

MAINE STATE LEGISLATURE

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10/25/88

L.D. 2345

(Filing No. S-682)

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STATE OF MAINE
SENATE
114TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT " A" to S.P. 927, L.D. 2345, Bill, "An Act to Correct Errors and Inconsistencies in the Laws of Maine"

Amend the bill by inserting after the enacting clause the following: 'PART A'

Further amend the bill by striking out all of sections 5, 9, 16, 28, 55 to 63, 71, 72, 77, 81, 84, 86, 100, 106, 109, 112, 127, 129 to 132, 134 to 139, 141, 144, 146 to 154, 160 to 162, 164 to 166, 168, 171, 185, 188 and 195.

Further amend the bill by renumbering the sections to read consecutively.

Further amend the bill by inserting at the end before the emergency clause the following:

PART B

Sec. B-1. 3 MRSA §927, sub-§6, ¶B, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

B. Independent agencies:

- (1) Advisory Board for Licensure of Water Treatment Plant Operators;
- ~~(2) --Keep-Maine-Scenic-Committee;~~
- ~~(3)~~ (2) Office of Energy Resources;
- ~~(4)~~ (3) Saco River Corridor Commission;
- ~~(5)~~ (4) State Soil and Water Conservation Commission;
- ~~(6)~~ (5) Acupuncture Licensing Board;

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- 2 (7) (6) Board of Licensing of Auctioneers;
- 4 (8) (7) Board of Licensing of Dietetic Practice; and
- 6 (9) (8) Board of Commercial Driver Education.

8 Sec. B-2. 5 MRSA §552, sub-§3, as amended by PL 1985, c. 785,
Pt. A, §38 and as repealed by PL 1985, c. 785, Pt. B, §19, is
10 repealed.

12 Sec. B-3. 5 MRSA §940, sub-§1, ¶B, as enacted by PL 1983, c.
729, §4, is amended to read:

14 B. Director, Bureau of ~~Maine's--Elderly~~ Elder and Adult
16 Services;

18 Sec. B-4. 5 MRSA §12004-A, sub-§11, as enacted by PL 1987, c.
786, §5, is amended to read:

20	11. Board of	\$35/Day	32 MRSA
22	Registration Licensing		§9903
24	of Dietetic Practice		

26 Sec. B-5. 5 MRSA §13111, sub-§5, as enacted by PL 1987, c.
816, Pt. P, §14, is amended to read:

28 5. Regional planning grants program. The director shall
administer a regional planning grants program for regional
30 planning commissions and councils of government established under
Title 30 30-A, chapter 204-A 119, subchapter I.

32 Sec. B-6. 5 MRSA §18511, sub-§2, ¶B, as enacted by PL 1985, c.
34 801, §§5 and 7, is amended to read:

36 B. The member was an active member of a municipal fire
department or of a volunteer ~~firefighters'~~ fire association,
38 as defined in Title 30 30-A, section ~~3771~~ 3151, for at least
2 years before the injury or the onset of the disease; and

40 Sec. B-7. 7 MRSA §2.3rd ¶, as amended by PL 1989, c. 701, §1,
42 is further amended to read:

44 The commissioner does not have authority to exercise or
interfere with the exercise of any discretionary statutory
46 authority granted to the following, which authority is
exclusively within the specific board, bureau, agency,
48 commission, committee or other governmental unit: The Maine Dairy
and Nutrition Council Committee, the Maine Dairy Promotion Board,
50 the Maine Milk Commission, the Seed Potato Board, the Harness
Racing Commission, the Maine Potato ~~Commission~~ Board, the Soil
52 and Water Conservation Commission, the Board of Veterinary

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Medicine and the Board of Pesticide Control.

2

Sec. B-8. 7 MRSA §3153, sub-§2, ¶E, as enacted by PL 1989, c. 436, §6, is repealed.

4

Sec. B-9. 7 MRSA §3153, sub-§2, ¶F is enacted to read:

6

F. For any month in which the Maine Milk Commission has included in Class I or Class II prices any amounts to reflect the increased costs of production pursuant to section 2954, subsection 2, paragraph A, those amounts shall be paid into the Maine Milk Pool for redistribution to eligible Maine and Boston market producers on an equal basis.

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Sec. B-10. 12 MRSA §514-A, sub-§2, ¶A, as amended by PL 1979, c. 460 and as repealed by PL 1979, c. 545, §11, is repealed.

16

Sec. B-11. 12 MRSA §5011, sub-§5, as enacted by PL 1973, c. 460, §16, is repealed.

18

20

Sec. B-12. 17 MRSA §2263, sub-§1-A, as enacted by PL 1975, c. 739, §4, is repealed.

22

Sec. B-13. 17 MRSA §2274, 3rd ¶, as enacted by PL 1975, c. 739, §15, is further amended to read:

24

26

If the fine resulted from a complaint of a law officer of a state agency supported primarily by a General Fund appropriation, the fine, less court costs, shall be reimbursed to the ~~committee~~ department to be used in an anti-litter educational program and shall be in addition to other General Fund moneys money appropriated for that purpose.

28

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Sec. B-14. 17 MRSA §2275, first ¶, as enacted by PL 1975, c. 739, §15, is amended to read:

34

36

~~With the assistance of the committee, the~~ The Division of Motor Vehicles shall include a summary of this chapter with each reregistration and new vehicle operator license issued.

38

40

Sec. B-15. 17-A MRSA §108, sub-§2, ¶A, as amended by PL 1979, c. 701, §19, is further amended to read:

42

A. When he the person reasonably believes it necessary and he reasonably believes such other person is:

44

46

(1) About to use unlawful, deadly force against himself the person or a 3rd person; or

48

(2) Committing or about to ~~commit~~ commit a kidnapping, robbery or a violation of ~~section 252, subsection 1,~~

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2 paragraph-B,--or section 253, subsection 1, paragraph A,
against himself the person or a 3rd person; or

4 **Sec. B-16. 17-A MRSA §454, sub-§1**, as amended by PL 1989, c.
300, is further amended to read:

6
8 1. A person is guilty of tampering with a witness,
informant, or victim ~~or--juror~~ if, believing that an official
10 proceeding, as defined in section 451, subsection 5, paragraph A,
or an official criminal investigation is pending or will be
instituted, that person:

12 A. Induces or otherwise causes, or attempts to induce or
14 cause, a witness, informant or victim:

16 (1) To testify or inform falsely; or

18 (2) To withhold any testimony, information or evidence;

20 B. Uses force, violence or intimidation, or promises,
offers or gives any pecuniary benefit with the intent to
22 induce a witness, informant or victim:

24 (1) To withhold any testimony, information or evidence;

26 (2) To refrain from attending any criminal proceeding
or criminal investigation; or

28 (3) To refrain from attending any other proceeding or
30 investigation to which the witness, informant or victim
has been summoned by legal process; or

32 C. Solicits, accepts or agrees to accept any pecuniary
34 benefit for doing any of the things specified in paragraph
A, subparagraph (1), or in paragraph B, subparagraph (1),
36 (2) or (3).

38 **Sec. B-17. 20-A MRSA §1001, sub-§5-A**, as enacted by PL 1985,
c. 713, §3, is amended to read:

40 5-A. **Public self-funded pools.** They may participate in a
42 public self-funded pool created under Title 30 30-A, chapter
203-B 117.

44 **Sec. B-18. 20-A MRSA §13019-C**, as enacted by PL 1985, c.
46 287, §5, is repealed and the following enacted in its place:

48 **§13019-C. Director of vocational education certificate**

50 **1. Initial certificate.** A director of vocational education
certificate shall be required of each director of a vocational
52 region or center established pursuant to this Title and of a

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2 vocational program in an approved school. State board rules
3 shall require that qualifications for such a certificate include
4 the following:

5 A. Three years of satisfactory experience in teaching or
6 vocational training or equivalent experience;

7 B. Academic and professional knowledge as demonstrated
8 through completion of graduate or undergraduate courses or
9 programs, performance in examinations or completion of
10 specialized programs approved for this purpose;

11 C. A basic level of knowledge in the following areas:

- 12 (1) Community relations;
- 13 (2) School finance and budget;
- 14 (3) Supervision and evaluation of personnel;
- 15 (4) Federal and state civil rights and education laws;
- 16 (5) Organizational theory and planning;
- 17 (6) Educational leadership;
- 18 (7) Educational philosophy and theory;
- 19 (8) Effective instruction;
- 20 (9) Curriculum development;
- 21 (10) Staff development; and
- 22 (11) Other competency areas as determined by state
23 board rule; and

24 D. Satisfactory completion of an approved internship or
25 practicum relating to the duties of a director of vocational
26 education.

27 2. Certificate renewal. A certificate issued under this
28 section is limited to 5 years in duration and may be renewed
29 based on further graduate study or demonstrated professional
30 growth and improvement through an approved administrator action
31 plan in accordance with state board rules.

32 **Sec. B-19. 22 MRSA §6202, sub-§5,** as amended by PL 1989, c.
33 347, §5, is further amended to read:

34 **5. Department.** "Department" means the Department of Human
35 Services through its Bureau of Maine's-Elderly Elder and Adult

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Services.

2

Sec. B-20. 22 MRSA §6204, as amended by PL 1989, c. 329, §23
4 and as repealed by PL 1989, c. 347, §10, is repealed.

6

Sec. B-21. 24 MRSA §2342, sub-§1, as enacted by PL 1989, c.
556, Pt. C, §1, is amended to read:

8

1. **Licensure.** Any person, partnership or corporation,
10 other than an insurer, nonprofit service organization, health
12 maintenance organization, preferred provider organization or an
14 employee of those exempt organizations that performs medical
16 utilization review services on behalf of commercial insurers,
18 nonprofit service organizations, 3rd-party administrators or
20 employers, shall apply for licensure by the Bureau of Insurance
22 and pay an application fee of not more than \$400 and an annual
24 license fee of not more than \$100. No person, partnership or
26 corporation other than an insurer, nonprofit service
28 organization, health maintenance organization, preferred provider
30 organization or the employees of exempt organizations may perform
32 utilization review services or medical utilization review
34 services unless the person, partnership or corporation has
36 received a license to perform those activities.

24

Sec. B-22. 24-A MRSA §2771, sub-§1, as enacted by PL 1989, c.
556, Pt. C, §2, is amended to read:

28

1. **Licensure.** Any person, partnership or corporation,
28 other than an insurer, nonprofit service organization, health
30 maintenance organization, preferred provider organization or
32 employee of those exempt organizations that performs medical
34 utilization review services on behalf of commercial insurers,
36 nonprofit service organizations, 3rd-party administrators or
38 employers, shall apply for licensure by the Bureau of Insurance
40 and pay an application fee of not more than \$400 and an annual
42 license fee of not more than \$100. No person, partnership or
44 corporation other than an insurer, nonprofit service
46 organization, health maintenance organization, preferred provider
48 organization or the employees of exempt organizations may perform
50 utilization review services or medical utilization review
52 services unless the person, partnership or corporation has
received a license to perform those activities.

44

Sec. B-23. 25 MRSA §2805, as amended by PL 1989, c. 477, §1
and as repealed by PL 1989, c. 521, §§6 and 17, is repealed.

46

Sec. B-24. Repeal date. The Maine Revised Statutes, Title 25,
48 section 2805, as repealed by this Act, is repealed on July 1,
1990.

50

Sec. B-25. 29 MRSA §1312-B, sub-§1-A, as enacted by PL 1981,
52 c. 679, §29, is amended to read:

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2 **1-A. Pleading and proof.** The alternatives defined in
3 subsection 1, paragraphs A and B may be pleaded in the
4 alternative. The State may, but shall not be required to, elect
5 prior to submission of to the fact finder.

6 **Sec. B-26. 32 MRSA §1381, sub-§7,** as enacted by PL 1989, c.
7 247, §§2 and 4, is repealed and the following enacted in its
8 place:

9 **7. Sunset.** This section is repealed on January 1, 2000.

10 **Sec. B-27. 32 MRSA §1451, first ¶,** as amended by PL 1989, c.
11 450, §15 and c. 503, Pt. B, §127, is repealed and the following
12 enacted in its place:

13 The State Board of Funeral Service, as established by Title
14 5, section 12004-A, subsection 18, and in this chapter called the
15 "board," shall consist of 8 members, 6 of whom shall be persons
16 licensed for the practice of funeral service for 10 consecutive
17 years or who have had 10 consecutive years' experience as a
18 practitioner of funeral service in this State immediately
19 preceding their appointment and 2 of whom shall be
20 representatives of the public. Members shall be appointed by the
21 Governor for a term of 4 years, except that no more than 2
22 members' terms may expire in any one calendar year and
23 appointments for terms of less than 4 years may be made in order
24 to comply with this limitation. Upon expiration of a member's
25 term, that member shall serve until a successor is qualified and
26 appointed. The successor's term shall be 4 years from the date
27 of the expiration, regardless of the date of the successor's
28 appointment. Any vacancy in the board shall be filled by
29 appointment of a person, qualified as was the board member being
30 replaced, to hold office during the unexpired term. No person
31 may be eligible to serve more than 2 full consecutive terms,
32 provided that for this purpose only a period actually served that
33 exceeds 1/2 of the 4-year term shall be deemed a full term. A
34 board member may be removed by the Governor for cause.

35 **Sec. B-28. 32 MRSA §3403-A, sub-§5,** as enacted by PL 1985, c.
36 389, §19, is repealed and the following enacted in its place:

37 **5. Orders.** The board and any person designated by the
38 board may issue an order to cease and desist the installation or
39 substantial alteration of plumbing systems by any person required
40 to be licensed by the board and who is not licensed by the
41 board. The order is immediately effective and shall be
42 accompanied by written notice of opportunity and procedure for
43 appeal. The person ordered to cease and desist may appeal the
44 order and may request a hearing. The appeal and request for
45 hearing shall be filed with the board within 48 hours of the
46 order. A hearing shall be granted by the board within 5 days of

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2 receipt of the request. The board shall issue its written
3 decision of its review within 15 days of receipt of the request
4 for appeal or hearing.

5 Any person ordered by the board to cease and desist may appeal to
6 the Superior Court in accordance with the Maine Administrative
7 Procedure Act, Title 5, chapter 375, subchapter VII, by filing a
8 petition for review within 48 hours of receipt of the order. The
9 court shall issue a written decision within 20 days after receipt
10 of the petition for review. The decision of the Superior Court on
11 an appeal, as provided, is final. The decision of the board or
12 order of the board shall also be final and subject to no further
13 appeal upon failure to file a timely written appeal as provided.

14 **Sec. B-29. 32 MRSA §3403-A, last ¶, as enacted by PL 1985, c.**
15 **389, §19, is repealed.**

16 **Sec. B-30. 32 MRSA §13062, sub-§1, as amended by PL 1989, c.**
17 **471, §2 and c. 503, Pt. B, §156, is repealed and the following**
18 **enacted in its place:**

19 **1. Real Estate Commission composition. The Real Estate**
20 **Commission, established by Title 5, section 12004-A, subsection**
21 **37, shall be referred to in this chapter as the "commission."**
22 **The commission shall consist of 4 industry members and 2 public**
23 **members.**

24 **Sec. B-31. 36 MRSA §3038, as repealed by PL 1983, c. 94, Pt.**
25 **D, §5 and as amended by PL 1983, c. 334, §4 and c. 480, Pt. A,**
26 **§42, is repealed.**

27 **Sec. B-32. 36 MRSA §3040, as enacted by PL 1983, c. 310, §5,**
28 **is repealed.**

29 **Sec. B-33. 36 MRSA §3216, as enacted by PL 1983, c. 94, Pt.**
30 **D, §6, is repealed and the following enacted in its place:**

31 **§3216. Failure to file statement; false statement**

32 **Any person who refuses or neglects to make any statement,**
33 **report, payment or return required by this chapter, or who**
34 **knowingly makes, or who aids or assists any other person in**
35 **making a false statement in a return or report to the State Tax**
36 **Assessor, or in connection with an application for refund of any**
37 **tax, or who knowingly collects or attempts to collect, or causes**
38 **to be paid to that person or to any other person, either directly**
39 **or indirectly, any refund of that tax without being entitled to**
40 **that refund or is in violation of the affidavit as prescribed for**
41 **registered sellers in section 3205, is guilty of a Class E crime.**
42 **Any fines collected pursuant to this section must be credited to**
43 **the Highway Fund.**

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2 The State Tax Assessor shall notify the Secretary of State
3 and the Bureau of State Police of any carrier who has failed to
4 comply with this chapter.

6 The Secretary of State shall suspend vehicle registrations
7 in the name of that carrier, if any, and the right to operate as
8 provided in Title 29, section 2241, and the Secretary of State
9 shall refuse to issue or reissue authority required by Title 29,
10 chapter 25.

12 **Sec. B-34. 36 MRSA §4831, sub-§4,** as enacted by PL 1989, c.
13 585, Pt. B, is amended to read:

14 **4. Tire.** "Tire" means the device made of rubber or any
15 similar substance which is intended to be attached to a motorized
16 vehicle or trailer and is designed to support the load of the
17 ~~motor~~ motorized vehicle or trailer.

18 **Sec. B-35. Effective date.** The Maine Revised Statutes, Title
19 36, section 4831, subsection 4, as amended by this Act, shall
20 take effect on July 1, 1990.

22 **Sec. B-36. 36 MRSA §6207, sub-§1, ¶A,** as repealed by PL 1987,
23 c. 839, §3 and as enacted by PL 1989, c. 534, Pt. A, §6, is
24 repealed.

26 **Sec. B-37. 36 MRSA §6207, sub-§1, ¶A-1** is enacted to read:

28 A-1. Fifty percent of that portion of the benefit base that
29 exceeds 4.5% but does not exceed 8.5% of household income,
30 plus 100% of that portion of the benefit base that exceeds
31 8.5% of income to a maximum payment of \$3,000.

34 **Sec. B-38. 36 MRSA §6220,** as enacted by PL 1989, c. 534, Pt.
35 A, §10, is amended to read:

36 **§6220. Coordination required**

38 The Bureau of Taxation shall seek the advice and cooperation
39 of the Bureau of ~~Maine's-Elderly~~ Elder and Adult Services; the
40 Bureau of Income Maintenance; the Division of Community Services;
41 advocates for elderly and low-income individuals; the Maine
42 Literacy Coalition; and other interested agencies and
43 organizations in developing the application form and instruction
44 booklet for the Maine Residents Property Tax Program and the
45 outreach plan required by section 6219.

48 **Sec. B-39. 38 MRSA §451, 2nd ¶,** as amended by PL 1983, c. 566,
49 §24, is further amended to read:

50 The board may establish a mixing zone with respect to any
51 discharge at the time application for license for the discharge

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is made, and when so established shall be a condition of and form a part of the license issued. The board may, after opportunity for a hearing in accordance with section 345 345-A, establish by order a mixing zone with respect to any discharge for which a license has been issued pursuant to section 414, or for which an exemption has been granted by virtue of section 413, subsection 2. Prior to the commencement of any enforcement action to abate a classification violation, the board shall establish, in the manner provided in this paragraph, a mixing zone with respect to the discharge sought to be thereby affected.

Sec. B-40. 38 MRSA §464, sub-§6, ¶A, as enacted by PL 1985, c. 698, §15, is amended to read:

A. At any time during the term of a valid waste water discharge license which was issued prior to the effective date of this article, the board may modify that license in accordance with section 347, ~~sub-section--3~~ 347-B if the discharger is not in compliance with the water quality criteria pertaining to the protection of the resident biological community. When a discharge license is modified under this subsection, the board shall establish a reasonable schedule to bring the discharge into compliance with the water quality criteria pertaining to the protection of the resident biological community.

Sec. B-41. 38 MRSA §1310-V, 2nd ¶, as enacted by PL 1987, c. 557, §4, is amended to read:

For the purposes of this section, the term, "commercial landfill facility" is defined pursuant to section 1303, ~~sub-section-1-C~~ 1303-C, except that the term does not include a waste facility that is controlled by the owners of an energy recovery facility or facilities and that is used exclusively for the disposal of ash or other wastes processed and thereby generated by such energy recovery facility or facilities.

Sec. B-42. 38 MRSA §1362, sub-§1, ¶G, as enacted by PL 1985, c. 746, §32, is amended to read:

G. Waste oil as defined in section 1303 1303-C.

Sec. B-43. 38 MRSA §1652, sub-§3, as enacted by PL 1987, c. 804, is amended to read:

3. **Meals on wheels.** A food service funded in whole or in part, directly or indirectly, by the Bureau of ~~Maine's-Elderly Elder and Adult Services~~ to provide meals at dispersed locations from central kitchen facilities is exempt.

Sec. B-44. 39 MRSA §87, sub-§5, as amended by PL 1987, c. 861, §32, is further amended to read:

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2 **5. Employer refusal; sanctions.** Refusal of the employer to
3 comply with a requirement, determination or order of the
4 commission, this chapter or a rule promulgated thereto, or with
5 the terms of an approved plan or agreement under this subchapter,
6 shall be deemed a failure to pay compensation subject to section
7 104-A, subsection 2-B 2-A. The commissioner or the employee may
8 seek enforcement under section 103-E.

10 **Sec. B-45. PL 1989, c. 475, §1, first line** is repealed and the
11 following enacted in its place:

12

13 **Sec. 1. 30-A MRSA c. 3, sub-c. 1, art. 3-A** is enacted to read:

14

PART C

15

16 **Sec. C-1. 30 MRSA §2, sub-§1,** as repealed by PL 1987, c. 737,
17 Pt. A, §1 and Pt. C, §106 and as repealed and replaced by PL
18 1987, c. 780, §1 and as amended by PL 1989, c. 6; c. 9, §2; and
19 c. 104, Pt. C, §§8 and 10, is repealed.

20

21 **Sec. C-2. 30 MRSA §202-A,** as enacted by PL 1987, c. 780, §2,
22 is repealed.

23

24 **Sec. C-3. 30 MRSA §202-B,** as enacted by PL 1987, c. 780, §3,
25 is repealed.

26

27 **Sec. C-4. 30 MRSA §1123-A,** as enacted by PL 1987, c. 840, §4,
28 is repealed.

29

30 **Sec. C-5. 30 MRSA §§1130-A, 1130-B and 1130-C,** as enacted by
31 PL 1987, c. 828, §1, are repealed.

32

33 **Sec. C-6. 30 MRSA §2151, sub-§2, ¶K,** as repealed by PL 1987,
34 c. 737, Pt. A, §1 and Pt. C, §106 and as repealed and replaced by
35 PL 1987, c. 828, §2 and as amended by PL 1989, c. 6; c. 9, §2;
36 and c. 104, Pt. C, §§8 and 10, is repealed.

37

38 **Sec. C-7. 30 MRSA §2251, sub-§§5 and 6,** as enacted by PL 1987,
39 c. 784, §5, are repealed.

40

41 **Sec. C-8. 30 MRSA §3223-B,** as repealed by PL 1987, c. 737,
42 Pt. A, §1 and Pt. C, §106 and as repealed and replaced by PL
43 1987, c. 860, §1 and as amended by PL 1989, c. 6; c. 9, §2; and
44 c. 104, Pt. C, §§8 and 10, is repealed.

45

46 **Sec. C-9. 30 MRSA §4064,** as repealed by PL 1987, c. 737, Pt.
47 A, §1 and Pt. C, §106 and as repealed and replaced by PL 1987, c.
48 770, §4 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104,
49 Pt. C, §§8 and 10, is repealed.

50

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2 **Sec. C-10. 30 MRSA §4066-B, sub-§1, ¶¶F and G**, as repealed by
PL 1987, c. 737, Pt. A, §1 and Pt. C, §106 and as amended PL
1987, c. 770, §5 and as amended by PL 1989, c. 6; c. 9, §2; and
4 c. 104, Pt. C, §§8 and 10, are repealed.

6 **Sec. C-11. 30 MRSA §4066-B, sub-§10**, as repealed by PL 1987,
c. 737, Pt. A, §1 and Pt. C, §106 and as enacted PL 1987, c. 770,
8 §7 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C,
§§8 and 10, is repealed.

10 **Sec. C-12. 30 MRSA §4522, sub-§9**, as enacted by PL 1987, c.
12 820, §2, is repealed.

14 **Sec. C-13. 30 MRSA §4552, sub-§19**, as repealed by PL 1987, c.
737, Pt. A, §1 and Pt. C, §106 and as amended by PL 1987, c. 846,
16 §12 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C,
§§8 and 10, is repealed.

18 **Sec. C-14. 30 MRSA §4601-A, sub-§1, ¶L**, as repealed by PL
20 1987, c. 737, Pt. A, §1 and Pt. C, §106 and as amended by PL
1987, c. 761, §1 and as amended by PL 1989, c. 6; c. 9, §2; and
22 c. 104, Pt. C, §§8 and 10, is repealed.

24 **Sec. C-15. 30 MRSA c. 239, sub-c. II, art. 3-A**, as enacted by PL
1987, c. 820, §3, is repealed.

26 **Sec. C-16. 30 MRSA §4723**, as repealed by PL 1987, c. 737, Pt.
28 A, §1 and Pt. C, §106 and as amended by PL 1987, c. 761, §2 and
as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and
30 10, is repealed.

32 **Sec. C-17. 30 MRSA §4732, sub-§2**, as repealed by PL 1987, c.
737, Pt. A, §1 and Pt. C, §106 and as repealed and replaced by PL
34 1987, c. 761, §3 and c. 820, §4 and as amended by PL 1989, c. 6;
c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

36 **Sec. C-18. 30 MRSA §4762**, as repealed by PL 1987, c. 737, Pt.
38 A, 1 and Pt. C, §106 and as amended by PL 1987, c. 761, §4 and as
amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and
40 10, is repealed.

42 **Sec. C-19. 30 MRSA §§4770-C, 4770-D and 4770-E**, as enacted by
PL 1987, c. 846, §13, are repealed.

44 **Sec. C-20. 30 MRSA §4787, sub-§1**, as repealed by PL 1987, c.
46 737, Pt. A, §1 and Pt. C, §106 and as amended by PL 1987, c. 820,
§5 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C,
48 §§8 and 10, is repealed.

50 **Sec. C-21. 30 MRSA §4791, sub-§1**, as repealed by PL 1987, c.
737, Pt. A, §1 and Pt. C, §106 and as amended by PL 1987, c. 820,
52 §6 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104,

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Pt. C, §§8 and 10, is repealed.

Sec. C-22. 30 MRSA §4792, as enacted by PL 1987, c. 820, §7, is repealed.

Sec. C-23. 30 MRSA §4863, sub-§1, ¶C, as repealed by PL 1987, c. 737, Pt. A, §1 and Pt. C, §106 and as amended by PL 1987, c. 772, §1 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

Sec. C-24. 30 MRSA §4864, sub-§1, as repealed by PL 1987, c. 737, Pt. A, §1 and Pt. C, §106 and as amended by PL 1987, c. 772, §2 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

Sec. C-25. 30 MRSA §4956, as repealed by PL 1987, c. 737, Pt. A, §1 and Pt. C, §106 and as amended by PL 1987, c. 810, §§3 to 5 and 11 and c. 885, §§6 to 8 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

Sec. C-26. 30 MRSA §4960, as repealed by PL 1987, c. 737, Pt. A, §1 and Pt. C, §106 and as amended by PL 1987, c. 766, §4 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

Sec. C-27. 30 MRSA §§4960-A and 4960-B, as enacted by PL 1987, c. 766, §4, are repealed.

Sec. C-28. 30 MRSA §4960-C, as enacted by PL 1987, c. 766, §4 and as amended by PL 1989, c. 35, §1, is repealed.

Sec. C-29. 30 MRSA §§4960-D, 4960-E and 4960-F, as enacted by PL 1987, c. 766, §4, are repealed.

Sec. C-30. 30 MRSA §4961, sub-§3, as enacted by PL 1987, c. 820, §8, is repealed.

Sec. C-31. 30 MRSA §4961-A, as enacted by PL 1987, c. 766, §6 and c. 820, §9 and as amended by PL 1987, c. 860, §§2 and 3, is repealed.

Sec. C-32. 30 MRSA §4965, sub-§2, as repealed by PL 1987, c. 737, Pt. A, §1 and Pt. C, §106 and as amended by PL 1987, c. 770, §8 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

Sec. C-33. 30 MRSA §4965, sub-§3, as repealed by PL 1987, c. 737, Pt. A, §1 and Pt. C, §106 and as enacted by PL 1987, c. 647, §1 and c. 770, §9 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

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2 **Sec. C-34. 30 MRSA §4967**, as enacted by PL 1987, c. 766, §10
and as amended by PL 1989, c. 443, §81, is repealed.

4 **Sec. C-35. 30 MRSA §5154**, as enacted by PL 1987, c. 751, §1,
is repealed.

6 **Sec. C-36. 30 MRSA §5163, sub-§§4-A, 4-B, 7-A and 7-B**, as
8 enacted by PL 1987, c. 751, §2, are repealed.

10 **Sec. C-37. 30 MRSA §5163, sub-§10**, as repealed by PL 1987, c.
737, Pt. A, §1 and Pt. C, §106 and as amended by PL 1987, c. 751,
12 §3 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C,
§§8 and 10, is repealed.

14 **Sec. C-38. 30 MRSA §5163, sub-§§10-A and 12-A**, as enacted by
16 PL 1987, c. 751, §4, are repealed.

18 **Sec. C-39. 30 MRSA §5165-A**, as enacted by PL 1987, c. 751,
§5, is repealed.

20 **Sec. C-40. 30 MRSA §5168, first and 2nd ¶¶**, as repealed by PL
22 1987, c. 737, Pt. A, §1 and Pt. C, §106 and as amended by PL
1987, c. 751, §6 and as amended by PL 1989, c. 6; c. 9, §2; and
24 c. 104, Pt. C, §§8 and 10, are repealed.

26 **Sec. C-41. 30 MRSA §5168, 3rd ¶**, as repealed by PL 1987, c.
737, Pt. A, §1 and Pt. C, §106 and as amended by PL 1987, c.
28 751, §7 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104,
Pt. C, §§8 and 10, is repealed.

30 **Sec. C-42. 30 MRSA §5171**, as repealed by PL 1987, c. 737, Pt.
32 A, §1 and Pt. C, §106 and as amended by PL 1987, c. 751, §8 and
as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and
34 10, is repealed.

36 **Sec. C-43. 30 MRSA §5171-A**, as enacted by PL 1987, c. 751,
§9, is repealed.

38 **Sec. C-44. 30 MRSA §5172, first ¶**, as repealed by PL 1987, c.
40 737, Pt. A, §1 and Pt. C, §106 and as amended by PL 1987, c.
751, §10 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104,
42 Pt. C, §§8 and 10, is repealed.

44 **Sec. C-45. 30 MRSA §5183-A**, as enacted by PL 1987, c. 751,
§11, is repealed.

46 **Sec. C-46. 30-A MRSA §2342, sub-§9** is enacted to read:

48 9. Comprehensive plans to comply with standards. Any
50 comprehensive plans developed pursuant to this subchapter shall
comply with the provisions of subpart 6-A.

52

2 **Sec. C-47. 30-A MRSA §5705**, as enacted by PL 1989, c. 12, is amended to read:

4 **§5705. Refinancing of the United States Farmers Home Administration loans**
6

8 For the period beginning January 1, 1989 1988, and ending December 31, 1989, the municipal officers of any municipality or plantation may refinance any debt owed to the United States Farmers Home Administration without the approval of the municipality's or plantation's legislative body as long as the refinancing will result in a net savings to the municipality or plantation.
14

16 **Sec. C-48. PL 1987, c. 766, §10**, the first 2 lines are repealed and the following enacted in its place:

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

20 **PART D**

22 **Sec. D-1. 5 MRSA §1731, 2nd ¶**, as enacted by PL 1989, c. 483, Pt. A, §13 and c. 501, Pt. P, §14, is repealed and the following enacted in its place:
24

26 As approved by the commissioner, up to 15% of the amount of the fund as of July 1st of each fiscal year may be used to ensure the prompt payment of workers' compensation claims for state agencies as required by law. Any funds so transferred shall be repaid to the fund by use of a written agreement which specifies reimbursement within the same biennium in which the transfer was made.
32

34 **Sec. D-2. 5 MRSA §1731**, as amended by PL 1989, c. 483, Pt. A, §13 and c. 501, Pt. P, §14, is further amended by adding at the end a new 3rd paragraph to read:
36

38 With the approval of the commissioner, up to 15% of the unreserved amount of the fund as of July 1, 1989, may be used for the initial capitalization of the Workers' Compensation Management Fund established by section 1833.
40

42 **Sec. D-3. 5 MRSA §12004-A, sub-§9-A**, as enacted by PL 1989, c. 465, §§1 and 5, is amended to read:
44

46 9-A. Board \$35/Day 32 MRSA §13852
48 of Counseling
50 Professional
 Lisensure
 Licensure.

52 This subsection is repealed on October 1, 1999.

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2 Sec. D-4. 5 MRSA §17001, sub-§42, as amended by PL 1989, c.
491, §1 and as repealed and replaced by PL 1989, c. 550, §2 and
4 as amended by PL 1989, c. 700, Pt. A, §A-24, is repealed and the
following enacted in its place:

6

42. Teacher. "Teacher" means:

8

A. Any employee of a public school who fills any position
10 that the Department of Education requires be filled by a
person who holds the appropriate certification or license
12 required for that position and:

14

(1) Holds appropriate certification from the
Department of Education; or

16

(2) Holds an appropriate license issued to a
18 professional employee by a licensing agency of the
State;

20

B. Any employee of a public school who fills any position
22 not included in paragraph A, the principal function of which
is to introduce new learning to students;

24

C. Any employee of a public school on June 30, 1989, in a
26 position not included in paragraph A or B which was included
in the definition of teacher in effect on June 30, 1989, as
28 long as:

30

(1) The employee does not terminate employment; or

32

(2) The employee terminates employment and returns to
employment in a position in the same classification
34 within 2 years of the date of termination.

36

Regardless of any subsequent employment history, any
employee of a public school in a position which was included
38 in the definition of teacher in effect on June 30, 1989, is
entitled to creditable service as a teacher for all service
40 in that position on or before that date;

42

D. Any employee of a public school in a position not
included in paragraph A, B or C who was a member of the
44 retirement system as a teacher on August 1, 1988, as long as:

46

(1) The employee does not terminate employment; or

48

(2) The employee terminates employment and returns to
employment in a position in the same classification
50 within 2 years of the date of termination;

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2 E. Any former employee of a public school in a position not
3 included in paragraph A, B or C who was a member of the
4 retirement system as a teacher before August 1, 1988,
5 provided that the former employee returns to employment in a
6 position in the same classification before July 1, 1991; or

7 F. For service before July 1, 1989, any employee of a
8 public school in a position which was included in the
9 definition of teacher before July 1, 1989.

10 "Teacher" includes a person who is on a one-year leave of absence
11 from a position as a teacher and is participating in the
12 education of prospective teachers by teaching and supervising
13 students enrolled in college-level teacher preparation programs
14 in this State.

15 **Sec. D-5. 7 MRSA §954-A, 2nd ¶**, as enacted by PL 1989, c. 605,
16 is amended to read:

17
18
19
20 Notwithstanding section 957, any violation of this section
21 shall constitute a separate civil violation with a minimum
22 penalty of \$1,000 for each occurrence. Each lot of potatoes
23 exposed or offered for sale, transported, shipped or dumped
24 without the requisite federal and state inspection certificate
25 required under this section showing that the potatoes meet the
26 minimum grade requirements specified on the container shall
27 constitute a separate violation. ~~There shall be no violation~~
28 ~~when the potatoes involved have been removed from the containers~~
29 ~~and are to be used for processing or charitable purposes. These~~
30 ~~potatoes must be handled under the supervision of the Department~~
31 ~~of Agriculture, Food and Rural Resources. There is no violation~~
32 if the potatoes are removed from the containers under the
33 supervision of the Department of Agriculture, Food and Rural
34 Resources and are to be used for processing or charitable
35 purposes.

36 **Sec. D-6. 10 MRSA §8001**, as repealed and replaced by PL 1989,
37 c. 450, §4; c. 465, §§2 and 5; and c. 502, Pt. A, §31, is
38 repealed and the following enacted in its place:

39 **§8001. Department; organization**

40
41
42 There is created and established the Department of
43 Professional and Financial Regulation, in this chapter referred
44 to as the "department," to regulate financial institutions,
45 insurance companies, commercial sports, grantors of consumer
46 credit and to license and regulate professions and occupations.
47 The department shall be composed of the following bureaus, boards
48 and commissions:

- 49 **1. Bureau of Banking. Banking, Bureau of;**

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- 2 2. Bureau of Consumer Credit Protection. Consumer Credit
3 Protection, Bureau of;
- 4 3. Bureau of Insurance. Insurance, Bureau of;
- 6 4. Maine Athletic Commission. Athletic Commission, Maine;
- 8 5. Maine State Pilotage Commission. Pilotage Commission,
9 Maine State;
- 10 6. Real Estate Commission. Real Estate Commission;
- 12 7. Arborist Examining Board. Arborist Examining Board;
- 14 8. Board of Licensing of Auctioneers. Auctioneers, Board
16 of Licensing of;
- 18 9. State Board of Barbers. Barbers, State Board of;
- 20 10. Board of Commercial Driver Education. Commercial
22 Driver Education, Board of;
- 24 11. Board of Licensing of Dietetic Practice. Dietetic
24 Practice, Board of Licensing of;
- 26 12. Electricians' Examining Board. Electricians' Examining
28 Board;
- 30 13. State Board of Licensure for Professional Foresters.
30 Foresters, State Board of Licensure for Professional;
- 32 14. State Board of Funeral Service. Funeral Service, State
34 Board of;
- 36 15. State Board of Certification for Geologists and Soil
36 Scientists. Geologists and Soil Scientists, State Board of
38 Certification for;
- 40 16. Board of Hearing Aid Dealers and Fitters. Hearing Aid
40 Dealers and Fitters, Board of;
- 42 17. Manufactured Housing Board. Manufactured Housing Board;
- 44 18. Nursing Home Administrators Licensing Board. Nursing
46 Home Administrators Licensing Board;
- 48 19. Board of Occupational Therapy Practice. Occupational
48 Therapy Practice, Board of;
- 50 20. Oil and Solid Fuel Board. Oil and Solid Fuel Board;

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- 2 21. Board of Examiners in Physical Therapy. Physical
3 Therapy, Board of Examiners in;
- 4 22. Plumbers' Examining Board. Plumbers' Examining Board;
- 6 23. State Board of Examiners of Psychologists.
7 Psychologists, State Board of Examiners of;
- 8
- 10 24. Radiologic Technology Board of Examiners. Radiologic
11 Technology Board of Examiners;
- 12 25. Board of Respiratory Care Practitioners. Respiratory
13 Care Practitioners, Board of;
- 14
- 16 26. State Board of Social Worker Licensure. Social Worker
17 Licensure, State Board of;
- 18 27. Board of Examiners on Speech Pathology and Audiology.
19 Speech Pathology and Audiology, Board of Examiners on;
- 20
- 22 28. State Board of Registration of Substance Abuse
23 Counselors. Substance Abuse Counselors, State Board of
24 Registration of;
- 26 29. State Board of Veterinary Medicine. Veterinary
27 Medicine, State Board of;
- 28
- 30 30. Acupuncture Licensing Board. Acupuncture Licensing
31 Board;
- 32 31. Board of Commissioners of the Profession of Pharmacy.
33 Profession of Pharmacy, Board of Commissioners of the;
- 34 32. Board of Licensure for Professional Land Surveyors.
35 Licensure for Professional Land Surveyors, Board of;
- 36
- 38 33. Board of Chiropractic Examination and Registration.
39 Chiropractic Examination and Registration, Board of;
- 40 34. Board of Licensure of Railroad Personnel. Licensure of
41 Railroad Personnel, Board of; and
- 42
- 44 35. Board of Counseling Professionals Licensure.
45 Counseling Professionals Licensure, Board of. This subsection is
46 repealed October 1, 1999.
- 48 Sec. D-7. 20-A MRSA §15612, sub-§11, as enacted by PL 1989, c.
49 502, Pt. B, §§20 and 21, and c. 554, §3, is repealed and the
50 following enacted in its place:
- 52 11. Special education tuition and costs for out-of-district
53 placement adjustment. A school administrative unit which places

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2 a student in an out-of-district placement shall receive an
3 adjustment equal to the amount, if any, by which the tuition,
4 treatment and room and board costs for an approved
5 out-of-district special education placement in the year of
6 allocation exceeds 3 times the secondary foundation per pupil
7 operating rate for that year, or a prorated amount if the
8 placement is less than a full year. State payments to school
9 administrative units pursuant to this subsection shall be made
10 during the year of allocation. The funds for the adjustment
11 shall be limited to the amount appropriated by the Legislature
12 for that purpose, and the department is authorized to prorate
13 payments to units if the amount appropriated is insufficient to
14 make full payments to all units.

15 **Sec. D-8. 28-A MRSA §1007, sub-§2, ¶B,** as amended by PL 1989,
16 c. 158, §7 and c. 526, §§20 and 28, is repealed and the following
17 enacted in its place:

18 B. Part-time (6 months).....\$ 75; and

19 **Sec. D-9. Effective date.** The Maine Revised Statutes, Title
20 28-A, section 1007, subsection 2, paragraph B, as repealed and
21 replaced by this Act, takes effect July 1, 1990.

22 **Sec. D-10. 30-A MRSA, §272, sub-§6,** as amended by PL 1989, c.
23 6; c. 9, §2; and c. 104, Pt. A, §7 and Pt. C, §§8 and 10, and as
24 repealed by PL 1989, c. 501, Pt. O, §21, is repealed.

25 **Sec. D-11. 32 MRSA §13863** is enacted to read:

26 **§13863. Repeal**

27 This chapter is repealed October 1, 1999.

28 **Sec. D-12. 36 MRSA §5126,** as repealed and replaced by PL
29 1987, c. 892, §2 and PL 1989, c. 495, §3, is repealed and the
30 following enacted in its place:

31 **§5126. Personal exemptions**

32 A resident individual shall be allowed \$2,000 for each
33 exemption to which the individual is entitled for the taxable
34 year for federal income tax purposes, unless the taxpayer is
35 claimed as a dependent on another return. No additional
36 exemption may be allowed for taxpayers over 65 years of age or
37 blind. The nominal dollar amount of this section shall be
38 subject to annual adjustment under section 5403.

39 **Sec. D-13. PL 1989, c. 465, §5** is repealed.

40 **Sec. D-14. PL 1989, c. 501, Pt. O, §22** as amended by PL 1989, c.
41 600, Pt. B, §§9 and 10, is further amended to read:

2 **Sec. 22. Effective date.** Sections 1 to 6 shall take effect on ~~June 30, 1989~~ December 5, 1990. Sections 7, 9,
4 10, 11, 12, 13, 14, 15, 16 and 17 shall take effect on December
6 3, 1990.

8 **Sec. D-15. Retroactivity.** Public Law 1989, chapter 501, Part
10 O, section 22, as amended by this Act, takes effect retroactively
12 to June 30, 1989.

14 **Sec. D-16. PL 1989, c. 547, §5** is enacted to read:

16 **Sec. 5. Retroactivity.** This Act applies retroactively to July
18 1, 1989.

20 **Sec. D-17. PL 1989, c. 547, emergency clause** is amended to read:

22 **Emergency clause.** In view of the emergency cited in the
24 preamble, this Act takes effect ~~on July 1, 1989~~ when approved.

26 **Sec. D-18. Oxford County officers' salaries.** Notwithstanding the
28 provisions of the Maine Revised Statutes, Title 30-A, section 2,
30 subsection 1, paragraph H, the following county officers are
32 entitled to receive the following salaries for calendar year
34 1989. The salary of the Oxford County Register of Probate is
36 \$16,700. The salary of the Oxford County Register of Deeds,
38 Eastern District, is \$16,700. The salary of the Oxford County
40 Register of Deeds, Western District, is \$14,179. This section
42 applies retroactively to January 1, 1989.

PART E

44 **Sec. E-1. 7 MRSA §602**, as amended by PL 1979, c. 731, §19, is
46 further amended to read:

§602. Enforcing official

48 This subchapter shall be administered by the ~~Commissioner of~~
50 ~~Agriculture, Food and Rural Resources~~ Board of Pesticides
52 Control, hereinafter referred to as the "~~commissioner~~ board."

54 **Sec. E-2. 7 MRSA §604, sub-§14**, as enacted by PL 1975, c. 382,
56 §3, is amended to read:

58 **14. Highly toxic pesticide.** "Highly toxic pesticide" means
60 any pesticide determined to be a highly toxic pesticide under the
62 authority of Section 25(c)(2) of FIFRA or by the ~~commissioner~~
64 board under section 610, subsection 1, paragraph B.

66 **Sec. E-3. 7 MRSA §606, sub-§2, ¶¶B and C**, as enacted by PL
68 1975, c. 382, §3, are amended to read:

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2 B. For any person to use or cause to be used any pesticide
in a manner inconsistent with its labeling or to regulations
4 of the ~~commissioner~~ board, if those regulations further
restrict the uses provided on the labeling;

6 C. For any person to use for his that person's own
advantage or to reveal, other than to the ~~commissioner~~ board
8 or proper officials or employees of the state or federal
executive agencies, or to the courts of this State or of the
10 United States in response to a subpoena, or to physicians,
or in emergencies to pharmacists and other qualified persons
12 for use in the preparation of antidotes, any information
relative to formulas of products acquired by authority of
14 section 607 or any information judged by the ~~commissioner~~
board as containing or relating to trade secrets or
16 commercial or financial information obtained by authority of
this subchapter and marked as privileged or confidential by
18 the registrant;

20 **Sec. E-4. 7 MRSA §606, sub-§2, ¶F**, as amended by PL 1983, c.
558, §1, is further amended to read:

22
24 F. For any person to refuse or otherwise fail to comply
with the provisions of this subchapter, the regulations
26 adopted hereunder, or of any lawful order of the
~~commissioner~~ board; or

28 **Sec. E-5. 7 MRSA §607**, as amended by PL 1987, c. 723, §1, is
further amended to read:

30 **§607. Registration**

32
34 **1. Conditions requiring registration.** Every pesticide which
is distributed in this State shall be registered with the
~~commissioner~~ board subject to the provisions of this subchapter.
36 Such registration shall be renewed annually prior to January 1,
provided that registration is not required if a pesticide is
38 shipped from one plant or warehouse to another plant or warehouse
operated by the same person and used solely at such plant or
40 warehouse as a constituent part to make a pesticide which is
registered under the provisions of this subchapter, or if the
42 pesticide is distributed under the provisions of an experimental
use permit issued under section 608 or an experimental use permit
44 issued by EPA.

46 **2. Contents of statement made by applicant.** The applicant
for registration shall file a statement with the ~~commissioner~~
48 board which shall include:

50 A. The name and address of the applicant and the name and
address of the person whose name will appear on the label,
52 if other than applicant's;

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B. The name of the pesticide;

C. Other necessary information required for completion of the department's application for registration forms; and

D. A complete copy of the labeling accompanying the pesticide and a statement of all claims to be made for it, including the directions for use and the use classification as provided for in FIFRA.

3. Submission of formula. The ~~commissioner~~ board, when he it deems it necessary in the administration of this subchapter, may require the submission of the complete formula of any pesticide, including the active and inert ingredients.

4. Test results. The ~~commissioner~~ board may require a full description of the tests made and the results thereof on any pesticide not registered pursuant to the Federal Insecticide, Fungicide and Rodenticide Act, Section 3, or on any pesticide on which restrictions are being considered. In the case of renewal of registration, a statement shall be required only with respect to information which is different from that furnished when the pesticide was registered or last reregistered. Notwithstanding Title 1, section 402, data submitted under this subsection and subsections 3 and 5 are confidential and shall not be available for public inspection.

5. Power to require other information. The ~~commissioner~~ board may prescribe other necessary information by regulation adopted in a manner consistent with the Maine Administrative Procedure Act.

6. Registration fee; validity. The applicant desiring to register a pesticide shall pay an annual registration fee of \$85 in calendar year 1988 and thereafter for each pesticide registered for that applicant. Annual registration periods shall expire on December 31st of any one year or in a manner consistent with the Maine Administrative Procedure Act, Title 5, section 10002, as to license expiration, whichever is later.

7. Renewal of registration. Forms for reregistration shall be mailed to registrants at least 30 days prior to the due date.

8. Approval of application for registration.

A. Provided the State is authorized by the Administrator of the United States Environmental Protection Agency to register pesticides pursuant to Sections 24(a) and 24(c) of FIFRA, the board shall consider the required information set forth under subsections 2, 3, 4 and 5 and shall, subject to the terms and conditions of the United States Environmental

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Protection Agency certification, register such pesticide if it determines that:

(1) Its composition is such as to warrant the proposed claims for it;

(2) Its labeling and other material required to be submitted comply with the requirements of this subchapter;

(3) It will perform its intended function without unreasonable adverse effects on the environment;

(4) When used in accordance with widespread and commonly recognized practice, it will not generally cause unreasonable adverse effects on the environment; and

(5) A need for the pesticide exists.

This paragraph does not apply if the registrant fails to provide any information required to be submitted under this chapter or does not provide other information requested by the Board of Pesticides Control in order to determine whether the pesticide should be registered.

The preceding paragraph does not affect the rights of the Board of Pesticides Control to make further inquiry regarding the registration of a pesticide or to refuse reregistration, suspend or revoke registration or otherwise restrict or condition the use of pesticides in order to protect public health and the environment.

B. Prior to registering a pesticide for a special local need, the ~~commissioner~~ board shall classify the uses of the pesticide for general or restricted use in conformity with Section 3(d) of FIFRA; provided, that the ~~commissioner~~ board shall not make any lack of essentiality a criterion for denying registration of any pesticide. Where 2 pesticides meet the requirements of this paragraph, one should not be registered in preference to the other.

C. The ~~commissioner~~ board may develop and promulgate such other requirements by regulation, adopted in a manner consistent with the Maine Administrative Procedure Act, as are necessary for the state plan to receive certification from EPA.

9. Adverse environmental effects. If at any time after the registration of a pesticide, the registrant has additional factual information regarding unreasonable adverse effects on the

environment of the pesticide, he the registrant shall submit such information to the commissioner board.

Sec. E-6. 7 MRSA §607-A, as enacted by PL 1983, c. 558, §3, is amended to read:

§607-A. Review or reregistration

1. **Review required.** The commissioner board shall review all chemical pesticides used in this State, in accordance with the requirements of this section. This review shall be completed for presently registered pesticides on a schedule to be determined by the commissioner board, with restricted use pesticides and the most widely used pesticides receiving priority, and within 3 years for pesticides registered after the effective date of this section.

2. **Review process.** In cooperation with technical personnel of the Department of Environmental Protection; the Department of Inland Fisheries and Wildlife; the Department of Human Services; and the Department of Conservation, specifically the Maine Forest Service, the commissioner board shall conduct a review to include the following:

A. An environmental risk assessment to determine the effects of pesticides on the ecosystem. This assessment is to be based on available literature. The commissioner board shall request data that he it determines necessary to carry out the purpose of this chapter, but, when the literature is not available, is inadequate or incomplete, this assessment shall be based on an environmental monitoring protocol;

B. A health risk assessment, based on a literature search of laboratory, clinical and epidemiological data available within and without the State. The commissioner board shall request data he it determines necessary to carry out the purpose of this chapter; and

C. A water residue survey to determine a representative sample of a number of wells or bodies of water, either at random, in areas of possible contamination or at other bases to be described by the commissioner board, for the purpose of testing these waters and preparing a profile of the kinds and amounts of pesticides present.

3. **Effect of review on reregistration.** If the reviews in this section demonstrate that the impact of the pesticide on the ecosystem warrants additional health or environmental safeguards, the commissioner board shall require implementation of those safeguards prior to reregistration.

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2 **Sec. E-7. 7 MRSA §608**, as amended by PL 1977, c. 694, §§56 to
58, is further amended to read:

4 **§608. Experimental use permits**

6 1. **Board's powers.** Provided the State is authorized by the
Administrator of EPA to issue experimental use permits, the
8 ~~commissioner~~ board may:

10 A. Issue an experimental use permit to any person applying
for an experimental use permit, if ~~he~~ it determines that the
12 applicant needs such permit in order to accumulate
information necessary to register a pesticide under section
14 607. An application for an experimental use permit may be
filed at the time of or before or after an application for
16 registration is filed;

18 B. Prescribe terms, conditions and period of time for the
experimental use permit, which shall be under the
20 supervision of the ~~commissioner~~ board; and

22 C. Modify any experimental use permit in a manner
consistent with the Maine Administrative Procedure Act as to
24 adjudicatory proceedings, if ~~he~~ the board finds that its
terms or conditions are being violated, or that its terms
26 and conditions are inadequate to avoid unreasonable adverse
effects on the environment. These permits may be revoked by
28 the Administrative Court if the terms or conditions are
being violated or are inadequate to avoid unreasonable
30 adverse effects on the environment.

32 2. **Development and promulgation of other requirements.** The
~~commissioner~~ board may develop and promulgate such other
34 requirements by regulation, adopted in a manner consistent with
the Maine Administrative Procedure Act, as are necessary for the
36 state plan to receive such authorization from EPA.

38 3. **Limitation or prohibition of experimental use
pesticides.** The ~~commissioner~~ board may, by regulation adopted in
40 a manner consistent with the Maine Administrative Procedure Act,
limit or prohibit the use of any pesticide for which an
42 experimental use permit has been issued by EPA pursuant to
Section 5(a) of FIFRA, and which the ~~commissioner~~ board finds may
44 cause unreasonable adverse effects on the environment.

46 **Sec. E-8. 7 MRSA §609**, as amended by PL 1977, c. 694, §§59 to
61, is further amended to read:

48 **§609. Refusal to register, cancellation, suspension,
50 legal recourse**

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1. **Procedure.** Provided the State is certified by the Administrator of EPA to register pesticides formulated to meet special local needs, the ~~commissioner~~ board shall consider the following for refusal to register; for cancellation; for suspension; or for legal recourse for such pesticides. This registration, cancellation and suspension shall be considered rule-making as that term is defined in the Maine Administrative Procedure Act and notice shall be provided in a manner consistent with the Maine Administrative Procedure Act.

A. If it does not appear to the ~~commissioner~~ board that the pesticide is such as to warrant the proposed claims for it or if the pesticide and its labeling and other material required to be submitted do not comply with the provisions of this subchapter or regulations adopted thereunder, ~~he~~ the board shall notify the applicant of the manner in which the pesticide, labeling or other material required to be submitted fails to comply with the provisions of this subchapter so as to afford the applicant an opportunity to make the necessary corrections and shall notify, in a manner consistent with the Maine Administrative Procedure Act, the applicant of the opportunity for hearing prior to refusal to register.

B. When the ~~commissioner~~ board determines that a pesticide or its labeling does not comply with the provisions of this subchapter or the regulations adopted thereunder, ~~he~~ the board may cancel the registration of a pesticide or change its classification, after notice and opportunity for hearing has been provided in a manner consistent with the rule-making provisions of the Maine Administrative Procedure Act.

C. When the ~~commissioner~~ board determines that there is an imminent hazard, ~~he~~ it may, on ~~his~~ its own motion, suspend the registration of a pesticide in a manner consistent with the Maine Administrative Procedure Act, Title 5, section 8054, as to emergency rule-making pending decisions reached after notice and opportunity for a hearing. Hearings shall be held with the utmost possible expedition.

D. When the ~~commissioner~~ board becomes cognizant of any possible hazard or violation involving either a registered or unregistered product, ~~he~~ it shall cause notice of such fact, stating the date, hour and place of hearing, with a copy of the findings or charge to be preferred, to be delivered by registered mail, return receipt requested, to the person concerned, who shall be given an opportunity to be heard under such rules and regulations as may be prescribed by the ~~commissioner~~ board.

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2 E. Any person who will be adversely affected by such order
3 in this section may obtain judicial review thereof by filing
4 in the District Court, within 60 days after the entry of
5 such order, a petition praying that the order be set aside
6 in whole or in part. A copy of the petition shall be
7 forthwith transmitted by the clerk of the court to the
8 ~~commissioner~~ board and thereupon the ~~commissioner~~ board
9 shall file in the court the record of the proceedings on
10 which he it based his its order. The court shall have
11 jurisdiction to affirm or set aside the order complained of
12 in whole or in part. The findings of the ~~commissioner~~ board
13 with respect to questions of fact shall be sustained, if
14 supported by substantial evidence when considered on the
15 record as a whole. Upon application, the court may remand
16 the matter to the ~~commissioner~~ board to take further
17 testimony, if there are reasonable grounds for the failure
18 to adduce such evidence in the prior hearing. The
19 ~~commissioner~~ board may modify his its findings and his order
20 by reason of the additional evidence so taken and shall file
21 the additional record and any modification of the findings
22 or order with the clerk of the court.

23 **2. Federally registered pesticides.** If the ~~commissioner~~
24 board determines that any federally registered pesticide, with
25 respect to the use of such pesticide within this State, does not
26 warrant the claims for it, or might cause unreasonable adverse
27 effects on the environment, he the board may refuse to register
28 the pesticide as required in section 607, or if the pesticide is
29 registered under section 607, the registration may be cancelled
30 or suspended as provided in subsection 1. If the ~~commissioner~~
31 board believes the pesticide does not comply with the provisions
32 of FIFRA or the regulations adopted thereunder, he it shall
33 advise EPA of the manner in which the pesticide, labeling or
34 other material required to be submitted fails to comply with the
35 provisions of FIFRA, and suggest necessary corrections.

36 **Sec. E-9. 7 MRSA §610**, as amended by PL 1977, c. 694, §§62
37 and 63, is further amended to read:

38 **§610. Determinations; rules and regulations; restricted**
39 **use pesticides; uniformity**

40 **1. Determinations.** The ~~commissioner~~ board is authorized,
41 after due notice and an opportunity for a hearing in a manner
42 consistent with the rule-making provisions of the Maine
43 Administrative Procedure Act:

44 A. To declare as a pest any form of plant or animal life,
45 except virus, bacteria or other microorganisms on or in
46 living man or other living animals, which is injurious to
47 health or the environment;

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2 B. To determine whether pesticides registered under the
3 authority of Section 24(c) of FIFRA are highly toxic to man.
4 The definition of highly toxic, as defined in Title 40, Code
5 of Federal Regulations 162.8 as issued or hereafter amended,
6 shall govern the ~~commissioner's~~ board's determination;

7 C. To determine pesticides and quantities of substances
8 contained in pesticides, which are injurious to the
9 environment, the ~~commissioner~~ board shall be guided by EPA
10 regulations in this determination; and

11 D. To prescribe regulations requiring any pesticide to be
12 colored or discolored, if ~~he~~ it determines that such
13 requirement is feasible and is necessary for the protection
14 of health and the environment.

15
16 **2. Rule-making powers.** The ~~commissioner~~ board is
17 authorized, after due notice and a public hearing, in a manner
18 consistent with the Maine Administrative Procedure Act, to make
19 appropriate regulations for carrying out the provisions of this
20 subchapter, including but not limited to regulations providing
21 for:

22
23 A. The collection, examination and reporting of samples of
24 pesticides or devices;

25 B. The safe handling, transportation, storage, display,
26 distribution and disposal of pesticides and their containers;

27 C. Labeling requirements of all pesticides required to be
28 registered under provisions of this subchapter, provided
29 that such regulations shall not impose any requirements for
30 federally registered labels in addition to or different from
31 those required pursuant to FIFRA, and

32 D. Specifying classes of devices which shall be subject to
33 the provisions of section 605, subsection 1.

34
35 **3. Uniformity of requirements; restricted uses.** For the
36 purpose of uniformity of requirements between the states and the
37 Federal Government, the ~~commissioner~~ board may, after a public
38 hearing, adopt regulations in conformity with the primary
39 pesticide standards, particularly as to labeling, registration
40 requirements and criteria for classifying pesticides for
41 restricted use as established by EPA or other federal or state
42 agencies.

43 **Sec. E-10. 7 MRSA §611**, as amended by PL 1983, c. 558, §4, is
44 further amended to read:

45

46 **§611. Enforcement**

47

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1. **Board powers.** Notwithstanding any other provisions of law, the sampling and examination of pesticides or devices shall be made under the direction of the ~~commissioner~~ board for the purpose of determining whether they comply with the requirements of this subchapter. The ~~commissioner~~ board is authorized, upon presentation of proper identification, to enter any distributor's premises, including any vehicle of transport, at all reasonable times in order to have access to labeled pesticides or devices packaged for distribution, and to open any case, package or other container, and may upon tendering the market price take samples for analysis. If it appears from such examination that a pesticide or device fails to comply with the provisions of this subchapter or regulations adopted thereunder, and the ~~commissioner~~ board contemplates instituting criminal proceedings against any person, the ~~commissioner~~ board shall cause appropriate notice to be given to such person in a manner consistent with the Maine Administrative Procedure Act. Any person so notified shall be given an opportunity for a hearing in a manner consistent with the Maine Administrative Procedure Act as to adjudicatory proceedings. If thereafter in the opinion of the ~~commissioner~~ board it appears that the provisions of this subchapter or regulations adopted thereunder have been violated by such person, the ~~commissioner~~ board shall refer a copy of the results of the analysis or the examination of such pesticide or device to the attorney for the district in which the violation occurred.

2. **Minor violations.** Nothing in this subchapter shall be construed as requiring the ~~commissioner~~ board to report minor violations of this subchapter for prosecution or for the institution of condemnation proceedings when ~~he~~ the board believes that the public interest will be served best by a suitable notice of warning in writing.

3. **Repeated violations.** The ~~commissioner~~ board shall record all violations of this chapter and Title 22, chapter 258-A, including the name of the owner of the land on which the pesticides were intended to be applied, the name of the licensed pesticides applicator and the name of the person who contracted the pesticide application services. The ~~commissioner~~ board shall identify persons who repeatedly violate provisions relating to pesticide use and recommend to the Attorney General methods to prevent these repeated violations.

Sec. E-11. 7 MRSA §612, as amended by PL 1977, c. 694, §65, is further amended to read:

§612. "Stop sale, use or removal" order

When the ~~commissioner~~ board has reasonable cause to believe a pesticide or device is being distributed, stored, transported or used in violation of any of the provisions of this subchapter

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or of any of the prescribed regulations under this subchapter, he
it may issue and serve a written "stop sale, use or removal"
order upon the owner or custodian of any such pesticide or
device. If the owner or custodian is not available for service of
the order upon him, the ~~commissioner~~ board may attach the order
to the pesticide or device and notify the owner or custodian and
the registrant. The pesticide or device shall not be sold, used
or removed until the provisions of this subchapter have been
complied with and the pesticide or device has been released in
writing under conditions specified by the ~~commissioner~~ board or
the violation has been otherwise disposed of as provided in this
subchapter by a court of competent jurisdiction. The issuance of
such an order shall not be considered licensing or an
adjudicatory proceeding as defined by the Maine Administrative
Procedure Act.

Sec. E-12. 7 MRSA §613, sub-§1, as enacted by PL 1975, c. 382,
§3, is amended to read:

1. Adjudication; court powers. After service of a "stop
sale, use or removal" order is made upon any person, either that
person, the registrant or the ~~commissioner~~ board may file an
action in a court of competent jurisdiction in the district in
which a violation of this subchapter or regulations adopted
thereunder is alleged to have occurred for an adjudication of the
alleged violation. The court in such action may issue temporary
or permanent injunctions, mandatory or restraining, and such
intermediate orders as it deems necessary or advisable. The court
may order condemnation of any pesticide or device which does not
meet the requirements of this subchapter or regulations adopted
thereunder.

Sec. E-13. 7 MRSA §614, as amended by PL 1977, c. 694, §66,
is further amended to read:

§614. Denial, suspension, revocation of license

Upon notice and opportunity for a hearing as provided in
sections 608 and 609, the ~~commissioner~~ board is authorized to
deny, or refuse to renew, any license, registration or permit
provided for in this subchapter, subject to a hearing in any case
in which the board finds there has been a failure or refusal
to comply with the provisions of this subchapter or regulations
adopted thereunder. When it finds any failure or refusal to
comply, the ~~commissioner~~ board is further authorized to cancel or
suspend registration of a pesticide, as provided in section 609,
or to file a complaint for suspension or revocation of any other
permit or license with the Administrative Court.

Sec. E-14. 7 MRSA §615, as enacted by PL 1975, c. 382, §3, is
amended to read:

§615. Subpoenas

2
4 The ~~commissioner~~ board may issue subpoenas to compel the
6 attendance of witnesses and the production of books, documents
8 and records in the State in any hearing affecting the authority
or privilege granted by a license, registration or permit issued
under the provisions of this subchapter.

10 **Sec. E-15. 7 MRSA §616, sub-§2**, as enacted by PL 1975, c. 382,
§3, is amended to read:

12 **2. Injunction.** The ~~commissioner~~ board may bring an action
14 to enjoin the violation or threatened violation of any provision
of this subchapter or any regulation made pursuant to this
16 subchapter in a court of competent jurisdiction of the district
in which such violation occurs or is about to occur.

18 **Sec. E-16. 7 MRSA §617, sub-§1, ¶A**, as enacted by PL 1975, c.
382, §3, is amended to read:

20 A. Any carrier while lawfully engaged in transporting a
22 pesticide within this State, if such carrier shall, upon
request, permit the ~~commissioner~~ board to copy all records
24 showing the transactions in and movement of the pesticides
or devices;

26 **Sec. E-17. 7 MRSA §618**, as enacted by PL 1975, c. 382, §3, is
28 amended to read:

30 **§618. Publication of information**

32 The ~~commissioner~~ board may publish at least annually and in
34 such form as ~~he~~ it may deem proper, results of analyses based on
official samples as compared with the analyses guaranteed and
36 information concerning the distribution of pesticides, provided
that individual distribution information shall not be a public
record.

38 **Sec. E-18. 7 MRSA §619**, as enacted by PL 1975, c. 382, §3, is
40 amended to read:

42 **§619. Delegation of duties**

44 All authority vested in the ~~commissioner~~ board by virtue of
the provisions of this subchapter may, with like force and
46 effort, be executed by such employees of the ~~commissioner~~ board
as the ~~commissioner~~ board may from time to time designate for
48 said purpose.

50 **Sec. E-19. 7 MRSA §620, first ¶**, as enacted by PL 1975, c. 382,
52 §3, is amended to read:

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The ~~commissioner~~ board may cooperate, receive grants-in-aid and enter into cooperative agreements with any agency of the Federal Government, of this State or its subdivisions, or with any agency of another state, in order, but not limited, to:

Sec. E-20. 7 MRSA §621, as amended by PL 1979, c. 644, §§2 and 8, is further amended to read:

§621. Disposition of funds

All moneys received by the ~~commissioner~~ board under the provisions of this subchapter shall be deposited in the State Treasury to the credit of a special fund to be used for carrying out the provisions of this subchapter and Title 22, chapter 258-A, Board of Pesticides Control.

Sec. E-21. 7 MRSA §624, as amended by PL 1975, c. 623, §5-A, is further amended to read:

§624. Repealers

Jurisdiction in all matters pertaining to the registration, distribution and disposal of pesticides and devices is by this subchapter vested exclusively in the ~~commissioner~~ board.

PART F

Sec. F-1. 10 MRSA §1016, sub-§1, as repealed and replaced by PL 1989, c. 698, §10 and as amended by PL 1989, c. 700, Pt. A, §A-37, is repealed and the following enacted in its place:

1. Membership of board. The Maine Education Assistance Board, as established in Title 5, section 12004-I, subsection 18-A, consists of 7 voting members. One member is the Commissioner of Education or the commissioner's designee who must be a person in a major policy influencing position. The Governor shall appoint 6 members, subject to review by the joint standing committee of the Legislature having jurisdiction over educational matters and subject to confirmation by the Legislature. The gubernatorial appointees consist of the following.

A. One member must be a trustee, director, officer or employee of an institution of higher education in the State.

B. One member must be a member of a statewide organization representing the chief executive officers of public and private postsecondary institutions in the State.

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- 2 C. One member must be a student financial aid administrator
 at a postsecondary institution in the State.
- 4 D. One member must be a guidance counselor at a high school
 in the State.
- 6 E. One member must be a representative of a state financial
8 institution that is active in student lending.
- 10 F. One member must represent the interests of students,
 parents and other members of the public who use the programs.

12 With respect to the appointees specified in paragraphs A and B,
14 one shall be from an institution not owned or operated by the
 State or any of its political subdivisions and one shall be from
16 a public institution of postsecondary education.

18 **Sec. F-2. 10 MRSA §1475, sub-§2, as amended by PL 1989, c.**
 684, §§2 to 4, is repealed.

20 **Sec. F-3. 10 MRSA §1475, sub-§2-A is enacted to read:**

22 2-A. Required contents of disclosure statement. The
24 statement required by subsection 1 must contain a complete
 description of the motor vehicle to be sold, including, but not
26 limited to:

28 A. The make, model, model year and any identification or
 serial numbers of the motor vehicle;

30 B. The dealer's duty to disclose promptly the name and
32 address of the previous owner of the motor vehicle, or
 dealer, upon the request of any person, the principal use to
34 which the motor vehicle was put by that owner such as
 personal transportation, police car, daily rental car, taxi
36 or other descriptive term, and the type of sale or other
 means by which the person acquired the motor vehicle, such
38 as trade-in, sheriff's sale, repossession, auction or other
 descriptive term, to the extent that such information is
40 reasonably available to the person;

42 C. A statement identifying any and all mechanical defects
 known to the dealer at the time of sale;

44 D. A statement identifying the type of damage, if any, that
46 the vehicle has sustained, such as fire, water or
 substantial collision damage, if that information is known
48 to the dealer;

50 E. A statement, if applicable, that implied warranties with
 respect to the vehicle are excluded or modified. Nothing in

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2 this paragraph may be construed to affect the requirements
3 of Title 11, section 2-316;

4 F. A statement, if applicable, disclosing that the vehicle
5 was returned to the manufacturer, its agent or authorized
6 dealer, for its nonconformity with express warranties. The
7 statement must identify the nature of the nonconformities;
8 and

10 G. If the vehicle is repossessed, a statement identifying
11 this fact.

12 The Division of Motor Vehicles may adopt rules related to this
13 section including, but not limited to, rules establishing uniform
14 disclosure forms and stickers. The Division of Motor Vehicles
15 may include in any rule establishing uniform disclosure forms and
16 stickers any information that the Federal Trade Commission
17 requires to be disclosed on a sticker pursuant to the Motor
18 Vehicle Trade Regulation Rule, 16 Code of Federal Regulations,
19 Part 455, except that the Division of Motor Vehicles may not
20 include in any uniform disclosure form or sticker information
21 from the Federal Trade Commission rule that conflicts in any
22 manner with the information required by this section.

24 Any dealer who offers for sale to the consuming public a
25 repossessed vehicle that has been obtained by the dealer through
26 a wholesale transaction and who meets the warranty and disclosure
27 requirements of section 1474 and subsection 1 and this subsection
28 has no other liability under this chapter, except for any
29 additional warranties negotiated between the dealer and the
30 consumer.

32 Sec. F-4. 35-A MRSA §6109, as enacted by PL 1989, c. 685 and
33 c. 733, §1, is repealed and the following enacted in its place:

36 **§6109. Sale of land by consumer-owned water utility**

38 The following provisions govern the sale or transfer by a
39 consumer-owned water utility of land or property owned by that
40 water utility for the purposes of providing a source of supply,
41 storing water or protecting sources of supply or water storage,
42 including reservoirs, lakes, ponds, rivers and streams, land
43 surrounding or adjoining reservoirs, lakes, ponds, rivers or
44 streams, wetlands and watershed areas.

46 1. Notice of proposed sale. A consumer-owned water utility
47 shall, at least 8 months prior to the sale of land under this
48 section, give notice of that proposed sale to the commission.
49 The utility shall provide additional notice as prescribed by rule
50 by the commission as follows.

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2 A. Notice must be given to the municipality or
municipalities where the land is located.

4 B. One notice must be given to each of the customers of the
consumer-owned water utility in a manner prescribed by the
6 commission.

8 C. Notice must be published in a newspaper of general
circulation in the area encompassed by the consumer-owned
10 water utility.

12 2. Time of sale. Land subject to the provisions of this
section may not be sold within the first 8 months after notice of
14 the proposed sale has been given to the commission unless all or
part of that time period is waived by the commission for good
16 cause shown.

18 3. Sale at a price below market value. The trustees of a
consumer-owned water utility may sell land to the State, an
20 agency of the State, a municipality or other governmental body,
or a private nonprofit organization at a price below market
22 value. Land purchased under this subsection must be used for:

24 A. The purposes of retaining or protecting the natural
scenic or open-space values of the property;

26 B. Assuring the availability of the property for
28 recreational or open-space use;

30 C. Protecting natural resources; or

32 D. Maintaining or enhancing air or water quality.

34 The sale of consumer-owned water utility land pursuant to this
subsection may not be considered unreasonable or imprudent solely
36 by reason of its sale at a price below market value.

38 4. Rules. The commission may promulgate rules to implement
this section, including, but not limited to, rules governing the
40 authority of the ratepayers of the consumer-owned water utility
to endorse or prohibit the sale of land by a consumer-owned water
42 utility under this section and to prohibit or endorse any
condition of that sale.

44 5. Right of first refusal. The municipality in which the
46 land is located shall have the right of first refusal to purchase
any land that lies within that municipality's boundaries and is
48 offered for sale under this section. That right is assignable by
the municipality.

50 Sec. F-5. 35-A MRSA §6110 is enacted to read:

52

§6110. Injunctive relief for violations of municipal shoreland zoning ordinances

Pursuant to Title 38, section 444-A, any water utility may commence a civil action for a violation of municipal shoreland zoning ordinances.

Sec. F-6. 37-B MRSA §4, as amended by PL 1989, c. 502, Pt. A, §138, is further amended to read:

§4. Directors of bureaus

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

Sec. F-7. PL 1989, c. 753, §8 is amended to read:

Sec. 8. Repeal. Public Law 1989, chapter 534, Part B, section 3, is repealed.

Sec. F-8. Resolves 1989, c. 67 is amended to read:

Memorial for firefighters; space reserved. Resolved: That space be reserved in the State House Complex to erect a memorial to commemorate past and future firefighters who give their lives in the line of duty. The location selected must be mutually agreed upon among the Special Committee on the New Capitol Area Master Plan, the State House and Capitol Park Commission, the Maine Fire Chiefs' Association, the Maine State Federation of Firefighters, Inc. and Professional Fire Fighters of Maine and ~~the Maine Federation of Firefighters, Inc.~~. In the event that the Special Committee on the New Capitol Area Master Plan is not able to agree to a location by January 1, 1991, the location may be mutually agreed upon between the State House and Capitol Park Commission, the Maine Fire Chiefs' Association, the Maine State Federation of Firefighters, Inc. and Professional Fire Fighters of Maine and ~~the Maine Federation of Firefighters, Inc.~~. For the purposes of this resolve, "State House Complex" means the State House and the immediate grounds as described in the Maine Revised Statutes, Title 3, section 902-A.

PART G

2
3 **Sec. G-1. 22 MRSA §1580-B**, as enacted by PL 1989, c. 210 and
4 c. 241 and as amended by PL 1989, c. 715, is repealed and the
5 following enacted in its place:

6
7 **§1580-B. Smoking in hospitals**

8
9 **1. Definitions.** As used in this section, unless the
10 context otherwise indicates, the following terms have the
11 following meanings.

12 A. "Hospital" means any hospital required to be licensed
13 under chapter 405.

14 B. "Smoking" means carrying or having in one's possession a
15 lighted cigarette, cigar, pipe or other object giving off or
16 containing any substance giving off tobacco smoke.

17
18 **2. Prohibition.** Beginning November 16, 1989, no person may
19 smoke tobacco or any other substance in any enclosed area of any
20 hospital, except as otherwise provided in this section.

21
22 **3. Exception.** A patient or resident of a hospital may
23 smoke in designated areas within the hospital if a licensed
24 physician has written an order permitting the patient or resident
25 to smoke.

26
27 **4. Smoking in state mental health institutes.** Residents of
28 a state mental health institute may smoke in a designated smoking
29 area. The designated smoking area must be enclosed and
30 adequately ventilated. State mental health institutes shall
31 design and implement smoking cessation programs for residents.
32 Smoking by employees at state mental health institutes is
33 governed by section 1580-A.

34
35 **Sec. G-2. 22 MRSA §1580-D** is enacted to read:

36
37 **§1580-D. Smoking in enclosed areas on ferries prohibited**

38
39 **1. Definitions.** As used in this section, unless the
40 context otherwise indicates, the following terms have the
41 following meanings.

42 A. "Ferry" includes a ferry operated under the jurisdiction
43 of the Department of Transportation pursuant to Title 23,
44 chapter 412, subchapter I or the Public Utilities Commission
45 pursuant to Title 35-A, chapter 51 or any ferry used for the
46 purpose of transporting vehicles, freight or passengers not
47 otherwise covered within those chapters.
48
49
50

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2 B. "Smoking" includes carrying or having in one's
3 possession a lighted cigarette, cigar, pipe or other object
4 giving off smoke or containing any substance giving off
5 smoke.

6 2. Smoking prohibited. No person may smoke tobacco or any
7 other substance in any enclosed area in which the public is
8 allowed on any ferry.

10 3. Exception. Notwithstanding subsection 2, the provisions
11 of section 1579-A shall govern any area of a ferry that is used
12 as a restaurant.

14 4. Notice. The operator of a ferry subject to this section
15 shall post a notice in a conspicuous location in any area in
16 which smoking is prohibited.

18 5. Violation. The following penalties apply.

20 A. Any person who fails to post a notice as required by
21 this section commits a civil violation for which a
22 forfeiture of not more than \$100 may be adjudged.

24 B. Any person smoking in an area where smoking is
25 prohibited by this section commits a civil violation for
26 which a forfeiture of not more than \$100 may be adjudged.

28 Sec. G-3. 23 MRSA §7105, sub-§3, ¶B, as enacted by PL 1989, c.
29 398, §7 and as amended by PL 1989, c. 600, Pt. A, §§11 and 12, is
30 further amended to read:

32 B. The abandonment of service shall not mean or infer imply
33 that the rights-of-way on a railroad line have been
34 abandoned. In the event that the railroad, any person, firm
35 or corporation, or any agency shows interest in the eventual
36 restoration of service, the rights-of-way shall not be
37 deemed abandoned.

40 Since it is in the best interest of the State to retain the
41 rights-of-way intact, this paragraph shall apply to all
42 existing and future rights-of-way created prior to or
43 following September 30, 1989,--as-amended.

44 Sec. G-4. 29 MRSA §583, as amended by PL 1989, c. 179, §4
45 and as repealed and replaced by PL 1989, c. 513, §6, is repealed
46 and the following enacted in its place:

48 §583. Driver education required for minors

50 No operator's license, except to operate a moped only, may
51 be issued to any person under 17 years of age unless that person
52 presents a certificate of successful completion of a driver

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2 education course and examination given by a public secondary
3 school, a private secondary school approved for attendance
4 purposes by the Commissioner of Education, a vocational center
5 or a vocational region; or a certificate of successful completion
6 of a driver education course and examination given by a person or
7 persons licensed by the Department of Professional and Financial
8 Regulation, Board of Commercial Driver Education.

9
10 A successful course completion certificate may be issued to
11 any person permitted by law to have an operator's license or a
12 special restricted license provided the course meets the
13 standards adopted by the Commissioner of Education, or, if
14 applicable, the commercial driver education school licensing
15 requirements under Title 32, chapter 95. A successful course
16 completion certificate shall not be issued to any person who was
17 not at least 15 years of age at the commencement of the driver
18 education course.

19
20 **Sec. G-5. 30-A MRSA §4404, sub-§14,** as enacted by PL 1989, c.
21 404, §2; c. 429, §2; and c. 497, §9 and as amended by PL 1989, c.
22 772, §3, is repealed and the following enacted in its place:

23 **14. Freshwater wetlands.** All freshwater wetlands within
24 the proposed subdivision have been identified on any maps
25 submitted as part of the application, regardless of the size of
26 these wetlands. Any mapping of freshwater wetlands may be done
27 with the help of the local soil and water conservation district;

28
29 **Sec. G-6. 36 MRSA §3217,** as amended by PL 1987, c. 772, §30,
30 is further amended to read:

31 **§3217. Additional violations**

32
33 Any user, or any agent or employee of any user, who shall
34 consume any fuel in a registered motor vehicle within the State,
35 when that user is not the holder of an uncanceled license as
36 required by this chapter, or when that user has failed to file
37 any report or pay tax, penalty or interest as required by this
38 chapter and chapter 7, commits a Class E crime. Each day or part
39 thereof during which any person shall consume any fuel in a
40 registered motor vehicle within the State, when that user is not
41 the holder of an uncanceled license as required by this chapter,
42 or when that user has failed to file any report or pay tax,
43 interest or penalty as required by this chapter and chapter 7,
44 shall constitute a separate violation within the meaning of this
45 section. Any fines collected pursuant to this section must be
46 credited to the Highway Fund.

47
48
49 **Sec. G-7. 38 MRSA §439-A, sub-§5,** as amended by PL 1989, c.
50 403, §8, is further amended to read:

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5. **Timber harvesting.** Municipal ordinances shall must regulate timber harvesting within the shoreland area. Notwithstanding any provision ~~in-a-provision~~ in a local ordinance to the contrary, timber harvesting activities ~~shall-be-ne~~ may not be less restrictive than the following:

A. Selective cutting of no more than 40% of the trees 4 inches or more in diameter, measured at 4 1/2 feet above ground level, in any 10-year period, provided that a well-distributed stand of trees and other natural vegetation remains; and

B. Within a shoreland area zoned for resource protection abutting a great pond there shall be no timber harvesting within the strip of land extending 75 feet inland from the normal high-water line except to remove safety hazards.

The board may adopt more restrictive guidelines consistent with the purposes of this subchapter, which shall then be incorporated into local ordinances.

Sec. G-8. 38 MRSA §633, sub-§2, as amended by PL 1987, c. 402, Pt. A, §203, is further amended to read:

2. **Exceptions.** This subarticle shall not apply to activities for which, prior to the effective date of this Act, a permit or permits have been issued pursuant to any of the following laws: Land use regulation laws, Title 12, sections 681 to 689; stream alteration laws, former sections 425 to 430; great ponds laws, former sections 391 to 394; alteration of coastal wetlands laws, former sections 471 to 478; site location of development laws, sections 481 to 490; and small hydroelectric generating facilities laws, this subarticle.

Sec. G-9. 38 MRSA §1607 is enacted to read:

§1607. Connectors

After July 1, 1991, no person may sell or offer to sell products in containers connected to each other by plastic rings or other plastic holding devices.

Sec. G-10. PL 1989, c. 7, Pt. N, §3, in that part relating to 34-B MRSA §1207, sub-§1, ¶B, the first 2 lines are repealed and the following enacted in their place:

Sec. 4. 34-B MRSA §1207, sub-§1, ¶B, as amended by PL 1983, c. 626, is further amended to read:

Sec. G-11. PL 1989, c. 410, §29, sub-§6 is amended to read:

6. **Personnel.** All employees employed by the Legislative Council to work with the State Capitol Commission shall continue to be treated a state employees for purposes of rights and benefits under the Maine State Retirement System. These employees shall work with the State House and Capitol Park Commission unless the Legislative Council terminates or changes the policy.

The accrued fringe benefits of these expenditures employees, including vacation and sick leave, health and life insurance and retirement, shall remain with these employees.

Sec. G-12. PL 1989, c. 727, §2 is repealed.'

STATEMENT OF FACT

This amendment strikes from the bill sections 5, 9, 16, 28, 55 to 63, 71, 72, 77, 81, 84, 86, 100, 106, 109, 112, 127, 129 to 132, 134 to 139, 141, 144, 146 to 154, 160 to 162, 164 to 166, 168, 171, 185, 188 and 195.

Sections 71, 72, 81, 100, 106, 144, 152, 164, 168, 171 and 185 are located in amended form in Part G of this amendment.

Section B-1 deletes an improper reference to the Keep Maine Scenic Committee which was repealed by Public Law 1987, chapter 786, section 12.

Section B-2 repeals Title 5, section 552, subsection 3, which was repealed by Public Law 1985, chapter 785, Part B, section 19.

Section B-3 corrects the name of the Bureau of Elder and Adult Services as reflected in Public Law 1989, chapter 329.

Section B-4 corrects the name of a board to reflect the intent of Public Law 1987, chapter 313, section 2.

Section B-5 corrects an erroneous cross-reference.

Section B-6 corrects a reference to a repealed section.

Section B-7 corrects a technical error.

Section B-8 repeals a paragraph that was enacted with the wrong paragraph designation letter.

Section B-9 enacts a paragraph previously enacted with an erroneous letter designation.

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2 Section B-10 resolves a conflict created by 2 public laws
affecting the same paragraph.

4 Section B-11 deletes an improper reference to the Keep Maine
Scenic Committee which is no longer in existence.

6 Section B-12 deletes an improper reference to the Keep Maine
8 Scenic Committee which is no longer in existence.

10 Section B-13 deletes a reference to the Keep Maine Scenic
Committee which no longer exists and replaces it with a reference
12 to the Department of Conservation.

14 Section B-14 deletes a reference to the Keep Maine Scenic
Committee which no longer exists.

16 Section B-15 eliminates a cross-reference to a section of
18 law repealed by Public Law 1989, chapter 401, Part A, section 3.

20 Section B-16 removes a reference to "juror" in the criminal
section regarding tampering with witnesses, informants and
22 others. The crime of tampering with jurors is dealt with in
Title 17-A, section 454, subsection 1-A.

24 Section B-17 corrects a reference to a repealed section.

26 Sections B-18 corrects a technical error where 2 subsections
28 have the same number.

30 Section B-19 corrects the name of the Bureau of Elder and
Adult Services as reflected in Public Law 1989, chapter 329.

32 Section B-20 repeals a provision that was repealed and
34 technically amended by 2 separate public laws.

36 Section B-21 corrects a statutory inconsistency concerning
preferred provider organizations functioning as medical
38 utilization review entities.

40 Section B-22 corrects a statutory inconsistency concerning
preferred provider organizations functioning as medical
42 utilization review entities.

44 Section B-23 corrects an inconsistency. The changes
intended by Public Law 1989, chapter 477 are incorporated in
46 current law under Title 25, section 2801-A, subsection 4.

48 Section B-24 adds an effective date.

50 Section B-25 corrects a technical error.

52 Section B-26 corrects the wording of a sunset provision.

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2 Section B-27 resolves a conflict created by 2 public laws.

4 Sections B-28 and B-29 repeal an error that was created when
a paragraph was indented and made a part of the section when it
6 should have been a blocked paragraph of the subsection.

8 Section B-30 resolves a conflict created by 2 public laws
amending the same subsection.

10

12 Section B-31 removes a conflict created when 2 public laws
added language to a repealed section. Those changes are made in
this bill to the replacement section, Title 36, section 3216.

14

16 Section B-32 resolves a conflict created by a law adding
language to a section that was unsuccessfully repealed by Public
Law 1983, chapter 94 because of its subsequent enactment by
18 Public Law 1983, chapter 310, section 5. The substance of the
law is now found in Title 36, section 3312.

20

22 Section B-33 incorporates and updates language that was
enacted in Public Law 1983, chapter 334 and Public Law 1983,
chapter 480 to Title 36, section 3038, which is repealed in this
24 bill.

26 Section B-34 corrects an erroneous word choice.

28 Section B-35 adds an effective date.

30 Sections B-36 and B-37 make a technical correction to help
clarify the history of a paragraph.

32

34 Section B-38 corrects a reference to the Bureau of Elder and
Adult Services in accordance with Public Law 1989, chapter 329.

36 Section B-39 corrects a reference to a repealed section.

38 Section B-40 corrects a reference to a repealed section.

40 Section B-41 corrects an erroneous cross-reference.

42 Section B-42 corrects an erroneous cross-reference.

44 Section B-43 corrects a reference to the Bureau of Elder and
Adult Services, in accordance with Public Law 1989, chapter 329.

46

48 Section B-44 corrects an erroneous cross-reference.

50 Section B-45 corrects an enacting clause.

52 Section C-1 repeals a subsection that was repealed and
replaced after being recodified in another part of the law. The

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2 changes that were intended by Public Law 1987, chapter 780,
section 1, are incorporated in current law under Title 30-A,
section 2.

4
6 Section C-2 and C-3 repeal 2 sections that were enacted
after being recodified in another part of the law. The changes
that were intended by Public Law 1987, chapter 780, sections 2
8 and 3, are incorporated in current law under Title 30-A, section
82, subsection 4, paragraphs A and B.

10
12 Section C-4 repeals a section that was enacted after being
recodified in another part of the law. The section that was
enacted by Public Law 1987, chapter 840, section 4 is
14 incorporated in current law under Title 30-A, section 453-A.

16 Section C-5 repeals 3 sections that were enacted after being
recodified in another part of the law. The new sections that
18 were enacted by Public Law 1987, chapter 828, section 1, are
incorporated in current law under Title 30-A, sections 471 to 473.

20
22 Section C-6 repeals a paragraph that was amended after being
recodified in another part of the law. The changes that were
intended by Public Law 1987, chapter 828, section 2, are
24 incorporated in current law under Title 30-A, section 3009,
subsection 1, paragraph D.

26
28 Section C-7 repeals 2 subsections that were enacted after
being recodified in another part of the law. The changes that
were intended by Public Law 1987, chapter 784, section 5, are
30 incorporated in current law under Title 30-A, section 2605,
subsection 5 and 6.

32
34 Section C-8 repeals a section that was repealed and replaced
after being recodified in another part of the law. The changes
that were intended by Public Law 1987, chapter 860, section 1,
36 are incorporated in current law under Title 30-A, section 4216.

38 Section C-9 repeals a section that was repealed and replaced
after being recodified in another part of the law. The changes
40 that were intended by Public Law 1987, chapter 770, section 4,
are incorporated in current law under Title 10, section 9094.

42
44 Section C-10 repeals 2 paragraphs and section C-11 repeals a
subsection that were amended after being recodified in another
part of the law. The changes that were intended by Public Law
46 1987, chapter 770, sections 5 and 7, are incorporated in current
law under Title 10, section 9097.

48
50 Section C-12 repeals a subsection that was enacted after the
section was recodified in another part of the law. The changes
that were intended by Public Law 1987, chapter 820, section 2,
52 are incorporated in current law under Title 30-A, section 2342.

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2 Section C-13 repeals a subsection that was amended after the
section was recodified in another part of the law. The changes
4 that were intended by Public Law 1987, chapter 846, section 12,
are incorporated in current law under Title 30-A, section 4702,
6 subsection 8.

8 Section C-14 repeals a paragraph that was amended after the
section was recodified in another part of the law. The changes
10 that were intended by Public Law 1987, chapter 761, section 1,
are incorporated in current law under Title 30-A, section 4722,
12 subsection 1, paragraph L.

14 Section C-15 repeals an article that was enacted after a
chapter was recodified in another part of the law. The changes
16 that were intended by Public Law 1987, chapter 820, section 3 are
incorporated in current law under Title 30-A, chapter 201,
18 subchapter III-A.

20 Section C-16 repeals a section that was amended after being
recodified in another part of the law. The changes that were
22 intended by Public Law 1987, chapter 761, section 2 are
incorporated in current law under Title 30-A, section 4832,
24 subsection 1.

26 Section C-17 repeals a subsection that was repealed and
replaced after being recodified in another part of the law. The
28 changes that were intended by Public Law 1987, chapter 761,
section 3 and chapter 820, section 4, are incorporated in current
30 law under Title 30-A, section 4852, subsection 2.

32 Section C-18 repeals a section that was amended after being
recodified in another part of the law. The changes that were
34 intended by Public Law 1987, chapter 761, section 4 are
incorporated in current law under Title 30-A, section 4907.

36 Section C-19 repeals 3 sections that were enacted after
38 being recodified in another part of the law. The changes that
were intended by Public Law 1987, chapter 846, section 13, are
40 incorporated in current law under Title 30-A, sections 4926, 4927
and 4928.

42 Section C-20 repeals a subsection that was amended after
44 being recodified in another part of the law. The changes that
were intended by Public Law 1987, chapter 820, section 5 are
46 incorporated in current law under Title 30-A, section 4934.

48 Section C-21 repeals a subsection that was amended after
being recodified in another part of the law. The changes that
50 were intended by Public Law 1987, chapter 820, section 6 are
incorporated in current law under Title 30-A, section 4951.

52

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2 Section C-22 repeals a section that was enacted after being
recodified in another part of the law. The changes that were
intended by Public Law 1987, chapter 820, section 7, are
4 incorporated in current law under Title 30-A, section 4952.

6 Section C-23 repeals a paragraph that was amended after
being recodified in another part of the law. The changes that
8 were intended by Public Law 1987, chapter 772, section 1 are
incorporated in current law under Title 30-A, section 5253.

10 Section C-24 repeals a subsection that was amended after
12 being recodified in another part of the law. The changes that
were intended by Public Law 1987, chapter 772, section 2 are
14 incorporated in current law under Title 30-A, section 5254.

16 Section C-25 repeals a section that was amended after being
recodified in another part of the law. The changes that were
18 intended by Public Law 1987, chapter 810, sections 3 to 5 and 11
and chapter 885, sections 6 to 8 are incorporated in current law
20 under Title 30-A, sections 4401 to 4407.

22 Section C-26 repeals a section that was amended after being
recodified in another part of the law. The changes that were
24 intended by Public Law 1987, chapter 766, section 4 are
incorporated in current law under Title 30-A, section 4311.

26 Section C-27 repeals 2 sections that were enacted after
28 being recodified in another part of the law. The changes that
were intended by Public Law 1987, chapter 766, section 4 are
30 incorporated in current law under Title 30-A, sections 4301 and
4312.

32 Section C-28 repeals 2 sections that were enacted after
34 being recodified in another part of the law. The changes that
were intended by Public Law 1987, chapter 766, section 4 are
36 incorporated in current law under Title 30-A, sections 4321 to
4327.

38 Section C-29 repeals 2 sections that were enacted after
40 being recodified in another part of the law. The changes that
were intended by Public Law 1987, chapter 766, section 4 are
42 incorporated in current law under Title 30-A, sections 4341, 4343
and 4344.

44 Section C-30 repeals a subsection that was enacted after
46 being recodified in another part of the law. The changes that
were intended by Public Law 1987, chapter 820, section 8 are
48 incorporated in current law under Title 30-A, section 4344,
subsection 3.

50 Section C-31 repeals a section that was enacted after being
52 recodified in another part of the law. The changes that were

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2 intended by Public Law 1987, chapter 820, section 8, are
incorporated in current law under Title 30-A, section 4344, 4351
to 4356 and 4752.

4
6 Sections C-32 and C-33 repeal 2 subsections that were
amended after being recodified in another part of the law. The
changes that were intended by Public Law 1987, chapter 647,
8 section 1 and chapter 770, sections 8 and 9, are incorporated in
current law under Title 30-A, section 4358.

10
12 Section C-34 repeals a section that was enacted after being
recodified in another part of the law. The changes that were
intended by Public Law 1987, chapter 766, section 10 and Public
14 Law 1989, chapter 443, section 81 are incorporated in current law
under Title 30-A, section 4451.

16
18 Section C-35 repeals a section that was enacted after being
recodified in another part of the law. The changes that were
intended by Public Law 1987, chapter 751, section 1 are
20 incorporated in current law under Title 30-A, section 5705.

22 Sections C-36 to C-38 repeal subsections that were enacted
or amended after being recodified in another part of the law.
24 The changes that were intended by Public Law 1987, chapter 751,
sections 2 to 4 are incorporated in current law under Title 30-A,
26 section 5903.

28 Section C-39 repeals a section that was enacted after being
recodified in another part of the law. The changes that were
intended by Public Law 1987, chapter 751, section 5 are
30 incorporated in current law under Title 30-A, section 5953-A.

32
34 Sections C-40 and C-41 repeal 3 paragraphs that were amended
after being recodified in another part of the law. The changes
that were intended by Public Law 1987, chapter 751, sections 6
36 and 7, are incorporated in current law under Title 30-A, section
6003.

38
40 Section C-42 repeals a section that was amended after being
recodified in another part of the law. The changes that were
intended by Public Law 1987, chapter 751, section 8 are
42 incorporated in current law under Title 30-A, section 6006.

44 Section C-43 repeals a section that was enacted after being
recodified in another part of the law. The changes that were
intended by Public Law 1987, chapter 751, section 9 are
46 incorporated in current law under Title 30-A, section 6006-A.

48
50 Section C-44 repeals a paragraph that was amended after
being recodified in another part of the law. The changes that
were intended by Public Law 1987, chapter 751, section 10 are
52 incorporated in current law under Title 30-A, section 6007.

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2 Section C-45 repeals a section that was enacted after being
recodified in another part of the law. The changes that were
4 intended by Public Law 1987, chapter 751, section 11 are
incorporated in current law under Title 30-A, section 5959.

6
8 Section C-46 amends Title 30-A, section 2342 by adding a new
subsection. The subsection was enacted by Public Law 1987,
chapter 820, as Title 30, section 4522, subsection 9, that was
10 repealed but not incorporated in current law at the time of
recodification.

12
14 Section C-47 changes the initiation date of authorization
for municipal officers to refinance debts owed to the United
States Farmers Administration from January 1, 1989 to January 1,
16 1988. This is needed to clarify the continued effectiveness of
actions authorized by Public Law 1987, chapter 751, section 1.

18
20 Section C-48 corrects an erroneous enacting clause.

22 Section D-1 and D-2 resolve a conflict created by 2 public
laws affecting the same section.

24 Section D-3 relocates a repealer to allocated law.

26 Section D-4 combines 2 conflicting public laws.

28 Section D-5 helps to clarify that potatoes to be used for
processing or charitable purposes are exempt from the violation
30 provision of the law.

32 Section D-6 corrects a conflict created by 3 public laws
amending the same section, corrects the names of several boards
34 and relocates a repealer to allocated law.

36 Section D-7 resolves a conflict where 2 public laws affected
the same subsection.

38
40 Sections D-8 and D-9 resolve a conflict between 2 public
laws and amends the effective date.

42 Section D-10 resolves a conflict where 2 public laws
affected the same subsection.

44
46 Section D-11 relocates a repealer to allocated law.

48 Section D-12 corrects a technical error in the amending
clause.

50 Section D-13 repeals a repealer from unallocated law which
is being relocated to allocated law in sections D-3, D-6 and D-14.

52

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2 Section D-14 and D-15 change an effective date of certain
salary raises that can not constitutionally become effective on
the original effective date.

4
6 Sections D-16 and D-17 clarify legislative intent that the
Act take effect July 1, 1989, and changes the emergency clause to
reflect that the Governor did not sign the law until July 10,
8 1989.

10 Section D-18 changes salaries for 3 Oxford County officials
to reflect the amounts voted on by the commission.

12
14 Part E clarifies the intent of Public Law 1981, chapter 112,
concerning the exercise of powers by the Board of Pesticides
Control.

16
18 Section F-1 resolves a conflict created by 2 public laws
amending the same subsection.

20 Sections F-2 and F-3 restore language that was inadvertently
deleted from a House Amendment and reorganizes paragraphs for
22 grammatical purposes.

24 Sections F-4 and F-5 resolve a conflict created when 2
sections were enacted with the same section number.

26
28 Section F-6 corrects the name of the Maine Emergency
Management Agency.

30 Section F-7 corrects an incomplete history.

32 Section F-8 corrects the name of an organization and changes
the order of the listed organizations.

34
36 Sections G-1 and G-2, which were sections 71 and 72 in the
original bill, resolve a conflict created by 2 public laws
enacting the same section.

38
40 Section G-3, which was section 81 in the original bill,
eliminates unnecessary words.

42 Section G-4, which was section 100 in the original bill,
resolves a conflict created by 2 public laws affecting the same
44 section and corrects a department name.

46 Section G-5, which was section 106 in the original bill,
resolves a conflict created by 4 public laws affecting the same
48 subsection.

50 Section G-6, which was section 144 in the original bill,
adds a sentence which was originally enacted to Title 36, section

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2 3039 at the same time that section was being relocated to Title
36, section 3217.

4 Section G-7, which was section 152 in the original bill,
removes excess words and corrects diction.

6 Section G-8, which was section 164 in the original bill,
8 clarifies the intent of the original language.

10 Section G-9, which was section 168 in the original bill,
resolves a conflict created by 2 public laws enacting the same
12 section.

14 Section G-10, which was section 171 in the original bill,
corrects a conflict created by a public law giving 2 sections the
16 same number.

18 Section G-11, which was section 185 in the original bill,
corrects a technical error.

Reported by the Majority for the Committee on Judiciary.
Reproduced and Distributed Pursuant to Senate Rule 12.
(4/7/90) (Filing No. S-682)