

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2162

S.P. 849

In Senate, January 16, 1992

Submitted pursuant to the Maine Revised Statutes, Title 1, section 94.
Reference to the Committee on Judiciary suggested and ordered printed.

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

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator GAUVREAU of Androscoggin
Cosponsored by Representative PARADIS of Augusta.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-TWO

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

Whereas, it is vitally necessary that these uncertainties and the 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Sec. 1. 1 MRSA §814, as amended by PL 1991, c. 538, §1, is repealed and the following enacted in its place:

§814. Purchase of real estate

1. Expansion in the Capitol Area. Whenever the Governor determines that public exigencies require the construction of additional buildings, structures, parking spaces or other facilities for the expansion of State Government in the Capitol Area, the Governor may purchase or take by eminent domain real estate in Augusta.

2. Capitol Area defined. The Capitol Area is defined as the following described premises:

A. The west side of Kennebec River as follows: Beginning at the intersection of the easterly line of Florence Street with the northerly line of Capitol Street; thence easterly along said northerly line of Capitol Street to a point of 150 feet westerly of the intersection of the westerly line of Federal Street projected northerly across said Capitol Street and said northerly line of Capitol Street; thence southerly and parallel to said westerly line of Federal Street about 800 feet to Kennedy Brook; thence following the thread of the stream generally easterly to its intersection with the northerly property line of the land of the State of Maine, being part of the Motor Vehicles premises; thence westerly about 60 feet along said property line; thence southerly along said property line about 155 feet; thence easterly along said property line about 140 feet; thence

2 southerly along said property line about 120 feet to the
3 northerly line of Manley Street; thence diagonally and
4 southwesterly across Manley Street to its intersection with
5 the northwesterly corner of other land of the State of
6 Maine; thence southerly along said property line extended to
7 the northerly line of Glenwood Street; thence along said
8 Glenwood Street easterly to the westerly line of State
9 Street; thence northerly along said State Street about 150
10 feet to a point opposite the northerly line of Britt Street;
11 thence across State Street and along the northerly line of
12 said Britt Street easterly to its intersection with property
13 of Augusta Sanitary District; thence northerly and easterly
14 as said property line may run to its intersection with the
15 Kennebec River; thence along said river northerly as the
16 same may run to its intersection with the southerly line of
17 Highway Route 201; thence southwesterly along said highway
18 line, as the same may run, to the easterly line of State
19 Street at its intersection with Memorial Traffic Circle;
20 thence across State Street in a northwesterly direction to
21 the southeasterly line of Grove Street at its intersection
22 with Memorial Traffic Circle; thence southwesterly along
23 said Grove Street to the northerly line of Higgins Street;
24 thence across Grove Street; thence southerly along Grove
25 Street to its intersection with the northerly line of Wade
26 Street; thence westerly about 400 feet in a straight line
27 along Wade Street and its northerly line extended to the
28 westerly line of Sewall Street; thence southerly along
29 Sewall Street to the northerly line of Wade Street where it
30 intersects the westerly line of Sewall Street; thence
31 westerly along the northerly line of Wade Street and thence
32 continuing in a straight line westerly and parallel to
33 Capitol Street to the easterly line of Florence Street;
34 thence southerly along Florence Street to the point of
35 beginning; and

36 B. The east side of the Kennebec River as follows:
37 Beginning at a point at the intersection of the northerly
38 line of the Old Arsenal Grounds with the westerly line of
39 Hospital Street; thence westerly along said northerly line
40 of the Old Arsenal Grounds 1,680 feet to a point at the
41 Kennebec River; thence following the river generally
42 southwesterly to a point where a projected northeasterly
43 line of Kelton Road would meet the river, being a point
44 2,185 feet, more or less, from the intersection of said road
45 and the northwesterly line of Hospital Street; thence
46 southeasterly to and along the projected northwesterly line
47 of Kelton Road from the river to a point on the southwest
48 corner of the lands of the Augusta Sanitary District 564.19
49 feet, more or less, from the intersection of Kelton Road and
50 Hospital Street; thence northeasterly at an interior angle

2 of 89° 20' a distance of 84.88 feet to a point; thence
southeasterly at an interior angle of 90° a distance of
4 76.09 feet to a point; thence northeasterly at an interior
angle of 270° a distance of 98.74 feet to a point; thence at
6 an interior angle of 90° 20' a distance of 212.8 feet, more
or less, on a line bearing S 61° 20' E to a point; thence
8 southwesterly at an interior angle of 90° a distance of
36.06 feet, more or less, to a point on the northerly line
10 of the Augusta Sanitary District property; thence in an
easterly direction at an angle 90° and a distance of 128.42
12 feet, more or less, to a point; thence in a northerly
direction at an angle of 90° a distance of 73 feet to a
14 point; thence in an easterly direction at an angle of 90°
and a distance of 143 feet, more or less, to a point on the
16 westerly line of Hospital Street; thence northeasterly along
the westerly line of Hospital Street 3,125 feet to a point
18 on the southeast corner of the lands of the City of Augusta;
thence westerly at right angle 185 feet to a point; thence
20 southerly at right angle 25 feet to a point; thence westerly
at right angle 115 feet to a point; thence northerly at
22 right angle 140 feet to a point; thence easterly at right
angle 115 feet to a point; thence northerly at right angle
24 20 feet to a stone bound; thence easterly at right angle 185
feet to the westerly line of Hospital Street; thence
26 northerly along the westerly line of Hospital Street 380
feet, more or less, to the point of beginning.

28 3. Procedure. All proceedings under this section must be
in accordance with Title 35-A, chapter 65.

30 **Sec. 2. 4 MRSA §164, sub-§3,** as amended by PL 1983, c. 548,
32 §2, is further amended to read:

34 **3. Days and hours for holding court.** Fix the days and hours
for holding court in each division, ~~consistent with section 181;~~

36 **Sec. 3. 4 MRSA §1151, sub-§2,** as amended by PL 1991, c. 377,
38 §2 and c. 563, §1, is repealed and the following enacted in its
place:

40 **2. Licensing jurisdiction.** Except as provided in Title 5,
42 section 10004; Title 10, section 8003, subsection 5; Title 20-A,
44 sections 10712 and 10713; Title 29; Title 32, chapters 105 and
46 114; and Title 35-A, section 3132, the Administrative Court has
exclusive jurisdiction upon complaint of an agency or, if the
48 licensing agency fails or refuses to act within a reasonable
time, upon complaint of the Attorney General, to revoke or
suspend licenses issued by the agency and has original
50 jurisdiction upon complaint of a licensing agency to determine
whether renewal or reissuance of a license of that agency may be

2 refused. The Administrative Court has original concurrent
4 jurisdiction to grant equitable relief in proceedings initiated
6 by an agency or the Department of the Attorney General alleging
8 any violation of a license or licensing laws or rules.

10 Notwithstanding any other provisions of law, a licensing agency
12 may not reinstate or otherwise affect a license suspended,
14 revoked or modified by the Administrative Court pursuant to a
16 complaint filed by the Attorney General, without the approval of
18 the Attorney General.

20 **Sec. 4. 5 MRSA §11, 2nd ¶,** as amended by PL 1985, c. 785, Pt.
22 B, §7, is further amended to read:

24 Any payment, made in violation of the compensation plan or
26 the rules pertaining thereto or made to a person appointed or
28 established in his a position in a manner contrary to chapters 51
30 to 56, 60, 65, 67, 71 and 372 may be recovered from the
32 appointing authority, the Director of Human Resources or any
34 officer or person making such payment, whoever is culpable, or
36 from the sureties on the official bond of such officer or person.
38 Action for such recovery may be maintained by the State Civil
40 Service Appeals Board or any member thereof, any officer or
42 employee of the state service or any citizen of the State. All
44 moneys money recovered under this section shall must be paid into
46 the State Treasury and credited to the General Fund.

48 **Sec. 5. 5 MRSA §20, sub-§1,** as enacted by PL 1985, c. 737, Pt.
50 A, §15, is amended to read:

1. **Employee of this State.** "Employee of this State" means
an employee in the classified or unclassified service as defined
in ~~chapters 57 and~~ chapter 71.

Sec. 6. 5 MRSA §88-A, sub-§2, as amended by PL 1991, c. 249
and c. 595, §2, is repealed and the following enacted in its
place:

2. Issuance of card; contents. Upon receipt of a completed
application and payment of a fee of \$5, the Secretary of State
shall issue an identification card to the applicant. If a person
is the holder of a motor vehicle operator's license bearing a
photograph of the individual and issued under Title 29, chapter
7, the Secretary of State or the Secretary of State's
representative may refuse to issue an identification card. Each
card must contain:

A. The applicant's photograph;

B. The applicant's name and address;

2 C. The applicant's date of birth; and

4 D. Any other information and identification that the
Secretary of State considers necessary.

6 Sec. 7. 5 MRSA §4601, as amended by PL 1991, c. 99, §27 and
8 c. 100, §1, is repealed and the following enacted in its place:

10 **§4601. Right to freedom from discrimination in education**

12 The opportunity for an individual at an educational
14 institution to participate in all educational, counseling and
16 vocational guidance programs and all apprenticeship and
18 on-the-job training programs without discrimination because of
sex, a physical or mental disability, national origin or race is
recognized and declared to be a civil right.

20 Sec. 8. 5 MRSA §10051, sub-§1, as amended by PL 1991, c. 377,
§4 and c. 563, §2, is repealed and the following enacted in its
place:

22 1. Jurisdiction. Except as provided in section 10004;
24 Title 8, section 279-B; Title 10, section 8003; Title 20-A,
26 sections 10712 and 10713; Title 29; Title 32, chapters 105 and
114; and Title 35-A, section 3132, the Administrative Court has
28 exclusive jurisdiction upon complaint of any agency or, if the
licensing agency fails or refuses to act within a reasonable
30 time, upon complaint of the Attorney General, to revoke or
suspend licenses issued by the agency and has original
32 jurisdiction upon complaint of an agency to determine whether
renewal or reissuance of a license of that agency may be refused.

34 Sec. 9. 5 MRSA §17001, sub-§13, ¶B, as amended by PL 1991, c.
432; c. 591, Pt. EEE, §3; and c. 618, §2 and affected by §7, is
36 repealed and the following enacted in its place:

38 B. "Earnable compensation" does not include:

40 (1) For any member who has 7 years of creditable
42 service by December 1, 1991 or who has reached 60 years
44 of age and has been in service for a minimum of one
46 year immediately before that date, payment for more
48 than 30 days of unused accumulated or accrued sick
leave, payment for more than 30 days of unused vacation
50 leave or payment for more than 30 days of a combination
of both;

(2) For any member who is not covered by subsection 1,
payment for any unused accumulated or accrued sick
leave or payment for any unused vacation leave;

2 (3) Any other payment that is not compensation for
4 actual services rendered or that is not paid at the
 time the actual services are rendered; or

6 (4) Teacher recognition grants paid pursuant to Title
8 20-A, section 13503-A.

10 A payment for unused sick leave or unused vacation leave may
12 not be included as part of earnable compensation unless it
 is paid upon the member's last termination before the member
 applies for retirement benefits.

14 Sec. 10. 5 MRSA §17057, as repealed and replaced by PL 1991,
16 c. 480, §2 and as amended by c. 580, §2, is repealed and the
 following enacted in its place:

18 §17057. Information not public record

20 1. Medical information. Medical information of any kind in
22 the possession of the retirement system, including information
24 pertaining to diagnosis or treatment of mental or emotional
26 disorders, is confidential and not open to public inspection and
28 does not constitute "public records" as defined in Title 1,
30 section 402, subsection 3. Records containing medical
32 information may be examined by the employee to whom they relate
34 or by the State or participating local district employer of the
36 employee for any purposes related to any claim for workers'
 compensation or any other benefit. The employee must be advised
 in writing by the retirement system of any request by the
 employer to examine the employee's medical records. Medical
 information obtained pursuant to this section remains
 confidential, except as otherwise provided by law, and except
 when involved in proceedings resulting from an appeal pursuant to
 section 17451 or proceedings regarding claims for other
 retirement benefits.

38 2. Group life insurance information. Information in the
40 possession of the retirement system regarding a participant's
42 designated beneficiary or amount of insurance coverage or group
44 life insurance is confidential and not open to public inspection
 and does not constitute "public records" as defined in Title 1,
 section 402, subsection 3.

46 Sec. 11. 5 MRSA §§20079 and 20080 are enacted to read:

48 §20079. Service provider report

50 A community-based service provider shall provide to the
 State Board of Substance Abuse Counselors by January 31st of each

2 year a listing of the number of clients to whom treatment was
4 provided in the last year, the total elapsed time between the
6 first and last visits of each client, the total number of times
8 each client was seen, the number of clients seen during the year
10 who at the end of that year are still in treatment by that
12 provider and the number of clients who have completed treatment.
14 The department shall make providers aware of the requirement for
16 filing this report.

18 Each year by January 31st the department shall provide to
20 the State Board of Substance Abuse Counselors a list of certified
22 individual providers.

24 **§20080. Client complaints**

26 At the time a client is referred for treatment, the person
28 making the referral shall inform the client that any complaints
30 concerning a community-based service provider may be made to the
32 State Board of Substance Abuse Counselors and shall provide an
34 address for the board.

36 At the first meeting with a client the community-based
38 service provider treating the client shall inform the client that
40 any complaints concerning the provider may be made to the State
42 Board of Substance Abuse Counselors.

44 **Sec. 12. 7 MRSA §1**, as amended by PL 1987, c. 435, §2, is
46 further amended to read:

48 **§1. Department of Agriculture, Food and Rural Resources**

50 The Department of Agriculture, Food and Rural Resources, as
52 established and in this Title called the "department," shall-be
54 is maintained for the improvement of agriculture and the
56 advancement of the interests of husbandry, and shall--consist
58 consists of the Commissioner of Agriculture, Food and Rural
60 Resources, in this Title called the "commissioner," and the
62 following as created and established: The Aroostook Water and
64 Soil Management Board, the Board of Pesticide Control, the Maine
66 Dairy and Nutrition Council Committee, the Maine Dairy Promotion
68 Board, the Maine Milk Commission, the Maine Potato Commission,
70 the Seed Potato Board, the Soil and Water Conservation
72 Commission, the Harness Racing Commission,---the---Board---of
74 Veterinary---Medicine and the Animal Welfare Board. The
76 commissioner shall-be is appointed by the Governor, subject to
78 review by the joint standing committee of the Legislature having
80 jurisdiction over agriculture and to confirmation by the
82 Legislature, and shall-held holds office during the pleasure of
84 the Governor. He-shall-receive-his The commissioner is entitled

2 to reimbursement for actual expenses incurred in the performance
of his official duties. He The commissioner may employ such
4 clerical labor as may be required, subject to the Civil Service
Law, and he may expend such sums for postage, telephone,
6 telegraph and other general office expenses as may be necessary
in the performance of his duties, the same to be paid out of any
money appropriated by the Legislature for such purpose.

8
9
10 **Sec. 13. 7 MRSA §2954, sub-§1**, as amended by PL 1991, c. 266,
§1 and c. 526, §1, is repealed and the following enacted in its
place:

12
13 **1. Commission empowered to establish prices; public**
14 **hearing.** The commission is vested with the power to establish
and change, after investigation and public hearing, the minimum
16 wholesale and retail prices to be paid to producers, dealers and
stores for milk received, purchased, stored, manufactured,
18 processed, distributed or otherwise handled within the State. The
commission shall hold a public hearing prior to the establishing
or changing of such minimum prices. The commission may proceed,
20 however, under the emergency rule-making provisions of Title 5,
section 8054 without making findings of emergency when the only
22 changes to be made in the minimum prices are to conform with the
orders of any federal or other agency duly authorized by law to
24 establish or negotiate producer prices or are to respond to other
conditions affecting prevailing Class I, Class II and Class III
26 prices in southern New England, or reflect the Maine Dairy Farm
Stabilization Tax as determined by Title 36, chapter 708-A. Title
5, section 8054, subsection 3, the 2nd sentence, does not apply
30 to minimum prices adopted under the previous sentence. Due
notice of the public hearing must be given by publishing notice
32 as provided in Title 5, chapter 375. The commission shall hold
such a public hearing not less frequently than once every 12
34 months to determine whether the minimum wholesale and retail
prices then established should be changed. In addition to the
36 data received through the implementation of the information
gathering procedures of its rules as a basis for its
38 determinations, the commission shall solicit and seek to receive
oral and written testimony at hearings to determine whether the
40 minimum wholesale and retail prices then established should be
changed and whether the proposed minimum wholesale and retail
42 prices are just and reasonable.

44 **Sec. 14. 8 MRSA §261-A, sub-§§4 and 7**, as enacted by PL 1991,
c. 579, §4 and affected by §18, are amended to read:

46
47 **4. Term of office.** Except as provided in subsection 5 6,
48 members of the commission serve 3-year terms. Any vacancy is
filled by appointment for the remainder of the unexpired term.
50 Members whose terms expire serve until their successors are
qualified and appointed.

2 **7. Removal.** Except as provided in subsection 5 6, the
Governor may remove any member of the commission for just cause.
4 A member who is subject to removal must be given a copy of the
charges against that member and must, upon request, be given an
6 opportunity to be heard upon 10 days' notice.

8 **Sec. 15. 9-A MRSA §10-102, sub-§1**, as enacted by PL 1989, c.
70, §3, is amended to read:

10 **1. "Credit services organization" is defined as follows.**

12 **A. "Credit services organization" means any person who,**
14 **with respect to the extension of consumer credit by others,**
16 **provides or offers to provide, in return for the separate**
18 **payment by the consumer of money or other valuable**
20 **consideration, any of the following services:**

22 (1) Improving a consumer's credit record, history or
rating;

24 (2) Arranging for or obtaining an extension of credit
for a consumer; or

26 (3) Providing advice or assistance to a consumer with
respect to subparagraph (1) or (2).

28 **B. "Credit services organization" does not include:**

30 (1) A supervised financial organization as defined in
32 ~~Title-9-A~~, section 1-301, subsection 38;

34 (2) A supervised lender as defined in ~~Title--9-A~~,
section 1-301, subsection 39;

36 (3) A person licensed by the Real Estate Commission;

38 (4) A person currently admitted to the practice of law
in this State;

40 (5) Any nonprofit organization exempt from taxation
42 under the United States Internal Revenue Code, Section
501(c)(3); or

44 (6) A consumer reporting agency, as defined in the
46 Fair Credit Reporting Act, Title 10, chapter 210.

48 **Sec. 16. 9-B MRSA §164, sub-§2**, as enacted by PL 1977, c. 416,
is amended to read:

2 **2. Inducing violation.** Any person who intentionally or
3 knowingly induces or attempts to induce any officer or employee
4 of a fiduciary institution or consumer reporting agency to
5 disclose financial records in violation of this ~~sub~~chapter
6 commits a civil violation and ~~shall be~~ is subject to a civil
penalty of not more than \$1,000.

8 **Sec. 17. 10 MRSA §1013, sub-§10**, as amended by PL 1991, c.
9 603, §4, is further amended to read:

10 **10. Student financial assistance counseling and outreach**
11 **program.** The student financial assistance counseling and
12 outreach program, as established in Title 20-A, chapter 430-B; and
13

14 **Sec. 18. 10 MRSA §1013, sub-§11**, as repealed by PL 1991, c.
15 603, §5 and amended by c. 612, §1, is repealed and the following
16 enacted in its place:

17 **11. Student Educational Enhancement Deposit Plan.** The
18 Student Educational Enhancement Deposit Plan, as established in
19 Title 20-A, chapter 430;

20 **Sec. 19. 10 MRSA §1413, sub-§11**, as amended by PL 1989, c.
21 501, Pt. DD, §22, is further amended to read:

22 **11. Manual of Accepted Practices.** "Manual of Accepted
23 Practices" means the Manual of Accepted Practices prepared by the
24 ~~State-Development-Office~~ Department of Economic and Community
25 Development in conformance with the mandatory standards for
26 residential construction as defined in section 1415-C.

27 **Sec. 20. 10 MRSA §1415-C, sub-§§4, 5 and 6**, as enacted by PL
28 1989, c. 75, §6, are amended to read:

29 **4. Waiver.** A waiver from subsection 3 may be granted by
30 the ~~director~~ commissioner on a case-by-case basis for instances
31 of renovation as defined by section 1413, subsection 15. In
32 regards to the renovation of historic buildings, a waiver shall
33 be is granted when the Executive Director of the State Historic
34 Preservation Commission determines that adherence to the energy
35 building standards would result in irreparable damage to the
36 historic character of a building on the National Register of
37 Historic Places, eligible for nomination to the national register
38 or designated as a historic building by a certified municipal
39 historic preservation ordinance. In other instances, such as the
40 rebuilding of a structure damaged by fire or a historic
41 preservation project when maintaining historic character is not
42 an issue, the ~~director~~ commissioner may grant a waiver when it
43 can be shown that the additional cost of meeting the energy
44 building standards would make the building renovation
45 economically infeasible.

2 **5. Waiver decision.** The ~~direete#~~ commissioner shall render
a decision on an application for a waiver from the standards
4 within 30 days of the receipt by the ~~direete#~~ commissioner of a
complete application for a waiver. In rendering a decision, the
6 ~~direete#~~ commissioner may place conditions upon the granting of a
waiver. Failure on the part of the ~~direete#~~ commissioner to
8 render a decision within the 30-day period shall--~~enstitute~~
constitutes approval of the request for the waiver.

10
12 **6. Waiver application.** A request for a waiver under
subsection 4 shall must be submitted to the ~~Office--of--Energy~~
Resources Department of Economic and Community Development in
14 writing and shall must contain the location of the renovation,
the intended use of the building and the names of the owner,
16 designer and contractor or builder. If applying for a waiver
under the historic preservation provisions of subsection 4,
18 information on the historic character of the building shall must
be provided to the ~~direete#~~ commissioner. If applying for a
20 waiver under the economic hardship provisions of subsection 4,
information on the economic infeasibility shall must be provided
22 to the ~~direete#~~ commissioner.

24 **Sec. 21. 10 MRSA §1415-E, sub-§1,** as enacted by PL 1987, c.
818, §4, is amended to read:

26
28 **1. Administration.** The ~~Office--of--Energy--Resources--shall--be~~
Department of Economic and Community Development is responsible
for the administration and enforcement of the standards
30 established in this chapter. In administering these standards,
the ~~Office--of--Energy--Resources~~ Department of Economic and
32 Community Development shall:

34 A. Work cooperatively with other state, regional and local
agencies interested in or affected by these standards and
36 may, by rules promulgated in accordance with the Maine
Administrative Procedure Act, Title 5, chapter 375,
38 distribute to regional planning councils funds made
available for this purpose;

40 B. Revise the Manual of Accepted Practices to incorporate
42 these mandatory provisions and make this and other relevant
publications available to the towns and cities of this
44 State; and

46 C. Collect data from municipalities and regional planning
agencies on the energy construction characteristics of the
48 residential units built after January 1, 1989 and include an
analysis of that data in its biennial energy resources plan.

50

2 **Sec. 22. 10 MRSA §1475, sub-§1**, as amended by PL 1985, c. 429,
§2, is further amended to read:

4 **1. Written disclosure statement.** No dealer may sell,
6 negotiate the sale of, offer for sale or transfer any used motor
dealer, unless he- the dealer affixes to the vehicle a
8 conspicuous written statement containing the information required
by subsection 2 2-A.

10 **Sec. 23. 11 MRSA §9-302, sub-§(3), ¶(b)**, as repealed and
12 replaced by PL 1977, c. 526, §41, is amended to read:

14 (b) The following statutes: Title to motor vehicles, Title
16 29, ~~section-2350-et-seq-~~ chapter 21, but during any period
in which collateral is inventory held for sale by a person
18 who is in the business of selling goods of that kind, the
filing provisions of this Article, Part 4, apply to a
security interest in that collateral created by him that
20 person as debtor; or

22 **Sec. 24. 12 MRSA §559, sub-§7**, as enacted by PL 1981, c. 532,
is amended to read:

24 **7. Operation of this section; retroactive date.** This
26 section ~~shall~~ does not create a cause of action on behalf of any
person against the State for damages or otherwise arising out of
28 state ownership of lands prior to ~~the-effective-date-of-this~~
section December 25, 1981. A declaration of confirmation by the
Bureau of Public Lands pursuant to subsection 4 ~~shall~~ does not
30 constitute a decision by the State as to which claimant, if any,
may have title, and the State, its officers, agents and employees
32 ~~shall~~ are not be liable to any person by reason of having made or
having refused to make such a declaration. Failure to apply for
34 or receive confirmation or a declaration under subsection 4 ~~shall~~
does not affect any rights granted or released by this section.
This section ~~shall~~ may not be construed to affect the rules of
38 law otherwise in force relating to accretion or reliction of
filled or other lands along the great ponds or the coast, nor to
40 either convey or release rights or interest acquired by the State
in filled lands by gift, purchase or the power of eminent domain
42 or to affect any obligations, rights or liabilities created by
the operation of ~~sections-4701-to-4709-as-later-replaced-by~~ Title
44 38, sections ~~471-to-478~~ 480-B to 480-F, 480-O and 480-R or by
permits issued under those sections. This section ~~shall-be~~ is
46 retroactive to October 1, 1975.

48 **Sec. 25. 12 MRSA §674, last ¶**, as repealed and replaced by PL
1983, c. 754, §4, is amended to read:

50

2 In addition, the bureau may, in the name of the State,
3 institute any appropriate action, injunction or other proceeding
4 to prevent, restrain, correct or abate any violation of this
5 chapter or of the rules or permits issued under it. This action
6 may include, but is not limited to, proceedings to revoke or
7 suspend any bureau permit or approval taken before the
8 Administrative Court, in accordance with Title 4, section 1151,
9 subsection 2, and Title 4, sections 1152 to 1157 or,
10 notwithstanding the provisions of Title 5, section 10051, before
11 the Superior Court, as part of an enforcement action brought by
12 the bureau.

13 **Sec. 26. 12 MRSA §4807-C**, as amended by PL 1985, c. 481, Pt.
14 A, §22, is further amended to read:

15 **§4807-C. Approval of lesser frontage**

16 A lot of less than the frontage required in section 4807-A
17 may be used for subsurface waste disposal if approved in writing
18 by the Department of Human Services. Approval shall must be
19 granted if the applicant for approval demonstrates to the ~~board~~
20 Department of Human Services that such frontage will not cause
21 such lot to be of such configuration as to prevent compliance
22 with the standards in section 4807-B, or not otherwise present
23 any harm to public health, safety or general welfare.

24 **Sec. 27. 12 MRSA §7406, sub-§12**, as amended by PL 1991, c. 175
25 and c. 222, is repealed and the following enacted in its place:

26 **12. Hunting without hunter orange clothing.** A person is
27 guilty of hunting without hunter orange clothing if that person
28 hunts with firearms during the open firearm season on deer and
29 fails to wear 2 articles of solid-colored hunter orange clothing
30 that are in good, serviceable condition and visible from all
31 sides, except that persons hunting waterfowl from a boat or blind
32 or in conjunction with waterfowl decoys need not wear hunter
33 orange clothing. One article of clothing must be a hat. The
34 other article of clothing must cover a major portion of the
35 torso, such as a jacket, vest, coat or poncho. The presence of a
36 decal on an article of clothing that is otherwise solid-colored
37 hunter orange does not disqualify that article of clothing from
38 satisfying the requirements of this subsection.

39 **Sec. 28. 13 MRSA §3169**, as amended by PL 1977, c. 78, §109,
40 is further amended to read:

41 **§3169. Administration of ministerial and school funds**

2 The ministerial and school funds now held in trust by any
4 town or by a corporation existing under section 3162 may be
6 turned over to the Treasurer of State to be administered in
8 accordance with the terms and provisions of such trust and which
10 shall those funds must be invested by him the Treasurer of State
12 in the same manner as provided for investments in securities
enumerated in Title 9-B, ~~sections-551-to-555~~ chapter 55-A. Such
town or corporation thereupon shall ~~be~~ is relieved of any further
duties or liabilities for such funds, provided such town, acting
under an appropriate article in the warrant at any annual town
meeting, shall ~~vote~~ votes to cause such funds to be entrusted to
the Treasurer of State.

14 **Sec. 29. 15 MRSA §1025**, as amended by PL 1991, c. 521 and c.
16 548, Pt. A, §5, is repealed and the following enacted in its
place:

18 **§1025. Law enforcement officers**

20 A law enforcement officer may, without fee, take the
22 personal recognizance of any defendant for appearance on a charge
24 of a Class D or Class E crime. If authorized, a law enforcement
26 officer may, without fee, take the personal recognizance with
28 deposit in accordance with Title 12, section 675; Title 12,
section 7053, subsection 2, paragraph C; and Title 12, section
9707. The law enforcement officer's authority under this section
continues as long as the arrestee remains in the officer's
custody.

30 **Sec. 30. 15 MRSA §3203-A, sub-§7, ¶D**, as amended by PL 1991,
32 c. 493, §15, is repealed and the following enacted in its place:

34 D. Upon the petition of a sheriff or the sheriff's
36 designee, the District Court may approve the transfer of a
38 juvenile who has been bound over pursuant to section 3101,
40 subsection 4 from a separate juvenile section described in
42 paragraph A, or from a detention facility described in
44 paragraph B and operated by the county, to any section of a
46 jail or another secure facility that is intended for use or
used primarily for the detention of adults, if the court
finds by clear and convincing evidence that the juvenile's
behavior presents an imminent danger of harm to that
juvenile or to others and that there is no less restrictive
alternative to detention in an adult section that serves the
purposes of detention.

48 That determination must be made on the basis of evidence,
including reliable hearsay evidence, presented in testimony
or affidavits. In determining whether the juvenile's

2 behavior presents a danger to that juvenile or others, the
3 court shall consider, among other factors:

4 (1) The nature of and the circumstances surrounding
5 the offense with which the juvenile is charged,
6 including whether the offense was committed in an
7 aggressive, violent, premeditated or willful manner;

8
9 (2) The record and previous history of the juvenile,
10 including the juvenile's emotional attitude and pattern
11 of living; and

12
13 (3) The juvenile's behavior and mental condition
14 during any previous or current period of detention or
15 commitment.

16
17 **Sec. 31. 17-A MRSA §1152, sub-§2-A,** as amended by PL 1985, c.
18 821, §4, is further amended to read:

19
20 **2-A.** Every natural person convicted of a crime may be
21 required to make restitution as authorized by chapter 54.
22 Subject to the limitations of chapter 54, restitution may be
23 imposed as a condition of probation or may be imposed in addition
24 to any other sentencing alternative included within subsection 2
25 with the exception of the alternative in subsection 2, paragraph
26 A.

27
28 **Sec. 32. 18-A MRSA §2-805, sub-§(b),** as enacted by PL 1979, c.
29 540, §1, is amended to read:

30
31 (b) Where When the title to property or the devolution
32 thereof depends upon priority of death and there is no sufficient
33 evidence that the persons died otherwise than simultaneously, the
34 property of each person shall must be disposed of as if he that
35 person were the survivor, except as provided otherwise in this
36 chapter part.

37
38 **Sec. 33. 19 MRSA §502, sub-§2,** as repealed and replaced by PL
39 1985, c. 652, §32, is repealed and the following enacted in its
40 place:

41
42 **2. Not supporting spouse or dependent child.** When the
43 individual is not supporting such a spouse or dependent child
44 described in subsection 1, 60% of that individual's disposable
45 earnings for that week.

46
47 ~~With respect to the disposable earnings of any individual for any~~
48 ~~workweek, the 50% specified in subsection 1, shall be deemed to~~
49 ~~be 55% and the 60% specified in subsection 2, shall be deemed to~~
50 ~~be 65% if and to the extent that such earnings are subject to~~

2 ~~garnishment to enforce a support order with respect to a period~~
3 ~~which is prior to the 12-week period which ends with the~~
4 ~~beginning of that workweek. In no event may the amount withheld~~
5 ~~exceed the limitations imposed by the United States Code, Title~~
6 ~~15, Section 1673.~~

7 **Sec. 34. 19 MRSA §502**, as repealed and replaced by PL 1985,
8 c. 652, §32, is amended by adding at the end a new paragraph to
9 read:

10 With respect to the disposable earnings of any individual
11 for any workweek, the 50% specified in subsection 1 is deemed to
12 be 55% and the 60% specified in subsection 2 is deemed to be 65%
13 if and to the extent that such earnings are subject to
14 garnishment to enforce a support order with respect to a period
15 that is prior to the 12-week period that ends with the beginning
16 of that workweek. In no event may the amount withheld exceed the
17 limitations imposed by the United States Code, Title 15, Section
18 1673.

19 **Sec. 35. 19 MRSA §770, sub-§5**, as amended by PL 1981, c. 420,
20 §11, is further amended to read:

21 **5. Arrest in certain situations.** When a law enforcement
22 officer has probable cause to believe that there has been a
23 criminal violation of a court approved consent agreement or a
24 protection order issued pursuant to this chapter or Title 15,
25 chapter 12 12-A, or that a violation of Title 17-A, section 208,
26 has occurred between members of the same family or household, he
27 that enforcement officer shall arrest and take into custody the
28 alleged offender.

29 **Sec. 36. 19 MRSA §777, sub-§1, ¶E**, as enacted by PL 1985, c.
30 652, §50, is amended to read:

31 **E.** An order for withholding under this section shall ~~have~~
32 has priority over any other attachment, execution,
33 garnishment or wage assignment unless otherwise ordered by
34 the court, except such an order shall does not have priority
35 over a previously implemented garnishment upon a judgment
36 for support or alimony arrearages or any previously
37 implemented assignment of wages or withholding made pursuant
38 to chapter 7, subchapter V.

39 **Sec. 37. 20-A MRSA §2, sub-§3**, as amended by PL 1991, c. 429,
40 §1 and c. 591, Pt. III, §23, is repealed and the following
41 enacted in its place:

42 **3. Mandated programs.** A state mandate enacted after
43 January 1, 1989 that requires additional funding must contain
44

2 provisions for full funding by the State. The funding
3 requirements to implement the mandate must be identified. Any
4 such legislation for which full state funding is not provided may
5 not be enacted.

6 State mandates are defined as any state-initiated or statutory
7 action that requires a local school administrative unit to
8 establish, expand or modify its activities in such a way as to
9 necessitate additional expenditures from local revenues,
10 excluding any order issued by a state court or any legislation
11 necessary to comply with a federal mandate.

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

14
15 **Sec. 38. 20-A MRSA §2102, sub-§4,** as amended by PL 1989, c.
16 700, Pt. A, §46, is further amended to read:

17
18 **4. Borrowing.** Notwithstanding any provision of a union
19 school agreement to the contrary, each municipality participating
20 in a union school construction project shall pay the percentage
21 of the cost of the project which that corresponds to that
22 municipality's percentage of union school operating costs in the
23 year in which the project receives concept approval; be is
24 entitled to the debt service allocation attributable to the bonds
25 or notes which that municipality has issued for the project; and
26 own owns, as a tenant in common with the other participating
27 municipalities, the percentage of the buildings and real property
28 constructed or acquired in conjunction with the project which
29 that corresponds to that municipality's percentage of the
30 original cost of the project. A referendum vote shall must be
31 conducted by each municipality to authorize the issuance of its
32 percentage of the bonds or notes for a school construction
33 project for a union school in accordance with section 15904,
34 subsection 1. Subject to the requirements of chapter 609, each
35 municipality which that is a party to a union school agreement
36 may issue bonds or notes pursuant to Title 30 ~~30-A~~, sections ~~5152~~
37 5772 and ~~5153~~ 5773 for school construction purposes to finance
38 its percentage share of the cost of a school construction project
39 for a union school. In the event that a union school agreement is
40 terminated, no provision of the termination formula or agreement
41 nor the decision of the Commissioner of Education regarding
42 termination may impair the obligations of the municipalities to
43 their bond holders.

44
45 **Sec. 39. 20-A MRSA §2902, sub-§2,** as enacted by PL 1981, c.
46 693, §§5 and 8, is amended to read:

47
48 **2. Language of instruction.** Use English as the language of
49 instruction except as specified under section 4602 4726;

2 **2. Eligible program of study.** "Eligible program of study"
3 means a certificate program of at least one year, an associate
4 degree program, a baccalaureate degree program or a graduate
5 degree program.

6
7 **3. Institution of higher education.** "Institution of higher
8 education" means an accredited institution of higher education
9 located within the United States.

10
11 **4. Unmet need.** "Unmet need" means the difference between
12 the total cost of attendance for an academic year at an
13 institution of higher education and the total of all sources of
14 financial assistance, including loans, grants, work-study
15 programs and all other available sources, as determined by the
16 authority by rules adopted in accordance with Title 5, chapter
17 375.

18
19 **§11460. Eligibility**

20 Loans under this chapter are available only to or for the
21 benefit of a resident of the State who:

22
23 **1. Graduated.** Has graduated from an approved secondary
24 school, matriculated at a postsecondary school prior to high
25 school graduation or successfully completed a high school
26 equivalency diploma or its equivalent;

27
28 **2. Accepted as undergraduate.** Has been accepted for
29 enrollment as an undergraduate or graduate student or is in good
30 standing as an undergraduate or graduate student at an
31 institution of higher education in an eligible program of study
32 and has not previously received the degree for which the student
33 is enrolled;

34
35 **3. Application.** Has applied for a loan under the program
36 according to schedules and procedures and on forms specified by
37 the authority and has provided or caused to be provided all
38 information determined necessary by the authority in order to
39 determine eligibility;

40
41 **4. Unmet need.** Has been determined by the authority to
42 have an unmet need for financial assistance that, if not met,
43 will prevent the student from attending the institution of higher
44 education of that student's choice;

45
46 **5. Residency.** Meets the state residency requirements that
47 may be established by the authority by rule;
48

2 6. Loan repayment. Has been determined by the authority to
4 have a reasonable prospect of being able to repay the loan. In
6 appropriate cases, the authority may allow repayments to be
8 deferred and subordinated to repayment of other student loans for
10 such period of time as may be necessary for the borrower to be
12 able to afford to repay the loan; and

14 7. Academic standing. Is maintaining a grade point average
16 of at least 2.0 on a scale of 4.0, or the equivalent as
18 determined by the authority, provided, however, that the
20 authority may waive the minimum grade point average in the case
22 of a student demonstrating special circumstances and a
24 substantial likelihood of improvement.

26 §11461. Higher Education Loan Program Fund

28 1. Establishment. The Higher Education Loan Program Fund
30 is established to be used by the authority as a nonlapsing,
32 revolving fund for carrying out this chapter. In its discretion,
34 the authority may combine this fund with other funds of the
36 authority for accounting purposes and may establish separate
38 accounts for loans and for a reserve for loan default payments.
40 Money in the fund currently not needed to meet the obligations of
42 the authority as lender or insurer is deposited with the
44 authority to the credit of the fund or may be invested as
46 provided by law.

48 2. Charges and credits. All amounts received by the
50 authority for deposit to the fund pursuant to this chapter or
52 otherwise must be deposited in the fund. All expenses of the
54 authority in carrying out this chapter, including interest,
56 principal and fee payments required by loan defaults, must be
58 charged to the fund, except that bond proceeds and principal
60 repayments must be used only for loans and not for administrative
62 expenses of the program or other current expenditures.

64 §11462. Loans to minors

66 Notwithstanding any other law, if the borrower on a loan
68 made or insured under this program is a minor, an otherwise valid
70 note or other written agreement executed by the borrower for the
72 purpose of the loan creates a binding obligation.

74 Sec. 44. 20-A MRSA §11805, sub-§3, ¶A, as repealed and
76 replaced by PL 1991, c. 572 and c. 612, §6, is repealed and the
78 following enacted in its place:

80 A. The Finance Authority of Maine may expend the money
82 appropriated by the Legislature for the purchase of
84 positions at accredited medical schools to purchase:

- 2 (1) Up to 18 positions each year, to a total of 72
3 positions, at accredited schools of allopathic medicine;
- 4
- 5 (2) Up to 2 positions each year, to a total of 8
6 positions, at accredited schools of dentistry;
- 7
- 8 (3) Up to 2 positions each year, to a total of 8
9 positions, at accredited schools of veterinary medicine;
- 10
- 11 (4) Up to one position each year, to a total of 4
12 positions, at accredited schools of optometry; and
- 13
- 14 (5) Up to 10 positions each year at a college of
15 osteopathic medicine, to a total of 40 positions.
16 These positions may not be funded by decreasing the
17 number of allopathic positions in subparagraph (1).

18 **Sec. 45. 20-A MRSA §15005, sub-§1, as amended by PL 1991, c.**
19 **429, §5 and c. 591, Pt. I, §6, is repealed and the following**
20 **enacted in its place:**

21

22 **1. Apportionments.** Apportionments to school administrative
23 units and private schools, unless specifically directed by
24 statute, must be made annually commencing in July in the
25 following manner. An amount not to exceed 1/12 of the subsidy
26 must be paid each month no later than the last day of the month.
27 Any balance must be paid within 7 days after the end of the
28 fiscal year. If the balance of state subsidy for a fiscal year
29 is paid after the end of the fiscal year, the final payment may
30 be recorded as an account receivable due from the State in that
31 fiscal year.

32

33 **Sec. 46. 20-A MRSA §15618, sub-§2, ¶C, as enacted by PL 1983,**
34 **c. 859, Pt. G, §§2 and 4, is amended to read:**

35

36 **C. In a municipality, the meeting shall must be called by**
37 **the municipal officers:**

- 38
- 39 (1) Within 15 days after receipt of a request from the
- 40 school board, if the request is received within 15 days
- 41 of the budget meeting and it specifies the article or
- 42 articles to be reconsidered; or
- 43
- 44 (2) Within 15 days after receipt of a petition
- 45 presented in accordance with Title 30 30-A, section
- 46 2065 2532, if the petition is received within 15 days
- 47 of the budget meeting and it specifies the article or
- 48 articles to be reconsidered.
- 49
- 50

2 **Sec. 47. 22 MRSA §42, sub-§3-B**, as amended by PL 1985, c. 612,
§3, is further amended to read:

4 **3-B. Inspection of plumbing and subsurface waste water**
disposal systems. The department shall adopt rules providing for
6 the inspection of plumbing and subsurface waste water disposal
systems. In municipalities, the municipal officers shall provide
8 for the appointment of one or more plumbing inspectors. In
plantations, the assessors shall appoint plumbing inspectors in
10 accordance with Title 30 ~~30-A~~, section 3222 ~~4221~~. In the
unorganized areas of the State, the department shall appoint
12 plumbing inspectors or act in the capacity of a plumbing
inspector until a person is appointed.

14 **Sec. 48. 22 MRSA §661**, as enacted by PL 1987, c. 519, §1, is
16 amended to read:

18 **§661. Public policy**

20 In the interests of the public health and welfare of the
people of this State, it is the declared public policy of this
22 State that the operation of nuclear power facilities licensed to
operate in the State shall must be accomplished in a manner
24 consistent with protection of the public health and safety and in
compliance with the environmental protection policies of this
26 State. It is the purpose of this chapter, in conjunction with
sections 671 to 690; Title 25, sections 51 and 52; Title 37-B,
28 ~~section-951~~ chapter 17; and Title 35 ~~35-A~~, sections ~~3331 4331~~ to
~~3393 4393~~, to exercise the jurisdiction of the State to the
30 maximum extent permitted by the United States Constitution and
federal law and to establish in cooperation with the Federal
32 Government a State Nuclear Safety Inspector Program for the
on-site monitoring, regulatory review and oversight of the
34 operations of commercial nuclear power facilities within the
State ~~which~~ that hold an operating license issued by the United
36 States Nuclear Regulatory Commission. Nothing in this chapter may
be construed as an attempt by the State to regulate radiological
38 health and safety reserved to the Federal Government by reason of
the United States Atomic Energy Act of 1954, as amended.

40 **Sec. 49. 22 MRSA §680, sub-§5**, as enacted by PL 1983, c. 345,
42 §§13 and 14, is amended to read:

44 **5. Exemptions.** The department may, upon application by an
interested person, or on its own initiative, grant such
46 exemptions from the requirements of this section as it determines
are in the public interest. Applications for exemption under
48 this ~~paragraph~~ section may include activities, such as, but not
limited to, the use of licensed materials for educational or
50 noncommercial displays or scientific collections.

2 **Sec. 50. 22 MRSA §2642, sub-§2**, as amended by PL 1987, c. 192,
§2, is further amended to read:

4 **2. Penalty.** Whoever willfully violates any regulation
6 established under the authority of this section shall must, upon
conviction, be penalized in accordance with Title 30 30-A,
8 section 4966 4452.

10 **Sec. 51. 22 MRSA §2648, first ¶**, as amended by PL 1987, c. 192,
§3, is further amended to read:

12 Any water utility or municipality is authorized to designate
14 by buoys in water or markers on the ice in an area on a lake or
pond from which water is taken, with a radius commencing at its
16 point of intake. Such radius shall may not exceed 200 feet and
within that area no a person shall may not anchor or moor a boat
18 or carry on ice fishing. Any such buoys placed in the water shall
must be plainly marked as required by the Director of the Bureau
20 of Parks and Recreation under Title 38, section 323. Any person
violating this section shall must, on conviction, be penalized in
22 accordance with Title 30 30-A, section 4966 4452.

24 **Sec. 52. 22 MRSA §2649, sub-§2**, as enacted by PL 1987, c. 353,
§1, is amended to read:

26 **2. Existing rules.** Any rules that are adopted must be at
28 least as strict as those already in existence for that body of
water. Nothing in this section may be construed to limit in any
30 way the authority of the municipal officers to enact ordinances
under Title 30 30-A, ~~section 2151, subsection 7~~ sections 3001,
32 3007 and 3009, or any private and special law granting a water
utility or municipality greater control for protecting its public
34 water supply than those set forth in this section.

36 **Sec. 53. 22 MRSA §2654, sub-§1**, as repealed and replaced by PL
1987, c. 122, §3, is amended to read:

38 **1. Single community water districts.** In a single community
40 water district, the vote on the issue of fluoridation shall must
be called by a majority vote of the municipal officers acting on
42 their own initiative or pursuant to a petition meeting the
requirements established for a referendum vote by the
44 municipality's home rule charter or, if the municipality has no
home rule charter, as provided by Title 30 30-A, section 2053
46 2522.

48 **Sec. 54. 22 MRSA §4004, sub-§1**, as amended by PL 1987, c. 744,
§1, is further amended by amending the first paragraph to read:

2 1. **General.** The department may take appropriate action,
3 consistent with available funding, which that will help achieve
4 the goals of section 4003 and subchapter XI XI-A, including:

6 **Sec. 55. 22 MRSA §4004, sub-§2, ¶B,** as amended by PL 1987, c.
7 744, §2, is further amended to read:

8
9 B. Promptly investigate all abuse and neglect cases coming
10 to its attention or in the case of out-of-home abuse and
11 neglect investigations, the department shall act in
12 accordance with subchapter XI XI-A;

14 **Sec. 56. 22 MRSA §4088, sub-§1-A,** as enacted by PL 1989, c.
15 400, §9, is amended to read:

16 **1-A. Applicability of other definitions.** Any terms defined
17 or used in ~~subchapter-II~~, section 4002, have the same meaning
18 when used in this subchapter.

20 **Sec. 57. 22 MRSA §5304, sub-§2,** as amended by PL 1975, c. 293,
21 §§4 and 5, is further amended to read:

24 **2. Bureau.** "Bureau" means the Bureau of Resource
25 Development Child and Family Services, Maine Department of Human
26 Services.

28 **Sec. 58. 22 MRSA §5308,** as amended by PL 1989, c. 400, §11,
29 is further amended to read:

30 **§5308. Bureau of Child and Family Services**

32 There ~~shall-be~~ is within the Department of Human Services
33 the Bureau of Child and Family Services. ~~It shall~~ The bureau must
34 be a separate, distinct administrative unit, which shall may not
35 be integrated in any way as a part or function of any other
36 administrative unit of the department. ~~It shall-be~~ The bureau is
37 equal in organizational level and status with other major
38 organizational units within the department or its successors. The
39 bureau shall-be is under the immediate and full supervision of
40 the commissioner or the chief officer of whatsoever unit shall
41 ~~sueeed~~ succeeds the department.

44 It is the intent of this Part that the bureau shall function
45 as a central office administrative unit of the department with
46 the advice of the council and that the powers, duties, authority
47 and responsibility of the bureau shall may not be delegated,
48 decentralized or assigned to regional, local or other units of
49 the department, except as provided in this section, ~~section-5316~~
50 and section 6108 and Title 5, section 464. Regarding any portion

2 of this Part and Part 2 which that relate to provision of
3 services directly to eligible people through staff employed
4 subject to the Civil Service Law by the department or other
5 organizational units of State Government, the bureau may carry
6 out its powers and duties through regional or other
7 administrative units of the department or State Government.

8 Regarding any portion of this Part and Part 2 which that
9 relate to development, execution and monitoring of agreements,
10 the bureau shall carry out its powers and duties directly with
11 public or private, nonprofit agencies without acting through
12 other administrative units of the department as intermediaries,
13 except as provided in section 6108. Functions relating to
14 agreements shall do not require the approval of any other unit of
15 the department, except as the bureau is responsible and
16 accountable to the commissioner, and except as the bureau shall
17 function with the advice of the council pursuant to ~~section-5316~~
18 Title, 5, section 464 and with the consent of the Maine Committee
19 on Aging pursuant to section 5112, subsection 3 and except as
20 provided by section 6108.

22 The bureau shall ~~be~~ is the sole agency of State Government
23 responsible for administration of this Part and Part 2 subject to
24 the direction of the commissioner. ~~It~~ The bureau shall fully
25 coordinate with appropriate state agencies and fully utilize
26 existing support services.

28 **Sec. 59. 22 MRSA §8104, sub-§1**, as amended by PL 1989, c. 700,
29 Pt. A, §95, is further amended to read:

30 **1. Interagency licensing method.** The ~~Commissioners~~
31 Commissioner of the Departments of Education, the Commissioner of
32 Human Services and the Commissioner of Mental Health and Mental
33 Retardation, or their designees, shall jointly establish a method
34 for interagency licensing of residential child care facilities
35 subject wholly or partly to licensing by at least 2 of the
36 departments. The method shall must provide for the following:

- 37
- 38 A. Development of common licensing rules;
 - 39 B. Periodic review of licensing rules;
 - 40 C. Delegation of departmental responsibilities; and
 - 41 D. Determination of licensing fees.
- 42
43
44
45

46 **Sec. 60. 24-A MRSA §2178**, as enacted by PL 1969, c. 132, §1,
47 is amended to read:

2 **§2178. False applications, claims, proofs of loss; penalty**

4 No agent, broker, solicitor, examining physician, applicant
6 or other person shall may knowingly or wilfully make any false or
8 fraudulent statement or representation in or with reference to
10 any application for insurance; or for the purpose of obtaining
12 any money or benefit, knowingly or wilfully present or cause to
14 be presented a false or fraudulent claim; or any proof in support
16 of such a claim for the payment of the loss upon a contract of
insurance; or prepare, make, or subscribe a false or fraudulent
document or writing, with intent that the same may be presented
or used in support of such a claim. Violations of Persons who
violate this section shall be are subject to the penalty provided
in section 12 12-A, or as provided by any other applicable law
which that provides a greater penalty.

18 **Sec. 61. 24-A MRSA §§2847-A, 2847-B and 2847-C** are enacted to
20 read:

22 **§2847-A. Penalty for failure to notify of hospitalization**

24 An insurance policy may not include a provision permitting
26 the insurer to impose a penalty for the failure of any person to
28 notify the insurer of an insured person's hospitalization for
emergency treatment. For purposes of this section, "emergency
treatment" has the same meaning as defined in Title 22, section
1829.

30 This section applies to policies and certificates executed,
32 delivered, issued for delivery, continued or renewed in this
34 State after the effective date of this section. For purposes of
this section, all policies are deemed to be renewed no later than
the next yearly anniversary of the contract date.

36 **§2847-B. Jury service**

38 **1. Prohibition.** An insurer that issues group or blanket
40 health care contracts providing coverage for medical care to
42 residents of this State may not terminate coverage for any person
covered under those contracts because the person has been
summonsed for or is engaged in jury service under Title 14,
chapter 305, subchapter I-A.

44 **2. Application.** This section applies to all policies and
46 any certificate executed, delivered, issued for delivery,
48 continued or renewed in this State on or after January 1, 1991.
For purposes of this section, all contracts are deemed to be
50 renewed no later than the next yearly anniversary of the contract
date.

2 **§2847-C. Notification prior to cancellation**

4 The superintendent shall, by January 1, 1991, adopt rules to
6 provide for notification of the insured person and another
8 person, if designated by the insured, prior to cancellation of a
 health insurance certificate for nonpayment of premiums, and to
 provide restrictions on cancellation when an insured person
 suffers from organic brain disease.

10 The rules may include, but are not limited to, definitions,
12 minimum disclosure requirements, notice provisions and
14 cancellation restrictions.

16 The requirements of this section apply to all policies and
 certificates executed, delivered, issued for delivery, continued
 or renewed in this State.

18 **Sec. 62. 24-A MRSA §2848**, as enacted by PL 1989, c. 767, §4;
20 c. 801, §3; and c. 867, §8 and affected by §10, is repealed and
 the following enacted in its place:

22 **§2848. Definitions**

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

28 **1. Group.** "Group" means any of the types of groups under
30 sections 2804 to 2808.

32 **2. Preexisting condition exclusion.** "Preexisting condition
34 exclusion" means an exclusion of benefits for a specified or
 indefinite period of time on the basis of one or more physical or
 mental conditions for which, preceding the effective date of
 enrollment:

36 **A.** A person experienced symptoms that would cause an
38 ordinarily prudent person to seek diagnosis, care or
 treatment; or

40 **B.** A provider of health care services recommended or
42 provided medical advice or treatment to the person.

44 **3. Subgroup.** "Subgroup" means an employer covered under a
46 contract issued to a multiple employer trust or to an association.

48 **4. Waiting period.** "Waiting period" means a period of time
50 after the effective date of enrollment during which a health
 insurance plan excludes coverage for the diagnosis or treatment
 of any or all medical conditions.

2 **Sec. 63. 24-A MRSA §2849**, as enacted by PL 1989, c. 835, §3
4 and c. 867, §8 and affected by §10, is repealed and the following
enacted in its place:

6 **§2849. Continuity on replacement of group policy**

8 **1. Policies subject to this section.** Notwithstanding any
10 other provision of law, this section applies to all group
12 policies, except group long-term care policies as defined in
14 section 5051 or group long-term disability policies, issued by
16 insurers or health maintenance organizations to policyholders who
18 are obtaining coverage to replace coverage under a different
contract or policy issued by any nonprofit hospital or medical
service organization, insurer or health maintenance
organization. For purposes of this section, the group policy
issued to replace the prior contract or policy is the
"replacement policy." The group contract or policy being
replaced is the "replaced contract or policy."

20 **2. Persons provided continuity of coverage under this**
22 **section.** This section provides continuity of coverage to persons
24 who were covered under the replaced contract or policy at any
time during the 90 days before the discontinuance of the replaced
contract or policy.

26 **3. Prohibition against discontinuity.** In a replacement
28 policy subject to this section, an insurer or health maintenance
organization may not, for any person described in subsection 2:

30 **A. Request that the person provide or otherwise seek to**
32 **obtain evidence of insurability;**

34 **B. Decline to enroll the person on the basis of evidence of**
36 **insurability if the person is otherwise eligible for**
coverage; or

38 **C. Impose a preexisting condition exclusion period or**
40 **waiting period on that person, except as provided in this**
section.

42 **4. Persons covered for fewer than 90 continuous days.**
44 Notwithstanding subsection 3, a person who was covered under the
46 replaced contract or policy for fewer than 90 continuous days may
48 be subject to a preexisting condition exclusion or waiting period
in the replacement policy, provided the period is not longer than
90 days, and credit is given for satisfaction or partial
satisfaction of the same or similar provisions under the replaced
contract or policy.

50

2 5. Liability after discontinuance. The nonprofit hospital
3 or medical service organization, insurer or health maintenance
4 organization that issued the replaced contract or policy is
5 liable after discontinuance of that contract or policy only to
6 the extent of its accrued liabilities and extensions of benefits.

7 Sec. 64. 25 MRSA §2359, as amended by PL 1987, c. 35, §2 and
8 c. 192, §5, is repealed and the following enacted in its place:

9 **§2359. Refusing admission to inspector**

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

15 Sec. 65. 25 MRSA §2902, sub-§4, as amended by PL 1989, c. 648,
16 §3 and c. 700, Pt. A, §101, is repealed and the following enacted
17 in its place:

18 **4. Maine Highway Safety Commission. The Maine Highway**
19 **Safety Commission, as authorized by Title 5, section 12004-I,**
20 **subsection 83, which is under the direction of the Commissioner**
21 **of Public Safety and advisory to the Governor. The commission**
22 **consists of not more than 25 members selected by the Governor**
23 **from state, civic and industrial organizations and individuals**
24 **with interests relating to highway safety. The Commissioner of**
25 **Public Safety, the Commissioner of Transportation, the**
26 **Commissioner of Human Services and the Commissioner of Education,**
27 **the Secretary of State and the Attorney General shall serve as ex**
28 **officio members. The ex officio members shall appoint persons in**
29 **major policy-influencing positions as their designees to**
30 **represent them at meetings of the commission with voting**
31 **privileges. The commission members shall serve at the pleasure**
32 **of the Governor and are compensated in accordance with Title 5,**
33 **chapter 379. The commission shall stimulate active support for**
34 **highway safety measures and programs and shall advise the**
35 **Department of Public Safety regarding these issues. The**
36 **commission shall annually report its findings and**
37 **recommendations, including any necessary implementing**
38 **legislation, to the Governor and to the joint standing committee**
39 **of the Legislature having jurisdiction over state and local**
40 **government;**

41 Sec. 66. 26 MRSA §612-A, as enacted by PL 1987, c. 583, §2,
42 is amended to read:

2 **§612-A. Municipal licensing**

4 This subchapter shall ~~may~~ not be construed to prevent a
6 municipality from acting under its home rule authority granted by
8 Title 30 30-A, section 2151-A 3001 and by the Constitution of
 Maine, Article VIII, Part Second, to license or regulate the
 business of employment agencies or to require a bond.

10 **Sec. 67. 27 MRSA §505, sub-§2, ¶A**, as amended by PL 1989, c.
12 647, §2 and c. 700, Pt. B, §40, is repealed and the following
 enacted in its place:

14 A. The Maine Historic Preservation Commission is under the
16 management and supervision of a director who may adopt rules
 pursuant to the Maine Administrative Procedure Act to
 implement this section.

18 **Sec. 68. 28-A MRSA §352**, as repealed and replaced by PL 1991,
20 c. 376, §50 and amended by c. 591, Pt. VV, §4, is repealed and
 the following enacted in its place:

22 **§352. Purchase of liquor in state liquor stores and agency**
 liquor stores

24 1. All sales must be for cash; exception. Except as
26 provided in paragraphs A and B, a person buying liquor at state
28 liquor stores or agency liquor stores shall pay in cash or by
 major credit card.

30 A. Agency liquor stores may accept payment by check.

32 B. Agency liquor stores, when purchasing liquor from the
34 commission, may pay within 10 days, if the agent has
 deposited cash in escrow with the commission to cover those
 purchases.

36 2. Checks not honored on presentation; consequences. If
38 any check is not honored on presentation or if any agency liquor
40 store fails to pay for liquor in the allotted 10-day period, the
42 commission shall withhold any license not issued, or immediately
44 take back the license if already issued, voiding it until such
46 time as the check or invoice has been paid in full, together with
 the cost of the check failure or collection procedure. The
 commission may order that person to make all payments to the
 commission only by cash, certified check or money order for a
 period not to exceed one year.

48 **Sec. 69. 28-A MRSA §606, sub-§1**, as amended by PL 1991, c.
50 227, §1 and c. 376, §52, is repealed and the following enacted in
 its place:

2 1. All licensees must buy liquor from commission;
3 exception. Except as provided in this subsection and subsection
4 1-A, all persons licensed to sell spirits must purchase all such
5 liquor from the commission. Agency liquor stores may not sell
6 liquor to retail licensees for resale.

8 A. This subsection does not apply to public service
9 corporations operating interstate.

10 **Sec. 70. 28-A MRSA §1061, sub-§4, ¶A**, as amended by PL 1991,
12 c. 376, §53 and repealed and replaced by c. 583, is repealed and
13 the following enacted in its place:

14 A. The number of rooms required is based on the population
15 of the municipality in which the hotel is located, as
16 reported in the 1960 Federal Decennial Census. If the
17 population reported in the most recent Federal Decennial
18 Census is at least 20% less than the population reported in
19 the 1960 census, the most recent federal decennial census
20 must be used to determine the number of rooms required.

21 (1) If the hotel is located in a municipality having a
22 population of 7,500 or less, the hotel must have at
23 least 12 adequate sleeping rooms.

24 (2) If the hotel is located in a municipality having a
25 population of more than 7,500, the hotel must have at
26 least 30 adequate sleeping rooms.

27 **Sec. 71. 28-A MRSA §1066-A, sub-§2, ¶B**, as enacted by PL 1987,
29 c. 342, §93, is amended to read:

30 B. Employed under section 702 704.

31 **Sec. 72. 29 MRSA §542, first ¶**, as amended by PL 1991, c. 591,
33 Pt. V, §1 and c. 597, §18, is repealed and the following enacted
34 in its place:

35 All new and renewal licenses to operate motor vehicles
36 expire at midnight on the license holder's 4th birthday next
37 following the date of issuance of license. The fee for such
38 license is \$18; except that, effective October 1, 1991, a fee of
39 \$23 must be charged for each new and renewal commercial driver's
40 license.

41 **Sec. 73. 29 MRSA §831, first ¶**, as amended by PL 1991, c. 486,
43 §1 and c. 597, §21, is repealed and the following enacted in its
44 place:

2 The Secretary of State may not register any motor vehicle
3 rented or leased on plans commonly known as U-Drive, Drive
4 Yourself or Driverless Car plans nor any motor vehicle used for
5 livery or hire other than a limousine, except as provided in
6 section 2708, and no person, firm or corporation may operate or
7 cause to be operated upon any public highway in this State any
8 such motor vehicle, until the owner or owners thereof have
9 procured insurance from a company or insurer authorized to
10 transact business in this State or from a company or insurer that
11 is otherwise approved to provide insurance in this State by the
12 Superintendent of Insurance or a bond, having a surety company
13 authorized to transact business in this State or 2 individuals as
14 sureties thereon, in the amount of \$20,000 because of bodily
15 injury or death to any one person, and subject to the limit
16 respecting one person, in the amount of \$40,000 because of bodily
17 injury to or death to 2 or more persons in any one accident, and
18 in the amount of \$10,000 because of injury to and destruction of
19 property in any one accident, which insurance or bond must
20 indemnify the insured against any legal liability for personal
21 injury, the death of any person or property damage, which injury,
22 death or damage may result from or have been caused by the
23 operation of the motor vehicle described in the contract of
24 insurance or such bond. The policy or bond must provide primary
25 coverage for the operator as well as the owner.

26 **Sec. 74. 29 MRSA §1652, sub-§1, ¶A,** as amended by PL 1991, c.
27 307, §3 and c. 410, Pt. A, §1, is repealed and the following
28 enacted in its place:

29 A. A vehicle or combination of vehicles may not be
30 operated, or caused to be operated, on or over any way or
31 bridge when the gross weight, actual weight of vehicle and
32 load, exceeds 90,000 pounds. Vehicles having 2 axles may not
33 be so operated, or caused to be operated, when the gross
34 weight exceeds 34,000 pounds; a vehicle or combination of
35 vehicles having 3 axles may not be so operated, or caused to
36 be operated, when the gross weight exceeds 54,000 pounds; a
37 vehicle or combination of vehicles having 4 axles or, except
38 as provided in paragraph G, any single unit vehicle having 5
39 or more axles, may not be so operated, or caused to be
40 operated, when the gross weight exceeds 69,000 pounds;
41 except as provided in paragraphs E and F, a vehicle or
42 combination of vehicles having 5 or more axles may not be so
43 operated, or caused to be operated, when the gross weight
44 exceeds 80,000 pounds. Notwithstanding any other provision
45 of this paragraph, a vehicle may be operated, or caused to
46 be operated on the Interstate Highway System, as defined in
47 the Federal Aid Highway Act of 1956, with a gross weight
48 that does not exceed the following formula, or 80,000
49 pounds, whichever is less:
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$$W=500 \left(\frac{LN}{N-1} + 12N + 36 \right)$$

W=overall gross weight L=overall distance in
on any group of 2 feet between the
or more consecutive extreme of any group
axles to the nearest of 2 or more
500 pounds consecutive axles

N=number of axles in group under consideration.

Sec. 75. 30-A MRSA §381, sub-§2, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Training at Maine Criminal Justice Academy required. Appointed deputies are subject to the training requirements of Title 25, sections 2805-~~and-2805-A~~ 2804-B to 2804-F.

Sec. 76. 30-A MRSA §3758, sub-§2, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

2. Penalties. Whoever violates this subchapter or the rules of the Department of Transportation adopted under section 3759 ~~shall-be~~ is penalized in accordance with section 4506 4452. Each day that the violation continues constitutes a separate offense.

Sec. 77. 30-A MRSA §4215, sub-§3, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Penalties. Any person who installs or orders the installation of any plumbing or subsurface waste-~~water~~ wastewater disposal system without the permit required by this section or who otherwise violates this section ~~shall-be~~ is penalized in accordance with section 4506 4452. The municipality or the department may seek to enjoin violations of this section.

Sec. 78. 30-A MRSA §5033, sub-§1, ¶J, as enacted by PL 1989, c. 601, Pt. B, §4, is amended to read:

J. Any other criteria that the authority ~~and-the-alliance~~ considers necessary.

Sec. 79. 32 MRSA §220, sub-§1, ¶B, as amended by PL 1991, c. 396, §11, is further amended to read:

B. Qualifications.

2 (1) To be qualified for admission to the examination
to practice architecture in this State an applicant
must submit evidence to the board that:

4
6 (a) The applicant has completed a course of study
in a school or college of architecture approved by
the board, with graduation evidenced by a diploma
8 setting forth a satisfactory degree, and 3 years
of practical experience in the office of an
10 experienced architect or architects engaged in the
practice of architecture as a profession; or

12
14 (b) ~~Training~~ The applicant has training or
practical experience, or a combination of both,
16 that in the opinion of the board is fully
equivalent to that required in division (a).

18 (2) An applicant for licensure as an architect in this
State who has a current and valid license from another
20 jurisdiction and a certificate from the National
Council of Architectural Registration Boards may offer
22 to render architectural services in this State prior to
licensure by the board if the applicant first notifies
24 the board in writing that the applicant will be present
in this State to offer to render architectural
26 services. The applicant may not render architectural
services until duly licensed by the board.

28
30 **Sec. 80. 32 MRSA §220, sub-§2, ¶B,** as amended by PL 1991, c.
396, §11, is further amended to read:

32 B. Qualifications.

34 (1) To be qualified for admission to the examination
to practice landscape architecture in this State an
36 applicant must submit evidence that:

38 (a) The applicant has completed a course of study
in a school or college of landscape architecture
40 approved by the board, with graduation evidenced
by a diploma setting a satisfactory degree and 2
42 years of practical experience in landscape
architectural work of a grade and character
44 satisfactory to the board; or

46 (b) ~~Training~~ The applicant has training or
practical experience, or a combination of both,
48 that in the opinion of the board is fully
equivalent to that required in division (a).

50

2 (2) An applicant for licensure as a landscape
3 architect in this State who has a current and valid
4 license from another jurisdiction and a Council of
5 Landscape Architectural Registration Boards'
6 certificate may offer to render landscape architectural
7 services in the State prior to licensure by the board
8 provided the applicant first notifies the board in
9 writing that the applicant will be present in the State
10 to offer to render landscape architectural services.
11 The applicant may not render landscape architectural
12 services until duly licensed by the board.

13 **Sec. 81. 32 MRSA §1551, sub-§8,** as enacted by PL 1991, c. 351,
14 §1 and repealed by c. 397, §5, is repealed.

15 **Sec. 82. 32 MRSA §1652-A, sub-§3,** as repealed and replaced by
16 PL 1991, c. 351, §2 and repealed by c. 397, §5, is repealed.

17 **Sec. 83. 32 MRSA §1655,** as amended by PL 1991, c. 351, §3 and
18 repealed by c. 397, §5, is repealed.

19 **Sec. 84. 32 MRSA §3282-A, sub-§1,** as amended by PL 1991, c.
20 186 and c. 534, §7, is repealed and the following enacted in its
21 place:

22 **1. Disciplinary proceedings and sanctions.** The board shall
23 investigate a complaint, on its own motion or upon receipt of a
24 written complaint filed with the board, regarding noncompliance
25 with or violation of this chapter or of any rules adopted by the
26 board.

27 The board shall notify the licensee of the content of a complaint
28 filed against the licensee as soon as possible, but in no event
29 later than 60 days after receipt of this information. The
30 licensee shall respond within 30 days. If the licensee's
31 response to the complaint satisfies the board that the complaint
32 does not merit further investigation or action, the matter may be
33 dismissed, with notice of the dismissal to the complainant, if
34 any.

35 If, in the opinion of the board, the factual basis of the
36 complaint is or may be true and is of sufficient gravity to
37 warrant further action, the board may request an informal
38 conference with the licensee. The board shall provide the
39 licensee with adequate notice of the conference and the issues to
40 be discussed. The complainant may attend and may be accompanied
41 by legal counsel and one other person. The conference must be
42 conducted in executive session of the board, unless otherwise
43 requested by the licensee. Before the board decides what action
44 to take at the conference or as a result of the conference, the
45 board shall give the licensee an opportunity to be heard.

2 board shall give the complainant a reasonable opportunity to
3 speak. Statements made at the conference may not be introduced
4 at a subsequent formal hearing unless all parties consent. The
5 complainant, the licensee or either of their representatives
6 shall maintain the confidentiality of the conference.

7 When a complaint has been filed against a licensee and the
8 licensee moves or has moved to another state, the board may
9 report to the appropriate licensing board in that state the
10 complaint that has been filed, any other complaints in the
11 physician's record on which action was taken and any disciplinary
12 actions of the board with respect to that physician.

13 When a person applies for a license under this chapter, the board
14 may investigate the professional record of that person, including
15 any professional records that the person may have as a licensee
16 in other states. The board may deny a license or authorize a
17 restricted license based on the record of the applicant in other
18 states.

19 If the board finds that the factual basis of the complaint is
20 true and is of sufficient gravity to warrant further action, it
21 may take any of the following actions it determines appropriate.

22 A. With the consent of the licensee, the board may enter
23 into a consent agreement that fixes the period and terms of
24 probation best adapted to protect the public health and
25 safety and rehabilitate or educate the licensee. A consent
26 agreement may be used to terminate a complaint
27 investigation, if entered into by the board, the licensee
28 and the Attorney General's office.

29 B. In consideration for acceptance of a voluntary surrender
30 of the license, the board may negotiate stipulations,
31 including terms and conditions for reinstatement, that
32 ensure protection of the public health and safety and serve
33 to rehabilitate or educate the licensee. These stipulations
34 may be set forth only in a consent agreement signed by the
35 board, the licensee and the Attorney General's office.

36 C. If the board concludes that modification or nonrenewal
37 of the license might be in order, the board shall hold an
38 adjudicatory hearing in accordance with Title 5, chapter
39 375, subchapter IV.

40 D. If the board concludes that suspension or revocation of
41 the license is in order, the board shall file a complaint in
42 the Administrative Court in accordance with Title 4, chapter
43 25.

2 The board shall require a licensee to notify all patients of the
4 licensee of any probation or stipulation under which the licensee
6 is practicing as a result of board disciplinary action. This
8 requirement does not apply to any physician participating in an
10 alcohol or drug treatment program pursuant to Title 24, section
12 2505, any physician who retires following charges made or
14 complaints investigated by the board or any physician under the
16 care of a professional and whose medical practices and services
18 are not reduced, restricted or prohibited by the disciplinary
20 action.

22 **Sec. 85. 34-A MRSA §3040-A, sub-§§1 and 4**, as amended by PL
24 1991, c. 314, §47, are further amended to read:

26 **1. Payment.** Except as provided in paragraph-D subsection 4,
28 if any client under the control of the department dies, leaving
30 on deposit in the clients' client's account at a correctional or
32 detention facility an amount not exceeding \$1,000, and no
34 personal representative of the client's estate is appointed, the
36 chief administrative officer may pay the balance of the client's
38 account to the surviving spouse or next of kin in accordance with
40 the Probate Code, Title 18-A, sections 2-101 to 2-114, to the
42 funeral director having any bill outstanding for the burial of
44 the decedent or to any other preferred creditor or creditors who
46 may appear to be entitled thereto, and shall deliver personal
48 property in the chief administrative officer's custody to the
50 surviving spouse or next of kin in accordance with the Probate
Code, Title 18-A, sections 2-101 to 2-114.

30 **4. Alternative payment.** Notwithstanding subsection 1, upon
32 presentation of an affidavit under Title 18-A, section 3-1201,
34 the chief administrative officer shall pay the balance of any
36 deposit in the clients' client's account at a correctional or
38 detention facility and deliver the decedent's personal property
40 to the client's successor under Title 18-A, sections 3-1201 and
42 3-1202. The payments under this paragraph subsection take
44 precedence over payments under subsection 1 to the extent of the
46 balance of the deposits in the clients' account and the personal
48 property remaining in the custody of the chief administrative
50 officer at the time the affidavit is presented.

42 **Sec. 86. 34-B MRSA §3623**, as amended by PL 1989, c. 163, is
44 repealed.

46 **Sec. 87. 36 MRSA §151, first and 2nd ¶¶**, as amended by PL 1989,
48 c. 848, §3 and c. 871, §2, are repealed and the following enacted
50 in their place:

Any person who is subject to an assessment by the State Tax
Assessor or entitled by law to receive notice of a determination

2 of the State Tax Assessor and who is aggrieved as a result of
3 that action may request in writing, within 30 days after receipt
4 of notice of such a decision, reconsideration by the State Tax
5 Assessor of that decision.

6 If a request for reconsideration is filed within the
7 specified time period, the State Tax Assessor shall reconsider
8 the decision. If the person requesting reconsideration requests
9 at the same time, in writing, an informal conference, the State
10 Tax Assessor shall provide an opportunity for an informal
11 conference with the person to receive additional information and
12 to hear argument regarding the protested decision. The State Tax
13 Assessor shall give the person 10 working days' notice of the
14 time and place of the conference. The conference may be held with
15 less than 10 working days' notice if a mutually convenient time
16 and place can be arranged between the petitioner and the State
17 Tax Assessor. The reconsideration, with or without an informal
18 conference, is not an adjudicatory proceeding as defined in
19 Title 5, section 8002.

20
21 **Sec. 88. 36 MRSA §581, 7th ¶**, as enacted by PL 1975, c. 726,
22 **§1**, is amended to read:

23
24 No penalty shall ~~may~~ be assessed upon the withdrawal of land
25 from taxation under this subchapter if the owner applies for and
26 is accepted for classification of that land as farmland or open
27 space land under subchapter II-B ~~X~~, provided that in the event
28 that a penalty is later assessed under section 1112, the period
29 of time that the land was taxed as forest land under this
30 subchapter ~~shall-be~~ is included for the purposes of establishing
31 the amount of the penalty.

32
33 **Sec. 89. 36 MRSA §653, sub-§1, ¶F**, as amended by PL 1989, c.
34 501, Pt. Z, is further amended to read:

35 F. To be eligible for exemption under this subsection:

36
37 (3) No exemption may be granted to any person under
38 this subsection unless the person is a resident of this
39 State; and

40
41 (4) Notwithstanding any other provisions of this
42 paragraph, prior to April 1, 1982, any person claiming
43 an exemption under paragraph C who is receiving any
44 form of pension or compensation from the Federal
45 Government for total disability, service-connected or
46 nonservice-connected, as a veteran, and any person
47 claiming an exemption under paragraph C-1, D, D-1, D-2
48 or D-3 shall is not be required to meet the standards
49 specified in former subparagraphs (1) and (2). Any such
50

2 person who received an exemption in 1980 shall is not
be required to reapply in 1981. Exemptions granted
4 under this section which that are reimbursable pursuant
to section 661 shall are not be considered eligible for
6 reimbursement under paragraph H. Any person whose
exemption is reimbursable under section 661 shall is,
8 for 1981, be entitled to an extension until May 1,
1981, for filing a written application and written
10 proof of entitlement for exemption with the assessors
of the place in which the person resides,
notwithstanding the provisions of paragraph G.

12 **Sec. 90. 36 MRSA §1760, sub-§3, ¶E**, as amended by PL 1991, c.
14 546, §17 and repealed by c. 591, Pt. WW, §3 and affected by §4,
is repealed.

16 **Sec. 91. 36 MRSA §3223-A**, as enacted by PL 1987, c. 793, Pt.
18 B, §3, is repealed.

20 **Sec. 92. 36 MRSA §3224**, as enacted by PL 1989, c. 502, Pt. A,
§135, is repealed.

22 **Sec. 93. 36 MRSA §4435**, as enacted by PL 1987, c. 772, §35,
24 is amended to read:

26 **§4435. Report of conviction**

28 Any district attorney's office which that prosecutes a
dealer for trafficking in or furnishing marijuana or scheduled
30 drugs, with respect to all or part of those scheduled drugs or
marijuana referred to in ~~subsection 1~~ section 4433, shall report,
32 upon conviction of the dealer, the conviction to the State Tax
Assessor within 30 days of the conviction. The report shall must
34 contain such information as may be required by the State Tax
Assessor.

36 **Sec. 94. 36 MRSA §4697**, as amended by PL 1991, c. 376, §60
38 and c. 446, Pt. B, §7, is repealed and the following enacted in
its place:

40 **§4697. Reports of production and payment of tax**

42 Every packer shall, on or before the last day of each month,
44 report to the State Tax Assessor the quantity of sardines,
kippers or steaks packed by the packer during the preceding
46 calendar month, on forms furnished by the State Tax Assessor, and
pay to the State Tax Assessor the tax of 35¢ per case on all
48 sardines reported as packed and 15¢ per case on all kippers or
steaks reported as packed. If the State Tax Assessor determines
50 that overpayment of tax has been made, the State Tax Assessor

2 shall make a refund. In making additional assessment or refund
4 determinations, the State Tax Assessor shall rely on the records
6 of the Maine Sardine Council concerning the quantity of sardines,
8 kippers or steaks packed in each sardine plant that is for sale
and suitable for human consumption. Any packer may pay to the
State Tax Assessor in advance a sum of money based on an estimate
of the packer's tax for a given number of months, and this sum is
a credit against future monthly reports of that packer.

10 **Sec. 95. 36 MRSA §5111, sub-§1**, as amended by PL 1991, c. 591,
12 Pt. YY, §1 and affected by §§7 and 8, is further amended to read:

14 **1. Single individuals and married persons filing separate**
16 **returns.** For single individuals and married persons filing
18 separate returns:

16 If Maine taxable income is:	The tax is:
18 Less than \$4,050	2% of the Maine 20 taxable income
22 At least \$4,050 but 24 less than \$8,100	\$81 plus 4.5% of the excess over \$4,050
26 At least \$8,100 but 28 less than \$16,200	\$263 plus 7% of the excess over \$8,100
30 At least \$16,200 but 32 less than \$37,500	\$830 plus 8.5% of the excess over \$16,200
34 \$37,500 or more	\$2,641 plus 36 8.6% of the excess 38 over \$37,500

40 This subsection is repealed January 1, 1994.

42 **Sec. 96. 36 MRSA §5111, sub-§2**, as amended by PL 1991, c. 591,
Pt. YY, §3 and affected by §§7 and 8, is further amended to read:

44 **2. Heads of households.** For unmarried individuals or
46 legally separated individuals who qualify as heads of households:

48 If Maine taxable income is: The tax is:

2	Less than \$6,100	2% of the Maine taxable income
4	At least \$6,100 but less than \$12,150	\$122 plus 4.5% of the excess over \$6,100
6		
8	At least \$12,150 but less than \$24,300	\$394 plus 7% of the excess over \$12,150
10		
12	At least \$24,300 but less than \$56,250	\$1,245 plus 8.5% of the excess over \$24,300
14		
16		
18	\$56,250 or more	\$3,961 plus 8.6% of the excess over \$56,250
20		

22 This subsection is repealed January 1, 1994.

24 **Sec. 97. 36 MRSA §5111, sub-§3**, as amended by PL 1991, c. 591,
 26 Pt. YY, §5 and affected by §§7 and 8, is further amended to read:

28 **3. Individuals filing married joint return or surviving spouses.** For individuals filing married joint returns or
 30 surviving spouses permitted to file a joint return:

32	If Maine taxable income is:	The tax is:
34	Less than \$8,100	2% of the Maine taxable income
36	At least \$8,100 but less than \$16,200	\$162 plus 4.5% of the excess over \$8,100
38		
40	At least \$16,200 but less than \$32,400	\$527 plus 7% of the excess over \$16,200
42		
44	At least \$32,400 but less than \$75,000	\$1,661 plus 8.5% of the excess over \$32,400
46		
48		

2 \$75,000 or more

\$5,282 plus
8.6% of the
excess over
4 \$75,000

6 This subsection is repealed January 1, 1994.

8 **Sec. 98. Retroactivity.** Those sections of this Act that amend
10 Title 36, section 5111, subsections 1, 2 and 3 apply
retroactively to July 7, 1991.

12 **Sec. 99. 36 MRSA §6201, first ¶,** as enacted by PL 1987, c. 516,
14 §§3 and 6, is amended to read:

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

18 **Sec. 100. 36 MRSA §6201, sub-§4,** as enacted by PL 1987, c.
20 516, §§3 and 6, is amended to read:

22 **4. Gross rent.** "Gross rent" means rental paid at arm's
length solely for the right of occupancy of a homestead,
24 exclusive of charges for any utilities, services, furniture,
furnishings or personal property appliances furnished by the
26 landlord as part of the rental agreement, whether or not
expressly set out in the rental agreement. If the landlord and
28 tenant have not dealt with each other at arm's length, and the
State Tax Assessor is satisfied that the gross rent charged was
30 excessive, he the State Tax Assessor may adjust the gross rent to
a reasonable amount for purposes of this subchapter chapter.

32 **Sec. 101. 38 MRSA §352, sub-§5,** as amended by PL 1991, c. 384,
34 §4 and affected by §16 and repealed by c. 499, §12, is repealed.

36 **Sec. 102. 38 MRSA §411, first ¶,** as amended by PL 1991, c. 96
and c. 238, §2, is repealed and the following enacted in its
38 place:

40 The commissioner may pay an amount not to exceed 80% of the
expense of a municipal or quasi-municipal pollution abatement
construction program or a pollution abatement construction
program in an unorganized township or plantation authorized by
the county commissioners. The commissioner may make payments to
the Maine Municipal Bond Bank to supply the State's share of the
revolving loan fund established by Title 30-A, section 6006-A.
The commissioner may pay up to 90% of the expense of a municipal
or quasi-municipal pollution abatement construction program or a
pollution abatement construction program in an unorganized
township or plantation authorized by the county commissioners in

2 which the construction cost of the project does not exceed
3 \$100,000 as long as total expenditures for the small projects do
4 not exceed \$1,000,000 in any fiscal year and not more than one
5 grant is made to any applicant each year, except that the
6 commissioner may pay up to 50% of the expense of individual
7 projects serving commercial establishments or up to 25% of the
8 expense of individual projects serving seasonal dwellings. An
9 applicant who is the owner of a single-family dwelling or
10 commercial establishment served by a pollution abatement
11 construction program under this paragraph is not eligible for a
12 grant if: for a single-family dwelling, the sum of the adjusted
13 gross income of all persons listed on the deed of record exceeded
14 \$30,000 in the previous taxable year; or for a commercial
15 establishment, the gross profit earnings exceeded \$30,000 in the
16 previous taxable year. To determine eligibility, the
17 commissioner may require an applicant to submit a copy of the
18 deed of record and a copy of the relevant federal income tax
19 return of the owner or owners. In addition to any penalty
20 adjudged under section 349, a person who knowingly makes any
21 false statement, representation or certification in the
22 application for a grant under this paragraph and who receives
23 such a grant shall, upon conviction, make restitution to the
24 department in an amount equal to the amount of the grant plus
25 interest and reasonable recovery cost incurred by the department.

26 **Sec. 103. 38 MRS.A §444, first ¶,** as amended by PL 1989, c. 403,
27 **§12,** is further amended to read:

28
29 Any person who orders or conducts any activity in violation
30 of a municipal ordinance adopted under this chapter shall ~~be~~ is
31 penalized in accordance with Title 30-A, section 4452.

32
33 **Sec. 104. 38 MRS.A §451, 3rd ¶,** as affected by PL 1989, c. 890,
34 Pt. A, §40 and amended by Pt. B, §50, is further amended to read:

35 The purpose of a mixing zone is to allow a reasonable
36 opportunity for dilution, diffusion or mixture of pollutants with
37 the receiving waters before the receiving waters below or
38 surrounding a discharge will be tested for classification
39 violations. In determining the extent of any mixing zone to be
40 ~~it~~ established under this section, the department may require
41 from the applicant testimony concerning the nature and rate of
42 the discharge; the nature and rate of existing discharges to the
43 waterway; the size of the waterway and the rate of flow therein;
44 any relevant seasonal, climatic, tidal and natural variations in
45 such size, flow, nature and rate; the uses of the waterways in
46 the vicinity of the discharge, and such other and further
47 evidence as in the department's judgment will enable it to
48 establish a reasonable mixing zone for such discharge. An order

2 establishing a mixing zone may provide that the extent thereof
3 shall--vary varies in order to take into account seasonal,
4 climatic, tidal and natural variations in the size and flow of,
5 and the nature and rate of, discharges to the waterway.

6 **Sec. 105. 38 MRSA §451-A, sub-§1-A, ¶E,** as repealed and
7 replaced by PL 1991, c. 9, Pt. II, §5, is amended to read:

8 E. Construction must be completed and the facility in
9 operation on or before January 1, 1999.

10 **Sec. 106. 38 MRSA §482, sub-§2-C, ¶B,** as enacted by PL 1981,
11 c. 449, §5, is amended to read:

12 B. Hazardous matter, as defined in section 1317; or

13 **Sec. 107. 38 MRSA §569,** as amended by PL 1991, c. 433, §§4 to
14 6 and affected by §7 and amended by c. 439, §6 and c. 494, §§13
15 and 14, is repealed.

16 **Sec. 108. 38 MRSA §§569-A and 569-B** are enacted to read:

17 **§569-A. Ground Water Oil Clean-up Fund**

18 The Ground Water Oil Clean-up Fund is established to be used
19 by the department as a nonlapsing, revolving fund for carrying
20 out the purposes of this subchapter. The balance in the fund is
21 limited to \$15,000,000. When the fund balance reaches
22 \$15,000,000, the collection of fees, as prescribed under
23 subsection 4, paragraphs A and B, abates until the fund balance
24 is reduced to \$12,500,000, at which point those fees are
25 reimposed. To this fund are credited all registration fees, fees
26 for late payment or failure to register, penalties, transfer
27 fees, reimbursements, assessments and other fees and charges
28 related to this subchapter. To this fund are charged any and all
29 expenses of the department related to this subchapter, including
30 administrative expenses, payment of 3rd-party damages covered by
31 this subchapter, costs of removal of discharges of oil and costs
32 of cleanup of discharges, including, but not limited to,
33 restoration of water supplies and any obligations of the State
34 pursuant to Title 10, section 1024, subsection 1.

35 The commissioner may authorize the borrowing of funds by and
36 between the Maine Coastal and Inland Surface Oil Clean-up Fund
37 and the Ground Water Oil Clean-up Fund to carry out the
38 provisions of subchapters II-A and II-B. All funds borrowed
39 pursuant to this section must be repaid with interest to the fund
40 of origin in as prompt a manner as revenues allow at a rate of
41 interest determined by the Treasurer of State based on the

2 average rate of interest earned on funds invested during the
3 period of the loan.

4 Money in the fund, not needed currently to meet the
5 obligations of the department in the exercise of its
6 responsibilities under this subchapter and not on loan to the
7 Maine Coastal and Inland Surface Oil Clean-up Fund, must be
8 deposited with the Treasurer of State to the credit of the fund
9 and may be invested in such a manner as is provided for by law.
10 Interest received on that investment must be credited to the
11 Ground Water Oil Clean-up Fund.

12 A 3rd-party commercial risk pool account is established
13 within the fund to pay 3rd-party damage claims for claims
14 resulting from discharges from bare steel and noncathodically
15 protected underground storage tanks used for commercial purposes
16 up to \$100,000 per claimant including those costs in subsection
17 7, paragraphs D, E and F, associated with those claims. The
18 commissioner may retain consultants to administer these funds.

19 1. Research and development. The Legislature may allocate
20 not more than \$100,000 per year of the amount then currently in
21 the fund to be devoted to research and development in the causes,
22 effects and removal of pollution caused by oil on ground waters
23 of the State. These allocations must be made in accordance with
24 section 570-A.

25 2. Third-party damages. Any person claiming to have
26 suffered actual economic damages, including, but not limited to,
27 property damage, loss of income and medical expenses directly or
28 indirectly as a result of a discharge of oil to ground water
29 prohibited by section 543, in this subsection called the
30 claimant, may apply within 2 years after the occurrence or
31 discovery of the injury or damage, whichever date is later, to
32 the commissioner stating the amount of damage alleged to be
33 suffered as a result of that discharge. The commissioner shall
34 prescribe appropriate forms and details for the applications.
35 The commissioner may contract with insurance professionals to
36 process claims. The board, upon petition and for good cause
37 shown, may waive the 2-year limitation for filing damage claims.
38 For claims made on discharges eligible for coverage by the
39 3rd-party commercial risk pool account, the commissioner shall
40 pay the first \$100,000 per claimant out of the 3rd-party
41 commercial risk pool account as long as funds are available. The
42 commissioner shall pay any claims that exceed \$100,000 or
43 available money in the 3rd-party commercial risk pool account
44 from the fund.

45 A. If a claimant is not compensated for 3rd-party damages
46 by the responsible party or the expenses are above the
47 available money in the 3rd-party commercial risk pool account,
48 the commissioner shall pay the first \$100,000 per claimant out of the
49 3rd-party commercial risk pool account as long as funds are available.
50 The commissioner shall pay any claims that exceed \$100,000 or

2 applicant's deductible and the claimant and the commissioner
3 agree as to the amount of the damage claim, the commissioner
4 shall certify the amount of the claim and the name of the
5 claimant to the Treasurer of State and the Treasurer of
6 State shall pay the amount of the claim from the Ground
7 Water Oil Clean-up Fund.

8 B. If the claimant and the commissioner are not able to
9 agree as to the amount of the damage claim, the claim is
10 subject to subsection 3.

12 C. A claimant shall take all reasonable measures to
13 minimize damages suffered by the claimant as a result of a
14 discharge of oil.

16 D. Third-party damage claims must be stated in their
17 entirety in one application. Damages omitted from any claim
18 at the time the award is made are deemed waived.

20 E. Awards from the fund on damage claims may not include
21 any amount the claimant has recovered, on account of the
22 same damage, by way of settlement with or judgment of a
23 court of competent jurisdiction against the person causing
24 or otherwise responsible for the discharge.

26 F. It is the intent of the Legislature that the remedies
27 provided for 3rd-party damage claims compensated under this
28 subchapter are nonexclusive. A court awarding damages to a
29 claimant as a result of a discharge of oil to ground water
30 prohibited by section 543 shall reduce damages awarded by
31 any amounts received from the fund to the extent these
32 amounts are duplicative.

34 G. Payments from the fund for 3rd-party damage claims may
35 not exceed \$200,000 per claimant.

36 H. A 3rd-party damage claim for damages to real estate may
37 not include the devaluation of the real estate associated
38 with the loss of a water supply if the commissioner finds
39 under section 568, subsection 2 that a public water supply
40 is available and best meets the criteria of that subsection
41 and the property owner did not agree to be served by that
42 public water supply.

44 3. Determination of disputed 3rd-party damage claims. The
45 commissioner shall establish a claims processing capability
46 within the department to hear and determine claims filed under
47 this subchapter which are not agreed upon by the claimant and the
48 commissioner.

50

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

6 B. To the extent practical, all claims arising from or
related to a common discharge must be heard and determined
8 by the same hearing examiner.

10 C. Hearings before the hearing examiner are informal and
the rules of evidence prevailing on judicial proceedings are
12 not binding. The hearing examiner may administer oaths and
require by subpoena the attendance and testimony of
14 witnesses, the production of books, records and other
evidence relative or pertinent to the issues presented to
16 the hearing examiner for determination.

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

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

34 4. Funding. Funding for the Ground Water Oil Clean-up Fund
36 is as follows.

38 A. Until January 1, 1994, and after January 1, 1998, a fee
is assessed of 44¢ per barrel of gasoline; 25¢ per barrel of
40 refined petroleum products and their by-products other than
gasoline, liquid asphalt and #6 fuel oil, including #2 fuel
42 oil, kerosene, jet fuel and diesel fuel; and 10¢ per barrel
of #6 fuel oil. The fee is assessed on the first transfer
44 of those products by oil terminal facility licensees, as
defined in section 542, subsection 7, and on a person
46 required to register with the commissioner under section
545-B who first transports oil into the State. The fee is
48 not assessed on petroleum products that are exported from
this State. These fees must be paid monthly on the basis of
50 records certified to the commissioner. This subsection does
not apply to waste oil transported into the State in any

2 motor vehicle that has a valid license issued by the
3 department for the transportation of waste oil pursuant to
4 section 1319-O and which is subject to fees established
5 under section 1319-I.

6 B. After January 1, 1994, the fees assessed in paragraph A
7 increase to 48¢ per barrel of gasoline and 27¢ per barrel of
8 refined petroleum products and their by-products other than
9 gasoline, liquid asphalt and #6 fuel oil, including #2 fuel
10 oil, kerosene, jet fuel and diesel fuel. The fee is not
11 assessed on petroleum products that are exported from this
12 State. The fees assessed on #6 fuel oil remain at 10¢ per
13 barrel. This paragraph is repealed on January 1, 1998.

14 C. The owner or operator of an underground oil storage
15 facility that stores motor fuel or is used in the marketing
16 and distribution of oil shall pay an annual fee of \$130 per
17 tank not constructed of fiberglass, cathodically protected
18 steel or other noncorrosive material. These funds must be
19 deposited in the 3rd-party commercial risk pool account. If
20 the funds in the account are inadequate to pay the claims,
21 costs and expenses for which payment from the account is
22 authorized, the board may increase the per tank assessment
23 up to \$500 per tank. Any shortfall in the account occurring
24 after the maximum assessment has been levied must be paid
25 out of the fund. Upon payment of the annual fee, the
26 commissioner shall issue a certificate of coverage for the
27 tank.

28 5. Allocation from Ground Water Oil Clean-up Fund. From
29 the fees assessed in subsection 4, 6¢ per barrel of gasoline,
30 refined petroleum products and their by-products, other than
31 liquid asphalt, must be transferred by the department upon
32 receipt as follows.

33 A. Sixty-two and one half percent of the 6¢ per barrel fee
34 must be transferred to the Finance Authority of Maine for
35 deposit in the Underground Oil Storage Replacement Fund.
36 After \$3,000,000 has been transferred to the Maine State
37 Housing Authority pursuant to paragraph B, 100% of the 6¢
38 per barrel fee must be transferred to the Finance Authority
39 of Maine.

40 B. Thirty-seven and one half percent of the 6¢ per barrel
41 fee must be transferred to the Maine State Housing Authority
42 for deposit in the Housing Opportunities for Maine Fund to
43 be used initially for loans and grants to finance the costs
44 of removal, disposal, replacement or abandonment of
45 underground oil storage facilities and tanks located on
46 owner-occupied or residential rental property, which
47 shall be used for the purposes of the Housing Opportunities
48 for Maine Fund.

2 facilities and tanks have been identified by the department
3 as leaking or posing an environmental threat or as having
4 been abandoned. After \$3,000,000 has been transferred, the
5 Maine State Housing Authority does not receive a percentage
6 of the 6¢ per barrel fee.

7 After an aggregate sum of \$10,000,000 has been transferred to the
8 Finance Authority of Maine and an aggregate sum of \$3,000,000 has
9 been transferred to the Maine State Housing Authority pursuant to
10 this subsection, the per barrel fee assessed pursuant to
11 subsection 4 must be reduced by 6¢ per barrel.

12 6. Reimbursement for fees imposed on transfers out of
13 State. Any person who prior to the effective date of this
14 subsection has paid a fee assessed pursuant to subsection 4,
15 paragraph A on petroleum products that were exported from this
16 State must be reimbursed by the department upon presentation of
17 documentation of that payment and transfer.

18 7. Disbursements from fund. Money in the Ground Water Oil
19 Clean-up Fund must be disbursed for the following purposes and no
20 others:

21 A. Administrative expenses, personnel expenses and
22 equipment costs of the department related to the
23 administration and enforcement of this subchapter and any
24 loans to the Maine Coastal and Inland Surface Oil Clean-up
25 Fund made pursuant to this section. Administrative
26 expenses, personnel expenses and equipment costs may not
27 exceed \$1,734,000 per fiscal year;

28 B. All costs involved in the removal of a prohibited
29 discharge, the abatement of pollution and the implementation
30 of remedial measures including restoration of water
31 supplies, related to the discharge of oil to ground water
32 covered by this subchapter not paid by a responsible party
33 or an applicant for coverage by the fund;

34 C. Sums allocated to research and development in accordance
35 with this section;

36 D. Payment of the 3rd-party damage claims awarded in
37 accordance with this section that are not paid by the
38 responsible party or applicant for coverage by the fund;

39 E. Payment of costs of hearings, independent hearing
40 examiners and independent claims adjusters for 3rd-party
41 damage claims;

42 F. Payment of costs of the administration of the 3rd-party
43 commercial risk pool account;

2 G. Payment of costs of insurance by the State to extend or
3 implement the benefits of the fund;

4
5 H. Sums up to \$50,000 each year, which have been allocated
6 by the Legislature on a contingency basis in accordance with
7 section 570-A for payment of costs for studies of the
8 environmental impacts of discharges to ground water
9 prohibited by section 543 that may have adverse economic
10 effects and that occur subsequent to the allocation, when
11 the studies are considered necessary by the commissioner;

12
13 I. All costs associated with the Board of Underground Oil
14 Storage Tank Installers; and

15 J. Payments to or on behalf of applicants eligible for
16 coverage by the fund under section 568-A, subsection 1, for
17 expenses above the deductible specified in section 568-A,
18 subsection 2, incurred in commissioner-approved clean-up
19 activities and specified in an agreement under section
20 568-A, subsection 4.

21
22 8. Reporting mechanism. If the potential liabilities of
23 the fund exceed projected income for the fund, the commissioner
24 shall notify the joint standing committee of the Legislature
25 having jurisdiction over energy and natural resources within 30
26 days of determining that a shortfall will occur and submit
27 recommendations for revising coverage of the fund or generating
28 the needed income.

29
30 9. Reimbursements to the Ground Water Oil Clean-up Fund.
31 The commissioner shall seek recovery for the use of the fund of
32 all sums greater than \$1,000,000 per occurrence, expended from
33 the fund pursuant to subsection 7, paragraph J, for an applicant
34 for coverage by the fund found by the commissioner to be eligible
35 under section 568-A, subsection 1, and all sums expended from the
36 fund when no applicant was found by the commissioner to be
37 eligible under section 568-A, subsection 1, including overdrafts,
38 for the purposes described in subsection 7, paragraphs B, D, E, H
39 and J, or for other damage incurred by the State, in connection
40 with a prohibited discharge, including interest computed at 15% a
41 year from the date of expenditure, unless the commissioner finds
42 the amount involved too small or the likelihood of success too
43 uncertain. If a request for reimbursement to the fund is not
44 paid within 30 days of demand, the commissioner shall refer the
45 request to the Attorney General or to a collection agency, agent
46 or attorney retained by the department with the approval of the
47 Attorney General in conformance with Title 5, section 191 for
48 collection.

50

2 10. Waiver of reimbursement. Upon petition of any
3 responsible party, the board may, after hearing, waive the right
4 to reimbursement to the fund if it finds that the occurrence was
5 the result of any of the following:

6 A. An act of war; or

8 B. An act of God, which means an unforeseeable act
9 exclusively occasioned by the violence of nature without the
10 interference of any human agency.

12 Upon such a finding by the board, immediate credit must be
13 entered for the party involved. The findings of the board are
14 conclusive, as it is the legislative intent that the waiver
15 provided in this subsection is a privilege conferred, not a right
16 granted.

18 11. Extinguishing the 3rd-party commercial risk pool
19 account. When all claims against the 3rd-party commercial risk
20 pool account have been extinguished and, in the judgment of the
21 commissioner, provision for payment of any potential 3rd-party
22 claims against the account have been made, the commissioner shall
23 refund any excess funds in the account to those persons who paid
24 an annual fee into the account. The commissioner shall make
25 refunds in the proportion that the owner's or operator's total
26 contribution bears to the total contributions to the fund. Two
27 years after notice to the operator's or owner's last address,
28 unclaimed funds in the 3rd-party commercial risk pool account
29 escheat to the State if the party has made no claim for refund.

30 When the State Auditor performs an annual postaudit of the Ground
31 Water Oil Clean-up Fund, the auditor shall prepare a separate
32 audit report of the 3rd-party commercial risk pool account. The
33 report must be maintained by the commissioner and made available
34 upon request to participants in the account.

36 12. Repeal date. This section is repealed on December 31,
37 1999.

40 **§569-B. Ground Water Oil Clean-up Fund**

42 The Ground Water Oil Clean-up Fund is established to be used
43 by the department as a nonlapsing, revolving fund for carrying
44 out the purposes of this subchapter. To this fund are credited
45 all registration fees, fees for late payment or failure to
46 register, penalties, transfer fees, reimbursements and other fees
47 and charges related to this subchapter. To this fund are charged
48 any and all expenses of the department related to this
49 subchapter, including administrative expenses, payment of
50 3rd-party damages covered by this subchapter, costs of removal of

2 discharges of oil and costs of cleanup of discharges, including,
3 but not limited to, restoration of water supplies and any
4 obligations of the State pursuant to Title 10, section 1024,
5 subsection 1.

6 The commissioner may authorize the borrowing of funds by and
7 between the Maine Coastal and Inland Surface Oil Clean-up Fund
8 and the Ground Water Oil Clean-up Fund to carry out the
9 provisions of subchapters II-A and II-B. All funds borrowed
10 pursuant to this section must be repaid with interest to the fund
11 of origin in as prompt a manner as revenues allow at a rate of
12 interest determined by the Treasurer of State based on the
13 average rate of interest earned on funds invested during the
14 period of the loan.

15 Money in the fund, not needed currently to meet the
16 obligations of the department in the exercise of its
17 responsibilities under this subchapter and not on loan to the
18 Maine Coastal and Inland Surface Oil Clean-up Fund, must be
19 deposited with the Treasurer of State to the credit of the fund
20 and may be invested in such a manner as is provided for by law.
21 Interest received on that investment must be credited to the
22 Ground Water Oil Clean-up Fund.

23 1. Research and development. The Legislature may allocate
24 not more than \$100,000 per year of the amount then currently in
25 the fund to be devoted to research and development in the causes,
26 effects and removal of pollution caused by oil, petroleum
27 products and their by-products on ground waters of the State.
28 These allocations must be made in accordance with section 570-A.

29 2. Third-party damages. Any person claiming to have
30 suffered actual damages to real estate or personal property or
31 loss of income directly or indirectly as a result of a discharge
32 of oil to ground water prohibited by section 543, in this
33 subsection called the claimant, may apply within 6 months after
34 the occurrence or discovery of the discharge to the commissioner
35 stating the amount of damage alleged to be suffered as a result
36 of that discharge. The commissioner shall prescribe appropriate
37 forms and details for the applications. The board, upon petition
38 and for good cause shown, may waive the 6-month limitation for
39 filing damage claims.

40 A. If the claimant and the commissioner are able to agree
41 as to the amount of the damage claim, the commissioner shall
42 certify the amount of the claim and the name of the claimant
43 to the Treasurer of State and the Treasurer of State shall
44 pay the amount of the claim from the Ground Water Oil
45 Clean-up Fund.

2 B. If the claimant and the commissioner are not able to
4 agree as to the amount of the damage claim, the commissioner
shall forthwith transmit the claim for action to the
department as provided in this subchapter.

6 C. A claimant shall take all reasonable measures to
8 minimize damages suffered by the claimant as a result of a
discharge of oil.

10 D. Third-party damage claims must be stated in their
12 entirety in one application. Damages omitted from any claim
at the time the award is made are deemed waived.

14 E. Damage claims arising under this subchapter are
16 recoverable only in the manner provided under this
subchapter. It is the intent of the Legislature that the
18 remedies provided for such damage claims in this subchapter
are exclusive.

20 F. Awards from the fund on damage claims may not include
22 any amount that the claimant has recovered, on account of
the same damage, by way of settlement with or judgment of a
24 court of competent jurisdiction against the person causing
or otherwise responsible for the discharge.

26 3. Determination of disputed 3rd-party damage claims. The
28 commissioner shall establish a claims processing capability
within the department to hear and determine claims filed under
30 this subchapter that are not agreed upon by the claimant and the
commissioner.

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

36 B. To the extent practical, all claims arising from or
38 related to a common discharge must be heard and determined
by the same hearing examiner.

40 C. Hearings before the hearing examiner are informal and
42 the rules of evidence prevailing on judicial proceedings are
not binding. The hearing examiner may administer oaths and
44 require by subpoena the attendance and testimony of
witnesses, the production of books, records and other
46 evidence relative or pertinent to the issues presented to
the hearing examiner for determination.

48 D. Determinations made by the hearing examiner are final
50 and those determinations may be subject to review by a
Justice of the Superior Court, but only as to matters

2 relating to abuse of discretion by the hearing examiner. A
4 claimant seeking review of a hearing examiner determination
shall file an appeal in the Superior Court within 30 days of
the determination.

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

16 4. Funding. A fee of 9¢ per barrel of gasoline and 8¢ per
18 barrel of refined petroleum products and their by-products other
20 than gasoline and liquid asphalt, including #6 fuel oil, #2 fuel
22 oil, kerosene, jet fuel and diesel fuel, is assessed on the
24 transfer of those products by oil terminal facility licensees, as
26 defined in section 542, subsection 7. These fees must be paid
monthly by the oil terminal facility licensees on the basis of
records certified to the commissioner and credited to the Ground
Water Oil Clean-up Fund upon receipt by the department, except
that the commissioner shall transfer the amount of these fees in
excess of 3¢ per barrel of gasoline and 2¢ per barrel of refined
petroleum products and their by-products, other than gasoline and
liquid asphalt, as follows.

28
30 A. Sixty-two and one half percent of the excess must be
32 transferred to the Finance Authority of Maine for deposit in
the Underground Oil Storage Replacement Fund.

34 B. Thirty-seven and one half percent of the excess must be
36 transferred to the Maine State Housing Authority for deposit
38 in the Housing Opportunities for Maine Fund to be used
40 initially for loans and grants to finance the costs of
42 removal, disposal, replacement or abandonment of underground
oil storage facilities and tanks located on owner-occupied
or residential rental property, which facilities and tanks
have been identified by the department as leaking or posing
an environmental threat or as having been abandoned.

44 After an aggregate sum of \$5,000,000 has been transferred to the
46 Finance Authority of Maine and an aggregate sum of \$3,000,000 has
48 been transferred to the Maine State Housing Authority pursuant to
this subsection, the per barrel fee assessed pursuant to this
subsection must be reduced by 6¢ per barrel.

50 5. Disbursements from fund. Money in the Ground Water Oil
Clean-up Fund must be disbursed for the following purposes and no
others:

2 A. Administrative expenses, personnel expenses and
4 equipment costs of the department related to the enforcement
6 of this subchapter and any loans to the Maine Coastal and
Inland Surface Oil Clean-up Fund made pursuant to this
section;

8 B. All costs involved in the removal of a prohibited
10 discharge, the abatement of pollution and the implementation
12 of remedial measures including restoration of water
14 supplies, related to the discharge of oil, petroleum
products and their by-products to ground water covered by
this subchapter;

16 C. Sums allocated to research and development in accordance
with this section;

18 D. Payment of the 3rd-party damage claims awarded in
accordance with this section;

20 E. Payment of costs of arbitration and arbitrators;

22 F. Payment of costs of insurance by the State to extend or
24 implement the benefits of the fund;

26 G. Sums up to \$50,000 each year, which have been allocated
28 by the Legislature on a contingency basis in accordance with
30 section 570-A for payment of costs for studies of the
32 environmental impacts of discharges to ground water
prohibited by section 543 that may have adverse economic
effects and that occur subsequent to the allocation, when
the studies are considered necessary by the commissioner; and

34 H. All costs associated with the Board of Underground Oil
Storage Tank Installers.

36 6. Reimbursements to the Ground Water Oil Clean-up Fund.

38 The commissioner shall seek recovery for the use of the fund of
40 all sums expended from the fund, including overdrafts, for the
42 purposes described in subsection 5, paragraphs B, D, E and G, or
44 for other damage incurred by the State, in connection with a
46 prohibited discharge, including interest computed at 15% a year
from the date of expenditure, unless the commissioner finds the
amount involved too small or the likelihood of success too
uncertain. Requests for reimbursement to the fund if not paid
within 30 days of demand must be turned over to the Attorney
General for collection.

48 7. Waiver of reimbursement. Upon petition of any
50 responsible party, the board may, after hearing, waive the right

2 to reimbursement to the fund if it finds that the occurrence was
3 the result of any of the following:

4 A. An act of war;

6 B. An act of government, either state, federal or
7 municipal, except insofar as the act was pursuant to section
8 568; or

10 C. An act of God, which means an unforeseeable act
11 exclusively occasioned by the violence of nature without the
12 interference of any human agency.

14 Upon such a finding by the board, immediate credit must be
15 entered for the party involved. The findings of the board are
16 conclusive, as it is the legislative intent that the waiver
17 provided in this subsection is a privilege conferred, not a right
18 granted.

20 8. Effective date. This section takes effect December 31,
21 1999.

22 **Sec. 109. 38 MRSA §608-A**, as repealed and replaced by PL
23 1991, c. 66, Pt. A, §34 and c. 499, §20, is repealed and the
24 following enacted in its place:

26 **§608-A. Soil decontamination**

28 Any rotary drum mix asphalt plant not located within an area
29 classified by the board as nonattainment for ozone may process up
30 to 10,000 cubic yards of soil contaminated by gasoline or #2 fuel
31 oil per year. The 10,000 cubic yards per year without an air
32 emissions permit pursuant to section 590 limit may be exceeded
33 with written authorization from the commissioner. The plant
34 owner or operator shall notify the commissioner at least 24 hours
35 prior to processing the contaminated soil and specify the
36 contaminating fuel and quantity and origin of the soil and fuel
37 and the disposition of the contaminated soil. The owner or
38 operator shall maintain records of these activities for 6 years.

40 **Sec. 110. 38 MRSA §1304, sub-§1-A, ¶B**, as enacted by PL 1987,
41 c. 517, §9, is amended to read:

44 B. Establishment of transporter licensing and conveyance
45 registration fees which, ~~---considering---the---criteria---of~~
46 ~~subsection 14, paragraphs A to C,~~ that are sufficient to
47 recover all costs of administering, monitoring compliance
48 with and enforcing the provisions of this subsection and
49 which fees shall must be paid to the Maine Environmental
50 Protection Fund;

2 Sec. 111. 38 MRSA §2201, as amended by PL 1991, c. 517, Pt.
B, §15 and c. 591, Pt. R, §12, is repealed and the following
4 enacted in its place:

6 §2201. Maine Solid Waste Management Fund established

8 The Maine Solid Waste Management Fund, referred to in this
9 section as the "fund," is established as a nonlapsing fund to
10 support programs administered by the Maine Waste Management
11 Agency and the Department of Environmental Protection. The fund
12 must be segregated into 2 subsidiary accounts. The first
13 subsidiary account, called operations, receives all fees
14 established and received under article 1. The 2nd subsidiary
15 account, called administration, receives all fees established
16 under this article and under Title 36, chapter 719, all funds
17 recovered by the department as reimbursement for departmental
18 expenses incurred to abate imminent threats to public health,
19 safety and welfare posed by the illegal disposal of solid waste
20 and all unclaimed deposits returned to the State under Title 32,
21 chapter 28.

22 Money in the fund not currently needed to meet the
23 obligations of the agency must be deposited with the Treasurer of
24 State to the credit of the fund and may be invested as provided
25 by law. Interest on these investments must be credited to the
26 fund.

28 Funds related to administration may only be expended in
29 accordance with allocations approved by the Legislature for
30 administrative expenses directly related to the agency's and the
31 department's programs, including actions by the department
32 necessary to abate imminent threats to public health, safety and
33 welfare posed by the illegal disposal of solid waste. Funds
34 related to operations may only be expended in accordance with
35 allocations approved by the Legislature and solely for the
36 development and operation of publicly owned facilities owned or
37 approved by the agency and for the repayment of any obligations
38 of the agency incurred under article 3. These allocations must
39 be based on estimates of the actual costs necessary for the
40 agency and the department to administer their programs, to
41 provide financial assistance to regional associations and to
42 provide other financial assistance necessary to accomplish the
43 purposes of this chapter. Beginning in the fiscal year ending on
44 June 30, 1991 and thereafter, the fund must annually transfer to
45 the General Fund an amount necessary to reimburse the costs of
46 the Bureau of Taxation incurred in the administration of Title
47 36, section 5219-D and Title 36, chapter 719 and an amount equal
48 to the General Fund revenues lost as the result of Title 36,
49 sections 2526 and 5219-D. Beginning in the fiscal year ending on
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2 June 30, 1992 and thereafter, the fund must transfer to the
3 General Fund an amount equal to the administrative expenses and
4 reimbursement costs directly related to the administration of
5 Title 32, section 1866, subsection 7 and Title 32, section 1866-A
6 by the Treasurer of State. Allowable expenditures include
7 "Personal Services," "All Other" and "Capital Expenditures"
8 associated with all agency activities other than those included
9 in the operations account.

10 **Sec. 112. 38 MRSA §2310, sub-§2,** as amended by PL 1991, c.
11 377, §22 and c. 520, §20, is repealed and the following enacted
12 in its place:

13 **2. Terms.** All appointed members are appointed for
14 staggered terms of 3 years. The President of the Senate and the
15 Speaker of the House of Representatives shall appoint each one
16 member for a one-year initial term, one member for a 2-year
17 initial term and one member for a 3-year initial term. The
18 Governor shall appoint 2 members for one-year initial terms, 2
19 members for 2-year initial terms and 2 members for 3-year initial
20 terms. A vacancy must be filled by the same appointing authority
21 that made the original appointment. No appointed member may
22 serve more than 2 3-year terms.

23 **Sec. 113. 39 MRSA §21-A, sub-§1,** as enacted by PL 1985, c.
24 249, §4, is amended by amending the first 3 paragraphs to read:

25 **1. Private employers.** Every private employer is subject to
26 this Act and shall secure the payment of compensation in
27 conformity with this section and sections 22 23 to 27 with
28 respect to all employees, subject to the provisions of this
29 section.

30 Any private employer who has not secured the payment of
31 compensation under this section and sections 22 23 to 27 is not
32 entitled, in a civil action brought by an employee or his the
33 employee's representative, for personal injuries or death arising
34 out of and in the course of his employment, to the defense set
35 forth in section 3. The employee of any such employer may,
36 instead of bringing a civil action, claim compensation from the
37 employer under this Act.

38 The following employers are not liable under this section for
39 securing the payment of compensation in conformity with this
40 section and sections 22 23 to 27 with respect to the employees
41 listed, nor deprived of the defenses listed in section 3:

42 **Sec. 114. 39 MRSA §103-B, sub-§4,** as amended by PL 1985, c.
43 372, Pt. A, §40, is further amended to read:

2 **4. Costs.** If the employee prevails, costs of appeal shall
3 be are allowed, including the record, and including reasonable
4 attorneys' fees as provided for under section 110. No attorney
5 who represents an employee who prevails in an appeal before the
6 division may recover any fee from that client for that
7 representation. Any attorney who violates this paragraph--shall
8 lose-his-fee subsection loses the fee and is liable in a court
9 suit to pay damages to the client equal to 2 times the fee
10 charged that client.

11 **Sec. 115.** PL 1989, c. 501, Pt. O, §22 is repealed and the
12 following enacted in its place:

13 **Sec. 22. Effective date.** Sections 7, 9, 11, 12, 14, 15 and 17
14 take effect on September 4, 1989.

15 **Sec. 116.** PL 1989, c. 849, §3, 2nd sentence is amended to read:

16 The report may contain recommendations to add other toxic
17 substances contained in packaging to the list set forth in that
18 chapter in order to further reduce the toxicity of packaging
19 waste, and must contain recommendations whether to continue the
20 recycling exemption provided in Title 32, section 1734,
21 subsection 2, paragraph 3 C and describe the nature of the
22 elements used in lieu of lead, mercury, cadmium and hexavalent
23 chromium.
24
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27 **Sec. 117.** PL 1991, c. 591, Pt. YY, §8 is repealed.

28 **Sec. 118. Retroactivity.** The section of this Act that repeals
29 Public Law 1991, chapter 591, Part YY, section 8 applies
30 retroactively to July 17, 1991.
31
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33 **Sec. 119.** PL 1991, c. 592, Pt. D, §14 is repealed.

34 **Sec. 120. Retroactivity.** The section of this Act that repeals
35 Public Law 1991, chapter 592, Part D, section 14 applies
36 retroactively to July 17, 1991.
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39 **Sec. 121.** PL 1991, c. 597, §7 is enacted to read:

40 **Sec. 7. Effective date.** Sections 4 and 5 take effect on January
41 1, 1992.
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44 **Sec. 122. Retroactivity.** The section of this Act that enacts
45 Public Law 1991, chapter 597, section 7 applies retroactively to
46 January 1, 1992.
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49 **Emergency clause.** In view of the emergency cited in the
50 preamble, this Act takes effect when approved.

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STATEMENT OF FACT

Section 1 provides the correct statutory format for the law.

Section 2 deletes a cross-reference to a repealed section of law.

Section 3 consolidates changes in the Maine Revised Statutes, Title 4, section 1151, subsection 2 that were made in Public Law 1991, chapters 377 and 563.

Section 4 corrects several cross-references and makes technical changes.

Section 5 corrects a cross-reference.

Section 6 consolidates changes in Title 5, section 88-A, subsection 2 that were made in Public Law 1991, chapters 249 and 595.

Section 7 consolidates changes in Title 5, section 4601 that were made in Public Law 1991, chapters 99 and 100.

Section 8 consolidates changes in Title 5, section 88-A, subsection 2 that were made in Public Law 1991, chapters 377 and 563.

Section 9 consolidates changes in Title 5, section 17001, subsection 13, paragraph B that were made in Public Law 1991, chapters 432, 591 and 618.

Section 10 incorporates the changes from Public Law 1991, chapters 480 and 580. Public Law 1991, chapter 480 repealed and replaced all of Title 5, section 17057 to provide for format clarity and to enact new language concerning the confidentiality of group life insurance information in the possession of the retirement system. Public Law 1991, chapter 580 clarified the provision related to the exceptions to the requirement that medical information in the possession of the retirement system be confidential.

Section 11 correctly relocates law enacted in Public Law 1991, chapter 456 that belongs in the Office of Substance Abuse statutes found in Title 5.

Section 12 removes a reference to the Board of Veterinary Medicine within the Department of Agriculture, Food and Rural Resources. The State Board of Veterinary Medicine is now

regulated by the Department of Professional and Financial
Regulation. The section also makes several technical changes.

Section 13 incorporates the provisions of Public Law 1991, chapters 266 and 526 that amended the same section of law. Public Law 1991, chapter 266 adds a new Class III price classification to the laws governing the Maine Milk Commission. Public Law 1991, chapter 526 adds Class III price classification and adds the Maine Dairy Farm Stabilization Tax as a condition for making a change to the minimum prices of milk.

Section 14 corrects 2 cross-references.

Section 15 corrects technical errors.

Section 16 makes a technical change to correct an internal reference in Title 9-B, section 164, subsection 2.

Sections 17 and 18 resolve a conflict created by Public Law 1991, chapters 603 and 612 that affected the same section of law. Public Law 1991, chapter 603 repealed Title 10, section 1013, subsection 11 authorizing the administering of the Student Educational Enhancement Deposit Plan by the Finance Authority of Maine. Public Law 1991, chapter 612 made a technical correction to Title 10, section 1013, subsection 11 to provide correct formatting for an additional program to be included in Title 10, section 1013.

Section 19 corrects a reference to reflect the transfer of responsibilities from the State Development Office to the Department of Economic and Community Development.

Section 20 corrects inconsistencies created by the transfer of responsibilities from the State Development Office and the Office of Energy Resources to the Department of Economic and Community Development.

Section 21 corrects inconsistencies created by the passage of Public Law 1989, chapter 501 which transferred the assignment of responsibilities from the Office of Energy Resources to the Department of Economic and Community Development.

Section 22 corrects a statutory cross-reference.

Section 23 corrects a cross-reference.

Section 24 clarifies a statutory reference and makes technical changes.

Section 25 clarifies a statutory reference.

2 Section 26 clarifies the role of the Department of Human
4 Services in approving applications for subsurface waste disposal
on lots that have less frontage than the frontage required in
Title 12, section 4807-A.

6 Section 27 consolidates changes in Title 12, section 7406,
8 subsection 12 that were made in Public Law 1991, chapters 175 and
222.

10 Section 28 corrects a cross-reference, makes grammatical
12 changes and makes a term gender neutral.

14 Section 29 consolidates changes in Title 15, section 1025
that were made in Public Law 1991, chapters 521 and 548.

16 Section 30 reorganizes Title 15, section 3203-A, subsection
18 7, paragraph D into a clearer format.

20 Section 31 makes a technical change to correct an internal
cross-reference in Title 17-A, section 1152, subsection 2-A.

22 Section 32 corrects a cross-reference where a part was
24 incorrectly referred to as a chapter.

26 Sections 33 and 34 move language that originally was
improperly blocked to a subsection and that should apply to the
28 entire section.

30 Section 35 corrects a reference to a repealed chapter.

32 Section 36 clarifies a cross-reference to Title 19, chapter
7, subchapter V.

34 Section 37 corrects a conflict created by Public Law 1991,
36 chapters 429 and 591 amending the same section of law. Both
public laws delete Title 20-A, section 2, subsection 3, 3rd
38 paragraph and additionally Public Law 1991, chapter 591 makes a
clerical correction to the first paragraph of subsection 3.

40 Section 38 corrects 2 cross-references and grammatical
42 errors.

44 Section 39 corrects a cross-reference.

46 Section 40 corrects a statutory cross-reference.

48 Section 41 corrects an internal reference by striking the
wrong reference and replacing it with the correct reference.

50

2 Sections 42 and 43 correct a chapter that was affected by
Public Law 1991, chapters 603 and 612. Public Law 1991, chapter
4 603 added new sections 11441 to 11457 to Title 20-A covering a
supplemental loan program. Public Law 1991, chapter 612 added
6 new sections 11441 to 11445 covering a higher education loan
program. These sections retain the Student Financial Aid
8 Supplemental Loan Program as chapter 417-B, sections 11441 to
11457 and reallocate the Higher Education Loan Program as chapter
417-C, sections 11458 to 11462.

10
12 Section 44 corrects a conflict created by Public Law 1991,
chapters 572 and 612. Both public laws make reference to a prior
14 conflict created by a public law amending the same section.
Public Law 1991, chapter 572 puts this paragraph back in as it
16 was, as well as adding a new subparagraph (5). Public Law 1991,
chapter 612 puts this paragraph back in exactly as it was before.

18 Section 45 corrects a conflict created by Public Law 1991,
chapters 429 and 591. Both public laws amended the same
20 subsection. The changes that were made are the same but were
worded differently. This section corrects the conflict by
22 repealing both public laws and enacting a new section 15005,
subsection 1 using the version enacted by Public Law 1991,
24 chapter 591.

26 Section 46 corrects a cross-reference and makes a technical
change.

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30 Section 47 corrects a cross-reference that was repealed and
replaces it with the correct cross-reference.

32 Section 48 corrects a cross-reference.

34 Section 49 corrects a cross-reference where a section was
incorrectly referred to as a paragraph.

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38 Section 50 corrects a cross-reference to a repealed section
of law.

40 Section 51 corrects a cross-reference.

42 Section 52 corrects a reference to a reallocated section of
law.

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46 Section 53 corrects a cross-reference.

48 Sections 54 and 55 correct a cross-reference.

50 Section 56 corrects an erroneous cross-reference.

2 Section 57 corrects the name of a bureau.

4 Section 58 corrects a headnote and a cross-reference.

6 Section 59 corrects a technical error.

8 Section 60 corrects a cross-reference.

10 Sections 61 to 63 correct a conflict created by Public Law
1989, chapters 767, 801, 835 and 867, enacting the same section
12 numbers.

14 Section 64 corrects a conflict created by Public Law 1987,
16 chapters 35 and 192. Public Law 1987, chapter 35 increased the
18 fine for refusing admission to an inspector and Public Law 1987,
chapter 192 established a penalty in accordance with Title 30-A,
section 4452. This section also corrects a cross-reference that
was repealed and makes a term gender neutral.

20 Section 65 incorporates the provisions of Public Law 1991,
22 chapters 648 and 700 amending the same section of law.

24 Section 66 corrects a cross-reference that was repealed and
replaces it with the correct cross-reference.

26 Section 67 incorporates the provisions of Public Law 1989,
28 chapters 647 and 700 amending the same section of law.

30 Section 68 corrects a conflict created by Public Law 1991,
32 chapters 376 and 591 by repealing both sections and replacing
34 them with the changes made by Public Law 1991, chapter 591.
Public Law 1991, chapter 376 repealed and replaced Title 28-A,
section 352. Public Law 1991, chapter 591 amended the section by
adding a new paragraph B to subsection 1 and a new subsection 2.

36 Section 69 corrects a conflict by incorporating the changes
38 made by Public Law 1991, chapters 227 and 376. Public Law 1991,
chapter 376 makes technical changes to Title 28-A, section 606,
40 subsection 1. Public Law 1991, chapter 227 corrects an internal
cross-reference and also adds a new subsection.

42 Section 70 corrects a conflict created by Public Law 1991,
44 chapters 376 and 583 affecting the same paragraph.

46 Section 71 corrects a cross-reference.

48 Section 72 corrects a conflict created by Public Law 1991,
50 chapters 591 and 597. Public Law 1991, chapter 591 amends the
section by increasing the license fee. Public Law 1991, chapter
597 increases the fee for commercial driver's licenses.

2 Section 73 corrects a conflict created by Public Law 1991,
3 chapters 486 and 597. Public Law 1991, chapter 486 makes
4 technical changes and also excludes limousines from the law.
5 Public Law 1991, chapter 597 makes technical changes and also
6 adds other insurance companies from which an owner could procure
7 insurance. This section corrects the conflict by incorporating
8 the changes made by both public laws.

10 Section 74 corrects a conflict by combining Public Law 1991,
11 chapters 307 and 410 affecting the same paragraph.

12 Section 75 corrects a cross-reference.

14 Section 76 corrects a cross-reference and makes a technical
15 correction.

18 Section 77 corrects a cross-reference and makes technical
19 corrections.

20 Section 78 makes a grammatical change and deletes a
21 reference in Title 30-A, section 5033, subsection 1, paragraph J
22 to the Maine Affordable Housing Alliance. Public Law 1991,
23 chapter 610 repeals the Maine Affordable Housing Alliance.

26 Section 79 corrects a grammatical error.

28 Section 80 corrects a grammatical error.

30 Section 81 repeals a provision that is now found in Title
31 32, section 14202.

32 Section 82 repeals a provision that is now found in Title
33 32, section 14228, subsection 3.

36 Section 83 repeals a provision that is now found in Title
37 32, section 14232.

38 Section 84 corrects a conflict created by Public Law 1991,
39 chapters 186 and 534. Public Law 1991, chapter 186 amends Title
40 32, section 3282-A, subsection 1 by allowing complainants the
41 opportunity to be heard before the Board of Registration in
42 Medicine and makes technical corrections. Public Law 1991,
43 chapter 534 amends Title 32, section 3282-A, subsection 1 by
44 giving the Board of Registration in Medicine the authority to
45 notify licensing boards of other states that a complaint has been
46 filed against a licensee and the authority to notify patients of
47 any licensee that the licensee is on probation as a result of a
48 board disciplinary action. This section repeals both versions of
49 this subsection and enacts a new version incorporating changes
50

2 from both Public Law 1991, chapters 186 and 534. This section
also makes corrections to the format of subsection 1, paragraphs
A to D.

4 Section 85 corrects clerical errors.

6 Section 86 repeals a headnote that was inadvertently left
8 after repealing Title 34-B, section 3623, subsection 1.

10 Section 87 corrects a conflict created by Public Law 1989,
12 chapters 848 and 871 by repealing and replacing Title 36, section
151, the first and 2nd paragraphs with a new version
14 incorporating changes made by both public laws. Public Law 1989,
chapter 848 made technical changes and added that a conference
16 may be held with less than 10 days' notice if mutually agreed on
by the petitioner and the State Tax Assessor. Public Law 1989,
18 chapter 871 made technical changes and added that an informal
conference may be held if requested in writing.

20 Section 88 corrects a cross-reference to a subchapter that
was repealed.

22 Section 89 corrects a cross-reference and makes other
24 technical corrections.

26 Section 90 corrects a conflict created by Public Law 1991,
28 chapters 546 and 591, which affected the same section of law.

30 Section 91 repeals a provision relative to fuel tax that is
now found in Title 36, sections 2903 and 3203.

32 Section 92 repeals a provision relating to fuel tax that is
now found in Title 36, sections 2903 and 3203.

34 Section 93 corrects a cross-reference.

36 Section 94 corrects a conflict created by Public Law 1991,
38 chapters 376 and 446 by incorporating the changes made in both
public laws.

40 Sections 95 to 98 together with another section in this bill
42 that amends Public Law 1991, chapter 591, Part YY, section 8
44 accomplish the correct future repeal of Title 36, section 5111,
subsections 1, 2 and 3.

46 Section 99 corrects a reference where a chapter was
48 incorrectly referred to as a Part.

50 Section 100 corrects a cross-reference where a chapter was
incorrectly referred to as a subchapter and makes a technical
change.

2 Section 101 repeals Title 38, section 352, subsection 5 as
4 amended by Public Law 1991, chapter 384. Public Law 1991,
6 chapter 499, section 12 repealed the entire subsection and
enacted a new section 352-A incorporating the changes made by
Public Law 1991, chapter 384.

8 Section 102 consolidates changes in Title 38, section 411
10 that were made in Public Law 1991, chapters 96 and 238.

12 Section 103 corrects a cross-reference and makes a technical
change.

14 Section 104 corrects a syntactical error and makes a
16 technical correction.

18 Section 105 corrects a technical error.

20 Section 106 adds a conjunction that was inadvertently
omitted when the language was enacted.

22 Sections 107 and 108 consolidate the Ground Water Oil
24 Clean-up Fund laws that are effective until December 31, 1999 and
allocate them to Title 38, section 569-A. The intent of Public
26 Law 1989, chapter 865 and Public Law 1991, chapters 66, 432 and
494 is that the changes they made be repealed effective December
28 31, 1999 and the old version of the law would then take effect.
The Ground Water Oil Clean-up Fund laws that are effective
30 December 31, 1999 have been enacted as Title 38, section 569-B.
Some technical changes to the language have also been made.

32 Section 109 corrects a conflict created by Public Law 1991,
34 chapters 66 and 499. Public Law 1991, chapter 66 repealed and
replaced Title 38, section 608-A to correct a conflict created by
36 2 public laws that amended the section. Public Law 1991, chapter
499 also repealed and replaced the section to correct the same
38 conflict but also added new language increasing the amount of
cubic yards of soil that an asphalt plant may process. The
40 language contained in Public Law 1991, chapter 499 was submitted
by the Department of Environmental Protection.

42 Section 110 deletes a reference to a repealed section of law
and makes a technical change.

44 Section 111 consolidates changes in Title 38, section 2201
46 that were made in Public Law 1991, chapters 517 and 591.

48 Section 112 consolidates changes in Title 38, section 2310,
50 subsection 2 that were made in Public Law 1991, chapters 377 and
520.

2 Section 113 deletes a reference to a repealed section.

4 Section 114 corrects an internal cross-reference.

6 Section 115 corrects a conflict created by Public Law 1989,
8 chapters 501 and 596 amending the same section in another public
law.

10 Section 116 corrects a cross-reference to Title 32, section
12 1734, subsection 2, paragraph C.

14 Sections 117 and 118 correct a technical error to accomplish
16 the repeal of Title 36, section 5111, subsections 1,2 and 3.
This section is a companion section with changes made in this
bill to Title 36, section 5111.

18 Sections 119 and 120 correct an error whereby an attempt to
20 repeal Title 36, section 2903, subsection 1 was made. The repeal
provision is unnecessary because the subsection is repealed by its
own terms.

22 Sections 121 and 122 make a technical correction to
24 implement the intent of Public Law 1991, chapter 597, sections 4
and 5 which amend Public Law 1991, chapter 216 which has an
26 effective date of January 1, 1992.