

MAINE STATE LEGISLATURE

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114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2345

S.P. 927

In Senate, February 23, 1990

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

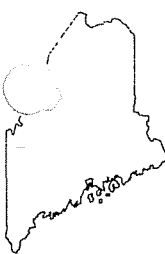
JOY J. O'BRIEN
Secretary of the Senate

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY

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

(EMERGENCY)



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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the Laws of Maine; and

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

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

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

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

Sec. 1. 1 MRSA §402, sub-§2, ¶B, as amended by PL 1989, c. 358, §1 and c. 443, §1, is repealed and the following enacted in its place:

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees, the Board of Trustees of the Maine Technical College System and any of its committees and subcommittees;

Sec. 2. 1 MRSA §402, sub-§3, ¶E, as amended by PL 1989, c. 358, §4 and c. 443, §2, is repealed and the following enacted in its place:

E. Records, working papers, interoffice and intraoffice memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy, the Maine Technical College System and the University of Maine System. The provisions of this paragraph do not apply to the boards of trustees and the committees and subcommittees of those boards, which are referred to in subsection 2, paragraph B;

Sec. 3. 2 MRSA §6, sub-§2, as amended by PL 1989, c. 501, Pt. BB, §1 and c. 585, Pt. A, §1, is repealed and the following enacted in its place:

2 2. Range 90. The salaries of the following state officials
3 and employees shall be within salary range 90:

4 Superintendent of Banking;

6 Bureau of Consumer Credit Protection Superintendent;

8 State Tax Assessor;

10 Superintendent of Insurance;

12 Associate Commissioner for Programs, Department of Mental
13 Health and Mental Retardation;

14 Associate Commissioner of Administration, Department of
15 Mental Health and Mental Retardation;

16 Associate Commissioner for Institutional Management; and

18 Executive Director, Maine Waste Management Agency.

20 Sec. 4. 2 MRSA §6, sub-§3, as amended by PL 1989, c. 483, Pt.
21 A, §1 and c. 501, Pt. BB, §2, is repealed and the following
22 enacted in its place:

24 3. Range 89. The salaries of the following state
25 officials and employees shall be within salary range 89:

26 Director of Public Improvements;

28 State Budget Officer;

30 State Controller;

32 Director of the Bureau of Forestry;

34 Chief of the State Police;

36 Director, State Planning Office;

38 Director, Energy Resources Office;

40 Public Advocate;

42 Commissioner of Defense and Veterans' Services;

44 Director of Human Resources;

46 Director, Bureau of Mental Retardation;

48 Director, Bureau of Children with Special Needs; and

Director, Bureau of Mental Health.

Sec. 5. 2 MRSA §6, sub-§4, as amended by PL 1989, c. 502, Pt. A, §2 and c. 585, Pt. A, §2, is repealed and the following enacted in its place:

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

State Purchasing Agent;

Director, Arts and Humanities Bureau;

Director, State Museum Bureau;

Director of the Bureau of Parks and Recreation;

State Director of Alcoholic Beverages;

Director of Public Lands;

State Librarian;

Director of Employee Relations;

Director, Bureau of Air Quality Control;

Director, Bureau of Land Quality Control;

Director, Bureau of Water Quality Control;

Director, Bureau of Oil and Hazardous Materials Control;

Director, Bureau of Solid Waste Management;

Director, Bureau of Administration;

Director, Office of Planning;

Director, Office of Waste Reduction and Recycling; and

Director, Office of Siting and Disposal Operations.

Sec. 6. 3 MRSA §901, as repealed by PL 1989, c. 410, §8 and as amended by PL 1989, c. 503, Pt. B, §6, is repealed.

Sec. 7. 4 MRSA §152, sub-§6, as amended by PL 1989, c. 6; c. 9, §2; c. 104, Pt. C, §§1, 8 and 10; c. 287, §1 and as repealed and replaced by PL 1989, c. 311, §1, is repealed.

Sec. 8. 4 MRSA §152, sub-§6-A is enacted to read:

2 6-A. Environmental laws. Original jurisdiction, concurrent
3 with that of the Superior Court to grant equitable relief and
4 impose penalties in proceedings involving alleged violations of a
5 local environmental ordinance or regulation or a state
6 environmental law or rule, including, but not limited to, the
7 following:

8 A. The laws pertaining to the Maine Land Use Regulation
9 Commission, Title 12, chapter 206-A;

10 B. The minimum lot size law, Title 12, sections 4807 to
11 4807-G;

12 C. Shoreland zoning ordinances enacted under Title 30-A,
13 section 3001, and in accordance with Title 12, sections 4811
14 to 4817;

15 D. The plumbing and subsurface waste water disposal rules
16 adopted by the Department of Human Services under Title 22,
17 section 42;

18 E. Laws pertaining to public water supplies, Title 22,
19 sections 2642, 2647 and 2648;

20 F. Local ordinances enacted under Title 22, section 2642,
21 and in accordance with Title 30-A, section 3001;

22 G. Local land use ordinances enacted under Title 30-A,
23 section 3001;

24 H. Local building codes adopted pursuant to Title 30-A,
25 section 3001, and in accordance with Title 30-A, chapter
26 185, subchapter I;

27 I. Automobile junkyards, Title 30-A, chapter 183,
28 subchapter I;

29 J. Regulation and inspection of plumbing, Title 30-A,
30 chapter 185, subchapter III;

31 K. Malfunctioning domestic waste water disposal units,
32 Title 30-A, section 3428;

33 L. The subdivision law, Title 30-A, chapter 187, subchapter
34 IV; local subdivision ordinances enacted under Title 30-A,
35 section 3001; and subdivision regulations adopted under
36 Title 30-A, section 4403;

37 M. Local zoning ordinances enacted under Title 30-A,
38 section 3001, and in accordance with Title 30-A, section
39 4352;

2 N. All laws administered by the Department of Environmental
3 Protection, Title 38, chapters 2 to 16;

4 O. Local ordinances regarding air pollution control enacted
5 pursuant to Title 38, section 597; and

6 P. The laws pertaining to harbors in Title 38, chapter 1,
7 subchapter I; local harbor ordinances adopted in accordance
8 with Title 38, section 7 and regulations adopted by
9 municipal officers pursuant to Title 38, section 2.

10 **Sec. 9. 4 MRSA §807**, as amended by PL 1989, c. 104, Pt. C,
11 §§2, 8 and 10 and c. 265, §1, is repealed and the following
12 enacted in its place:

13 **§807. Unauthorized practice of law**

14 **1. Prohibition.** No person may practice law or profess to
15 practice law within the State or before its courts, or demand or
16 receive any remuneration for those services rendered in this
17 State, unless that person has been admitted to the bar of this
18 State and has complied with section 806-A, or unless that person
19 has been admitted to try cases in the courts of this State under
20 section 802.

21 **2. Violation.** Any person who practices law in violation of
22 these requirements is guilty of the unauthorized practice of law,
23 which is a Class E crime.

24 **3. Application.** This section shall not be construed to
25 apply to:

26 A. Practice before any Federal Court by any person admitted
27 to practice therein;

28 B. A person pleading or managing that person's own cause in
29 court;

30 C. The officer or employee of a corporation, partnership,
31 sole proprietorship or governmental entity, who is not an
32 attorney, but is appearing for that organization in an
33 action cognizable as a small claim under Title 14, chapter
34 738;

35 D. A person who is not an attorney, but is representing a
36 municipality under:

37 (1) Title 30-A, section 2671, subsection 3;

38 (2) Title 30-A, section 4221, subsection 2;

39 (3) Title 30-A, section 4452, subsection 1; or

2 (4) Title 38, section 441, subsection 2:

4 E. A person who is not an attorney, but is representing the
6 Department of Environmental Protection under Title 38,
 section 342, subsection 7;

8 F. A person who is not an attorney, but is representing the
10 Bureau of Employment Security or the Bureau of Taxation
 under section 807-A;

12 G. A person who is not an attorney, but is representing a
14 party in any hearing, action or proceeding before the
 Workers' Compensation Commission as provided in Title 39,
 section 110-A; or

16 H. A person who is not an attorney, but has been designated
18 under Title 34-B, section 1204, subsection 7, to represent
20 the Department of Mental Health and Mental Retardation in
 Probate Court.

22 4. Evidence. In all proceedings, the fact, as shown by the
24 records of the Board of Overseers of the Bar, that that person is
 not recorded as a member of the bar shall be prima facie evidence
26 that that person is not a member of the bar licensed to practice
 law in the State.

28 Notwithstanding any of the other provisions of this chapter
30 and under such terms, conditions, limitations, qualifications and
 supervision as the Supreme Judicial Court shall by rule require,
32 a senior law student who is enrolled in a law school which is
 approved by the American Bar Association, may appear in the
34 courts of the State on behalf of the State or an agency thereof,
 or under the supervision of an organization providing legal
36 services to the indigent approved by the Supreme Judicial Court
 on behalf of an individual receiving services through such
 organization.

38 Sec. 10. 5 MRSA §21, sub-§6, as enacted by PL 1989, c. 483,
40 Pt. A, §6, is amended to read:

42 6. Legislative inquiry. "Legislative inquiry" means any
44 request made by a legislative committee or individual Legislator,
 to a state employee for public information or their the state
46 employee's personal opinion.

48 Sec. 11. 5 MRSA §723, as amended by PL 1989, c. 483, Pt.A,
50 §10 and c. 503, Pt. B, §15, is repealed and the following enacted
 in its place:

52 §723. Educational Leave Advisory Board

2 The Educational Leave Advisory Board, established by section
4 12004-I, subsection 11, shall advise and consult with the Bureau
6 of Human Resources to review and authorize all educational leave
8 requests from classified and unclassified state employees for
10 durations of more than one week. The board consists of 5 members
12 as follows: The Director of the Bureau of Human Resources who
14 shall serve as chair of the board; the Commissioner of
16 Educational and Cultural Services or a designee; the manager of
18 human resource development within the Bureau of Human Resources;
20 and 2 members who are state employees, at least one of whom is a
22 state employee as defined in Title 26, section 979-A, subsection
24 6. Each state employee member is to be appointed by the Governor
26 to serve for a term of 3 years. Members of the board are entitled
28 to compensation as provided in chapter 379.

30 **Sec. 12. 5 MRSA §955, 3rd ¶, as amended by PL 1989, c. 483,**
32 **Pt. A, §12 and c. 501, Pt. P, §8, is repealed and the following**
34 **enacted in its place:**

36 The director shall work with the Bureau of Employee
38 Relations, the State Employee Health Commission, established in
40 section 285-A, and other labor management groups to maximize the
42 involvement of state employees and their representatives in the
44 planning and execution of all programs under the charge of the
46 bureau, including, but not limited to, the health and wellness
48 issues, the employee assistance program and the planning and use
50 of the State Employee Health Dedicated Revenue Account.

52 **Sec. 13. 5 MRSA §1507, sub-§4-A, as amended by PL 1989, c.**
54 **443, §8, is further amended to read:**

56 **4-A. Maine technical colleges.** The Governor may allocate
58 funds from such account in amounts not to exceed in total the sum
60 of \$100,000 in any fiscal year to provide funds for any unusual
62 and unforeseen needs as may arise in the operation of the Maine
64 technical colleges. Allocations may be made from this fund by the
66 Governor only upon the written request of the Board of Trustees
68 of the Maine ~~technical colleges~~ Technical College System and
70 after consultation with the State Budget Officer.

72 **Sec. 14. 5 MRSA §1514, sub-§4, ¶B, as repealed and replaced by**
74 **PL 1987, c. 892, §1 and PL 1989, c. 502, Pt. A, §13, is repealed**
76 **and the following enacted in its place:**

78 B. A transfer from this fund to the General Fund is
80 required to offset the loss of revenue resulting from
82 individual income tax reform for the 1988 tax year. The
84 amount of this transfer will be equal to the amount
86 certified to the fund because of increased individual income
88 tax collections through the period ending June 30, 1988,
90 plus accrued interest, less the amount transferred in

2 paragraph A to offset individual income tax reductions and
3 less the amount expended to offset 1987 tax year rebates and
4 their administrative costs. This transfer shall be made no
5 later than October 1, 1988.

6 **Sec. 15. 5 MRSA §1514, sub-§4, ¶C**, as enacted by PL 1987, c.
7 892, §1 and PL 1989, c. 502, Pt. A, §14, is repealed and the
8 following enacted in its place:

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

18 **Sec. 16. 5 MRSA §1515, sub-§3**, as enacted by PL 1989, c. 501,
19 Pt. P, §10 and c. 530, §1, is repealed and the following enacted
20 in its place:

22 3. Carry-forward. Any funds appropriated to the Corporate
23 Income Tax Investment Credit Fund program, along with any
24 interest earnings, may not lapse, but must be carried forward
25 until June 30, 1991. These funds must be used to offset the
26 credits established in Title 36, section 5219-C.

28 **Sec. 17. 5 MRSA §1892, sub-§1, ¶L**, as amended by PL 1989, c.
29 483, Pt. A, §23 and c. 502, Pt. A, §19, is repealed and the
30 following enacted in its place:

32 L. The Chief Executive Officer of the Finance Authority of
33 Maine or the chief executive officer's designee; and

34 **Sec. 18. 5 MRSA §12004-A, sub-§45**, as enacted by PL 1989, c.
35 450, §3 and c. 503, Pt. A, §6, is repealed and the following
36 enacted in its place:

38 45. Board of Licensure \$35/Day 32 MRSA
39 of Railroad Personnel §4145

42 **Sec. 19. 5 MRSA §12004-G, sub-§13-A**, as enacted by PL 1989, c.
43 464, §1 and c. 503, Pt. A, §13, is repealed and the following
44 enacted in its place:

46 13-A. State Emergency Not 37-B MRSA
47 Environment/ Response Authorized \$792
48 Natural Resources Commission

50 **Sec. 20. 5 MRSA §12004-I, sub-§56**, as repealed by PL 1989, c.
51 304, §3 and as amended by PL 1989, c. 503, Pt. A, §33, is
52 repealed.

Sec. 21. 5 MRSA §12004-L, sub-§5, as enacted by PL 1989, c. 216, §1 and c. 601, Pt. B, §2, is repealed and the following enacted in its place:

5. Commission Legislative 30-A MRSA §7206
on Municipal Deorganization Per Diem
 County Com-
 missioner
 Only

Sec. 22. 5 MRSA §12004-L, sub-§6 is enacted to read:

<u>6. Interagency</u>	<u>Expenses Only</u>	<u>30-A MRSA</u>
<u>Task Force on Homelessness</u>	<u>for Members</u>	<u>\$5041</u>
<u>and Housing Opportunities</u>	<u>Appointed by</u>	
	<u>the Presiding Officers</u>	
	<u>of the Legislature</u>	

Sec. 23. 5 MRSA c. 383, sub-c. II, art. 2, first line is repealed and the following enacted in its place:

Article 2

BUSINESS ASSISTANCE REFERRAL AND FACILITATION PROGRAM:
PROGRAM RESPONSIBILITIES AND DELIVERY

Sec. 24. 7 MRSA §231, sub-§1, as amended by PL 1989, c. 486, §2 and c. 503, Pt. B, §36, is repealed and the following enacted in its place:

1. Members; terms. The Commission on Biotechnology and Genetic Engineering, as established in Title 5, section 12004-I, subsection 20-A, shall be composed of 11 members, including 3 ex officio members and 8 members appointed by the Governor, subject to approval by the joint standing committee of the Legislature having jurisdiction over agriculture and confirmation by the Legislature. To provide the knowledge and experience necessary for carrying out the duties of the commission, one person shall be appointed who has practical experience and knowledge in agricultural procedures, one who has practical experience and knowledge in environmental and conservation issues, a health care professional, a representative from the forest products industry, a representative from the marine fisheries industry, a person appointed to represent the general public, one practicing scientist who shall be a representative of industry and one practicing scientist who shall be a representative of the academic community. The terms shall be for 4 years, except that, of the initial appointees, 2 shall serve 4-year terms, 2 shall serve 3-year terms, 2 shall serve 2-year terms and 2 shall serve a one-year term. Any vacancy shall be filled by an appointment

for the remainder of the unexpired term. The 3 ex officio members are: the Commissioner of Agriculture, Food and Rural Resources or the commissioner's designee; the Director of the Maine Agricultural Experiment Station; and the Executive Director of the Maine Science and Technology Commission.

Sec. 25. 8 MRSA §279-B, first ¶, as amended by PL 1989, c. 203, §3, is further amended to read:

In order to enforce the rules referred to in section 279-A, the commission is authorized to establish a schedule for fines not to exceed \$100 for each violation of the rules and regulations. The commission is authorized to levy a fine, after notice and hearing, for each violation of the rules.

Sec. 26. 10 MRSA §963-A, sub-§49-D, as enacted by PL 1989, c. 543, §2 and c. 552, §4, is repealed and the following enacted in its place:

49-D. Underground oil storage tank; tank. "Underground oil storage tank" or "tank" means any tank, together with associated piping, 10% or more of which is located beneath the surface of the ground and not on or above a floor in such a manner that it may be readily inspected, located at a single location and used, formerly used or intended to be used for consumption by the owner or user of the tank on the premises.

Sec. 27. 10 MRSA §963-A, sub-§49-F is enacted to read:

49-F. Swap counterparty. "Swap counterparty" means a person who is a party to an interest rate swap agreement.

Sec. 28. 10 MRSA c. 110, sub-c. I-D, first 2 lines, as enacted by PL 1989, c. 598, §8, are repealed and the following enacted in their place:

SUBCHAPTER 1-E

HIGHER EDUCATION STUDENT FINANCIAL ASSISTANCE

Sec. 29. 10 MRSA §1023-F, as enacted by PL 1989, c. 552, §12 and c. 585, Pt. C, §9, is repealed and the following enacted in its place:

§1023-F. Innovation Finance Fund

1. Creation. The Innovation Finance Fund is created and established under the jurisdiction and control of the authority.

2. Sources of money. There shall be paid into the fund the following:

2 A. All money appropriated for inclusion in the fund;

4 B. Subject to any pledge, contract or other obligation, all
6 interest, dividends or other pecuniary gains from investment
8 of money of the fund;

10 C. Subject to any pledge, contract or other obligation, any
12 money which the authority receives in repayment of advances
14 from the fund; and

16 D. Any other money available to the authority and directed
18 by the authority to be paid into the fund.

20 3. Application of fund. Money in the fund may be applied
22 to carry out any power of the authority under or in connection
24 with section 1026-H, including, without limitation, to pledge or
26 transfer and deposit money in the fund as security for and to
28 apply money in the fund in payment of principal, interest,
30 dividends and other amounts due on secured loans or equity
32 interests. Money in the fund may be used for direct loans for
34 all or part of a project eligible under section 1026-H. The
36 authority, pursuant to the Maine Administrative Procedure Act,
38 Title 5, chapter 375, subchapter II, shall adopt rules for
40 determining eligibility, feasibility, terms, conditions and
42 security for direct loans or secured loans or investments. Money
44 in the fund not needed currently to meet the obligations of the
46 authority as provided in this section may be invested in a manner
48 permitted by law.

50 4. Accounts within fund. The authority may divide the fund
52 into separate accounts it determines necessary or convenient for
54 carrying out this section, including, but not limited to,
56 accounts reserved for direct loan funds.

58 5. Revolving fund. The fund shall be a nonlapsing,
60 revolving fund. All money in the fund shall be continuously
62 applied by the authority to carry out this section and section
64 1026-H.

66 Sec. 30. 10 MRSA §1023-G is enacted to read:

68 §1023-G. Waste Reduction and Recycling Loan Fund

70 1. Creation. The Waste Reduction and Recycling Loan Fund,
72 referred to in this section as the "fund," is created under the
74 jurisdiction and control of the authority.

76 2. Sources of money. The fund shall consist of the
78 following:

80 A. All money appropriated or allocated for inclusion in the
82 fund;

2 B. Subject to any pledge, contract or other obligation, all
4 interest, dividends or other pecuniary gains from investment
 of money from the fund;

6 C. Subject to any pledge, contract or other obligations,
8 any money that the authority receives in repayment of
 advances from the fund; and

10 D. Any other money available to the authority and directed
12 by the authority to be paid into the fund.

14 3. Application of fund. Money in the fund may be used for
 direct loans to finance all or part of any project when the
16 authority determines that:

18 A. The project is:

20 (1) Designed to substantially reduce or eliminate the
22 production in a trade or business of solid waste or
 hazardous waste as defined in Title 38, section 1303-C;

24 (2) A project devoted to resource recovery, as defined
26 in Title 38, section 1303-C, except that the combustion
 of solid or hazardous waste shall not be considered
 resource recovery for the purposes of this section; or

28 (3) A project devoted to the reuse of post-consumer
30 materials;

32 B. There is a reasonable likelihood that the applicant will
 be able to repay the loan;

34 C. The amount and terms of the loan are reasonable to
36 provide an incentive to the applicant to undertake the
 project, which may include a below-market interest rate, and
38 the project will not result in a net increase in solid or
 hazardous waste to be disposed of within the State; and

40 D. The project will contribute to achieving the goals
42 identified in the state waste management and recycling plan
 adopted under Title 38, chapter 24 and is determined by the
44 Maine Waste Management Agency to be consistent with that
 plan. Prior to adopting the state waste management and
46 recycling plan, the fund may be used for projects that help
 achieve the goals identified in the state recycling plan
 approved under former Title 38, section 1310-M.

48 The authority, pursuant to Title 5, chapter 375, subchapter II,
50 shall adopt rules for determining eligibility, feasibility,
 terms, conditions and security for the loans. Money in the fund
52 not needed currently to meet the obligations of the authority as

provided in this section may be invested in such a manner as permitted by law.

4. Accounts within fund. The authority may divide the fund into separate accounts as it determines necessary or convenient for carrying out this section, including, but not limited to, accounts reserved for direct loan funds.

5. Revolving fund. The fund shall be a nonlapsing, revolving fund. All money in the fund shall be continuously applied by the authority to carry out this section.

Sec. 31. 10 MRSA §1041, sub-§16, as amended by PL 1989, c. 501, Pt. DD, §19 and c. 585, Pt. C, §10, is repealed and the following enacted in its place:

16. Energy conservation. Provide financial assistance for energy conservation. The Department of Economic and Community Development shall provide assistance to the authority in determining technical eligibility and merit of applications for energy conservation loans. Each recipient of a loan under this section shall provide the authority, within one year, with detailed information on energy consumption before and after the completion of the energy conservation project;

Sec. 32. 10 MRSA §1063, sub-§2, ¶E, as amended by PL 1989, c. 546, §1 and c. 585, Pt. C, §13, is repealed and the following enacted in its place:

E. The Department of Environmental Protection has certified to the authority that all licenses required by that department with respect to the project have been issued or that none are required provided, however, that such certification need not be obtained from the Department of Environmental Protection prior to issuance of a certificate of approval for a project of a public waste disposal corporation as described in Title 38, section 1304-B, subsection 5, which as of June 9, 1989, has filed an application with the authority seeking a certificate of approval for revenue obligation security to be issued in accordance with this subchapter provided further that nothing herein shall be deemed to allow issuance of revenue obligation securities for any such project prior to obtaining all necessary permits from the Department of Environmental Protection. Any subsequent enlargement or addition to the project for which approval is sought from the authority shall also require certification by the department;

Sec. 33. 12 MRSA §407, as enacted by PL 1989, c. 453, §1, is amended to read:

§407. Comprehensive river resource management plans

The State Planning Office, with assistance from the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the Department of Environmental Protection and other state agencies as needed, shall develop, subject to the Maine Administrative Procedures Procedure Act, Title 5, section chapter 375, a comprehensive river resource management plan for each watershed with a hydropower project licensed under the Federal Power Act or to be licensed under the Federal Power Act. These plans shall provide a basis for state agency comments, recommendations and permitting decisions and shall at a minimum include, as applicable, minimum flows, impoundment level regimes, upstream and downstream fish passage, maintenance of aquatic habitat and habitat productivity, public access and recreational opportunities. These plans shall update, complement and, after public notice, comment, and hearings in the watershed, be adopted as components of the State's comprehensive rivers management plan.

Sec. 34. 12 MRSA §558-A, sub-§2, as amended by PL 1989, c. 310 and c. 338, §2, is repealed and the following enacted in its place:

2. Leases. The director may lease, for a term of years not exceeding 30 and with conditions the director deems reasonable, the right to dredge, fill or erect permanent causeways, bridges, marinas, wharves, docks, pilings, moorings or other permanent structures on submerged and intertidal land owned by the State. The director may refuse to lease submerged lands if the director determines that the lease will unreasonably interfere with customary or traditional public access ways to, or public trust rights in, on or over the intertidal or submerged lands and the waters above those lands.

A. For fill, permanent causeways, bridges, marinas, wharves, docks, pilings, moorings or other permanent structures and for nonpermanent structures that occupy a total of 500 square feet or more of submerged land or occupy a total of 2,000 square feet or more of submerged land if used exclusively for commercial fishing activities:

(1) The director shall charge the lessee a base rent that practically approximates the fair market rental value of the land. Fair market rental value shall be the municipally assessed value per square foot for the adjacent upland multiplied by a reduction factor based on the use of the leased submerged land. The reduction factors for use categories shall be as follows:

(a) A reduction factor of 0%, or no rental fee, for nonprofit organizations or publicly owned facilities that offer free public use or public

2 use with nominal user fees. Public uses include,
4 but are not limited to, municipal utilities and
6 facilities that provide public access to the
8 water, town wharves, walkways, fishing piers, boat
10 launches, parks, nature reserves, swimming or
12 skating areas and other projects designed to allow
14 or enhance public recreation, fishing, fowling and
16 navigation and for which user fees are used
18 exclusively for the maintenance of the facility;

20 (b) A reduction factor of 1% for commercial
22 fishing uses of renewable aquatic resources.
24 Commercial uses of renewable aquatic resources
26 include, but are not limited to, facilities which
28 are directly involved in commercial fishing
30 activities. Such facilities shall include, but
32 not be limited to, fish piers, lobster
34 impoundments, fish processing facilities, berthing
36 for fishing boats and floats or piers for the
38 storage of gear. To qualify as a commercial use
40 of renewable aquatic resources, a marina must have
42 at least 50% of its slips in use by commercial
44 fishing boats year round;

46 (c) A reduction factor of 2% for water dependent
48 commerce, industry and private uses. Water
50 dependent commerce, industry and private uses
52 other than commercial uses of renewable aquatic
54 resources include, but are not limited to, all
56 facilities that are functionally dependent upon a
58 waterfront location, cannot reasonably be located
60 or operated on an upland site or are essential to
62 the operation of the marine industry. Such
64 facilities shall include, but not be limited to,
66 privately owned piers and docks, cargo ports,
68 private boat ramps, shipping and ferry terminals,
70 tug and barge facilities, businesses that are
72 engaged in watercraft construction, maintenance or
74 repair, aquariums and marinas that have less than
76 50% of their slips in use by commercial fishing
78 boats year round; and

80 (d) A reduction factor of 10% for upland uses and
82 fill. Upland uses include, but are not limited
84 to, all uses that can operate in a location other
86 than on the waterfront or which are not essential
88 to the operation of the marine industry. Such
90 facilities shall include, but not be limited to,
92 residences, offices, restaurants and parking
94 lots. Fill shall include the placement of solid
96 material other than pilings or other open support
98 structures upon submerged lands.

2 When the director determines that the municipally
4 assessed value of the adjacent upland is not an
6 accurate indicator of the value of submerged land, the
8 director may require the applicant to provide an
10 appraisal of the submerged land. The appraisal must be
12 approved by the director;

14 (2) After October 1, 1990, the director may revalue
16 all existing rents to full fair market rental value.
18 Rents may be adjusted annually until the full fair
20 market rental value is reached. Thereafter, the
22 director may revalue rents every 5 years;

24 (3) The director may also lease a buffer zone of not
26 more than 30 feet in width around a permanent structure
28 located on submerged or intertidal land, provided the
30 lease is necessary to preserve the integrity and safety
32 of the structure and the Commissioner of Marine
34 Resources consents to that lease;

36 (4) Any existing or proposed lease may be subleased
38 for the period of the original lease for the purpose of
40 providing berthing space for any boat or vessel;

42 (5) No portion of an existing or proposed lease may be
44 transferred from a person subleasing that portion to
46 provide berthing space for any boat or vessel except
48 for a transfer to heirs upon death of the sublessee
50 holder or a transfer to the original leaseholder
52 subject to terms agreed to by the lessor and sublessee
at the time of the sublease. This subparagraph shall
not apply to any subleasing arrangements entered into
prior to June 15, 1989; and

(6) The director may grant the proposed lease if the
director finds that, in addition to any other findings
that the director may require, the proposed lease:

(a) Will not unreasonably interfere with
navigation;

(b) Will not unreasonably interfere with fishing
or other existing marine uses of the area;

(c) Will not unreasonably diminish the
availability of services and facilities necessary
for commercial marine activities; and

(d) Will not unreasonably interfere with ingress
and egress of riparian owners.

2 The bureau shall promulgate rules pertaining to this
3 subparagraph by March 15, 1990.

4 B. For dredging, impounded areas and underwater cables and
5 pipelines, the director shall develop such terms and
6 conditions as the director deems reasonable.

7 C. The director shall charge an administrative fee of \$100
8 for each lease in addition to any rent.

9 D. The director may establish a reasonable minimum rent to
10 which any lease is subject, but it shall not exceed \$75 per
11 year.

12 Sec. 35. 12 MRSA §685-B, sub-§1, ¶C, as amended by PL 1989, c.
13 430, §1 and c. 585, Pt. E, §1, is repealed and the following
14 enacted in its place:

15 C. No person may commence any construction or operation of
16 any development without a permit issued by the commission.

17 The commission may waive the requirement of a hearing for
18 any person having received approval by the Board of
19 Environmental Protection pursuant to the Site Location of
20 Development Law, Title 38, sections 481 to 488.

21 Approval by the commission that the proposed development
22 meets the requirements of subsection 4, and of the land use
23 standards and rules adopted by the commission shall be a
24 sufficient basis to support, but shall not require, a
25 finding by the administering agency that the development
26 meets the requirements of the Site Location of Development
27 Law, Title 38, sections 481 to 488; the Minimum Lot Size
28 Law, sections 4807 to 4807-G; or the natural resource
29 protection laws, Title 38, chapter 3, subchapter I, article
30 5-A; and the rules adopted with respect to any of such
31 statutes, as any of such statutes, rules or regulations may
32 apply. Disapproval by the commission shall be a sufficient
33 basis to support, but shall not require, a finding by the
34 administering agency that the proposed development does not
35 meet the requirements of the Site Location of Development
36 Law, Title 38, sections 481 to 488; the Minimum Lot Size
37 Law, sections 4807 to 4807-G; or the natural resource
38 protection laws, Title 38, chapter 3, subchapter I, article
39 5-A; and the rules adopted with respect to any of such
40 statutes, as any of such statutes, rules or regulations may
41 apply.

42 The commission may establish standards within which
43 authority may be delegated to its staff, to approve with
44 reasonable conditions or deny applications submitted
45 hereunder. Any person aggrieved by a decision of the
46 commission may appeal the decision to the Superior Court.

staff shall have the right to a review of that decision by the commission members.

The commission shall establish coordination and assistance procedures for all land use permits issued by agencies of the State for proposed development within the unorganized townships and plantations. Those procedures shall, to the extent practicable, ensure: the availability to the public of necessary information concerning those land use permits; the provision of assistance to applicants in obtaining those permits from state agencies; the coordination of application procedures, time schedules, application forms and similar requirements so as to reduce delay and duplication of effort by applicants and the issuing agencies. State permit issuing agencies shall cooperate with the commission in the development and effectuation of coordination and assistance procedures.

Approval by the Board of Environmental Protection of a proposed development under Title 38, chapter 13, article 3, shall be a sufficient basis to support, but shall not require, a finding by the commission that the proposed development meets the requirements of subsection 4, and of the land use standards and rules adopted by the commission. Disapproval by the Board of Environmental Protection of a proposed development under Title 38, chapter 13, article 3, shall be a sufficient basis to support, but shall not require, a finding by the commission that the proposed development does not meet the requirements of subsection 4, and of the land use standards and rules adopted by the commission.

Sec. 36. 12 MRSA §6443, as enacted by PL 1989, c. 413, §2 and c. 424, is repealed and the following enacted in its place:

§6443. Underwater storage

Beginning January 1, 1990, any trap or other container used for storing lobsters beneath the surface of the coastal waters must be clearly marked with the wholesale seafood license number or the fishing license number of the person storing the lobsters. Any trap or other container and the contents in it found in violation of this section may be seized and the contents returned to their natural habitat.

Sec. 37. 12 MRSA §6444 is enacted to read:

§6444. Dipping lobster traps or similar gear

No person may dip, soak or treat lobster or crab traps, warps or cars prior to use in waters of the State other than in a solution of salt and sea water except as provided in this section.

2 The commissioner may authorize a specified amount of
4 dipping, soaking or treating of lobster or crab traps, warps or
6 cars in solutions other than salt and sea water for research
 purposes. This authorization shall be in writing.

8 Sec. 38. 12 MRSA §7110, as enacted by PL 1989, c. 458, §§1
 and 3 and c. 493, §14, is repealed and the following enacted in
10 its place:

12 §7110. Bear hunting permit

14 1. Permit required. A permit is required to hunt for bear
 from the first Monday preceding September 1st to the day
16 preceding the open firearm season on deer. This section does not
 apply to trapping for bear.

18 2. Eligibility. Any person who possesses a valid license
 to hunt big game may obtain a permit to hunt for bear from the
20 commissioner or an authorized agent.

22 3. Issuance; fee. The commissioner, through the
 commissioner's authorized agent, shall issue a bear hunting
24 permit to eligible persons. The fee for each permit issued shall
 be \$2 for residents and \$10 for nonresidents and aliens.

26 4. Restrictions. The following restrictions apply to
28 hunting for bear when a permit is required.

30 A. A bear hunting permit must be kept on the person at all
 times while hunting or transporting any bear.

32 B. A bear hunting permit must be exhibited upon request to
34 any warden, employee of the department, guide or landowner.

36 5. Repeal. This section is repealed on December 30, 1991.

38 Sec. 39. 12 MRSA §7111 is enacted to read:

40 §7111. Unconventional weapon deer hunting license

42 1. Issuance; eligibility. The commissioner shall issue to
 eligible persons a license to hunt deer with an unconventional
44 weapon during any open season on deer. Licenses issued pursuant
 to this section shall be valid for only one type of
46 unconventional weapon and shall specify that type of weapon on
 the license.

48 2. Eligibility. Any person is eligible for a license to
50 hunt deer with an unconventional weapon if that person:

2 A. Is suffering from the loss of both arms above the elbow;
3 and

4 B. Can demonstrate, to the satisfaction of the
5 commissioner, proficiency with that weapon, including
6 knowledge of safety skills and responsible hunting practices
7 relevant to that weapon.

8
9 3. Schedule of fees. The schedule of fees for this license
10 shall be the same schedule of fees for other licenses provided in
11 section 7101 which allow the licensee to take deer, subject to
12 any special privileges in section 7076.

13 4. Applicability of laws. Except as provided in this
14 section, the provisions of chapters 701 to 721 relating to deer
15 shall be applicable to the taking of deer with a license issued
16 pursuant to this section.

17
18 Sec. 40. 12 MRSA §7793-C, sub-§1, as enacted by PL 1989, c.
19 588, Pt. C, §1, is amended to read:

20
21 1. Dealers' certificate. The applicant has submitted a
22 dealers' certificate in a form prescribed by the State Tax
23 Assessor, showing either that the sales tax due in respect to the
24 watercraft in question has been collected by the dealer or that
25 the sale of the vehicle watercraft is exempt from or otherwise
26 not subject to tax under Title 36, chapters 211 to 225;

27
28 Sec. 41. 12 MRSA §7802, as enacted by PL 1989, c. 469, §5
29 and c. 599, §3, is repealed and the following enacted in its
30 place:

31 §7802. Operating within the water safety zone

32
33 1. Headway speed only. No person may operate a watercraft
34 at a speed greater than headway speed while within the water
35 safety zone or within a marina or an approved anchorage in
36 coastal or inland waters except while actively fishing. For the
37 purposes of this section, "headway speed" means the minimum speed
38 necessary to maintain steerage and control of the watercraft
39 while the watercraft is moving.

40
41 2. Water-skiing. The prohibition in subsection 1 does not
42 apply to watercraft picking up or dropping off one or more
43 persons on waterskis in the water safety zone if a reasonably
44 direct course is taken through the water safety zone between the
45 point that the skiers are picked up or dropped off and the outer
46 boundary of the water safety zone.

47
48 Sec. 42. 12 MRSA §7805 is enacted to read:

49 §7805. Implied consent to chemical tests

2 Any person who operates or attempts to operate a watercraft
4 within this State shall have the duty to submit to a test to
6 determine that person's blood-alcohol level by analysis of blood
8 or breath, if there is probable cause to believe that person has
10 operated or attempted to operate a watercraft while under the
12 influence of intoxicating liquor. The duty to submit to a
14 blood-alcohol test includes the duty to complete either a blood
16 or breath test. Tests and procedures applicable in determining
18 whether a person is under the influence are governed by section
20 7912.

22 **Sec. 43. 12 MRSA §7901, sub-§3, as amended by PL 1989, c. 252,**
24 **§4 and c. 420, is repealed and the following enacted in its place:**

26 **3. Fish.** A violation of any of the acts prohibited in
28 chapter 711, subchapter III, fishing violations, is a Class E
30 crime, except that in addition to any penalty which the court
32 might impose, a convicted person shall be fined \$20 for each fish
34 illegally possessed, this fine not to be suspended.
36 Notwithstanding Title 17-A, section 1301, an individual convicted
38 of illegal fishing of Atlantic salmon, in violation of section
40 7603, shall be fined \$500 per fish, not to be suspended, and up
42 to \$1,000 per violation.

44 **Sec. 44. 12 MRSA §7901, sub-§13, as enacted by PL 1989, c.**
46 **252, §6; c. 469, §8; and c. 599, §4, is repealed and the**
48 **following enacted in its place:**

50 **13. Penalties for operating or attempting to operate a**
52 **watercraft while under the influence or with an excessive**
54 **blood-alcohol level.** The offense defined in section 7801,
56 subsection 9, is a Class D crime. In determining an appropriate
58 sentence, refusal to submit to a chemical test shall in every
60 case be an aggravating factor. In the following cases the
62 following minimum penalties shall apply:

64 **A.** Except as provided in paragraph B, in the case of a
66 person having no previous convictions of a violation of
68 section 7801, subsection 9, and having no previous
70 adjudications of failure to comply with the duty to submit
72 to and complete a blood-alcohol test under section 7802,
74 within a 6-year period, the fine shall not be less than
76 \$300. Beginning July 1, 1990, the penalties provided in
78 this paragraph may not be suspended.

80 **B.** In the case of a person having no previous convictions
82 of a violation of section 7801, subsection 9, and having no
84 previous adjudications of failure to comply with the duty to
86 submit to and complete a blood-alcohol test under section
88 7802, within a 6-year period, the fine shall not be less

than \$300 and the sentence shall include a period of incarceration of not less than 48 hours, which penalties may not be suspended, when the person:

(1) Was tested as having a blood-alcohol level of 0.15% or more;

(2) Failed or refused to stop upon request or signal of an officer in uniform, as defined in section 6953 or 7060, during the operation which resulted in prosecution for operating under the influence or with a blood-alcohol level of 0.08% or more; or

(3) Failed to submit to a chemical test to determine that person's blood-alcohol level, at the request of a law enforcement officer on the occasion which resulted in the conviction.

C. In the case of a person having one previous conviction of a violation of section 7801, subsection 9, or one previous adjudication of failure to comply with the duty to submit to and complete a blood-alcohol test under section 7802, within a 6-year period, the fine shall not be less than \$500 and the sentence shall include a period of incarceration of not less than 7 days, which penalties may not be suspended.

D. In the case of a person having 2 or more previous convictions of violations of section 7801, subsection 9, or adjudications of failure to comply with the duty to submit to and complete a blood-alcohol test under section 7802, within a 6-year period, the fine shall not be less than \$750 and the sentence shall include a period of incarceration of not less than 30 days, which penalties may not be suspended.

E. In addition to the penalties provided under paragraphs C and D, the court may order the defendant to participate in the alcohol and other drug education, evaluation and treatment programs for multiple offenders administered by the Department of Human Services, as defined in Title 22, chapter 1602.

F. The penalties provided under paragraphs B, C, D and, beginning July 1, 1990, paragraph A, shall not be suspended by the court.

G. If the State pleads and proves that, while operating a watercraft in violation of this section, the actor in fact caused serious bodily injury as defined in Title 17-A, section 2, subsection 23, to another person or in fact caused the death of another person, the sentencing class for the offense in section 7801, subsection 9, is a Class C

2 crime. The minimum penalties specified in this subsection
3 shall apply, but the minimum period of suspension shall be
4 18 months unless a longer minimum period otherwise applies.

5 The alternatives defined in section 7801, subsection 9,
6 paragraphs A and B may be pleaded in the alternative. The State
7 may, but shall not be required to, elect prior to submission to
8 the fact finder.

9 For purposes of this section, a prior conviction has occurred
10 within the 6-year period if the date of docket entry by the clerk
11 of a judgment of conviction or adjudication is 6 years or less
12 from the date of the new conduct which is penalized or for which
13 the penalty is or may be enhanced.

14 In determining the appropriate sentence, the court shall consider
15 the defendant's record of convictions for operating under the
16 influence and for failure to comply with the duty to submit. The
17 court may rely upon oral representations based on records
18 maintained by the courts, by the State Bureau of Identification,
19 by the Secretary of State, including telecommunications of
20 records maintained by the Secretary of State, or by the
21 Department of Inland Fisheries and Wildlife. If the defendant
22 disputes the accuracy of any representation concerning a
23 conviction or adjudication, the court shall grant a continuance
24 for the purposes of determining the accuracy of the record.

25 References in this Title to this section shall be determined also
26 to refer to the juvenile crime stated in Title 15, section 3103,
27 subsection 1, paragraph E and to the disposition, including a
28 suspension, for that juvenile crime as provided in Title 15,
29 section 3314, subsection 3, except as otherwise provided or
30 except when the context clearly requires otherwise.

31 **Sec. 45. 12 MRSA §7901, sub-§§15 and 16 are enacted to read:**

32 **15. Selling or buying wild birds or wild animals. Selling**
33 **or buying wild birds or wild animals is a Class D crime. A**
34 **convicted person shall be imprisoned for not less than 10 days**
35 **for a first offense and not less than 20 days for each succeeding**
36 **offense, this imprisonment not to be suspended, and shall be**
37 **fined not less than \$1,000, this fine not to be suspended.**

38 **A person is guilty of selling or buying wild birds or wild**
39 **animals if that person:**

40 **A. Buys or sells bear in violation of section 7452,**
41 **subsection 9;**

42 **B. Sells wild birds in violation of section 7456,**
43 **subsection 5;**

2 C. Buys or sells deer in violation of section 7458,
3 subsection 3;

4 D. Buys or sells moose in violation of section 7464,
5 subsection 8; or

6 E. Buys or sells wild turkey in violation of section 7469,
7 subsection 9.

10 16. Unlawfully permitting operation of watercraft. A
11 violation of section 7801, subsection 31, is a civil violation
12 for which a forfeiture of not less than \$100 nor more than \$500
13 may be adjudged.

14 **Sec. 46. 14 MRSA §8102, sub-§1,** as amended by PL 1989, c. 6;
15 c. 9, §2; c. 104, Pt. C, §§8 and 10; c. 233 and as repealed and
16 replaced by PL 1989, c. 349, §1, is repealed and the following
17 enacted in its place:

18 1. Employee. "Employee" means a person acting on behalf
19 of the governmental entity in any official capacity, whether
20 temporarily or permanently, and whether with or without
21 compensation from local, state or federal funds, including
22 elected or appointed officials; volunteer firefighters as defined
23 in Title 30-A, section 3151; emergency medical service personnel;
24 members and staff of the Consumer Advisory Board pursuant to
25 Title 34-B, section 1216; Maine National Guardsmen while
26 receiving state active duty pay under Title 37-B, section 143, in
27 accordance with Title 37-B, sections 181 to 183 and 742, and
28 while engaged in the Domestic Action Program; and sheriffs'
29 deputies as defined in Title 30-A, section 381 when they are
30 serving orders pursuant to section 3135, but the term "employee"
31 does not mean a person or other legal entity acting in the
32 capacity of an independent contractor under contract to the
33 governmental entity.

34 **Sec. 47. 20-A MRSA §2, sub-§3,** as amended by PL 1989, c. 501,
35 Pt. P, §22; c. 502, Pt. D, §16; and c. 534, Pt. E, §1, is
36 repealed and the following enacted in its place:

37 3. Mandated programs. Any legislation containing a state
38 mandate enacted by the Legislature after January 1, 1989, which
39 requires additional funding, shall contain provisions for full
40 funding by the State. The funding requirements to implement the
41 mandate must be identified. Any such legislation for which full
42 state funding is not provided may not be enacted.

43 State mandates are defined as any state-initiated or statutory
44 action that requires a local school administrative unit to
45 establish, expand or modify its activities in such a way as to
46 necessitate additional expenditures from local revenues,

2 excluding any order issued by a state court or any legislation
3 necessary to comply with a federal mandate.

4 This subsection is repealed on June 30, 1994, unless reviewed and
5 extended by specific Act of the Legislature.

6
7 **Sec. 48. 20-A MRSA §7702, sub-§14, as enacted by PL 1989, c.**
8 **499, §2, is repealed and the following enacted in its place:**

10 **14. Services.** "Services" means those services which are
11 designed to meet the developmental needs of infants and children,
12 ages 0 through 5, who are handicapped or at-risk for
13 developmental delay, as defined in this chapter. These services
14 may include, but are not limited to:

15 A. Family training, counseling or home-based services;

16 B. Special instruction;

17 C. Speech pathology and audiology;

18 D. Occupational therapy;

19 E. Psychological services;

20 F. Case management services;

21 G. Medical services for diagnostic or evaluation purposes
22 only;

23 H. Early identification, screening and assessment services;

24 I. Health services necessary to enable the child to benefit
25 from the other early intervention services;

26 J. Respite care services; and

27 K. Transportation.

28
29 **Sec. 49. 20-A MRSA §8404, sub-§3, ¶B, as amended by PL 1989,**
30 **c. 414, §20 and c. 540, §2, is repealed and the following enacted**
31 **in its place:**

32 B. May develop a cooperative agreement which shall
33 delineate the duties and powers of the advisory committee
34 and devise a formula for sharing costs. The agreement is
35 subject to ratification by all of the school boards of the
36 participating administrative units. This agreement shall be
37 reviewed annually, with a copy being submitted to the
38 commissioner; and

2 Sec. 50. 20-A MRSA c. 505-A, as enacted by PL 1987, c. 324
and c. 450, §§2 and 3 and as amended by PL 1987, c. 816, Pt. KK,
§17 and PL 1989, c. 501, Pt. P, §23, is repealed and the
4 following enacted in its place:

6 **CHAPTER 505-A**
7 **RETIRED TEACHERS' HEALTH INSURANCE**

8 **§13451. Group accident and sickness or health insurance**
10 **for retired teachers**

12 Group accident and sickness or health insurance shall be
14 available to retired teachers as defined in Title 5, section
17001, subsection 42, subject to the following.

16 1. Access to a group plan. The group accident and sickness
18 and health insurance plan that is in effect for active teachers
20 in a public school system must be made available to all teachers
22 eligible under subsection 2, who retired under the Maine State
24 Retirement System when they left that system and who choose to
participate in the new plan. The rate for the insurance coverage
shall be the same as the rate provided for active teachers in
that school system.

26 2. Eligibility; retired teacher members. Any retired
28 teacher who receives a retirement benefit from the Maine State
30 Retirement System shall be eligible for group accident and
32 sickness or health insurance, provided that the retired teacher
34 also meets the eligibility requirements for participation imposed
36 by the group plan that governed the teacher last as an active
teacher and participated in the plan for one year immediately
prior to retirement or October 1, 1987, whichever comes last.
Retired teachers may not be required to maintain a dues-paying
membership in any organization as a requirement for participation
in a group health insurance plan under this subsection.

38 3. School units which change plans. If a school unit
40 changes its group health insurance plan or provider, the school
unit at the time that it transfers active teachers to the new
plan or provider shall inform all retired teachers who

42 4. Master policy certificates. The insurance company or
44 companies or nonprofit organizations, or both, shall furnish the
46 usual master policy and certificates. The original master policy
48 and certificate shall be held by the organization offering the
50 insurance plan and the Commissioner of Administration shall hold
52 a certified copy. Each insured retired teacher-member shall
receive a certificate setting forth the benefits to which
entitled, to whom payable, to whom claims shall be submitted and
summarizing the provisions of the policy principally affecting
the retired teacher-member.

2 5. Payment by State. The State through the Maine State
3 Retirement System shall pay 20% of only the retired teacher
4 members' share of this insurance.

6 Sec. 51. 21-A MRSA §1016, sub-§3, ¶B, as enacted by PL 1985,
7 c. 161, §6, is amended to read:

8 B. The name and address of every person making a
9 contribution in excess of \$10, the date and amount of that
10 contribution and, if a person's contributions in any report
11 filing period aggregate more than \$50, the account must
12 include the contributor's occupation and his principal place
13 of business, if any. If the contributor is the candidate or
14 a member of the candidate's immediate family, the account
15 must also state the relationship. For purposes of this
16 paragraph, "filing period" is as provided in section 1017,
17 subsection 3, paragraph-A 3-A;

18 Sec. 52. Effective date. The Maine Revised Statutes, Title
19 21-A, section 1016, subsection 3, paragraph B, as amended by this
20 Act, takes effect retroactively to November 1, 1989.

21 Sec. 53. 21-A MRSA §1017, sub-§5-A, ¶B, as enacted by PL 1987,
22 c. 726, §2, is amended to read:

23 B. If the contribution is sold after the termination of the
24 appropriate reporting period specified in subsections 1 to
25 4, the value of the contribution is deemed to be the
26 difference between the value of the contribution as
27 originally reported by the candidate and the amount of the
28 purchase price paid at auction. Unless further reports are
29 filed in relation to a later election in the same calendar
30 year, the disposition of any net surplus or deficit in
31 excess of \$50 resulting from the difference between the
32 auction price and the original contribution value shall be
33 reported in the same manner as provided in subsection 2,
34 paragraph F or subsection 3 3-A, paragraph D E, as
35 appropriate.

36 Sec. 54. Effective date. The Maine Revised Statutes, Title
37 21-A, section 1017, subsection 5-A, paragraph B, as amended by
38 this Act, takes effect retroactively to November 1, 1989.

39 Sec. 55. 21-A MRSA §1018, sub-§2, ¶A, as enacted by PL 1985,
40 c. 161, §6, is amended to read:

41 A. Reports required by this subsection in relation to a
42 candidate for Governor shall be filed on the same dates on
43 which reports for gubernatorial candidates are to be filed
44 under section 1017, subsection 2. Reports required by this
45 subsection in relation to a candidate for state or county
46 office, other than Governor, shall be filed on the same

2 dates on which reports for these candidates are to be filed
under section 1017, subsection 3 3-A.

4 **Sec. 56. Effective date.** The Maine Revised Statutes, Title
21-A, section 1018, subsection 2, paragraph A, as amended by this
6 Act, takes effect retroactively to November 1, 1989.

8 **Sec. 57. 21-A MRSA §1019, sub-§1,** as enacted by PL 1985, c.
161, §6, is amended to read:

10 1. **Filing dates.** Reports required by this section in
12 relation to a candidate for Governor shall be filed on the same
dates on which reports for gubernatorial candidates are to be
14 filed under section 1017, subsection 2. Reports required by this
section in relation to a candidate for state or county office,
16 other than the office of Governor, shall be filed on the same
dates on which reports for those candidates are to be filed under
18 section 1017, subsection 3 3-A.

20 **Sec. 58. 21-A MRSA §1019, sub-§2,** as amended by PL 1989, c.
504, §§19 and 31, is further amended to read:

22 2. **Content.** This report must contain an itemized account
24 of each contribution or expenditure aggregating in excess of \$50
in any election, the date and purpose of each and the name of
26 each payee or creditor. Total contributions or expenditures of
less than \$500 in any election need not be itemized. The report
28 must state whether the contribution or expenditure is in support
of or in opposition to the candidate and must include, under
30 penalty of perjury, as provided in Title 17-A, section 451, a
statement under oath or affirmation whether the expenditure is
32 made in cooperation, consultation or concert with, or at the
request or suggestion of, any candidate or any authorized
34 committee or agent of a candidate. Any membership organization or
corporation which makes a communication to its members or
36 stockholders expressly advocating the election or defeat of a
clearly identified candidate must report any expenditures
38 aggregating in excess of \$50 for such a communication in any
election, whether or not the communication is defined as an
40 expenditure under section 1012, subsection 5 3, paragraph C A.

42 **Sec. 59. Effective date.** The Maine Revised Statutes, Title
21-A, section 1019, subsections 1 and 2, as amended by this Act,
44 takes effect retroactively November 1, 1989.

46 **Sec. 60. 21-A MRSA §1020, sub-§1,** as repealed and replaced by
PL 1989, c. 504, §§20 and 31, is amended to read:

48 1. **Registration.** Any candidate or political committee that
50 fails to register with the commission within the time allowed by
section 1013-A, ~~subsection~~ subsections 1 and 2, shall be assessed
52 a penalty of \$50.

2 **Sec. 61. Effective date.** The Maine Revised Statutes, Title 21-A,
4 section 1020, subsection 1, as amended by this Act, takes effect
retroactively November 1, 1989.

6 **Sec. 62. 21-A MRSA §1052, sub-§5, ¶B,** as enacted by PL 1985,
8 c. 161, §6, is amended to read:

10 B. Does not include:

12 (1) A candidate or a candidate's treasurer under
section ~~1013~~ 1013-A, subsection 1;

14 (2) A candidate's authorized political committee under
section ~~1013~~ 1013-A, subsection 2; or

16 (3) A party committee under section ~~1013~~ 1013-A,
18 subsection 4- 3.

20 **Sec. 63. Effective date.** The Maine Revised Statutes, Title
22 21-A, section 1052, subsection 5, paragraph B, as amended by this
Act, takes effect retroactively November 1, 1989.

24 **Sec. 64. 22 MRSA §1, 3rd ¶,** as amended by PL 1989, c. 329, §1
26 and c. 400, §§3 and 14, is repealed and the following enacted in
its place:

28 The commissioner may employ any bureau and division heads,
30 deputies, assistants and employees who may be necessary to carry
32 out the work of the department. All personnel of the department
34 shall be under the immediate supervision, direction and control
36 of the commissioner. These personnel shall be employed subject to
38 the Civil Service Law, except the Deputy Commissioner; Director,
Bureau of Child and Family Services; Director, Bureau of Elder
and Adult Services; Director, Bureau of Health; Director, Bureau
of Rehabilitation; Director, Bureau of Income Maintenance;
Director, State Health Planning and Development Agency; Director,
Bureau of Medical Services; and Assistant Deputy Commissioners.

40 **Sec. 65. 22 MRSA §1, 4th ¶,** as amended by PL 1989, c. 329, §2
42 and c. 576, §§3 and 5, is repealed and the following enacted in
its place:

44 The Director, Bureau of Resource Development, and the
46 Director, Bureau of Elder and Adult Services, shall be appointed
48 by the commissioner, after consultation with the Maine Committee
50 on Aging and the Maine Human Development Commission. Each of
52 these directors shall be appointed and serve in the unclassified
service at the pleasure of the commissioner. Any vacancy in each
of these positions shall be filled by appointment as in this
paragraph for a like term.

2 Sec. 66. 22 MRSA §42, sub-§3, as amended by PL 1989, c. 104,
Pt. C, §§4 and 10 and c. 483, Pt. A, §32, is repealed and the
4 following enacted in its place:

6 3. Plumbing and subsurface waste water disposal. The
department, with the advice and consent of the Plumbers'
8 Examining Board, shall adopt by reference a nationally recognized
plumbing code. The department, with the advice and consent of
10 the Plumbers' Examining Board, may adopt, as necessary,
amendments to that code. The department shall adopt minimum
12 rules relating to subsurface sewage disposal systems. All rules,
including installation and inspection rules, must be consistent
14 with Title 30-A, chapter 185, subchapter III, and Title 32,
chapter 49, but this does not preempt the authority of
16 municipalities under Title 30-A, section 3001, to adopt more
restrictive ordinances; and shall hold hearings on the first
18 Tuesday of February of each year for the purpose of considering
changes in the rules pertaining to plumbing and subsurface sewage
20 disposal systems and the installation and inspection thereof.
These rules may regulate the location of water supply wells to
22 provide minimum separation distances from subsurface sewage
disposal systems. The department may require a deed covenant or
24 deed restriction when determined necessary.

26 Any person who violates the rules adopted under this subsection,
or who violates a municipal ordinance adopted pursuant to Title
28 30-A, sections 4201 and 4211 or uses a subsurface waste water
disposal system not in compliance with rules applicable at the
30 time of installation or modification shall be penalized in
accordance with Title 30-A, section 4452. Enforcement of the
32 rules shall be the responsibility of the municipalities rather
than the department. The department or a municipality may seek to
34 enjoin violations of the rules or municipal ordinances. In the
prosecution of a violation by a municipality, the court shall
36 award reasonable attorney's fees to a municipality if that
municipality is the prevailing party, unless the court finds that
special circumstances make the award of these fees unjust.

38 Sec. 67. 22 MRSA §254, 2nd ¶, as amended by PL 1989, c. 563,
40 §1 and c. 564, §2 and c. 596, Pt. N, §9, is repealed and the
following enacted in its place:

42 In any year in which this program is conducted, it must
44 include anti-arthritic drugs and the amount that a recipient pays
toward the cost of any such covered purchase is \$2.

46 Sec. 68. Effective date. The Maine Revised Statutes, Title 22,
48 section 254, 2nd paragraph, as repealed and replaced by this Act,
takes effect July 1, 1990.

2 Sec. 69. 22 MRSA §396-D, sub-§9-B, as enacted by PL 1989, c.
386, §1 and c. 494, is repealed and the following enacted in its
place:

4
6 9-B. Special relief. In determining financial requirements
for payment years beginning or deemed to begin on or after
October 1, 1988, and before October 1, 1990, the commission may
elect to make a special adjustment to provide relief to hospitals
with unusually low noncapital financial requirements per case-mix
adjusted admission, in accordance with the following provisions.

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

14 (1) "Final 3rd-year financial requirements" means a
16 hospital's financial requirements at year end as
determined by the commission for purposes of compliance
and settlement determinations under section 396-I for
the payment year commencing during the 3rd payment year
cycle.

22 (2) "Financial requirements per case" means the
inpatient portion of a hospital's final 3rd-year
financial requirements, exclusive of capital
allowances, hospital-based physician remuneration,
base-year subsidies, and medical education costs,
divided by the hospital's case-mix adjusted admissions
for that year.

30 (3) "Third payment year cycle" means the period from
October 1, 1986, through September 19, 1987.

32 (4) "Base-year subsidies" means that part of financial
requirements resulting from the addition to base-year
financial requirements, by commission rule, of elements
designed to compensate hospitals for losses associated
with operations, the costs of which are not otherwise
included in financial requirements.

40 B. A hospital may receive an adjustment only if its
financial requirements per case are less than 83% of the
median financial requirements per case for hospitals of
comparable size.

44 C. Any adjustment shall be limited to the lesser of:

46 (1) An amount calculated by first subtracting the
48 hospital's financial requirements per case from 83% of
the median financial requirements per case for
hospitals of comparable size; multiplying that
difference by the sum of the hospital's case-mix
adjusted admissions and outpatient equivalent

admissions for the payment year commencing in the 3rd-payment year cycle; and adjusting that product for inflation between the payment year commencing in the 3rd-payment year cycle and the payment year for which the adjustment is requested; or

(2) An increase in the hospital's financial requirements that will, in conjunction with any other adjustments to financial requirements that the hospital is entitled to receive for the same payment year, cause its noncapital financial requirements to equal its reasonably budgeted, noncapital operating expenses for the payment year.

D. The commission shall make an adjustment for all or part of the maximum amount permitted under paragraphs B and C, to the extent that the commission finds that relief is necessary to avoid significant harm to the hospital's ability to provide services to the community, and that the adjustment would be in the public interest and whether it is necessary to avoid significant harm. In determining whether the adjustment is in the public interest and, if so, in what amount the adjustment shall be made, the commission shall consider the following factors, as well as any other matters pertinent to the findings and purposes set forth in section 381:

(1) The reasonableness of the rate at which the hospital's expenses have increased since the 4th payment year;

(2) The hospital's reasons for exceeding its currently approved level of financial requirements;

(3) The hospital's financial requirements, volume and case-mix as compared to those of other comparable hospitals;

(4) The hardship to the hospital in the absence of relief under this subsection;

(5) The impact on quality and accessibility of health care; and

(6) The effect on payors and purchasers of providing relief under this subsection.

E. No hospital may receive more than one adjustment under this subsection, nor shall any hospital be eligible for such an adjustment if the commission, after hearing, has made a final decision denying the adjustment. An adjustment under this subsection shall become part of payment year financial

requirements for purposes of computing subsequent payment year financial requirements pursuant to section 396-C.

F. This subsection is repealed October 1, 1991.

Sec. 70. 22 MRSA §396-D, sub-§9-C is enacted to read:

9-C. Special relief for border hospitals. In determining financial requirements for a border hospital's 5th payment year, the commission shall make a special adjustment in accordance with the following provisions.

A. As used in this subsection, the following terms have the following meanings.

(1) "Border hospital" means a Maine hospital located within 10 miles of the New Hampshire border.

(2) "Economic hardship" means an excess of reasonably budgeted, noncapital, acute care operating expenses over noncapital financial requirements.

(3) "5th payment year" means a hospital's payment year beginning or deemed to begin on or after October 1, 1988, and before October 1, 1989.

B. In considering an adjustment under this subsection, the commission shall determine the extent to which the hospital has demonstrated that its economic hardship is attributable to unique circumstances affecting border hospitals. In no event may an adjustment under this subsection exceed the portion of a hospital's economic hardship attributed to the unique circumstances of border hospitals.

C. This adjustment may be made during the course of the 5th payment year. An adjustment under this subsection shall become part of payment year financial requirements for purposes of computing subsequent payment year financial requirements pursuant to section 396-C.

D. This subsection is repealed October 1, 1991.

Sec. 71. 22 MRSA §1580-B, as enacted by PL 1989, c. 210 and c. 241, is repealed and the following enacted in its place:

§1580-B. Smoking in hospitals

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

2 A. "Hospital" means any hospital required to be licensed
3 under chapter 405.

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

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

12 3. **Exception.** A patient or resident of a hospital may
13 smoke in designated areas within the hospital if a licensed
14 physician has written an order permitting the patient or resident
15 to smoke.

16 Sec. 72. 22 MRSA §1580-C is enacted to read:

18 **§1580-C. Smoking in enclosed areas on ferries prohibited**

20 1. **Definitions.** As used in this section, unless the
21 context otherwise indicates, the following terms have the
22 following meanings.

24 A. "Ferry" includes a ferry operated under the jurisdiction
25 of the Department of Transportation pursuant to Title 23,
26 chapter 412, subchapter I or the Public Utilities Commission
27 pursuant to Title 35-A, chapter 51 or any ferry used for the
28 purpose of transporting vehicles, freight or passengers not
29 otherwise covered within those chapters.

30 B. "Smoking" includes carrying or having in one's
31 possession a lighted cigarette, cigar, pipe or other object
32 giving off smoke or containing any substance giving off
33 smoke.

34 2. **Smoking prohibited.** No person may smoke tobacco or any
35 other substance in any enclosed area in which the public is
36 allowed on any ferry.

37 3. **Exception.** Notwithstanding subsection 2, the provisions
38 of section 1579-A shall govern any area of a ferry that is used
39 as a restaurant.

40 4. **Notice.** The operator of a ferry subject to this section
41 shall post a notice in a conspicuous location in any area in
42 which smoking is prohibited.

43 5. **Violation.** The following penalties apply.

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

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

14 Sec. 73. 22 MRSA §1811, as amended by PL 1989, c. 136, §1 and
16 c. 572, §1, is repealed and the following enacted in its place:

18 §1811. License required; definitions

20 No person, partnership, association or corporation, nor any
22 state, county or local governmental units, may establish, conduct
24 or maintain in the State any hospital, sanatorium, convalescent
26 home, rest home, nursing home, ambulatory surgical facility or
28 other institution for the hospitalization or nursing care of
30 human beings without first obtaining a license therefor.
 Hospital, sanatorium, convalescent home, rest home, nursing home,
 ambulatory surgical facility and other related institution,
 within the meaning of this chapter, means any institution, place,
 building or agency in which any accommodation is maintained,
 furnished or offered for the hospitalization of the sick or
 injured or care of any aged or infirm persons requiring or
 receiving chronic or convalescent care. Nothing in this chapter
 may apply to hotels or other similar places that furnish only
 board and room, or either, to their guests or to such homes for
 the aged or blind as may be subject to licensing under any other
 law.

32 Sec. 74. 22 MRSA §1813, as amended by PL 1989, c. 136, §2 and
34 c. 572, §3, is repealed and the following enacted in its place:

36 §1813. Existing hospitals must obtain licenses

38 No person, partnership, association or corporation, nor any
40 state, county or local governmental units, may continue to
42 operate an existing hospital, sanatorium, convalescent home, rest
44 home, nursing home or ambulatory surgical facility, nor open a
 hospital, sanatorium, convalescent home, rest home, nursing home
 or ambulatory surgical facility unless the operation is approved
 and regularly licensed by the State.

46 Sec. 75. 22 MRSA §1815, as amended by PL 1989, c. 136, §4 and
48 c. 572, §4, is repealed and the following enacted in its place:

§1815. Fees

2 Each application for a license to operate a hospital,
4 convalescent home or nursing home shall be accompanied by a
6 nonrefundable fee of \$10 for each bed contained within the
8 facility. Each application for a license to operate an
10 ambulatory surgical facility shall be accompanied by the fee
12 established by the department. The department shall establish
14 the fee for an ambulatory surgical facility, not to exceed \$250,
 on the basis of a sliding scale representing size, number of
 employees and scope of operations. All licenses issued shall be
 renewed annually upon payment of a like fee. The State's share of
 all fees received by the department under this chapter shall be
 deposited in the General Fund. No license granted may be
 assignable or transferable. State hospitals are not required to
 pay licensing fees.

16 **Sec. 76. 22 MRSA §3775, sub-§1,** as amended by PL 1989, c. 443,
18 §56, is further amended to read:

20 1. **Services.** Encourage the development and ensure
22 coordination of training, education and pre-apprenticeship
24 programs, supportive services and remedial and preparatory
 programs at the University of Maine System, the technical
 colleges, the State Apprenticeship and Training Council and other
 institutions and programs;

26 **Sec. 77. 22 MRSA §3784, sub-§7,** as amended by PL 1989, c. 501,
28 Pt. P. §27 and as repealed and replaced by PL 1989, c. 501, Pt.
 Y, §4, is repealed and the following enacted in its place:

30 **7. Sunset.** This section is repealed on April 1, 1990.

32 **Sec. 78. 22 MRSA §4008, sub-§2, ¶H,** as repealed and replaced
34 by PL 1989, c. 270, §4 and c. 502, Pt. A, §76, is repealed and
 the following enacted in its place:

36 H. Persons and organizations pursuant to Title 5, section
38 9057, subsection 6, and pursuant to chapter 857;

40 **Sec. 79. 22 MRSA §4008, sub-§2, ¶I,** as enacted by PL 1989, c.
42 270, §5 and c. 502, Pt. A, §77, is repealed and the following
 enacted in its place:

44 I. The representative designated to provide child welfare
46 services by the tribe of an Indian child as defined by the
 federal Indian Child Welfare Act, 25 United States Code,
 Section 1903; and

48 **Sec. 80. 22 MRSA §6203, sub-§2,** as amended by PL 1989, c. 329,
50 §22 and c. 347, §9, is repealed and the following enacted in its
 place:

2. Agreements. In order to provide adult day care and other services, the department may enter into agreements with long-term health care facilities and community-based programs, separate and distinct from any other agreements between the department and the same facility or programs.

Any facility or program providing adult day care pursuant to this chapter shall enter into an agreement with the department. Each agreement shall specify, among other things, the services to be provided, the fees for services, the method of payment, records to be maintained and the provisions for evaluating the services provided.

Sec. 81. 23 MRSA §7105, sub-§3, ¶B, as enacted by PL 1989, c. 398, §7 and as amended by PL 1989, c. 600, Pt. A, §§11 and 12, is further amended to read:

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

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

Sec. 82. 24 MRSA §2325-B, sub-§1, as amended by PL 1989, c. 503, Pt. B, §104 and c. 556, Pt. A, §2, is repealed and the following enacted in its place:

1. Appointment; membership. The Mandated Benefits Advisory Commission, as established by Title 5, section 12004-I, subsection 50, shall be composed of 19 members.

A. The following members shall be appointed by the President of the Senate and the Speaker of the House of Representatives:

(1) Two health insurance consumers who are not otherwise affiliated with the provision or financing of health care;

(2) One representative of a labor organization;

(3) Three Legislators, 2 of whom shall be members of the joint standing committee of the Legislature having jurisdiction over insurance matters and one of whom shall be a member of the joint standing committee of

2 the Legislature having jurisdiction over human resource
3 matters;

4 (4) One chiropractor; and

5 (5) One representative of a statewide association of
6 public health professionals.

7 Initial appointments shall be made no later than 30 days
8 after the effective date of this section.

9 B. The following members shall be appointed by the Governor:

10 (1) Two health insurance consumers who are not
11 otherwise affiliated with the provision or financing
12 of health care;

13 (2) One representative of a labor organization;

14 (3) One representative of a commercial health
15 insurance company;

16 (4) One representative of a nonprofit hospital or
17 medical service organization;

18 (5) One representative of a licensed alcohol and
19 substance abuse treatment program;

20 (6) One representative of a licensed mental health
21 treatment program;

22 (7) One representative of small business;

23 (8) One representative of a major industry and
24 business trade association;

25 (9) One physician, provided that the Governor shall
26 alternately appoint an allopathic and an osteopathic
27 physician; and

28 (10) One representative of the hospital industry.

29 The Governor shall notify the President of the Senate, the
30 Speaker of the House of Representatives and the Executive
31 Director of the Legislative Council of the appointments as
32 soon as they are made. Initial appointments shall be made
33 within 30 days of the effective date of this section.

34 Sec. 83. 24-A MRSA §1532-A, sub-§8, as amended by PL 1989, c.
35 31, §3 and c 168, §19, is repealed and the following enacted in
36 its place:

2 8. Each agent license issued under this Title which
3 terminates on its expiration date, subject to the continuing
4 education requirements under subchapter VI, shall be
5 automatically renewed for a further 2-year period, unless,
6 following a hearing, the superintendent determines that any
7 reason or condition exists which is specified in section 1539 for
8 the suspension or revocation of a license.

9 **Sec. 84. 24-A MRSA §2319, sub-§2,** as amended by PL 1989, c.
10 467, §1, is further amended to read:

11 **2. Hearing.** If the superintendent finds that the
12 application is made in good faith, that the applicant would be so
13 aggrieved if the applicant's grounds were established, and that
14 such grounds otherwise justify holding such a hearing, the
15 superintendent shall, by written order, require that the insurer
16 or rating organization prepare within 30 days a responsive filing
17 containing information necessary, in the judgment of the
18 superintendent, to review the application. This responsive
19 filing may include all information required pursuant to section
20 2363, subsections 4 and 5 5-A and such additional information as
21 the superintendent may require pursuant to section 2363,
22 subsection 6.

23 A. A copy of the superintendent's written order requiring a
24 responsive filing and specifying its contents or determining
25 that no further action on the application is warranted shall
26 be provided to the Public Advocate when the application
27 concerns workers' compensation policies or rates and to the
28 person or organization making the application for relief
29 under subsection 1.

30 B. A copy of the responsive filing shall be served on the
31 Public Advocate when the application concerns workers'
32 compensation policies or rates and on the applicant. Upon
33 receipt of an order from the superintendent requiring a
34 responsive filing concerning workers' compensation which
35 resulted from an application by the Public Advocate, the
36 insurer or rating organization shall pay to the
37 superintendent a filing fee of \$50,000 which the
38 superintendent shall immediately credit to the Public
39 Advocate. The fee shall be segregated and expended for
40 employing outside consultants and paying other expenses to
41 fulfill the requirements of this section. Any portion of
42 the fee not expended shall be returned to the filer.

43 C. The public hearing shall be conducted no fewer than 30
44 days and no more than 60 days from the date the responsive
45 filing is determined complete by the superintendent, unless
46 the superintendent extends these limits pursuant to section
47 2363, subsection 6 in workers' compensation cases.

2 **Sec. 85. 24-A MRSA §2320-A, sub-§1**, as enacted by PL 1989, c.
356, §1, is amended to read:

4 **1. General review.** The Superintendent of Insurance shall
6 review annually each authorized insurer in each major line of
insurance in the State for which a rating organization is
8 authorized to file rates. Major lines of insurance shall include
workers' compensation, private passenger automobile liability,
10 private passenger automobile physical damage, commercial
automobile liability, commercial automobile physical damage,
12 commercial multiple peril, ~~homeowners'~~ homeowners, liability,
medical malpractice and fire insurance. In addition to the
14 annual review of major lines, the superintendent may review
individual insurers involved in those specific lines for which
16 the superintendent has reasonable cause to believe that
competition may not be an effective regulator of rates for the
18 purpose of determining the level of competition among insurers
providing those lines and the availability of insurance within
those lines.

20 **Sec. 86. 25 MRSA §2359**, as amended by PL 1987, c. 35, §2 and
22 c. 192, §5, is repealed and the following enacted in its place:

24 **§2359. Refusing admission to inspector**

26 Any owner or occupant of a building, who refuses to permit
28 an inspector of buildings to enter the buildings or willfully
30 obstructs the inspector in the inspection of that building as
 required by chapters 313 to 321, shall be penalized in accordance
 with Title 30-A, section 4452.

32 **Sec. 87. 26 MRSA §171**, as amended by PL 1989, c. 410, §25 and
34 c. 503, Pt. B, §108, is repealed and the following enacted in its
place:

36 **§171. Board of Boiler Rules**

38 The board of appeals, heretofore created, shall be known as
40 the "Board of Boiler Rules," as established by Title 5, section
 12004-A, subsection 7, and shall consist of 7 members, 6 of whom
42 shall be appointed by the director, with the approval of the
 Governor. At the expiration of their respective terms of office
44 their successors shall be appointed for terms of 4 years each. In
 the event of a vacancy by reason of the death or resignation of
46 any of the appointed members, or otherwise, the director shall
 fill such vacancy for the remainder of the term with a
48 representative of the same class. Of these 6 appointed members, 2
 shall be representatives of labor within this State who are
50 boilermakers or have boiler licenses, one shall be a
 representative of the owners and users of steam boilers within
 this State, one a representative of the boiler manufacturers

2 within this State, one a representative of the operating steam
4 engineers in this State and one a representative of a boiler
6 inspection and insurance company licensed to do business within
8 the State. The 7th member shall be the director, who shall be
10 chair of the board. The board shall meet at least twice yearly at
12 the seat of government or other place designated by the board.

14 Sec. 88. 26 MRSA §176, 3rd ¶, as repealed and replaced by PL
16 1989, c. 502, Pt. A, §104 and as amended by PL 1989, c. 590, §1,
18 is repealed and the following enacted in its place:

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

30 Sec. 89. 26 MRSA §1002, first ¶, as amended by PL 1989, c. 483,
32 Pt. A, §44 and c. 503, Pt. B, §110, is repealed and the following
34 enacted in its place:

36 The State Apprenticeship and Training Council, as
38 established by Title 5, section 12004-G, subsection 25, shall be
40 composed of 12 members to be appointed by the Governor and made
42 up as follows: 4 members shall be representatives of employees
44 and shall be bona fide members of a recognized major labor
46 organization; 4 members shall be representatives of employers and
48 shall be bona fide employers or authorized representatives of
50 bona fide employers; 2 members shall be representatives of the
52 public, selected from neither industrial employers nor employees,
nor shall they be directly concerned with any particular
industrial employer or employee; and 2 members who shall
represent the interests of women, minorities and aid to families
with dependent children recipients in apprenticeship. The
appointments shall be made so that the term of one member of each
group shall expire each year. Each member shall hold office until
a successor is appointed and qualified, and any vacancy shall be
filled by appointment for the unexpired portion of the term. The
chair and secretary of the council shall be named by the members
of the council and the chair shall be a member of the council.
The Associate Commissioner of the Bureau of Adult and Secondary
Vocational Education, the Director of the Bureau of Labor
Standards, the Commissioner of Labor and the director of
apprenticeship training of the Maine Technical College System
shall be ex officio members of the council without vote. The
members of the council shall be compensated according to the
provisions of Title 5, chapter 379.

54 Sec. 90. 26 MRSA §1026, sub-§1, as amended by PL 1989, c. 443,
56 §69 and c. 596, Pt. N, §5, is repealed and the following enacted
58 in its place:

1. Negotiations. It shall be the obligation of the university, academy, technical college or state schools for practical nursing and the bargaining agent to bargain collectively. "Collective bargaining" means, for the purpose of this chapter, their mutual obligation:

A. To meet at reasonable times;

B. To meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, provided the parties have not otherwise agreed in a prior written contract;

C. To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession;

D. To execute in writing any agreements arrived at, the term of any such agreement to be subject to negotiation, but not to exceed 3 years; and

E. To participate in good faith in the mediation, fact finding and arbitration procedures required by this section.

Cost items in any collective bargaining agreement of technical college employees shall be submitted for inclusion in the Governor's next operating budget within 10 days after the date on which the agreement is ratified by the parties. If the Legislature rejects any of the cost items submitted to it, all cost items submitted shall be returned to the parties for further bargaining. Cost items shall include salaries, pensions and insurance. Cost items related to a collective bargaining agreement reached under this chapter and submitted to the Legislature for its approval under this subsection shall not be submitted in the same legislation that contains cost items for employees exempted from the definition of "technical college employee" under section 1022, subsection 11, except that cost items for those employees exempted under section 1022, subsection 11, paragraph D, need not be excluded.

Sec. 91. 26 MRSA §1082, sub-§5, as amended by PL 1989, c. 483, Pt. A, §49 and c. 503, Pt. B, §111, is repealed and the following enacted in its place:

5. Advisory council. The Commissioner of Labor shall appoint a state advisory council, as established by Title 5, section 12004-I, subsection 53, consisting of not more than 9 members composed of an equal number of employer representatives and employee representatives who may fairly be regarded as representative because of their vocation, employment or

2 affiliations and an equal number of members representing the
3 general public. The council shall meet no less than 3 times a
4 year and shall aid the commissioner in formulating policies and
5 discussing problems related to the administration of this chapter
6 and in ensuring impartiality and freedom from political influence
7 in the solution of those problems. The advisory council may also
8 make recommendations to the Legislature for those changes in this
9 chapter as in their opinion will aid in accomplishing the
10 objectives of this chapter. Each member of the advisory council
11 shall be compensated according to the provisions of Title 5,
12 chapter 379.

13 **Sec. 92. 26 MRSA §2005, sub-§3, ¶B,** as repealed and replaced
14 by PL 1989, c. 200, §§1 and 5 and as amended by PL 1989, c. 443,
15 §79, is repealed and the following enacted in its place:

16 B. The Governor shall appoint 7 members representing any of
17 the following:

18
19 (1) Representatives of state bodies, such as the
20 Department of Educational and Cultural Services, the
21 Department of Economic and Community Development, the
22 Department of Labor, the Department of Human Services,
23 the Maine Occupational Information Coordinating
24 Committee, the University of Maine System, the Maine
25 Technical College System and other agencies that the
26 Governor determines have a direct interest in
27 employment and training and human resource utilization
28 within the State; and

29 (2) Representatives of municipalities or counties who
30 are nominated by the municipal officers or the county
31 commissioners and representatives of local education
32 agencies who are nominated by those agencies.

33 **Sec. 93. 26 MRSA §2015-A, sub-§8, ¶A,** as amended by PL 1989,
34 c. 408, §1 and c. 541, §10, is repealed and the following enacted
35 in its place:

36 A. Up to \$3,000 for the following activities:

37 (1) Tuition for education and training;

38 (2) Training materials or books necessary for
39 participation in the training;

40 (3) Payment for dependent care costs, provided those
41 costs do not exceed the prevailing regional rate for
42 such care;

2 (4) Travel payments according to the policies
3 established by the United States Job Training
4 Partnership Act service providers; and

5 (5) Payment of a living allowance in the same amount
6 as the participant's prior unemployment compensation
7 weekly benefit amount for a reasonable time period to
8 allow the employee to complete the employability
9 development plan, provided that the individual has
10 exhausted all entitlement to unemployment compensation
11 and is ineligible for extended benefits as a dislocated
12 worker under section 1196;

13 **Sec. 94. 26 MRSA §2015-A, sub-§8, ¶C,** as amended by PL 1989,
14 c. 408, §2 and c. 541, §11, is repealed and the following enacted
15 in its place:

16 C. While a participant is collecting unemployment benefits
17 or for the duration of the training program that does not
18 exceed one year, an exception to the limitations set forth
19 in paragraph A shall be granted for supportive services when
20 additional funds for transportation, living allowance and
21 dependent care are necessary for the participant to complete
22 the training specified in the employability development plan
23 and the participant is unable to purchase transportation,
24 basic necessities or dependent care. The commissioner shall
25 adopt rules under the Maine Administrative Procedure Act,
26 Title 5, chapter 375, to determine the requirements for
27 these exceptions.

28 **Sec. 95. 29 MRSA §1, sub-§1-J,** as enacted by PL 1989, c. 481,
29 Pt. A, §1; c. 514, §§2 and 25; and c. 515, §§1 and 16, is
30 repealed and the following enacted in its place:

31 **1-J. Commercial driver's license.** "Commercial driver's
32 license" means a license issued by this State or other
33 jurisdiction to an individual which authorizes the individual to
34 operate a class of commercial motor vehicle.

35 **Sec. 96. 29 MRSA §1, sub-§§1-L and 1-M** are enacted to read:

36 **1-L. Antique motorcycle.** "Antique motorcycle" means any
37 motorcycle manufactured on or after model year 1916, which is
38 over 25 years old, which is equipped with an engine manufactured
39 either at the same time as the vehicle or to the specifications
40 of the original engine of the vehicle, which is maintained
41 primarily for use in exhibitions, club activities, parades and
42 other functions of public interest, and which is not used as its
43 owner's primary mode of transportation of passenger or goods.

44 **1-M. Altered vehicle.** "Altered vehicle" means a motor
45 vehicle with a gross vehicle weight rating of 10,000 pounds or

less which is modified so that the distance from the ground to the lowermost point on any part of the frame or body is different from the manufacturer's specifications, unless that difference is caused by the use of tires which are no more than 2 sizes larger than the manufacturer's recommended size, the installation of a heavy duty suspension including shock absorbers and overload springs or normal wear of the suspension system which does not affect control of the vehicle.

Sec. 97. Effective date. The Maine Revised Statutes, Title 29, section 1, subsection 1-M, as enacted by this Act, takes effect retroactively March 1, 1990.

Sec. 98. 29 MRSA §153, as amended by PL 1989, c. 71, §§8 and 9, is further amended to read:

§153. Proration after November 1st

On any application for registration applied for by an owner or the owner's surviving spouse of a vehicle, except an automobile, motor truck, truck tractor, motorcycle, moped or motor-driven cycle, not including a log hauler or traction engine, during the period between the first day of November and the last day of February, 1/2 the registration fee shall be charged. On an application for a registration for an automobile, motor truck, truck tractor, motorcycle, moped or motor-driven cycle made during the last 4 months of a registration year, 1/2 the registration fee shall be charged.

Sec. 99. 29 MRSA §252-A, as amended by PL 1989, c. 394, §1 and c. 509, §2 and as repealed and replaced by PL 1989, c. 502, Pt. C, §11, is repealed and the following enacted in its place:

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

The Secretary of State on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue a registration certificate and set of special designating plates to be used in lieu of regular registration plates to any 100% disabled veteran when that application is accompanied by certification from the United States Veterans Administration or any branch of the United States Armed Forces as to the veteran's disability and receipt of 100% service-connected benefits and that the veteran is permanently confined to a wheelchair or restricted to the use of crutches or braces or otherwise handicapped in such a way that mobility is seriously restricted. A handicap placard shall be issued in addition to the disabled veteran registration plate and upon payment of a \$1 fee.

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

4 **Sec. 100. 29 MRSA §583**, as amended by PL 1989, c. 179, §4 and
5 as repealed and replaced by PL 1989, c. 513, §6, is repealed and
6 the following enacted in its place:

8 **§583. Driver education required for minors**

10 No operator's license, except to operate a moped only, may
11 be issued to any person under 17 years of age unless that person
12 presents a certificate of successful completion of a driver
13 education course and examination given by a public secondary
14 school, a private secondary school approved for attendance
15 purposes by the Commissioner of Educational and Cultural
16 Services, a vocational center or a vocational region; or a
17 certificate of successful completion of a driver education course
18 and examination given by a person or persons licensed by the
19 Department of Professional and Financial Regulation, Board of
20 Commercial Driver Education.

22 A successful course completion certificate may be issued to
23 any person permitted by law to have an operator's license or a
24 special restricted license provided the course meets the
25 standards adopted by the Commissioner of Educational and Cultural
26 Services, or, if applicable, the commercial driver education
27 school licensing requirements under Title 32, chapter 95. A
28 successful course completion certificate shall not be issued to
29 any person who was not at least 15 years of age at the
30 commencement of the driver education course.

32 **Sec. 101. 29 MRSA §2013, sub-§1, ¶E**, as amended by PL 1989, c.
33 414, §27 and c. 514, §§19 and 25, is repealed and the following
34 enacted in its place:

36 E. Pass an examination as the Secretary of State prescribes
37 to determine that person's ability to operate the specific
38 vehicle which will be driven as a school bus or any
39 comparable type vehicle. A fee of \$10 shall accompany the
40 initial application for the examination. The fee for
41 subsequent examinations shall be \$5;

42 **Sec. 102. 30-A MRSA §421, sub-§14**, as amended by PL 1989, c.
43 6; c. 9, §2; c. 104, Pt. C, §§8 and 10; c. 303; and c. 502, Pt.
44 A, §112, is repealed and the following enacted in its place:

46 **14. Search for persons to serve.** For diligently searching
47 for persons on whom they are commanded to serve civil process
48 when that party cannot be located at an address given to the
49 sheriff or the deputy sheriff by the plaintiff or the plaintiff's
50 attorney when commanding the service to be made, \$10, plus
51 necessary travel; and

2 **Sec. 103. 30-A MRSA §4301, sub-§1**, as enacted by PL 1989, c.
104, Pt. A, §45 and Pt. C, §10 and as amended by PL 1989, c. 562,
4 §1 and as repealed and replaced by PL 1989, c. 581, §6, is
repealed and the following enacted in its place:

6 **1. Affordable housing.** "Affordable housing" has the same
8 meaning as set out in section 5002, subsection 2.

10 **Sec. 104. 30-A MRSA §4326, sub-§3, ¶G**, as enacted by PL 1989,
c. 104, Pt. A, §45 and Pt. C, §10 and as amended by PL 1989, c.
12 271, §4 and c. 562, §6, is repealed and the following enacted in
its place:

14 **G.** Ensure that its land use policies and ordinances
16 encourage the siting and construction of affordable housing
18 within the community and comply with the requirements of
20 section 4358 pertaining to individual mobile home and mobile
22 home park siting and design requirements. The municipality
24 shall seek to achieve a level of 10% of new residential
26 development, based on a 5-year historical average of
28 residential development in the municipality, meeting the
definition of affordable housing. Municipalities are
encouraged to seek creative approaches to assist in the
development of affordable housing, including, but not
limited to, cluster zoning, reducing minimum lot and
frontage sizes, increasing densities and use of municipally
owned land;

30 **Sec. 105. 30-A MRSA §4404, sub-§13**, as enacted by PL 1989, c.
104, Pt. A, §45 and Pt. C, §10 and as amended by PL 1989, c. 429,
32 §1 and c. 497, §8, is repealed and the following enacted in its
place:

34 **13. Flood areas.** Based on the Federal Emergency Management
36 Agency's Flood Boundary and Floodway Maps and Flood Insurance
38 Rate Maps, and information presented by the applicant whether the
40 subdivision is in a flood-prone area. If the subdivision, or any
42 part of it, is in such an area, the subdivider shall determine
44 the 100-year flood elevation and flood hazard boundaries within
the subdivision. The proposed subdivision plan must include a
condition of plan approval requiring that principal structures in
the subdivision will be constructed with their lowest floor,
including the basement, at least one foot above the 100-year
flood elevation;

46 **Sec. 106. 30-A MRSA §4404, sub-§14**, as enacted by PL 1989, c.
48 404, §2; c. 429, §2; and c. 497, §9, is repealed and the
following enacted in its place:

50 **14. Freshwater wetlands.** All potential freshwater wetlands
52 within the proposed subdivision have been identified on any maps

submitted as part of the application, regardless of the size of these wetlands. Any mapping of freshwater wetlands may be done with the help of the local soil and water conservation district;

Sec. 107. 30-A MRSA §4404, sub-§§15 and 16 are enacted to read:

15. River, stream or brook. Any river, stream or brook within or abutting the proposed subdivision has been identified on any maps submitted as part of the application. For purposes of this section, "river, stream or brook" has the same meaning as in Title 38, section 480-B, subsection 9; and

16. Storm water. The proposed subdivision will provide for adequate storm water management.

Sec. 108. 30-A MRSA §4451, sub-§3, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

3. Training and certification of code enforcement officers. In cooperation with the Vocational-Technical Institute- Technical College System and the Department of Human Services, the office shall establish a continuing education program for individuals engaged in code enforcement. This program shall provide basic and advanced training in the technical and legal aspects of code enforcement necessary for certification, including, but not limited to:

- A. Plumbing inspection;
- B. Soils and site evaluation;
- C. Electrical inspection;
- D. State and federal environmental requirements;
- E. Zoning ordinances;
- F. Court techniques; and
- G. Other enforcement information.

Sec. 109. 30-A MRSA §4452, sub-§3, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

3. Civil penalties. The following provisions apply to violations of the laws and ordinances set forth in subsection 5. All-monetary Monetary penalties must be assessed on a per day basis and are civil penalties.

2 A. The minimum penalty for starting construction or
undertaking a land use activity without a required permit is
\$100, and the maximum penalty is \$2,500.

4
6 B. The minimum penalty for a specific violation is \$100,
and the maximum penalty is \$2,500.

8 C. The violator may be ordered to correct or abate the
violations. When the court finds that the violation was
willful, the violator shall be ordered to correct or abate
the violation unless the abatement or correction will:

12 (1) Result in a threat or hazard to public health or
14 safety;

16 (2) Result in substantial environmental damage; or

18 (3) Result in a substantial injustice.

20 D. If the municipality is the prevailing party, it shall be
awarded reasonable attorney fees, expert witness fees and
22 costs, unless the court finds that special circumstances
make the award of these fees and costs unjust. If the
24 defendant is the prevailing party, the defendant may be
awarded reasonable attorney fees, expert witness fees and
26 costs as provided by court rule.

28 E. In setting a penalty, the court shall consider, but is
not limited to, the following:

30 (1) Prior violations by the same party;

32 (2) The degree of environmental damage that cannot be
34 abated or corrected;

36 (3) The extent to which the violation continued
following a municipal order to stop; and

38 (4) The extent to which the municipality contributed
40 to the violation by providing the violator with
incorrect information or by failing to take timely
42 action.

44 F. The maximum penalty may exceed \$2,500, but may not
exceed \$25,000, when it is shown that there has been a
46 previous conviction of the same party within the past 2
years for a violation of the same law or ordinance.

48 G. The penalties for violations of waste discharge licenses
50 issued by the municipality pursuant to Title 38, section
413, subsection 8, is as prescribed in Title 38, section 349.

2 H. If the economic benefit resulting from the violation
4 exceeds the applicable penalties under this subsection, the
6 maximum civil penalties may be increased for each day of the
8 violation. The maximum civil penalty may not exceed an
10 amount equal to twice the economic benefit resulting from
12 the violation. The court shall consider as economic
14 benefit, without limitation, the costs avoided or enhanced
16 value accrued at the time of the violation by the violator
18 not complying with the applicable legal requirements.

20 **Sec. 110. 30-A MRSA §4506, sub-§3,** as repealed by PL 1989, c.
22 104, Pt. A, §46 and Pt. C, §10 and as amended by PL 1989, c. 282,
24 §1, is repealed.

26 **Sec. 111. 30-A MRSA §4927, sub-§2,** as enacted by PL 1989, c.
28 48, §§7 and 31, is amended to read:

30 **2. Provisions governing use of money.** The fund shall be
32 administered subject to this section. Priority shall be given to
34 homeowners who are or are likely to be in noncompliance with the
36 state waste water classification program, Title 38, chapter 3,
38 subchapter I, article 4-A and who do not have access to adequate
40 capital or credit to remove, rehabilitate or replace the waste
42 water treatment system. For purposes of this subchapter,
44 homeowner includes the owner of a mobile home or manufactured
46 housing unit and the owner of rental housing.

48 A. The authority, by rules adopted in accordance with the
50 Maine Administrative Procedure Act, Title 5, chapter 375,
52 shall establish priorities of assistance to homeowners.
54 These priorities shall be based on:

56 (1) The assets of the homeowner;

58 (2) The availability of credit or assistance or income
60 from other sources, including financial institutions,
62 investments, trust funds and other similar sources;

64 (3) The degree of environmental or public health
66 hazard;

68 (4) The immediacy of the need for assistance; and

70 (5) Any other variables considered important by the
72 authority.

74 B. Grants, not to exceed \$5,000 per homeowner household,
76 may be provided to a homeowner if:

78 (1) The grant is essential to providing housing to the
80 homeowner; and

2 (2) The income of the homeowner is insufficient to
3 repay any loan or portion of a loan.

4 C. Loans from the fund shall not exceed \$10,000 per
5 homeowner household at rates of interest not to exceed 8%
6 per year.

8 D. Loans from the fund may be made for periods of up to 30
9 years. If a homeowner cannot repay a loan in full within
10 the 30-year period, the authority may extend the repayment
11 period if the authority determines that the loan can be
12 repaid during the extension period. The authority may waive
13 the payment of interest on any loan or portion of a loan for
14 which the interest payment will be an undue hardship on a
15 household.

16 E. Money in the fund may be used to reduce interest rates
17 on loans provided by financial institutions located in this
18 State to homeowners who meet the eligibility requirements of
19 this program.

22 F. The program shall be directed primarily at households
23 without access to adequate capital or credit and which meet
24 the eligibility requirements of this program.

26 G. The program shall be directed secondarily at eliminating
27 overboard discharges into shellfish growing areas designated
28 by the Department of Marine Resources.

30 Sec. 112. 30-A MRSA §5253, sub-§1, ¶E, as amended by PL 1989,
31 c. 6; c. 9, §2; c. 104, Pt. C, §§8 and 10 and as repealed and
32 replaced by PL 1989, c. 104, Pt. A, §47 and Pt. C, §10 and as
33 amended by PL 1989, c. 508, §5, is repealed and the following
34 enacted in its place:

36 E. The designation of captured assessed value of property
37 within a tax increment financing district is subject to the
38 following limitations.

40 (1) The Commissioner of Economic and Community
41 Development shall adopt any rules necessary to allocate
42 or apportion the designation of captured assessed value
43 of property within tax increment financing districts in
44 accordance with these limitations.

46 (2) The development program must be completed within 5
47 years of the designation of the tax increment
48 financing district by the Commissioner of Economic and
49 Community Development.
50

2 Sec. 113. 30-A MRSA §6101, as amended by PL 1989, c. 6; c. 9,
§2; and c. 104, Pt. A, §51 and Pt. C, §§8 and 10, is further
amended to read:

4 **§6101. Membership**

6 The Board of Emergency Municipal Finance, ~~as authorized by~~
8 ~~established in accordance with~~ Title 5, ~~chapter--379,~~ section
10 ~~12004 12004-I,~~ subsection 8 ~~25-A,~~ and referred to in this chapter
12 as the "board," shall be composed of the 3 persons who hold the
14 offices of the Commissioner of Finance, Treasurer of State and
16 State Tax Assessor. The successor of any person to any of these
offices immediately becomes a member of the board and the person
who formerly held that office ceases to be such a member. The
person holding the office of State Tax Assessor is the ~~chairman~~
chair of the board. The members of the board shall be
compensated according to the provisions of Title 5, chapter 379.

18 Sec. 114. 32 MRSA §1202, sub-§1, ¶A, as amended by PL 1989, c.
20 125, §1 and c. 443, §83, is repealed and the following enacted in
its place:

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

24 (1) Complete at least 8,000 hours of service as an
26 apprentice or helper electrician or at least 8,000
28 hours of experience in electrical installations, as
30 defined in section 1101, and satisfactorily complete a
32 program of study comprising 576 hours as approved by
34 the Electricians' Examining Board or from an accredited
36 institution. The 576 hours shall consist of 225 hours
of required study, including an approved course of not
less than 45 hours in the current National Electrical
Code; and 351 hours of elective study, comprised of all
trade-related electives or 225 hours of trade-related
courses and 135 hours of degree-related courses;

38 (2) Be a graduate of an accredited regional vocational
40 high school 2-year electrical program, have worked for
42 8,000 hours in the field of electrical installations
44 under the supervision of a master electrician or the
equivalent and have completed a course of not less than
45 hours in the current National Electrical Code, the
course to be approved by the board;

46 (3) Be a graduate of an accredited Maine technical
48 college electrical program or a vocational-electrical
50 program of the Department of Corrections, have worked
52 for 4,000 hours in the field of electrical
installations under the supervision of a master
electrician or the equivalent and have completed a
course of not less than 45 hours in the current

2 National Electrical Code, the course to be approved by
3 the board. Persons qualifying under this paragraph may
4 write the journeyman's examination upon graduation if
5 application is made within one year of graduation; or

6 (4) Be an electrical apprentice registered with the
7 State Apprenticeship and Training Council and have
8 completed 576 hours of related instruction, as defined
9 in this paragraph, prescribed in their apprenticeship
10 program, the 8,000-hour approved program and a course
11 of not less than 45 hours in the current National
12 Electrical Code, the course to be approved by the
13 board. Persons qualifying under this paragraph may
14 write the journeyman's examination after completion of
15 the 576 hours of instruction, if application is made
16 within one year of the completion of the instruction.

17 Sec. 115. 32 MRSA §1202, sub-§1, ¶D, as amended by PL 1989, c.
18 125, §2 and c. 443, §84, is repealed and the following enacted to
19 read:

20 D. For a journeyman-in-training electricians' license, a
21 person must be a graduate of an accredited Maine technical
22 college electrical program or a vocational-electrical
23 program of the Department of Corrections, receive a passing
24 grade on the journeyman examination and complete 2,000 hours
25 of experience. This provision shall be reviewed by the joint
26 standing committee of the Legislature having jurisdiction
27 over business legislation by March 1, 1991, and, unless
28 continued by law, shall terminate at this time.

29 Sec. 116. 32 MRSA §1671, as repealed by PL 1989, c. 346, §2
30 and as amended by PL 1989, c. 503, Pt. B, §131, is repealed.

31 Sec. 117. 32 MRSA §2561, as amended by PL 1989, c. 462, §4
32 and c. 503, Pt. B, §137, is repealed and the following enacted in
33 its place:

34 §2561. Membership; qualifications; tenure; vacancies

35 The Board of Osteopathic Examination and Registration, as
36 established by Title 5, section 12004-A, subsection 29, and in
37 this chapter called the "board," shall consist of 7 persons
38 appointed by the Governor. These persons shall be residents of
39 this State. Five of these persons shall be graduates of a legally
40 chartered college of osteopathic medicine or university having
41 the power to confer degrees in osteopathic medicine and shall
42 have been at the time of their appointment actively engaged in
43 the practice of their profession in Maine for a period of at
44 least 5 years, and 2 of these persons shall be representatives of
45 the public. Each appointment shall be for a period of 5 years as
46 the terms of the present members expire. Any vacancy in the board

caused by death, resignation or for any other cause, except completion of a full term of service, shall be filled by the appointment of a person, qualified as was the member whose place is filled, to hold office during the unexpired term of that member. Any member of the board may be removed from office for cause by the Governor.

Sec. 118. 32 MRSA §3263, first ¶, as amended by PL 1989, c. 462, §9 and c. 503, Pt. B, §139, is repealed and the following enacted in its place:

The Board of Registration in Medicine, as established by Title 5, section 12004-A, subsection 24, and in this chapter called the "board," shall consist of 10 persons who are residents of this State, appointed by the Governor. Three persons shall be representatives of the public. Seven persons shall be graduates of a legally chartered medical college or university having authority to confer degrees in medicine and shall have been actively engaged in the practice of their profession in this State for a continuous period of 5 years preceding their appointments to the board. Three persons, qualified as aforesaid, shall be appointed members of the board on or before July 1st of every uneven-numbered year, each to hold office for 6 years from the July 1st following appointment, except that at every 3rd uneven-numbered year beginning in 1991, a 4th person shall be appointed. Any vacancy in the board shall be filled by the appointment of a person, qualified as was the member whose place is filled, to hold office during the unexpired term of that member. Any member of the board may be removed from office for cause by the Governor.

Sec. 119. 32 MRSA §4854, as amended by PL 1989, c. 450, §29 and c. 503, Pt. B, §144, is repealed and the following enacted in its place:

§4854. State Board of Veterinary Medicine

The State Board of Veterinary Medicine, as established by Title 5, section 12004-A, subsection 42, within the Department of Professional and Financial Regulation, shall consist of 6 members, appointed by the Governor, 5 of whom shall be licensed Maine veterinarians who are residents of this State, graduates of a veterinary school and who have been licensed to practice veterinary medicine in Maine for the 5 years preceding their appointment and one member who shall be a representative of the public. At least 30 days before the appointment of any licensed Maine veterinarian to the board, the State Veterinary Medical Association shall forward to the Governor for consideration the names of 3 or more qualified veterinarians. The term of office of each present member of the board shall expire as now provided. One new member to be appointed to the board shall serve a 3-year term. One new member to be appointed to the board shall serve a

4-year term. The public member to be appointed to the board shall
serve a 5-year term. Thereafter, all members shall be appointed
for 5-year terms. No person may serve 2 consecutive 5-year terms,
but a person appointed for a term of less than 5 years may serve
a successive term. No person may serve on the board who is, or
has been during the 2 years preceding appointment, a trustee or a
member of the faculty or advisory board of a veterinary school.

Sec. 120. 32 MRSA §11312, as enacted by PL 1985, c. 643 and
PL 1989, c. 542, §85, is repealed and the following enacted in
its place:

§11312. Burden of proof

The burden of proof for an exemption from this chapter shall
be upon the person claiming that exemption.

Sec. 121. 32 MRSA §11313 is enacted to read:

§11313. Orders issued by Superintendent of Banking

All orders issued by the Superintendent of Banking at a time
when authority for administering this chapter was vested in the
Superintendent of Banking shall remain in effect for as long as
they would have remained in effect if that authority had not been
transferred to the Securities Administrator.

Sec. 122. 32 MRSA §12213, as amended by PL 1989, c. 483, Pt.
A, §52 and c. 503, Pt. B, §154, is repealed and the following
enacted in its place:

§12213. Appointment

The Board of Accountancy, as established by Title 5, section
12004-A, subsection 1, shall be within the Department of
Professional and Financial Regulation. The board shall consist
of 5 members appointed by the Governor. Each member of the board
shall be a citizen of the United States and a resident of this
State. Three members shall be holders of certificates issued
under section 12227 and of currently valid permits issued under
section 12251 and shall have had, as their principal occupation,
active practice as certified public accountants for at least the
5 preceding years. One member shall hold a certificate issued
under section 12239, currently valid permit issued under section
12251 and shall have had, as a principal occupation, active
practice as a noncertified public accountant for at least the 5
preceding years. One member of the board shall be a
representative of the public. Appointments shall be for 3-year
terms and the term of one member, other than the member
registered under section 12239 and the public member, shall
expire each calendar year and appointments of less than 3 years
may be made in order to comply with this limitation. Any vacancy

2 occurring during a term shall be filled by appointment for the
4 unexpired term. Upon the expiration of a member's term of office,
6 that member shall continue to serve until a successor has been
8 appointed and has qualified and the successor's term shall be 3
10 years from the date of the expiration, regardless of the date of
12 appointment. No person may be eligible to serve more than 3 full
14 consecutive terms provided that, for this purpose only, a period
16 actually served which exceeds 1/2 of the 3-year term shall be
18 deemed a full term. The Governor shall remove any member of the
20 board for cause.

22 Sec. 123. 32 MRSA §13062, sub-§1, as amended by PL 1989, c.
24 471, §2 and c. 503, Pt. B, §156, is repealed and the following
26 enacted in its place:

28 1. Real Estate Commission composition. The Real Estate
30 Commission, established by Title 5, section 12004-A, subsection
32 37, shall be referred to in this chapter as the "commission." The
34 commission shall consist of 4 industry members and 2 public
36 members.

38 Sec. 124. 32 MRSA c. 119, as enacted by PL 1989, c. 549, §§1
40 and 3, is repealed.

42 Sec. 125. 32 MRSA c. 122 is enacted to read:

44 CHAPTER 122

46 REGISTRATION FOR SHOPPING CARTS AND 48 CONTAINERS FOR BAKERY, DAIRY 50 AND OTHER PRODUCTS

52 §13951. Definitions

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

58 1. Bakery basket. "Bakery basket" means a wire or plastic
60 container which holds bread or other baked goods and is used by a
62 distributor or retailer as a means to transport, store or carry
64 bakery products.

66 2. Container. "Container" means a bakery basket, dairy
68 case, egg basket or shopping cart.

70 3. Dairy case. "Dairy case" means a wire or plastic
72 container which holds 16 quarts or more of beverage and is used
74 by distributors or retailers as a means to transport, store or
76 carry dairy products.

78 4. Egg basket. "Egg basket" means any permanent type of
80 container which contains 4 dozen or more shell eggs and is used

by distributors or retailers as a means to transport, store or carry eggs.

5. Name or mark. "Name or mark" means any permanently affixed or permanently stamped name or mark which has been registered with the Secretary of State and is used for the purpose of identifying the owner of shopping carts, laundry carts, dairy cases, egg baskets, poultry boxes, baking trays or bakery baskets.

6. Parking area. "Parking area" means a lot or other property provided by a retail establishment for the use of customers to park vehicles while doing business in that establishment.

7. Shopping cart. "Shopping cart" means a basket which is mounted on wheels, or a similar device generally used in a retail establishment by a customer for the purpose of transporting goods of any kind.

§13952. Name or mark; registration

An owner of containers may adopt a name or mark to be permanently affixed to those containers. The Secretary of State shall, pursuant to Title 5, chapter 375, adopt rules regulating the adoption, use and registration of a name or mark on containers and may charge registration fees to cover the cost of this program.

§13953. Prohibitions

1. Removal, use or possession. No person, organization or association may, without consent of the owner and with the intent to deprive the owner of possession of a container, remove a container from the premises or parking lot of the owner or a customer of the owner for any commercial use not approved by the owner or possess or use a container that has been so removed, if:

A. The container has the name or mark of the owner prominently displayed and permanently affixed to it that identifies the owner of the container;

B. The name or mark contains a notification that unauthorized removal or possession of the container is a violation of law; and

C. The name or mark lists a telephone number or address for returning the container to the owner.

2. Defacement. No person, organization or association may alter, deface, cover or remove a name or mark on a container or possess such a container without the consent of the owner.

2 3. Penalty. Any person who violates this section commits a
4 civil violation for which a forfeiture not to exceed \$100 for
 each violation and \$10 for each container may be adjudged.

6 Sec. 126. 34-B MRSA §3901, sub-§1, as amended by PL 1989, c.
 335, §4 and c. 503, Pt. B, §163, is repealed and the following
8 enacted in its place:

10 1. Establishment. In order to monitor and evaluate the
12 efficacy and timely implementation of community and institutional
14 reform programs designed to improve opportunities for persons
16 with mental illness in the State, to promote and monitor advocacy
18 programs for persons with mental illness, to participate in the
20 development of standards of care and to review, assess and
 monitor the implementation of standards of care and treatment for
 persons with mental illness, there is established, pursuant to
 Title 5, section 12004-J, subsection 7, an independent commission
 to be known as the Maine Commission on Mental Health, hereinafter
 referred to in this chapter as the "commission."

22 Sec. 127. 35-A MRSA §116, sub-§8, as enacted by PL 1989, c.
 571, Pt. A, §3, is amended to read:

24 **8. Public Advocate assessment.** Every utility subject to
26 assessment pursuant to this section shall be subject to an
 additional assessment on its intrastate gross operating revenues
28 to produce no more than \$189,000 in revenues in fiscal year
 1989-90. The Public Advocate shall develop a method for
30 accounting for staff time within the Office of Public Advocate.
 All professional and support staff shall account for such time in
32 such a way as to identify the percentage of time that is devoted
 to public utility regulation and the percentage of time that is
34 devoted to other duties that may be required by law. The
 revenues produced from this assessment shall be transferred to
36 the account of the Office of Public Advocate and shall be used by
 the Public Advocate solely for the purpose of representing the
38 using and consuming public in accordance with chapter 17. These
 funds shall be raised by the Public Utilities Commission and
40 accounted for by the Public Advocate in accordance with the
 provision of this section in a separate Public Advocate
42 Regulatory Fund. The assessments charged to utilities under this
 subsection shall be deemed just and reasonable operating costs
44 for rate-making purposes.

46 This assessment subsection shall sunset on June 30, 1990. Any
 additional resources that may be required shall be from the
48 General Fund.

50 Sec. 128. 36 MRSA §653, sub-§1, ¶C, as amended by PL 1989, c.
 501, Pt. Z and c. 502, Pt. A, §127, is repealed and the following
52 enacted in its place:

2 C. The estates up to the just value of \$5,000, having a
4 taxable situs in the place of residence, of veterans who
6 served in the Armed Forces of the United States during any
8 federally recognized war period, including the Korean
10 Campaign and the Vietnam War, when they shall have reached
12 the age of 62 years or when they are receiving any form of
14 pension or compensation from the United States Government
16 for total disability, service-connected or
18 nonservice-connected, as a veteran. The exemption provided
20 in this paragraph shall apply to the property of that
22 veteran including property held in joint tenancy with that
24 veteran's spouse.

16 **Sec. 129. 36 MRSA §1752, sub-§11,** as amended by PL 1989, c.
18 501, Pt. V, §§2, 5 and 6 and c. 533, §§1 and 14, is repealed and
20 the following enacted in its place:

20 **11. Retail sale.** "Retail sale" means any sale of tangible
22 personal property, in the ordinary course of business, for
24 consumption or use, or for any purpose other than for resale,
26 except resale as a casual sale, in the form of tangible personal
28 property. "Retail sale" also means any sale of a taxable service
30 in the ordinary course of business for any purpose other than for
32 resale, except resale as a casual sale. "Retail sale" includes
34 conditional sales, installment lease sales and any other transfer
36 of tangible personal property when the title is retained as
38 security for the payment of the purchase price and is intended to
40 be transferred later. "Retail sale" includes sale of products
42 for internal human consumption to a person for resale through
44 coin-operated vending machines when sold to a retailer whose
46 gross receipts from the retail sale of tangible personal property
48 derived through sales from vending machines are more than 50% of
50 the retailer's gross receipts, which tax shall be paid by the
52 retailer to the State. "Retail sale" does not include any sale
 by a personal representative in the settlement of an estate,
 unless the sale is made through a retailer, or unless the sale is
 made in the continuation or operation of a business; nor does the
 term include any other casual sale. "Retail sale" does not
 include the sale of tangible personal property which becomes an
 ingredient or component part of, or which is consumed or
 destroyed or loses its identity directly and primarily in either
 the production of tangible personal property for later sale or
 lease, other than lease for use in this State, or the production
 of tangible personal property pursuant to a contract with the
 United States Government or any agency thereof, but shall include
 fuel and electricity, but shall not include electricity
 separately metered and consumed in any electrolytic process for
 the manufacture of tangible personal property for later sale, nor
 any fuel oil or coal, the by-products from the burning of which
 become an ingredient or component part of tangible personal

property for later sale. Tangible personal property is "consumed or destroyed" or "loses its identity" in that production, if it has a normal physical life expectancy of less than one year as a usable item in the use to which it is applied. "Retail sale" does not include the sale to a person engaged in the business of renting automobiles, of automobiles, or integral parts of automobiles or accessories to automobiles, for rental or for use in an automobile rented, on a short-term basis. "Retail sale" does not include the sale of containers, boxes, crates, bags, cores, twines, tapes, bindings, wrappings, labels and other packing, packaging and shipping materials when sold to persons for use in packing, packaging or shipping tangible personal property sold by them or upon which they have performed the service of cleaning, pressing, dyeing, washing, repairing or reconditioning in their regular course of business and which are transferred to the possession of the purchaser of that tangible personal property. "Retail sale" does not include the provision of meals or lodging to employees at their place of employment when the value of those meals or that lodging is allowed as a credit toward the wages of those employees. "Retail sale" does not include the sale of video tapes and video equipment to a person engaged in the business of renting video tapes and video equipment.

Sec. 130. Repeal date. The Maine Revised Statutes, Title 36, section 1752, subsection 11, as repealed and replaced by this Act, is repealed on July 1, 1991.

Sec. 131. 36 MRSA §1752, sub-§23, as enacted by PL 1989, c. 533, §§4 and 14 and c. 588, Pt. C, §2, is repealed and the following enacted in its place:

23. Video tapes and video equipment. "Video tapes" means prerecorded magnetic tapes used for noncommercial playback of images and sound on video equipment. "Video equipment" means equipment used to play back video tapes and equipment used for recording images and sound for subsequent noncommercial playback.

Sec. 132. 36 MRSA §1752, sub-§24 is enacted to read:

24. Watercraft. "Watercraft" means a watercraft which is subject to excise tax under chapter 112, excluding commercial vessels as defined in that chapter.

Sec. 133. 36 MRSA §1760, sub-§6, ¶B, as repealed and replaced by PL 1979, c. 513, §2, is amended to read:

B. To patients and ~~inmates~~ of hospitals licensed by the State for the care of human beings and other institutions licensed by the State for the hospitalization or nursing care of human beings, or institutions, agencies, hospitals, boarding homes and boarding houses licensed by the

Department of Human Services under Title 22, Subtitle 6, and Title 34 22, section 2211 1781; and

Sec. 134. 36 MRSA §1760, sub-§25, as repealed and replaced by PL 1987, c. 772, §21, is repealed and the following enacted in its place:

25. Watercraft sold to nonresidents. Sales to nonresidents of watercraft and sales to nonresidents of tangible personal property and fabrication services to be incorporated in watercraft under contracts for the construction, repair, alteration, refitting, reconstruction, overhaul or restoration of the watercraft when the craft is either delivered outside the State or intended to be sailed or transported outside the State immediately upon delivery by the seller. Unless the craft is present in the State for more than 30 days during the 12-month period following the date of purchase or is registered in Maine without also being registered in another state or documented with a home port in Maine, within 12 months of the date of purchase, the purchaser shall be exempt from the use tax.

Sec. 135. 36 MRSA §1760, sub-§45, ¶A-1, as repealed and replaced by PL 1987, c. 772, §22, is amended to read:

A-1. If the property is a watercraft, ~~as defined in chapter 112~~, which is registered outside the State by an owner who at the time of purchase was a resident of another state and the watercraft is present in the State not more than 30 days during the 12 months following its purchase; or

Sec. 136. 36 MRSA §1760, sub-§66, as enacted by PL 1989, c. 502, Pt. B, §47 and c. 581, §20, is repealed and the following enacted in its place:

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

Sec. 137. 36 MRSA §1760, sub-§67, as enacted by PL 1989, c. 501, Pt. P, §30 and c. 533, §8, is repealed and the following enacted in its place:

67. Seedlings for commercial forestry use. Sales of tree seedlings for use in commercial forestry. For purposes of this subsection, commercial Christmas tree operations are not considered commercial forestry. This subsection takes effect September 1, 1990;

Sec. 138. 36 MRSA §1760, sub-§§70 and 71, as enacted by PL 1989, c. 533, §8, are amended to read:

2 **70. Organizations providing certain services for**
3 **hearing-impaired persons.** Sales to incorporated nonprofit
4 organizations whose primary purposes are to promote public
5 understanding of hearing impairment and to assist
6 hearing-impaired persons through the dissemination of information
7 about hearing impairment to the general public and referral to
8 and coordination of community resources available to
9 hearing-impaired persons; and

10
11 **71. State-chartered credit unions.** Sales to credit unions
12 that are organized under the laws of this State. This subsection
13 shall remain in effect only for the time that federally chartered
14 credit unions are, by reason of federal law, exempt from payment
15 of state sales tax. ;

16 **Sec. 139. 36 MRSA §1760, sub-§§72 and 73 are enacted to read:**

17
18 **72. Nonprofit housing development organization.** Sales to
19 nonprofit organizations for the development of housing for
20 low-income people; and

21
22 **73. Nonprofit home construction organizations.** Sales to
23 local branches of incorporated nonprofit organizations whose
24 purpose is to construct low-cost housing for low-income people.

25
26 **Sec. 140. 36 MRSA §1764, as amended by PL 1989, c. 508, §12**
27 **and c. 588, Pt. C, §3, is repealed and the following enacted in**
28 **its place:**

29 **§1764. Tax against certain casual sales**

30
31 The tax imposed by chapters 211 to 225 shall be levied upon
32 all casual sales involving the sale of camper trailers, motor
33 vehicles, special mobile equipment, livestock trailers,
34 watercraft or aircraft except those sold for resale or to a
35 corporation when the seller is the owner of a majority of the
36 common stock of the corporation.

37
38 **Sec. 141. 36 MRSA §1811, first ¶, as amended by PL 1989, c. 533,**
39 **§§10 and 14 and c. 588, Pt. B, §2, is repealed and the following**
40 **enacted in its place:**

41
42 A tax is imposed at the rate of 5% on the value of all
43 tangible personal property, on telephone and telegraph service,
44 on extended cable television service, on fabrication services, on
45 custom computer programming sold at retail in this State and on
46 rental of video tapes and video equipment, at the rate of 7% on
47 the value of all other taxable services sold at retail in this
48 State, and at the rate of 10% on the value of liquor sold in
49 licensed establishments as defined in Title 28-A, section 2, in
50

2 accordance with Title 28-A, chapter 43. Value is measured by the
3 sale price, except as otherwise provided.

4 **Sec. 142. 36 MRSA §1955-A**, as amended by PL 1989, c. 502,
5 Pt. A, §131 and c. 508, §13, is repealed and the following
6 enacted in its place:

8 **§1955-A. Failure to pay tax on vehicles**

10 If, after notice of assessment and demand for payment, any
11 amount required to be paid for any vehicle is not paid as
12 demanded within the 10-day period prescribed in section 171, the
13 State Tax Assessor, in addition to enforcing collection by any
14 method authorized by Part 1 or this Part, may immediately notify
15 the Secretary of State who shall proceed in accordance with Title
16 29, section 55-B, to mail the required 5-day notice and suspend
17 any registration certificate and plates issued for the vehicle
18 for which the tax remains unpaid at the expiration of the 5-day
19 period.

20 **Sec. 143. 36 MRSA §3039**, as amended by PL 1983, c. 480, Pt.
21 A, §43, is repealed.

22 **Sec. 144. 36 MRSA §3217**, as amended by PL 1987, c. 772, §30,
23 is further amended to read:

24 **§3217. Additional violations**

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

39 **Sec. 145. 36 MRSA §4693, sub-§1**, as amended by PL 1989, c.
40 482, §3 and c. 503, Pt. B, §171, is repealed and the following
41 enacted in its place:

42 **1. Council established.** The Maine Sardine Council, as
43 established by Title 5, section 12004-H, subsection 8, shall
44 consist of not more than 9 nor less than 3 members to be
45 appointed by the Commissioner of Marine Resources. Fifty-one
46 percent of the members of the council constitutes a quorum and

2 the affirmative vote of at least 51% of the members is necessary
3 for the transaction of all business and the carrying out of the
4 duties of the council. The members shall be sardine packers,
5 operating within the State, who have been actively engaged in
6 packing sardines for not less than 2 years and each shall be so
7 actively engaged during continuance in office. A person shall be
8 considered actively engaged in packing sardines if that person
9 has derived, during the period, a substantial portion of income
10 from packing sardines, or has been the director or manager of an
11 entity that derives a substantial portion of its income from
12 packing sardines.

13
14 **Sec. 146. 36 MRSA §5122, sub-§2, ¶E,** as amended by PL 1989, c.
15 508, §17 and c. 556, Pt. B, §9, is repealed and the following
16 enacted in its place:

17 E. Pick-up contributions paid to the taxpayer by the Maine
18 State Retirement System that have been previously taxed
19 under this Part;

20
21 **Sec. 147. 36 MRSA §5122, sub-§2, ¶F,** as enacted by PL 1989, c.
22 508, §18 and c. 556, Pt. B, §10, is repealed and the following
23 enacted in its place:

24 F. An amount equal to income taxes imposed by this State or
25 any other taxing jurisdiction on the taxpayer that is
26 included in the taxpayer's federal adjusted gross income; and

27
28 **Sec. 148. 36 MRSA §5122, sub-§2, ¶G** is enacted to read:

29
30 G. For income tax years commencing on or after January 1,
31 1989, an amount equal to the total premiums spent for
32 insurance policies for long-term care that have been
33 certified by the Superintendent of Insurance as complying
34 with Title 24-A, chapter 68.

35
36 **Sec. 149. 36 MRSA §5219-C,** as enacted by PL 1989, c. 501, Pt.
37 P, §32; c. 530, §§2 and 4; and c. 585, Pt. C, §17, is repealed
38 and the following enacted in its place:

39 **§5219-C. Forest management planning income credits**

40
41 Once every 10 years, an individual is allowed a credit
42 against the tax otherwise due under this Part for the lesser of
43 \$200 or the individual's cost for having a forest management and
44 harvest plan developed for a parcel of forest land greater than
45 10 acres. For purposes of this section, the licensed
46 professional forester may not be in the regular employ of the
47 individual. In no case may this credit reduce the state income
48 tax to less than zero. Those taxpayers claiming this credit must
49 attach a statement from the forester supporting the claim and
50 swear that the credit has not been claimed by them in the
51

previous 10 years. Those taxpayers deducting the cost of the forester as an expense under the Internal Revenue Code must reduce the expense by the amount of the credit. This credit may be used in any tax year beginning on or after January 1, 1989.

Sec. 150. 36 MRSA §§5219-D and 5219-E are enacted to read:

§5219-D. Investment tax credit

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

A. "Directly" has the same meaning as defined in section 1752, subsection 2-A.

B. "Investment credit base" means the total original basis, without adjustment, for federal income tax purposes, of the taxpayer of all machinery and equipment which was placed in service for the first time in this State by the taxpayer or other person during any of the prior 3 taxable years, excluding the basis of machinery and equipment placed in service in this State prior to January 1, 1989. In the case of a combined report, the term investment credit base means the sum of the investment credit bases for all corporations included in the report.

C. "Machinery and equipment" means machinery and equipment as defined in section 1752, subsection 7-B, with a situs in Maine as of the last day of the immediately prior taxable year:

(1) Which was subject to an allowance for depreciation under the Code by the taxpayer as of the last day of the immediately prior taxable year or would have been subject to an allowance for depreciation under the Code by the taxpayer as of that date, but for the fact that the property had been fully depreciated; and

(2) Which is used directly and primarily in the production of tangible personal property, which property is intended to be sold or leased ultimately for final use or consumption.

D. "Primarily" has the same meaning as defined in section 1752, subsection 9-A.

E. "Production" has the same meaning as defined in section 1752, subsection 9-B.

2. Credit allowed. A taxpayer is allowed a credit against the tax imposed by this Part for each taxable year equal to 1.5%

of the investment credit base of the taxpayer. In the case of an affiliated group of corporations engaged in a unitary business, the credit shall be applied against the total tax liability of all the taxable corporations in the affiliated group and shall be apportioned among those taxable corporations in the same proportion as the tax liability of each taxable corporation bears to the total tax liability of all the taxable corporations.

3. Limitation. The credit allowed by subsection 2 for the taxable year, plus any credit carry-forward or carry-back to the taxable year allowed by subsection 5, shall not exceed so much of the tax liability of the taxpayer, or the total tax liability of all taxable corporations that are members of an affiliated group engaged in a unitary business, for the taxable year as does not exceed \$25,000 plus 75% of so much of the tax liability for the taxable year as exceeds \$25,000. When the limitation provided in this subsection is exceeded, carry-forwards are applied first, credits under subsection 2 for the taxable year are applied second and carry-backs are applied last. Carry-forwards from an earlier unused credit year are applied before carry-forwards from a later unused credit year and carry-backs from an earlier unused credit year are used before carry-backs from a later unused credit year.

4. Partnerships and S corporations. In the case of machinery and equipment held by a partnership or an S corporation, the term "taxpayer" as used in subsection 1 means the partnership or S corporation. For the purposes of this section, a partner of a partnership shall have an investment credit base determined by multiplying the investment credit base of the partnership by the partner's percentage interest in the taxable income or loss of the partnership for federal income tax purposes for the taxable year and a shareholder of an S corporation shall have an investment credit base determined by multiplying the investment credit base of the S corporation by the shareholder's percentage share of the stock of the S corporation as of the end of the taxable year.

5. Carry-forward and carry-back. If the sum of the amount of the credit allowed for any taxable year under subsection 2, plus the amount of any credit carry-forwards to the taxable year, exceeds the amount of the limitation imposed by subsection 3 for that taxable year, in this section referred to as the "unused credit year," that excess attributable to the credit allowed for the taxable year under subsection 2 may be carried back for no more than 3 taxable years and may be carried forward for no more than 5 taxable years and, subject to the provisions of subsection 3, may be applied as a credit against the tax imposed by this Part for the taxable year or years to which carried. The entire amount of the unused credit shall be carried to the earliest of the taxable years to which, by reason of this subsection, the credit may be carried and then to each of the other taxable years

to the extent the unused credit may not be used for a prior taxable year due to the provisions of subsection 3.

§5219-E. Solid waste reduction investment tax credit

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

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

B. "Solid waste" has the same meaning as in Title 38, section 1303-C.

C. "Waste reduction, reuse or recycling equipment" means structures, machinery or devices, singly or in combination, designed and required to separate, process, modify, convert, treat or repair solid waste generated by the employing unit so that component materials or substances or recoverable resources may be used as a raw material or for productive use and includes:

(1) Add-ons or trailers designed to modify collection vehicles and dedicated to sorting and separating of collected wastes generated by the employing unit and held for the purpose of recycling; or

(2) Containers for the source separation and temporary storage of recyclable wastes by the employing unit or its employees.

2. Credit allowed. A taxpayer constituting an employing unit who purchases waste reduction, reuse or recycling equipment, or other equipment used exclusively by that unit, in the implementation of a solid waste reduction, reuse or recycling program, shall be entitled to a credit against the tax imposed by this Part equal to 30% of the cost of the machinery or equipment.

3. Eligible machinery and equipment. Purchases eligible for the credit allowed under this section include machinery and equipment used exclusively for the purpose of reducing, reusing or recycling solid waste generated principally by the employing unit. Machinery and equipment associated with the separation of wastes prior to incineration are eligible when the Maine Waste Management Agency certifies the separated wastes are being recycled.

4. Carry-over; carry-back. The amount of the credit that may be used by a taxpayer for a taxable year may not exceed the amount of tax otherwise due under this section. Any unused credit may be carried over to the following year or years for a

period not to exceed 15 years or may be carried back for a period not to exceed 3 years.

5. Effective date. The provisions of this section apply to purchases of eligible machinery and equipment made after January 1, 1990.

Sec. 151. 38 MRSA §438-A, sub-§4, as amended by PL 1989, c. 143 and c. 403, §7, is repealed and the following enacted in its place:

4. Failure to adopt ordinances. If a municipality fails to adopt ordinances as required under this article or if the board determines that an ordinance a municipality has adopted does not satisfy the requirements and purposes under this article, and that the board is unable to make the ordinance consistent with the minimum guidelines by the imposition of conditions, as set forth in subsection 3, the board, acting in accordance with Title 5, chapter 375, subchapter II, shall adopt suitable ordinances, or suitable provisions of ordinances, on behalf of the municipality. Notwithstanding subsections 2 and 3, if the board determines that special water quality considerations on a great pond warrant more restrictive standards than those contained in the minimum guidelines, the board may adopt the additional standards for all municipalities outside the jurisdiction of the Maine Land Use Regulation Commission that abut those waters. Following adoption by the board, these ordinances or provisions shall be effective and binding within the municipality and shall be administered and enforced by that municipality.

Sec. 152. 38 MRSA §439-A, sub-§5, as amended by PL 1989, c. 403, §8, is further amended to read:

5. Timber harvesting. Municipal ordinances shall 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~~ are no 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.

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

4
6 Sec. 153. 38 MRSA §465-A, first ¶, as enacted by PL 1985, c.
698, §15, is amended to read:

8 The board shall have one standard for the classification of
great ponds and natural lakes and ponds less than 10 acres in
10 size. Impoundments of rivers that are defined as great ponds
pursuant to section 392 480-B shall be classified as GPA or as
12 specifically provided in sections 467 and 468.

14 Sec. 154. 38 MRSA §465-A, sub-§1, ¶C, as enacted by PL 1985,
c. 698, §15, is amended to read:

16 C. There shall be no new direct discharge of pollutants
18 into Class GPA waters. Aquatic pesticide treatments or
chemical treatments for the purpose of restoring water
20 quality approved by the board shall be exempt from the
no-discharge provision. Discharges into these waters which
22 were licensed prior to January 1, 1986, shall be allowed to
continue only until practical alternatives exist. No
24 materials may be placed on or removed from the shores or
banks of a Class GPA water body in such a manner that
26 materials may fall or be washed into the water or that
contaminated drainage therefrom may flow or leach into those
28 waters, except as permitted pursuant to section 391 480-C.
No change of land use in the watershed of a Class GPA water
30 body may, by itself or in combination with other activities,
cause water quality degradation which would impair the
32 characteristics and designated uses of downstream GPA waters
or cause an increase in the trophic state of those GPA
34 waters.

36 Sec. 155. 38 MRSA §480-Q, sub-§1, ¶C, as enacted by PL 1987,
c. 809, §2, is amended to read:

38 C. Bureau of Public Lands has approved the placement of the
40 cable across the bottom of the great pond to the extent that
is it has jurisdiction;

42 Sec. 156. 38 MRSA §480-Q, sub-§9, as amended by PL 1989, c.
44 306, §2 and c. 430, §8, is further amended to read:

46 9. Public works. A permit is not required for emergency
repair or normal maintenance and repair of existing public works
48 which affect any protected natural resource. An activity which
is exempt under this subsection shall employ erosion control
50 measures to prevent sedimentation of any surface water, shall not
block fish passage in any water course and shall not result in
52 any additional intrusion of the public works into the protected

2 natural resource. This exemption does not apply to any activity
on an outstanding river segment as listed in section 480-P; and

4 Sec. 157. 38 MRSA §480-Q, sub-§10, as enacted by PL 1989, c.
306, §3 and c. 430, §9, is repealed and the following enacted in
6 its place:

8 10. Aquaculture. Aquaculture activities regulated by the
Department of Marine Resources under Title 12, section 6072.
10 Ancillary activities, including, but not limited to, building or
altering docks or filling of wetlands, are not exempt from the
12 provisions of this article; and

14 Sec. 158. 38 MRSA §480-Q, sub-§11 is enacted to read:

16 11. Soil evaluation. Borings taken to evaluate soil
conditions in or adjacent to a great pond, river, stream or
18 brook, coastal wetland, freshwater wetland or sand dune are
exempt from the provisions of this article provided that no area
20 of wetland vegetation is destroyed or permanently removed.

22 Sec. 159. 38 MRSA §485, as amended by PL 1977, c. 300, §§31
and 32, is repealed.

24 Sec. 160. 38 MRSA §487-A, sub-§4, as enacted by PL 1987, c.
26 812, §§13 and 18, is amended to read:

28 4. Notice to landowners; transmission line or gas
pipeline. Any person making application for site location of
30 development approval pursuant to sections 481 to 483 483-A, for
approval for a transmission line or gas pipeline shall, prior to
32 filing a notification pursuant to this article, provide notice to
each owner of real property upon whose land the applicant
34 proposes to locate a gas pipeline or transmission line. Notice
shall be sent by registered mail, postage prepaid, to the
36 landowner's last known address contained in the applicable tax
assessor's records. The applicant shall file a map with the town
38 clerk of each municipality through which the pipeline or
transmission line is proposed to be located, indicating the
40 intended approximate location of the pipeline or transmission
line within the municipality. The applicant is not required to
42 provide notice of intent to construct a gas pipeline or
transmission line other than as set forth in this subsection.
44 The board shall receive evidence regarding the location,
character and impact on the environment of the proposed
46 transmission line or pipeline. In addition to finding that the
requirements of section 484, subsections 1 to 9 8 have been met,
48 the board, in the case of the transmission line or pipeline,
shall consider whether any proposed alternatives to the proposed
50 location and character of the transmission line or pipeline may
lessen its impact on the environment or the risks it would
52 engender to the public health or safety, without unreasonably

increasing its cost. The board may approve or disapprove all or portions of the proposed transmission line or pipeline and shall make such orders regarding its location, character, width and appearance as will lessen its impact on the environment, having regard for any increased costs to the applicant.

Sec. 161. 38 MRSA §564, sub-§1, ¶D, as amended by PL 1985, c. 626, §3, is further amended to read:

D. The requirements set forth in paragraph B C for new and replacement facilities in sensitive geologic areas may not be imposed solely due to the proximity of an underground oil storage tank to a private drinking water supply where the tank and private drinking water supply are located at the same site and are owned, operated or utilized by the same person or persons. In addition, the board shall adopt rules to provide for exemptions from the requirements of paragraph C in circumstances where the facility is to be installed over a polluted aquifer where no unreasonable additional harm to public health and safety or to the environment can occur.

Sec. 162. 38 MRSA §564, sub-§3, as amended by PL 1985, c. 626, §4, is further amended to read:

3. Replacement of tanks at facilities where leaks have been detected. If replacement or removal is required as a result of a corrosion induced leak in an unprotected steel tank, the owner or operator of the facility may either replace all other tanks and piping at that facility not meeting the design and installation standards promulgated pursuant to subsection 1 or comply with the following:

A. Remove all bare steel and asphalt-coated steel tanks and all piping which is not constructed of noncorrosive material or is not cathodically protected against corrosion at the facility that are more than 20 years old;

B. Perform a statistical inventory analysis of the entire facility and submit the results of that analysis to the department. If a statistical inventory analysis of the entire facility had been performed within 60 days prior to the required replacement, then the results of that analysis may be submitted to the department instead. If the results of the statistical inventory analysis indicate evidence of a leak at the facility or that the data is not sufficiently reliable to make a determination that the facility is or is not leaking, the department may require that all remaining tanks and piping at the facility be precision tested, except that precision testing shall not be required where it can be demonstrated that the same tanks and piping passed a precision test conducted within the previous 6 months; and

2 C. Install a minimum of 2 ground water monitoring wells, as
4 deemed necessary by the department to monitor the facility,
6 unless all remaining tanks and piping at the facility were
installed in accordance with the standards promulgated
pursuant to subsection 1.

8 Results of all precision tests conducted pursuant to paragraph B
10 shall be submitted to the department, and all tanks and piping
found to be leaking shall be removed pursuant to section 566
12 566-A, or repaired to the satisfaction of the department.

14 **Sec. 163. 38 MRSA §587, 8th ¶**, as amended by PL 1977, c. 300,
§42, is further amended to read:

16 Nothing in this section and no variance or renewal granted
18 pursuant hereto shall be construed to prevent or limit the
application of the emergency provisions and procedures of section
20 347 347-A, subsection 2 3, to any person or his that person's
property.

22 **Sec. 164. 38 MRSA §633, sub-§2**, as amended by PL 1987, c. 402,
Pt. A, §203, is further amended to read:

24 **2. Exceptions.** This subarticle shall not apply to
26 activities for which, prior to the effective date of this Act, a
permit or permits have been issued pursuant to any of the
28 following laws: Land use regulation laws, Title 12, sections 681
to 689; stream alteration laws, ~~sections 425 to 430~~; great ponds
30 laws, ~~sections 391 to 394~~; alteration of coastal wetlands laws,
sections ~~471 to 478~~ 480-B to 480-F and 480-P and 480-Q; site
32 location of development laws, sections 481 to 490; and small
hydroelectric generating facilities laws, this subarticle.

34 **Sec. 165. 38 MRSA §840, sub-§1**, as amended by PL 1989, c. 323,
36 §1 and c. 569, §1, is repealed and the following enacted in its
place:

38 **1. Power.** The board may on its own motion and shall at the
40 request of the owner, lessee or person in control of a dam, the
Commissioner of Inland Fisheries and Wildlife or the Commissioner
42 of Marine Resources, or upon receipt of petitions from the lesser
of at least 25% or 50 of the littoral or riparian proprietors or
44 from a water utility having the right to withdraw water from the
body of water for which the water level regime is sought, conduct
46 an adjudicatory hearing for the purpose of establishing a water
level regime and, if applicable, minimum flow requirements for
48 the body of water impounded by any dam that is not:

50 A. Licensed by the Federal Energy Regulatory Commission:

52 B. Authorized under the Federal Power Act, Section 23:

2 C. Used to store water for a downstream facility licensed
4 by the Federal Energy Regulatory Commission or authorized
6 under the Federal Power Act, Section 23, provided that the
 owner of the downstream facility possessed a majority
 ownership of the upstream dam as of January 1, 1983; or

8 D. Operating with a permit setting water levels issued
10 under the protection of natural resources laws, sections
12 480-A to 480-S; the site location of development laws,
14 sections 481 to 490; the small hydroelectric generating
 facilities laws, sections 631 to 636; the land use
 regulation laws, Title 12, sections 681 to 689; or any other
 laws regulating the construction or operation of dams.

16 **Sec. 166. 38 MRSA §1310-X, 2nd ¶,** as enacted by PL 1989, c.
18 505, Pt. E, §34, is repealed and the following enacted in its
 place:

20 **1. Facility licensing.** The board may license expansions of
22 commercial solid waste disposal facilities after the effective
 date of this section, if:

24 A. The board has previously licensed the facility prior to
26 the effective date of this section;

28 B. The board determines that the proposed expansion is
30 contiguous with the existing facility and is located on
 property owned by the licensee on the effective date of this
 section;

32 C. Prior to the adoption of the state plan and siting
34 criteria under chapter 24, the board determines that the
 proposed expansion is consistent with the provisions of
 section 1310-R, subsection 3, paragraph A-1; or

36 D. After the adoption of the state plan and siting criteria
38 under chapter 24, the agency determines that the provisions
40 of section 2157 are met.

42 **Sec. 167. 38 MRSA §1604,** as enacted by PL 1989, c. 583 and c.
44 585, Pt. E, §35, is repealed and the following enacted in its
 place:

46 **§1604. Lead-acid batteries**

48 For the purposes of this section, "lead-acid battery" means
50 a device designed and used to store electrical energy through
 chemical reactions involving lead and acid.

52 **1. Disposal.** No person may dispose of a lead-acid battery
 by burial, incineration, deposit or dumping so that the battery

or any of its constituents may enter the environment or be emitted into the air or discharged into any waters.

2. Lead-acid battery retailers. A person selling or offering for retail sale lead-acid batteries shall:

A. Accept, at the point of transfer, used lead-acid batteries in reasonably clean and unbroken condition from customers in a quantity at least equal to the number of new batteries purchased;

B. If a used lead-acid battery is not exchanged at the time of sale, collect a \$10 deposit on the new battery.

(1) The deposit shall be returned to the customer when the customer delivers a used lead-acid battery within 30 days of the date of sale.

(2) All funds received by a dealer as a deposit on a lead-acid battery shall be held in trust and separately accounted for by the retailer. Any interest on those funds shall inure to the benefit of the retailer. Annually on July 1st, all deposits not returned to customers in exchange for lead-acid batteries during the previous year ending June 30th shall inure to the benefit of the retailer; and

C. Post an 8 1/2" x 11" written notice that includes the display of the universal recycling symbol and the following language.

(1) "State law requires us to accept motor vehicle batteries or other lead-acid batteries for recycling in exchange for new batteries purchased."

(2) "A deposit of \$10 will be charged for each new lead-acid battery that is not exchanged with an old lead-acid battery."

(3) "It is illegal to dump, bury or incinerate a motor vehicle lead-acid battery or other lead-acid battery."

(4) "Recycle your used batteries."

3. Lead-acid battery wholesalers. Any person selling new lead-acid batteries at wholesale shall accept, at the point of transfer, in a quantity at least equal to the number of new lead-acid batteries purchased, used lead-acid batteries in reasonably clean and unbroken condition from customers. A person accepting lead-acid batteries in transfer from an automotive battery retailer shall be allowed a period, not to exceed 90 days, to remove batteries from the retail point of collection.

2 4. Inspection and enforcement. The Department of
4 Environmental Protection shall produce, print and distribute
6 notices required under subsection 2. The department shall
 enforce the provisions of this section and may inspect places,
 buildings or premises governed by this section.

8 5. Violations. Any person who does not abide by this
10 section commits a civil violation subject to section 349.

12 Sec. 168. 38 MRSA §1606 is enacted to read:

14 §1606. Connectors

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

20 Sec. 169. 39 MRSA §23-A, sub-§4, ¶A, as amended by PL 1989,
 c. 435, §§15 and 17, is further amended by amending sub-¶ (2),
22 division (a) to read:

24 (a) Each individual self-insurer shall be
26 annually assessed an amount equal to 1% of the
28 annual standard premium which would have been paid
30 by that individual self-insurer during the prior
32 calendar year; payment to the association shall be
34 made no later than September 15th following the
36 close of that calendar year. Where any such
38 assessment is paid based in whole or in part upon
 estimates of annual standard premium for the prior
 calendar year, there shall be made in the next
 year's assessment an adjustment of the assessment
 of such prior year based on actual audited annual
 standard premium. Regardless of the size of the
 fund referred to in subparagraph (3), during its
 first 30 months of membership, no individual
 self-insurer may discount or reduce this ~~1%~~ 1%
 assessment;

40 Sec. 170. PL 1987, c. 594, §1, first line is repealed and the
42 following enacted in its place:

44 Sec. 1. 26 MRSA c. 5, sub-c. III-A is enacted to read:

46 SUBCHAPTER III-A

48 SANITATION ON RAILROAD PROPERTY

2 Sec. 171. PL 1989, c. 7, Pt. N, §3, in that part relating to §1207,
sub-§1, ¶B, the first 2 lines are repealed and the following enacted in
their place:

4 Sec. 4. 34-B MRSA §1207, sub-§1, ¶B, as amended by PL 1983, c.
6 626, is further amended to read:

8 Sec. 172. PL 1989, c. 63, the first 3 lines after the enacting clause are
repealed and the following enacted in their place:

10 36 MRSA §892-A, 2nd ¶, as amended by PL 1987, c. 737, Pt. C,
12 §§79 and 106, and PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8
and 10, is further amended to read:

14 Sec. 173. PL 1989, c. 104, Pt. A, §25, first 3 lines are repealed and
16 the following enacted in their place:

18 Sec. 25. 30-A MRSA §2702, sub-§1, ¶B, as enacted by PL 1987,
c. 737, Pt. A, §2 and Pt. C, §106, and as amended by PL 1989, c.
20 6 and c. 9, §2, is further amended to read:

22 Sec. 174. PL 1989, c. 245, §4 is repealed and the following
enacted in its place:

24 Sec. 4. 5 MRSA §4582, as amended by PL 1987, c. 730, §1, is
26 further amended to read:

28 **§4582. Unlawful housing discrimination**

30 It shall be unlawful housing discrimination, in violation of
this Act:

32 For any owner, lessee, sublessee, managing agent or other
34 person having the right to sell, rent, lease or manage a housing
accommodation, or any agent of these to make or cause to be made
36 any written or oral inquiry concerning the race or color, sex,
physical or mental handicap, religion, ancestry ~~or~~, national
38 origin or familial status of any prospective purchaser, occupant
or tenant of ~~such~~ the housing accommodation; or to refuse to show
40 or refuse to sell, rent, lease, let or otherwise deny to or
withhold from any individual ~~such~~ housing accommodation because
42 of the race or color, sex, physical or mental handicap, religion,
ancestry ~~or~~, national origin or familial status of ~~such~~ the
44 individual; or to issue any advertisement relating to the sale,
rental or lease of ~~such~~ the housing accommodation which indicates
46 any preference, limitation, specification or discrimination based
upon race or color, sex, physical or mental handicap, religion,
48 ancestry ~~or~~, national origin or familial status; or to
discriminate against any individual because of race or color,
50 sex, physical or mental handicap, religion, ancestry ~~or~~, national
origin or familial status in the price, terms, conditions or

2 privileges of the sale, rental or lease of any such housing
accommodations or in the furnishing of facilities or services in
4 connection therewith, or to evict or attempt to evict any tenant
of any housing accommodation because of the race or color, sex,
6 physical or mental handicap, religion, ancestry ~~or~~, national
origin or familial status of such the tenant;

8 For any real estate broker or real estate sales person, or
agent of one of them, to fail or refuse to show any applicant for
10 a housing accommodation any such accommodation listed for sale,
lease or rental, because of the race or color, sex, physical or
12 mental handicap, religion, ancestry ~~or~~, national origin or
familial status of such the applicant or of any intended occupant
14 of such the accommodation, or to misrepresent, for the purpose of
discriminating on account of the race or color, sex, physical or
16 mental handicap, religion, ancestry ~~or~~, national origin or
familial status of such the applicant or intended occupant, the
18 availability or asking price of a housing accommodation listed
for sale, lease or rental; or for such a reason to fail to
20 communicate to the person having the right to sell or lease such
the housing accommodation any offer for the same made by any
22 applicant thereof; or in any other manner to discriminate against
any applicant for housing because of race or color, sex, physical
24 or mental handicap, religion, ancestry ~~or~~, national origin or
familial status of such the applicant or of any intended occupant
26 of the housing accommodation, or to make or cause to be made any
written or oral inquiry or record concerning the race or color,
28 sex, physical or mental handicap, religion, ancestry ~~or~~, national
origin or familial status of any such applicant or intended
30 occupant, or to accept for listing any housing accommodation when
the person having the right to sell or lease the same has
32 directly or indirectly indicated an intention of discriminating
among prospective tenants or purchasers on the ground of their
34 race or color, sex, physical or mental handicap, religion,
ancestry ~~or~~, national origin or familial status, or when he the
36 broker knows or has reason to know that the person having the
right to sell or lease such the housing accommodation has made a
38 practice of such discrimination since July 1, 1972;

40 For any person to whom application is made for a loan or
other form of financial assistance for the acquisition,
42 construction, rehabilitation, repair or maintenance of any
housing accommodation, whether secured or unsecured, or agent of
44 such the person, to make or cause to be made any oral or written
inquiry concerning the race or color, sex, physical or mental
46 handicap, religion, ancestry ~~or~~, national origin or familial
status of any individual seeking such financial assistance, or of
48 existing or prospective occupants or tenants of such housing
accommodations; or to discriminate in the granting of such
50 financial assistance, or in the terms, conditions or privileges
relating to the obtaining or use of any such financial
52 assistance, against any applicant because of the race or color,

sex, physical or mental handicap, religion, ancestry or national origin or familial status of such the applicant or of the existing or prospective occupants or tenants;

For any person furnishing rental premises or public accommodations to refuse to rent or impose different terms of tenancy to any individual who is a recipient of federal, state or local public assistance, including medical assistance and housing subsidies primarily because of such the individual's status as such recipient; or

For any form of public housing or any housing that is financed in whole or in part with public funds offering housing accommodations, containing 20 or more units, constructed on or after January 1, 1984, or begun to be remodeled or enlarged at an estimated total cost of more than \$100,000 after January 1, 1984, to not have at least one unit for each multiple of 20 of those units designed so as to be accessible to and useable by handicapped persons. Plans to reconstruct, remodel or enlarge an existing building when the estimated total cost exceeds \$100,000 shall be subject to this section, when the proposed reconstruction, remodeling or enlargement will substantially affect that portion of the building normally accessible to the public. For purposes of this section, a newly constructed housing unit is deemed accessible to and useable by handicapped persons if it meets the requirements of the 1981 standards of construction, Section 4.34, Dwelling Units, adopted pursuant to Title 25, chapter 331. A remodeled, renovated or enlarged housing unit is deemed accessible to and useable by handicapped persons if it meets the requirements of the following 4 parts of the 1981 standards of construction adopted pursuant to Title 25, chapter 331:

1. Accessible route. 4.3 accessible route;
2. Doors. 4.13 doors;
3. Adaptable bathrooms. 4.34.5 adaptable bathrooms; and
4. Tactile warnings. 4.29.3 tactile warnings on doors to hazardous areas.

With respect to any form of public housing or any housing that is financed in whole or in part with public funds offering housing accommodations containing 20 or more units for which construction is begun after October 1, 1988, no less than 10% of the ground level units and a minimum of 10% of the upper story units connected by an elevator shall be accessible to and useable by physically handicapped persons. For purposes of this section, a newly constructed housing unit is deemed accessible to and useable by handicapped persons if it meets the requirements of the 1986 standards set forth by the American National Standards

Institute in the publication, "Specifications for Making Buildings Accessible to and Useable by Physically Handicapped People," ANSI A 117.1-1986. A remodeled, renovated or enlarged housing unit where the remodeling, renovating or enlarging is begun after October 1, 1988, is deemed accessible to and useable by handicapped persons if it meets the requirements of the following 4 parts of the 1986 American National Standards Institute standards: 4.3 accessible routes; 4.23 doors; 4.34.5 adaptable bathrooms; and 4.29.3 tactile warnings on doors to hazardous areas.

Sec. 175. PL 1989, c. 265, §1, first 4 lines are repealed and the following enacted in their place:

Sec. 1. 4 MRSA §807, first ¶, as repealed and replaced by PL 1987, c. 737, Pt. C, §§4 and 106, and as amended by PL 1989, c. 6; c. 9, §2; and as repealed and replaced by PL 1989, c. 104, Pt. C, §§2 and 10 and as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is repealed and the following enacted in its place:

Sec. 176. PL 1989, c. 270, §14 is repealed and the following enacted in its place:

Sec. 14. 22 MRSA §4038, sub-§7, as enacted by PL 1985, c. 739, §14, is repealed and the following enacted in its place:

7. Review of child in custody of the department. When a child has been placed in the custody of the department, the following shall be accomplished.

A. The court shall review the final protection order and make a determination within 18 months of its initial order either to:

(1) Return the child to the parent;

(2) Continue reunification efforts for a specific limited time not to exceed 6 months and to judicially review the matter within the time specified; or

(3) Enter an order under section 4036, subsection 1, paragraph G-1.

B. Before the court may enter an order returning the custody of the child to a parent, the parent shall show that the parent has carried out the responsibilities set forth in section 4041, subsection 1, paragraph B, that, to the court's satisfaction, the parent has rectified and resolved the problems which caused the removal of the child and any subsequent problems which would interfere with the parent's ability to care for and protect the child from jeopardy and that the parent can protect the child from jeopardy.

2 **Sec. 177. PL 1989, c. 306, §1, first 2 lines** are repealed and the
following enacted in their place:

4 **Sec. 1. 38 MRSA §480-Q, sub-§8**, as amended by PL 1987, c. 890,
6 §1, is further amended to read:

8 **Sec. 178. PL 1989, c. 306, §2, first 2 lines** are repealed and the
following enacted in their place:

10 **Sec. 2. 38 MRSA §480-Q, sub-§9**, as enacted by PL 1987, c. 890,
12 §2, is amended to read:

14 **Sec. 179. PL 1989, c. 321, §1, first 4 lines** are repealed and the
following enacted in their place:

16 **Sec. 1. 30-A MRSA §1658**, as enacted by PL 1987, c. 737, Pt.
18 A, §2, and Pt. C, §106, and as amended by PL 1989, c. 6; c. 9,
20 §2; and c. 104, Pt. C, §§8 and 10, is further amended by
inserting at the end a new paragraph to read:

22 **Sec. 180. PL 1989, c. 344, §3, first 2 lines** are repealed and the
following enacted in their place:

24 **Sec. 3. 22 MRSA §2383, sub-§1**, as repealed and replaced by PL
26 1987, c. 747, §3, is amended to read:

28 **Sec. 181. PL 1989, c. 349, §1, first 4 lines** are repealed and the
following enacted in their place:

30 **Sec. 1. 14 MRSA §8102, sub-§1**, as repealed and replaced by PL
32 1987, c 737, Pt. C, §§27 and 106 and c. 769, Pt. A, §52 and as
34 amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and
10, is repealed and the following enacted in its place:

36 **Sec. 182. PL 1989, c. 381, first 3 lines after the enacting clause** are
repealed and the following enacted in their place:

38 **30-A MRSA §5703**, as enacted by PL 1987, c. 737, Pt. A, §2
40 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2 and c.
42 104, Pt. C, §§8 and 10, is repealed and the following enacted in
its place:

44 **Sec. 183. PL 1989, c. 394, sub-§2, first 4 lines** are repealed and the
following enacted in their place:

46 **Sec. 2. 30-A MRSA §3009, sub-§1, ¶D**, as enacted by PL 1987, c.
48 737, Pt. A, §2 and Pt. C, §106; as amended by PL 1989, c. 6; c.
50 9, §2; as repealed and replaced by PL 1989, c. 104, Pt. A, §28
and Pt. C, §10; and as amended by PL 1989, c. 104, Pt. C, §§8 and
10, is further amended to read:

2 Sec. 184. PL 1989, c. 399, §5 is repealed and the following
enacted in its place:

4 Sec. 5. Application. The higher rate of retirement benefits
due employees under the provisions of this Act shall commence
6 October 1, 1989.

8 Sec. 185. PL 1989, c. 410, §29, last ¶ is amended to read:

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

14 Sec. 186. PL 1989, c. 435, §17 is repealed and the following
enacted in its place:

16 Sec. 17. Application. Section 14 of the Act is effective with
18 respect to self-insurers who became members of the Maine
Self-Insurance Guarantee Association after October 1, 1981. Any
20 self-insurer member who was not subject to a full assessment for
the first 30 months of its membership shall be assessed an amount
22 equal to the difference between the assessments actually paid
during its first 30 months and the amount that would have been
24 paid if the self-insurer had been subject to a full assessment
for those 30 months. The assessment shall be paid in the time
26 and in the manner determined by the association. For purposes of
the limitation on the size of the fund, set forth in the Maine
28 Revised Statutes, Title 39, section 23-A, subsection 4, paragraph
A, subparagraph (3), this assessment shall be considered an
30 initial assessment of a new member self-insurer.

32 Sec. 187. PL 1989, c. 443, §48, first 2 lines are repealed and the
following enacted in their place:

34 Sec. 48. 20-A MRSA §12712, as amended by PL 1987, c. 737, Pt.
36 C, §§56 and 106 and as amended by PL 1989, c. 6; c. 9, §2 and c.
104, §§8 and 10, is further amended to read:

38 Sec. 188. PL 1989, c. 481, Pt. A, §46, first 3 lines are repealed and
40 the following enacted in their place:

42 Sec. 46. 29 MRSA §2519-B is enacted to read:

44 §2519-B. Inspection of commercial vehicles, trailers and
semitrailers

46 Sec. 189. PL 1989, c. 481, Pt. B, §1, first 3 lines are repealed and
48 the following enacted in their place:

50 Sec. 1. 29 MRSA §242, sub-§1, ¶A, as repealed and replaced by
PL 1987, c. 549, §1 and c. 789, §6, is repealed and the following
52 enacted in its place:

2 Sec. 190. PL 1989, c. 492, first 2 lines after the enacting clause are
4 repealed and the following enacted in their place:

6 28-A MRSA §456, sub-§§1 and 3, as enacted by PL 1987, c. 45,
8 Pt. A, §4, are amended to read:

10 Sec. 191. PL 1989, c. 493, §42, first 2 lines are repealed and the
12 following enacted in their place:

14 Sec. 42. 12 MRSA §7553, sub-§1, ¶B, as amended by PL 1987, c.
16 696, §15, is further amended to read:

18 Sec. 192. PL 1989, c. 493, §43, first 2 lines are repealed and the
20 following enacted in their place:

22 Sec. 43. 12 MRSA §7553, sub-§1, ¶C, as enacted by PL 1979, c.
24 420, §1, is amended to read:

26 Sec. 193. PL 1989, c. 493, §48, first 2 lines are repealed and the
28 following enacted in their place:

30 Sec. 48. 12 MRSA §7630, sub-§2, ¶A, as amended by PL 1985, c.
32 369, §23, is repealed.

34 Sec. 194. PL 1989, c. 495, §3, first 3 lines are repealed and the
36 following enacted in their place:

38 Sec. 3. 36 MRSA §5126, as amended by PL 1987, c. 772, §37 and
40 as repealed and replaced by PL 1987, c. 819, §8 and c. 892, § 2,
42 is repealed and the following enacted in its place:

44 Sec. 195. PL 1989, c. 501, Pt. E, in that part designated
46 "CONSERVATION, DEPARTMENT OF" in the 2nd and 3rd lines are
48 amended to read:

50 Administrative-Services--
52 Conservation Bureau of Public Lands

 Sec. 196. PL 1989, c. 502, Pt. B, §22, first 3 lines are repealed and
the following enacted in their place:

 Sec. 22. 22 MRSA §2660-A, sub-§2, ¶D, as repealed and replaced
by PL 1987, c. 745, §1 and c. 816, Pt. KK, §20, is repealed and
the following enacted in its place:

 Sec. 197. PL 1989, c. 503, Pt. A, §24 is repealed and the
following enacted in its place:

 Sec. 24. 5 MRSA §12004-I, sub-§20, as enacted by PL 1987, c.
786, §5, is repealed.

2 **Sec. 198.** PL 1989, c. 503, Pt. A, §33, is repealed and the
following enacted in its place:

4 **Sec. 33.** 5 MRSA §12004-I, sub-§57, as enacted by PL 1987, c.
786, §5, is amended to read:

6 57. Local Regional Paid by 30-MRSA
8 and County Council of Member §1981
Government Govern- Govern- 30-A
10 ments ments MRSA
 §2311

12 **Sec. 199.** PL 1989, c. 508, §5, first 3 lines are repealed and the
14 following enacted in their place:

16 **Sec. 5.** 30-A MRSA §5253, sub-§1, ¶E, as enacted by PL 1987, c.
18 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6;
c. 9, §2 and as repealed and replaced by PL 1989, c. 104, Pt. A,
20 §47 and Pt. C, §10 and as amended by PL 1989, c. 104, Pt. C, §§8
and 10, is further amended to read:

22 **Sec. 200.** PL 1989, c. 534, Pt. A, §6, first 2 lines are repealed and
the following enacted in their place:

24 **Sec. 6.** 36 MRSA §6207, sub-§1, as amended by PL 1987, c. 876,
26 §§5 and 10, is repealed and the following enacted in its place:

28 **Sec. 201.** PL 1989, c. 542, §13, first 2 lines are repealed and the
following enacted in their place:

30 **Sec. 13.** 32 MRSA §10305, sub-§§1 and 2, as enacted by PL 1985,
32 c. 400, §2, are amended to read:

34 **Sec. 202.** PL 1989, c. 601, Pt. B, §3, in that part pertaining to PL 1989,
c. 581, is repealed and the following enacted in its place:

36 **Sec. 5.** PL 1989, c. 581, §§1, 2, 3 and 19 are repealed.

38 **Sec. 203.** P&SL 1989, c. 35, first line after the enacting clause is
40 repealed and the following enacted in its place:

42 P&SL 1985, c. 135, §4, last sentence, as amended by PL 1987, c.
152, §1, is further amended to read:

44 **Sec. 204.** P&SL 1987, c. 152, sub-§1, first 2 lines are repealed and
46 the following enacted in their place:

48 **Sec. 1.** P&SL 1985, c. 135, §4, last sentence, as repealed and
replaced by PL 1987, c. 84, §1, is amended to read:

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

STATEMENT OF FACT

Section 1 of this bill resolves a conflict created by 2 public laws affecting the same paragraph.

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

Section 3 resolves a conflict created by 2 public laws affecting the same subsection.

Section 4 resolves a conflict created by 2 public laws affecting the same subsection.

Section 5 resolves a conflict created by 2 public laws affecting the same subsection.

Section 6 resolves a conflict created by 2 public laws affecting the same section.

Sections 7 and 8 combine provisions made by 3 conflicting public laws. Section 8 enacts those provisions as Title 4, section 152, subsection 6-A to help clarify the history of the subsection.

Section 9 resolves a conflict created by 2 public laws affecting the same paragraph.

Section 10 corrects a technical error.

Section 11 resolves a conflict created by 2 public laws amending the same section and incorporates changes made by both laws.

Section 12 corrects a conflict created by 2 public laws affecting the same section.

Section 13 corrects a technical error.

Sections 14 and 15 resolve a conflict created by 2 public laws affecting the same paragraphs.

Section 16 resolves a conflict created by 2 public laws enacting the same subsection.

2 Section 17 resolves a conflict created by 2 public laws
affecting the same subsection.

4 Section 18 resolves a conflict created when the errors bill
and a substantive bill enacted the same subsection.

6 Section 19 resolves a conflict created by 2 public laws
8 enacting the same subsection.

10 Section 20 removes the effect of a section of the errors
bill that was mistakenly inserted in a previous errors bill.

12 Sections 21 and 22 resolve a conflict created by 2 public
14 laws enacting the same subsection.

16 Section 23 corrects an article headnote omission.

18 Section 24 resolves a conflict created by 2 public laws
affecting the same subsection.

20 Section 25 makes a technical correction.

22 Sections 26 and 27 resolve a conflict created by 2 public
24 laws affecting the same subsection.

26 Section 28 resolves a conflict created by 2 public laws
enacting the same subchapter.

28 Sections 29 and 30 resolve a conflict created by 2 public
30 laws enacting the same section.

32 Section 31 resolves a conflict created by 2 public laws
affecting the same subsection.

34 Section 32 resolves a conflict created by 2 public laws
36 amending the same paragraph.

38 Section 33 corrects an erroneous reference.

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

44 Section 35 removes a conflict created by 2 public laws
amending the same paragraph and incorporates changes made by both
46 laws.

48 Sections 36 and 37 resolve a conflict between 2 public laws
which enacted the same section.

50 Sections 38 and 39 resolve a conflict created by 2 public
52 laws enacting the same section.

2 Section 40 corrects an oversight in adapting language from
4 Title 29 regarding registration of vehicles for use in Title 12
regarding registration of watercraft.

6 Sections 41 and 42 correct a conflict created by 2 public
laws enacting the same section.

8 Section 43 resolves a conflict created by 2 public laws
10 amending the same subsection.

12 Sections 44 and 45 resolve a conflict created by 3 public
laws enacting the same subsection.

14 Section 46 resolves a conflict created by 2 public laws
16 affecting the same subsection.

18 Section 47 resolves a conflict created by 3 public laws
amending the same subsection.

20 Section 48 corrects a technical error.

22 Section 49 resolves a conflict created by 2 public laws
24 amending the same paragraph.

26 Section 50 resolves a conflict created by 2 public laws
enacting the same chapter. This section also incorporates a
28 change made by Public Law 1989, chapter 501.

30 Section 51 corrects an erroneous statutory reference.

32 Section 52 adds an effective date.

34 Section 53 corrects a statutory reference.

36 Section 54 adds an effective date.

38 Section 55 corrects a statutory reference.

40 Section 56 adds an effective date.

42 Sections 57 and 58 correct statutory references.

44 Section 59 adds an effective date.

46 Section 60 corrects a statutory reference.

48 Section 61 adds an effective date.

50 Section 62 corrects statutory references.

52 Section 63 adds an effective date.

2 Section 64 resolves a conflict created by 2 public laws
4 affecting the same paragraph and incorporates changes made by
both public laws.

6 Section 65 resolves a conflict created by 2 public laws
8 amending the same paragraph.

10 Section 66 resolves a conflict created by 2 public laws
amending the same subsection.

12 Section 67 combines provisions of 2 public laws amending the
14 same paragraph.

16 Section 68 retains the effective date established by Public
Law 1989, chapter 596, Part N, section 9.

18 Sections 69 and 70 resolve a conflict created by 2 public
20 laws enacting the same subsection.

22 Sections 71 and 72 resolve a conflict created by 2 public
laws enacting the same section.

24 Section 73 resolves a conflict created by 2 public laws
26 amending the same section.

28 Section 74 resolves a conflict created by 2 public laws
amending the same section.

30 Section 75 resolves a conflict created by 2 public laws
32 amending the same section.

34 Section 76 corrects a technical error.

36 Section 77 resolves a conflict created by 2 public laws
amending the same subsection.

38 Sections 78 and 79 resolve a conflict created by 2 public
40 laws enacting the same paragraphs.

42 Section 80 resolves a conflict created by 2 public laws
amending the same subsection.

44 Section 81 corrects a grammatical error.

46 Section 82 resolves a conflict created by 2 public laws
48 amending the same subsection.

50 Section 83 resolves a conflict created by 2 public laws
amending the same subsection.

52 Section 84 corrects a cross-reference.

2 Section 85 makes a technical correction.

4 Section 86 resolves a conflict created by 2 public laws
6 amending the same section and also corrects an erroneous
reference to Title 30.

8 Section 87 resolves a conflict created by 2 public laws that
10 amended the same section.

12 Section 88 resolves a conflict created by 2 public laws that
affected the same section of law.

14 Section 89 resolves a conflict created by 2 public laws
16 amending the same section of law.

18 Section 90 resolves a conflict created by 2 public laws
amending the same subsection.

20 Section 91 resolves a conflict created by 2 public laws
22 amending the same subsection.

24 Section 92 resolves a conflict created by 2 public laws
affecting the same paragraph.

26 Section 93 resolves a conflict created by 2 public laws
28 amending the same paragraph.

30 Section 94 resolves a conflict created by 2 public laws
amending the same paragraph.

32 Sections 95 and 96 resolve a conflict created by 3 public
34 laws enacting the same subsection.

36 Section 97 adds an effective date.

38 Section 98 corrects a technical error.

40 Section 99 resolves a conflict created by 3 public laws
affecting the same section.

42 Section 100 resolves a conflict created by 2 public laws
44 affecting the same section.

46 Section 101 resolves a conflict created by 2 public laws
amending the same paragraph.

48 Section 102 resolves a conflict created by 2 public laws
50 amending the same subsection.

52 Section 103 resolves a conflict created by 2 public laws
affecting the same subsection.

2 Section 104 resolves a conflict created by 2 public laws
amending the same paragraph.

4 Sections 105 to 107 resolve a conflict created by public
6 laws affecting the same subsections.

8 Section 108 corrects an error created by an amendment to a
law that was being recodified in Title 30-A by another public law.

10 Section 109 amends recodified law using language amending
12 the law as it appeared prior to being recodified. This section
also makes changes to reflect the intent of Public Law 1989,
14 chapter 282 concerning civil penalties in the enforcement of land
use and penalties.

16 Section 110 resolves a conflict created by 2 public laws
18 affecting the same subsection.

20 Section 111 corrects a cross-reference.

22 Section 112 resolves a conflict created by 2 public laws
affecting the same paragraph.

24 Section 113 corrects a technical reference and makes a
26 gender change.

28 Sections 114 and 115 resolve a conflict created by 2 public
laws amending the same paragraphs.

30 Section 116 resolves a conflict created by 2 public laws
32 affecting the same section.

34 Section 117 resolves a conflict created by 2 public laws
amending the same section. This section also clarifies that
36 language concerning advice and consent of the Executive Council
as found in Public Law 1989, chapter 462, was deleted in Public
38 Law 1975, chapter 771. Outdated language concerning terms of
office has also been removed.

40 Section 118 resolves a conflict created by 2 public laws
42 amending the same paragraph.

44 Section 119 resolves a conflict created by 2 public laws
amending the same section.

46 Sections 120 and 121 resolve a conflict created by 2 public
48 laws enacting the same section.

50 Section 122 resolves a conflict created by 2 public laws
amending the same section.

2 Section 123 resolves a conflict created by 2 public laws
amending the same subsection.

4 Sections 124 and 125 resolve a conflict created by 2 public
laws enacting the same chapter.

6 Section 126 resolves a conflict created by 2 public laws
8 amending the same subsection.

10 Section 127 corrects a technical error.

12 Section 128 resolves a conflict created by 2 public laws
amending the same paragraph.

14 Sections 129 and 130 resolve a conflict created by 2 public
16 laws amending the same subsection.

18 Sections 131 and 132 resolve a conflict created by 2 public
laws enacting the same subsection.

20 Section 133 corrects an erroneous statutory reference and
22 removes archaic language.

24 Section 134 substitutes the defined term "watercraft" for a
description of the property exempted and removes other redundant
26 language.

28 Section 135 removes a reference to the definition of
"watercraft" in the property tax law since that term is now
30 defined in the sales tax law.

32 Sections 136 to 139 resolve conflicts created by public laws
enacting the same subsections.

34 Section 140 resolves a conflict created by 2 public laws
36 amending the same section.

38 Section 141 resolves a conflict created by 2 public laws
amending the same paragraph.

40 Section 142 resolves a conflict created by 2 public laws
42 amending the same section.

44 Section 143 removes a conflict created when a public law
added language to a repealed section. Those changes are made in
46 this bill to the replacement section, Title 36, section 3217.

48 Section 144 adds a new sentence at the end of Title 36,
section 3217 to effectuate the intent of Public Law 1983, chapter
50 480, Part A, section 43.

2 Section 145 resolves a conflict created by 2 public laws
amending the same subsection.

4 Sections 146 to 148 resolve a conflict created by 3 public
laws amending the same subsection.

6 Sections 149 and 150 resolve a conflict created by 3 public
laws enacting the same section.

10 Section 151 resolves a conflict created by 2 public laws
amending the same subsection.

12 Section 152 corrects a technical error.

14 Section 153 corrects a reference to a repealed section.

16 Section 154 corrects a reference to a repealed section.

18 Section 155 corrects a technical error.

20 Sections 156 to 158 resolve a conflict created by 2 public
laws affecting the same subsection.

22 Section 159 repeals a section that has been enacted as Title
38, section 485-A, subsection 3.

24 Section 160 corrects references to repealed section.

26 Section 161 corrects an erroneous statutory reference.

28 Section 162 corrects a reference to a repealed section.

30 Section 163 corrects a reference to a repealed section.

32 Section 164 corrects references to repealed sections.

34 Section 165 resolves a conflict created by 2 public laws
amending the same subsection.

36 Section 166 corrects a technical error.

38 Sections 167 and 168 resolve a conflict created by 2 public
laws enacting the same section.

40 Section 169 corrects a technical error.

42 Section 170 supplies a subchapter heading that was
erroneously omitted.

44 Section 171 resolves a conflict created by a public law
giving 2 sections the same number.

50

2 Section 172 corrects an amending clause.
4 Section 173 corrects an error in the amending clause.
6 Section 174 corrects technical errors.
8 Section 175 corrects an error in an amending clause.
10 Section 176 corrects a technical error.
12 Sections 177 and 178 correct 2 amending clauses.
14 Section 179 corrects an amending clause.
16 Section 180 corrects an amending clause.
18 Section 181 corrects an amending clause.
20 Section 182 corrects an amending clause.
22 Section 183 corrects an amending clause.
24 Section 184 changes a headnote to more accurately reflect
the section context.
26 Section 185 makes a technical correction.
28 Section 186 corrects a technical error.
30 Section 187 corrects an amending clause.
32 Section 188 corrects a technical error.
34 Section 189 corrects a technical error.
36 Section 190 corrects a technical error.
38 Sections 191 and 192 correct technical errors.
40 Section 193 corrects an error in the amending clause.
42 Section 194 corrects an amending clause.
44 Section 195 makes a technical change.
46 Section 196 corrects an error in the amending clause.
48 Section 197 corrects an error in the amending clause.
50 Section 198 corrects a technical error.
52 Section 199 corrects an error in an amending clause.

- 2 Section 200 corrects an error in an amending clause.
- 4 Section 201 corrects an amending clause.
- 6 Section 202 corrects a technical error.
- 8 Section 203 corrects an error in an amending clause.
- 10 Section 204 corrects an error in an amending clause.