed and the following enacted in their place:

27 **12 MRSA §685**, as amended by PL 1987, c. 308, §5, is further  
28 amended by adding at the end a new paragraph to read:

31 **Sec. 206.** PL 1987, c. 534, Pt. A, §17, first 3 lines are repealed and  
32 the following enacted in their place:

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

35 PART 18-A

37 ECONOMIC AND COMMUNITY DEVELOPMENT

39 CHAPTER 383

41 ECONOMIC AND COMMUNITY DEVELOPMENT

43 **Sec. 207.** PL 1987, c. 534, Pt. B, §17, first 2 lines are repealed and  
44 the following enacted in their place:

47 **Sec. 17 26 MRSA §1453, sub-§2**, as amended by PL 1983, c. 469,  
48 §3, is further amended to read:

49 **Sec. 208.** PL 1987, c. 633, §3, first 2 lines are repealed and the  
50 following enacted in their place:



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

3           Sec. 209. PL 1987, c. 759, §7, last sentence is amended to read:

5           Provides funds to establish a new  
7           Administrative Coordinator position and  
9           general operation expenses to assist in the  
          administration of the standardbred horses  
          program and the Sires Sire Stakes Fund.

11          Sec. 210. PL 1987, c. 766, §10, first 2 lines are repealed and the  
13          following enacted in their place:

15          Sec. 10. 30 MRSA §4967 is enacted to read:

17          Sec. 211. PL 1987, c. 772, §7 is repealed and the following  
          enacted to read:

19          Sec. 7. 36 MRSA §186, as amended by PL 1985, c. 333, §§1 and  
21          3, is further amended to read:

23          §186. Interest

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

51          Except as otherwise provided in this Title, and except for  
          taxes imposed pursuant to chapter 105, interest, at the rate

1 determined by the State Tax Assessor for underpayments pursuant  
2 to this section, shall be paid ~~from the date of overpayment upon~~  
3 ~~any overpayment of tax, interest or penalty on overpayments of~~  
4 tax from the date the return listing the overpayment was filed,  
5 or the payment was made, whichever is later.

7 Sec. 212. PL 1987, c. 772, §35, first 2 lines are repealed and the  
8 following enacted in their place:

9 Sec. 35. 36 MRS §4433 to 4436 are enacted to read:

11 Sec. 213. PL 1987, c. 787, §10, in subsection 5, by striking out  
12 that part relating to 587, and inserting in its place the  
13 following:

14 587, Ambient air quality or emissions 5,050 50  
15 standards, variances

16 Sec. 214. PL 1987, c. 860, §1, first 2 lines are repealed and the  
17 following enacted in their place:

18 Sec. 1. 30 MRS §3223-B, as enacted by PL 1987, c. 381, and  
19 as amended by PL 1987, c. 553, is repealed and the following  
20 enacted in its place:

21 Sec. 215. PL 1987, c. 882, §6, the first 3 lines are amended to read:

22 Sec. 6. Allocation. The following funds are allocated from the  
23 General Special Revenue Fund to carry out the purposes of this  
24 Act.

25 Sec. 216. P&SL 1989, c. 2, §1, 2nd sentence is amended to read:

26 Each voter who signs a nomination paper shall add the candidate's  
27 voter's place of residence with the street and number, if any.

28 **Emergency clause.** In view of the emergency cited in the  
29 preamble, this Act shall take effect when approved.

30

### 31 STATEMENT OF FACT

32 Section 1 corrects a statutory reference.

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

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

5           Section 4 corrects 2 statutory references.

7           Section 5 corrects 2 statutory references.

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

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

15           Section 8 corrects a statutory reference.

17           Section 9 corrects a statutory reference.

19           Section 10 corrects a statutory reference.

21           Section 11 corrects a statutory reference.

23           Section 12 corrects a statutory reference.

25           Section 13 corrects a statutory reference.

27           Section 14 corrects a statutory reference.

29           Section 15 corrects a statutory reference.

31           Section 16 corrects a technical error.

33           Section 17 resolves a conflict created by 2 public laws  
which amended the same subsection and incorporates changes made  
35 by both laws.

37           Section 18 corrects a statutory reference.

39           Section 19 corrects a statutory reference.

41           Section 20 resolves a conflict created by 2 public laws  
amending the same paragraph and incorporates changes made by both  
43 laws.

45           Section 21 corrects a reference to a repealed title.

47           Section 22 corrects a statutory reference.

49           Section 23 resolves a conflict between 2 public laws  
amending the same subsection and incorporates changes made by  
51 both laws.

1           Sections 24 and 25 resolve a conflict between 2 public laws  
affecting the same subsection and incorporate changes made by  
3 both laws.

5           Sections 26 and 27 correct a technical error.

7           Sections 28 and 29 resolve a conflict created by 2 public  
laws affecting the same subsection and incorporate changes made  
9 by both laws.

11          Section 30 corrects an inconsistency between the Maine  
Revised Statutes, Title 5, section 1892, subsection 1, paragraph  
13 L and Title 10, section 972.

15          Section 31 corrects a technical error.

17          Section 32 resolves a conflict between 2 public laws, one  
making substantive change to this paragraph and one making a  
19 cross-reference correction, using the former version.

21          Section 33 corrects a technical error.

23          Section 34 corrects a technical error.

25          Section 35 incorporates the provisions of 2 public laws  
amending the same section and corrects an erroneous statutory  
27 reference to Title 5, section 12004.

29          Section 36 corrects a technical error for consistency in  
using the term AIDS and also corrects an erroneous reference to  
31 Title 5, section 12004.

33          Sections 37 to 39 correct a technical error.

35          Section 40 corrects an error in the numbering of chapters.

37          Sections 41 and 42 correct statutory references which  
reflect the intent of Public Law 1985, chapter 763, to repeal  
39 legislation duplicating the Maine Administrative Procedure Act.

41          Section 43 corrects a reference to a repealed section.

43          Section 44 resolves a conflict created by 2 public laws  
affecting the same section. This provision is now located in  
45 Title 38, section 1474.

47          Section 45 resolves a conflict created by the errors bill  
and the substantive bill, both amending the same subsection, and  
49 uses the substantive bill version.

51          Section 46 corrects a technical error.

1           Section 47 corrects a cross-reference to a repealed section.

3           Section 48 corrects a technical error.

5           Sections 49 and 50 resolve a conflict created by 2 public  
7 laws enacting the same section number.

9           Section 51 resolves a conflict by combining provisions of 2  
laws.

11          Section 52 corrects an erroneous statutory reference.

13          Sections 53 and 54 combine provisions of 2 public laws  
amending the same section.

15          Section 55 repeals Title 12, section 6022, subsection 13  
17 which required the Commissioner of Marine Resources to provide  
information to the Department of Transportation for publication  
19 of the official state map, as the Department of Transportation no  
longer publishes a state map.

21          Section 56 deletes a reference to the salmon permit law  
23 which was repealed in 1985.

25          Section 57 repeals Title 12, section 7034, subsection 9  
which required the Commissioner of Inland Fisheries and Wildlife  
27 to provide information to the Department of Transportation for  
publication of the official state map as the department no longer  
29 publishes a state map.

31          Section 58 corrects a technical error.

33          Section 59 corrects a statutory reference.

35          Section 60 deletes a reference to a section which was  
repealed.

37          Section 61 corrects a reference to a repealed section.

39          Section 62 corrects a technical error.

41          Section 63 resolves a conflict created as a result of the  
43 new Maine Bail Code, Title 15, chapter 105-A.

45          Section 64 clarifies a statutory reference.

47          Section 65 corrects a reference to a repealed section.

49          Section 66 corrects a statutory cross-reference.

51          Section 67 corrects an erroneous cross-reference.

1           Section 68 corrects a reference to a repealed section.

3           Section 69 corrects a cross-reference to a repealed  
subsection.

5           Section 70 corrects a cross-reference to a repealed  
7           subsection.

9           Section 71 corrects references to repealed sections.

11          Section 72 corrects a reference to a repealed subsection.

13          Section 73 corrects a reference to a repealed subsection.

15          Section 74 corrects a cross-reference to a repealed  
subsection.

17          Section 75 makes a technical correction.

19          Section 76 corrects a reference to a repealed section.

21          Section 77 corrects a reference to a repealed Title.

23          Section 78 corrects a reference to a repealed Title.

25          Section 79 corrects a reference to a repealed section.

27          Section 80 correctly places a section in a reallocated  
29          chapter of law.

31          Section 81 correctly places a section in a reallocated  
chapter of law.

33          Section 82 corrects a cross-reference error.

35          Section 83 corrects a technical error.

37          Section 84 corrects a technical error.

39          Section 85 corrects a technical error.

41          Section 86 corrects a technical error.

43          Section 87 corrects a technical error.

45          Section 88 removes a conflict created by the errors bill and  
47          a substantive bill amending the same paragraph and uses the  
substantive version.

49          Section 89 corrects a statutory reference.

51          Section 90 corrects a reference to a repealed section.

1 Section 91 corrects an erroneous reference.  
3 Section 92 corrects a statutory reference.  
5 Section 93 removes a reference to a repealed paragraph.  
7 Section 94 corrects a technical error.  
9 Section 95 corrects a technical error.  
11 Sections 96 and 97 resolve a conflict created by 2 public  
13 laws enacting the same section.  
15 Section 98 corrects a technical error.  
17 Section 99 corrects a statutory reference.  
19 Section 100 corrects a statutory reference.  
21 Sections 101 to 103 correct a numbering error.  
23 Sections 104 and 105 correct an error in numbering of  
25 sections.  
27 Section 106 corrects a technical error.  
29 Sections 107 to 110 resolve a conflict created by 2 public  
laws enacting the same paragraphs.  
31 Section 111 deletes a reference to a repealed section.  
33 Sections 112 to 114 remove section numbering conflicts.  
35 Section 115 corrects 2 statutory references.  
37 Section 116 corrects a syntactical error.  
39 Section 117 corrects a statutory reference.  
41 Section 118 corrects a statutory reference.  
43 Sections 119 and 120 correct a statutory reference.  
45 Section 121 corrects a statutory reference.  
47 Section 122 corrects a statutory reference.  
49 Section 123 corrects a statutory reference.  
51 Section 124 corrects a technical error.

1           Section 125 corrects a grammatical error.

3           Section 126 resolves a conflict created by 2 public laws  
5 affecting the same section and incorporates changes made by both.

7           Section 127 removes references to repealed sections.

9           Section 128 corrects a technical error.

11          Sections 129 and 130 resolve a conflict between 3 public  
13 laws enacting the same chapter and section designations.

15          Section 131 corrects a statutory reference.

17          Section 132 corrects a statutory reference.

19          Section 133 corrects an erroneous reference to the workers'  
21 compensation laws.

23          Section 134 corrects a reference to workers' compensation  
25 laws.

27          Section 135 corrects a reference to the workers'  
29 compensation laws.

31          Section 136 corrects a reference to the workers'  
33 compensation laws.

35          Section 137 corrects a reference to the workers'  
37 compensation laws.

39          Section 138 corrects a reference to the workers'  
41 compensation laws.

43          Section 139 resolves an inconsistency in terminology,  
45 substituting a word used in the remainder of the chapter.

47          Section 140 corrects a reference to a repealed section.

49          Section 141 corrects references to a repealed section and  
51 removes language referring to that section.

          Section 142 corrects a technical error which had  
          inadvertently omitted the chapter number and heading.

          Section 143 clarifies an ambiguity created in Public Law  
          1977, chapter 694.

          Section 144 corrects a reference to the workers'  
          compensation laws and a reference to a state bureau.

          Section 145 corrects a reference to a state bureau.



1           Section 146 corrects a reference to a state bureau.  
3  
5           Section 147 corrects a statutory reference.  
7           Sections 148 and 149 remove a conflict created by 2 public  
9           laws enacting the same subsection numbers.  
11          Section 150 corrects a statutory reference.  
13          Section 151 corrects a technical error.  
15          Section 152 corrects a technical error.  
17          Section 153 corrects a cross-reference to a repealed  
19          subsection.  
21          Section 154 corrects a statutory reference.  
23          Section 155 makes a technical change for consistency.  
25          Section 156 corrects a cross-reference to a repealed section.  
27          Section 157 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  
33          this definition to someone under 18 years of age. The amendment  
35          failed to make the related change in the definition of "adult" in  
37          the Act.  
39          Sections 158 and 159 correct typographical errors.  
41          Sections 160 and 161 resolve a conflict created by 2 public  
43          laws using same chapter and section numbers.  
45          Section 162 corrects a technical error.  
47          Section 163 corrects a technical error.  
49          Section 164 corrects a technical error.  
51          Section 165 corrects an error where a section was  
            unintentionally repeated.  
            Section 166 corrects an erroneous cross-reference.  
            Section 167 corrects statutory references.  
            Sections 168 and 169 correct technical errors.  
            Sections 170 and 171 resolve a conflict where 2 public laws  
            enacted the same subsection numbers.

1

Section 172 corrects an erroneous statutory reference and changes the time period prescribed in Title 36, section 173 to provide for consistency in the law.

5

Section 173 corrects a statutory reference.

7

Section 174 resolves a conflict where 2 public laws amended the same section.

9

11 Sections 175 and 176 resolve a conflict where 2  
13 substantially different provisions were assigned the same section  
number.

15 Section 177 resolves a conflict where 2 public laws amended  
17 the same section.

17

Section 178 combines 2 public laws which are in conflict.

19

Section 179 corrects a statutory reference.

21

Section 180 corrects references to a repealed section.

23

Section 181 corrects a reference to a repealed paragraph.

25

Section 182 corrects a reference to a repealed paragraph.

27

Section 183 corrects a technical error.

29

Section 184 corrects technical errors.

31

Section 185 corrects a technical error.

33

Section 186 corrects a technical error.

35

Section 187 repeals provisions which are now incorporated into Title 38, section 480-N, as amended in this bill.

37

Section 188 repeals a paragraph whose provisions are now found in Title 38, section 438-A.

39

41

Section 189 corrects an erroneous reference to Title 30.

43

Section 190 resolves a conflict created by 2 public laws affecting the same section. The substance of these provisions is now found in Title 38, section 439-A.

45

47

Section 191 corrects an erroneous reference to Title 30.

49

Sections 192 and 193 incorporate changes made to Title 38, section 390-A by Public Law 1987, c. 842 into Title 38, section 480-N. Public Law 1987, c. 809, repealed Title 38,

51

1 section 390-A and transferred its substance to Title 38, section  
480-N.

3 Section 194 corrects statutory references.

5 Section 195 corrects statutory cross references.

7 Section 196 corrects a reference to workers' compensation  
9 laws.

11 Section 197 corrects references to a repealed section.

13 Sections 198 and 199 correct an alphabetical lettering error.

15 Section 200 corrects an error in the amending clause.

17 Section 201 corrects a subchapter numbering error.

19 Section 202 corrects a reference.

21 Section 203 corrects an error in the amending clause.

23 Section 204 corrects a technical error.

25 Section 205 corrects an error in the amending clause.

27 Section 206 corrects an error in Part designation.

29 Section 207 corrects a technical error.

31 Section 208 corrects an error in the amending clause.

33 Section 209 corrects a technical error.

35 Section 210 corrects an error in an amending clause.

37 Section 211 corrects a technical error.

39 Section 212 corrects an error in an amending clause.

41 Section 213 corrects a technical error.

43 Section 214 corrects an error in the amending clause.

45 Section 215 corrects the name of the fund from which an  
allocation is to be made.

47 Section 216 makes a technical correction to the Waldoboro  
49 Sewer District Charter.