

MAINE STATE LEGISLATURE

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115th MAINE LEGISLATURE

SECOND REGULAR SESSION-1992

Legislative Document

No. 2341

H.P. 1664

House of Representatives, February 13, 1992

Submitted by the Special Commission on Governmental Restructuring pursuant to Public Law 1991 chapter 139.

Reference to the Joint Standing Committee on State and Local Government suggested and printing ordered under Joint Rule 18.

A handwritten signature in cursive script that reads "Ed Pert".

EDWIN H. PERT, Clerk

STATE OF MAINE

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

An Act Regarding Advisory Boards and Occupational and Professional
Licensing Boards.

(EMERGENCY)



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

Whereas, the consolidation of duplicative or overlapping boards and commissions will achieve cost savings; and

Whereas, the repeal of inactive or unnecessary boards and commissions will achieve cost savings; and

Whereas, the consolidation or repeal of duplicative or unnecessary boards and commissions does not limit public access to State Government; 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:

PART A

Sec. A-1. 5 MRSA §12005-A, as enacted by PL 1987, c. 786, §7, is amended to read:

§12005-A. Report to Secretary of State

Every board established by listed in this chapter ~~shall be~~ is required to appoint a clerk of the board who ~~shall be~~ is responsible for submitting reports to the Secretary of State as required by this chapter. This clerk shall submit an annual report to the Secretary of State on forms provided by the Secretary of State. This report shall must be submitted no later than December 15th of each calendar year and shall must include information required by this section and any other information deemed necessary by the Secretary of State to fulfill the purposes of this chapter. This information shall must include:

1. **Clerk of board.** The name, address and telephone number of the clerk of the board;

2. **Names and addresses of members.** The names and current addresses of each member of the board;

3. **Date of appointment and expiration.** The date of appointment of each member and the date of expiration of the term of each member;

2 **4. Dates and locations of all meetings.** The dates and
4 locations of all meetings of the board during the calendar year
for which the report is prepared.

6 A. In the event that a board reports no meetings for the
8 calendar year of the report, the clerk shall indicate the
last meeting of the board;

10 **5. Attendance at and length of meetings.** The number of
12 members attending each meeting and the length of each meeting;

14 **6. Compensation.** The total per diem compensation, if any,
16 received by the board for each meeting and the total received for
the calendar year;

18 **7. Expenses.** The total expenses for which the board is
20 reimbursed, if any, for each meeting and the total expenses for
which all board members were reimbursed for the calendar year; and

22 **8. Vacancies.** The number of vacancies on the board on
December 15th and the term of the vacancy.

24 The Secretary of State may not waive the requirements of this
26 section.

28 **Sec. A-2. 5 MRSA §12006**, as amended by PL 1987, c. 402, Pt.
A, §62, is further amended to read:

30 **§12006. Penalty for failure to report**

32 Members of any board ~~which fails~~ that fails to report to the
34 Secretary of State, as required by section 12005 12005-A, shall
are not be eligible to receive any daily rate or annual rate of
36 compensation or any money for expenses incurred in the work of
the board until the report to the Secretary of State is complete
38 to the satisfaction of the Secretary of State. The Commissioner
of Finance, the Secretary of State or the authorized person to
40 pay compensation or expenses to members of the boards, shall may
not pay any rate of compensation or expenses to any member of a
42 board ~~which that~~ has failed to report to the Secretary of State.

44 **1. Notice of failure to report.** The ~~Commissioner--of~~
~~Finance~~ Secretary of State shall send notice by certified mail on
or before January 15th of each year to any board that has failed
46 to report pursuant to section 12005 12005-A. ~~If the board fails~~
~~to file the report within 30 days from the date the notice is~~
48 ~~sent, the board shall be deemed to be unwilling to disclose~~
~~information vital to the public interest and necessary to~~

determine whether the board serves the public health, safety or welfare.

A. If the board fails to respond as provided in this subsection, the Commissioner of Finance shall immediately notify the joint standing committee of the Legislature having jurisdiction over the operations of State Government of the board's failure to comply with the provisions of this chapter.

B. If the board fails to report within 6 months from the reporting date specified in section 12005, the board shall be deemed unwilling to fulfill a public purpose and shall be abolished. The Commissioner of Finance shall notify the board in writing that its authority is repealed and the board is abolished. The commissioner shall notify the joint standing committee of the Legislature having jurisdiction over State Government that the board is abolished.

2. Legislative repeal of inactive boards. The Secretary of State shall submit legislation to the joint standing committee of the Legislature having jurisdiction over state government matters on or before March 2nd in the first regular session of each biennium to repeal those boards that have not reported on their activities to the Secretary of State under this section or section 12005-A during either of the prior 2 calendar years.

Sec. A-3. 5 MRSA §12009, sub-§2, as enacted by PL 1987, c. 786, §8, is amended to read:

2. Report of board activities. The Secretary of State, by January 30th of each year, shall submit a report to the Governor and the joint standing committee of the Legislature having jurisdiction over state and local government. This report, at a minimum, shall must include the following information with respect to boards in the previous calendar year:

- A. The average meeting length of each board;
- B. The number of meetings of each board;
- C. The total compensation paid to each board;
- D. The total amount of expenses reimbursed to each board; and
- E. The average rate of attendance for each board.

This report must also include a list of all boards that have failed to report as required in section 12005-A and from whom the

Secretary of State is seeking a report. This report must also include a list of boards that have sought an exemption from the reporting or other requirement of this chapter.

Sec. A-4. 5 MRSA §12011, as enacted by PL 1983, c. 814, is amended to read:

§12011. Duty of Secretary of State

The Secretary of State shall compile and maintain a current list of all boards in State Government, including the name of the board, the names of its members, positions in State Government held by any member, any vacancies, the date of the board's last reported meeting, its most recent reported expenditures on members' compensation and expenses and what other information he deems the Secretary of State determines necessary. The list compiled under this section must at a minimum include all of the boards listed in this chapter.

Sec. A-5. Boards not listed in the Maine Revised Statutes, Title 5. The Revisor of Statutes and the Secretary of State shall review the Maine Revised Statutes to locate any statutory board for which there is not a reference in the Title 5 inventory of boards, sections 12004-A to 12004-L. These parties must submit legislation incorporating the appropriate references to the joint standing committee of the Legislature having jurisdiction over state government matters before January 15, 1993.

Sec. A-6. Review of nonstatutory boards. On or before January 15, 1993, the Governor shall complete a review of all boards and commissions created by executive order or by informal action of state agency commissioners or other state officials for possible consolidation or elimination. In conducting this review, the Governor shall employ the criteria enumerated in this Part.

The Governor shall explore the possibility of developing joint ventures with private foundations for the establishment of independent advisory bodies that reflect a broad spectrum of expertise, interests and opinions, provide independent sources of advice and information for the executive and legislative branches and attract private funding for special research and public education programs. The Governor shall note in the report when such groups could fulfill functions now performed by state advisory boards and commissions.

The Governor shall report, in writing, on the results of this review to the joint standing committee of the Legislature

having jurisdiction over state and local government matters on or before January 15, 1993.

Sec. A-7. Review of occupational and professional licensing boards. The Commissioner of Professional and Financial Regulation shall conduct an assessment of the potential for consolidating or eliminating any of the occupational and professional regulatory boards within that department's jurisdiction including those listed in the Maine Revised Statutes, Title 5, section 12004-A. In conducting this assessment, the commissioner shall consider the criteria established under Title 5, section 12015, subsection 3 and any other factors the commissioner considers relevant. The commissioner shall submit any recommendations together with any necessary implementing legislation by January 15, 1993 to be reviewed and acted on by the appropriate joint standing committees of the Legislature.

Sec. A-8. Legislative review of statutory advisory boards. The Legislative Council shall undertake a review of the advisory boards repealed under this Act. To accomplish this purpose the Legislative Council shall assign review responsibilities to subcommittees of the appropriate joint standing committees for those advisory boards. Membership of the subcommittees must be established by the Legislative Council.

In the event that a review subcommittee decides to recommend continued existence of an advisory board or consolidation of the board's responsibilities with those of another entity or to recommend any other action other than the outright repeal of the advisory board, it shall submit the necessary legislation and a written report to the Legislative Council on or before November 15, 1992. The review subcommittee shall set forth the reasons for its recommendations and, at a minimum, address the criteria listed in this section. All legislation submitted under this section must be introduced to the First Regular Session of the 116th Legislature and referred to the joint standing committees of jurisdiction.

The review subcommittees shall consider the following questions in evaluating the advisory boards affected by this Act:

A. Is the area of an agency's responsibility sufficiently important or controversial to require a formal advisory function through a statutorily created board as a matter of good government?

B. Is the independence of such an advisory board of sufficient importance to warrant the provision of independent staff to the board?

- 2 C. Is the board required by federal law?
- 4 D. If the board was intended as a source of expertise or
6 public input during the start-up of a new program and the
program is implemented, is the board still necessary?
- 8 E. Is it likely that an agency will obtain adequate public
10 input and access to special expertise through other
12 channels, thus obviating the need for the board? The
14 flexibility of an informal group must be balanced with the
possibility that agencies being advised may be disinclined
or otherwise less likely to heed dissenting opinions coming
from an informal group.
- 16 F. Does the board undertake actions or have responsibilities
18 that duplicate those of an agency or that violate sound
management principles?
- 20 G. Can one board assume the responsibilities and authority
22 of one or more other boards that are duplicate or overlap
its own?
- 24 H. Can qualified board members be recruited on a regular
26 basis?
- 28 I. Is the board's level of activity sufficient to fulfill
its purposes? Frequency and length of meetings and level of
member attendance must be considered.
- 30 J. Is the compensation policy established under the Maine
32 Revised Statutes, Title 5, section 12003-A, subsection 2
34 being appropriately applied?
- 36 K. Should the board in question be formally established to
38 ensure the procedural safeguards of the State's freedom of
access laws regarding notice and public access to meetings
and documents?

40

PART B

42

44 **Sec. B-1. 3 MRSA §2-A**, as amended by PL 1989, c. 503, Pt. B,
§2, is repealed.

46 **Sec. B-2. 3 MRSA §162, sub-§12**, as amended by PL 1989, c. 410,
48 §1, is further amended to read:

50

12. Physical facilities for Legislature. To insure that
adequate physical facilities are provided for the efficient

operation of the Legislature and to provide for and determine the utilization of legislatively controlled facilities both within and without the State House and, notwithstanding Title 5, section 1742, subsection 18, to control and assign the use of all rooms in the State House, except the immediate offices occupied by the Governor and the Governor's staff on January 1, 1982. This space shall must be assigned for use by the Legislature as offices for chairs of joint standing committees and legislative staff and for public hearing rooms.

The Legislative Council ~~shall have~~ has the authority to authorize the Executive Director to enter into contracts for the purpose of maintaining or improving the physical facilities assigned to the Legislature, ~~provided that the work to be performed is consistent with the official plan for the preservation and development of the aesthetic and historical integrity of the State House as described in section 902, subsection 1;~~

Sec. B-3. 3 MRSA §§901-A and 901-B, as enacted by PL 1989, c. 410, §9, are repealed.

Sec. B-4. 3 MRSA §902, as repealed and replaced by PL 1989, c. 410, §10, is repealed.

Sec. B-5. 3 MRSA §902-A, sub-§2, as enacted by PL 1989, c. 410, §11, is amended to read:

2. Immediate grounds. The immediate grounds, including Capitol Park, the area bounded on the east by the Kennebec River, on the north by Capitol Street, on the south by Union Street and on the west by State Street, except that the private office of the Governor, at the Governor's discretion, ~~shall be~~ is exempt from this chapter.

A. To ensure that the portion of Capitol Park that is controlled by the City of Augusta remains integrated with the portion of Capitol Park that is controlled by the State, the ~~commission~~ Legislative Council may, in consultation with the City of Augusta, plan for the preservation and development of a unified park area.

The Bureau of Public Improvements ~~shall~~ may make no architectural, aesthetic or decorative addition, deletion or change to any external or internal part of the State House or its immediate grounds under the jurisdiction of the Legislative Council unless the council has approved the change in writing in conformance with the plan adopted by the council. The Governor shall must be notified before the council votes on any change. ~~The commission may make recommendations to the council in regard to any proposed architectural, aesthetic or decorative addition,~~

deletion-or-change-to-the-internal-or-external-part-of-the-State
House.

Sec. B-6. 3 MRSA §§903 to 905, as enacted by PL 1987, c. 816,
Pt. EE, §1, are repealed.

Sec. B-7. 3 MRSA §§906 and 907, as enacted by PL 1989, c.
410, §12, are repealed.

Sec. B-8. 4 MRSA §451, as amended by PL 1989, c. 891, Pt. A,
§8, is repealed.

Sec. B-9. 4 MRSA §452 is repealed.

Sec. B-10. 4 MRSA §453, as amended by PL 1989, c. 891, Pt. A,
§9, is repealed.

Sec. B-11. 4 MRSA §454, as amended by PL 1989, c. 925, §1, is
further amended to read:

§454. Maine Criminal Justice Sentencing Institute

There is established a Maine Criminal Justice Sentencing
Institute under the administrative supervision of the State Court
Administrator to provide a continuing forum for the regular
discussion of the most appropriate methods of sentencing
convicted offenders and adjudicated juveniles by judges in the
criminal justice system, prosecutors, law enforcement and
correctional personnel, representatives of advisory and advocacy
groups and such representatives of the defense bar as the chair
of the ~~Judicial Council~~ State Court Administrator may invite. All
Supreme Judicial Court, Superior Court, District Court and
Administrative Court Judges, all District Attorneys and attorneys
within the Criminal Division of the Office of the Attorney
General are, and such other criminal justice personnel as the
~~Judicial Council~~ State Court Administrator may authorize may be,
members of the institute.

The institute shall meet not less than once every 3 years,
~~at the call of the Judicial Council~~, for a 2-day period to
discuss recommendations for changes in the sentencing authority
and policies of the State's criminal and juvenile courts, in
response to current law enforcement problems and the available
alternatives for criminal and juvenile rehabilitation within the
State's correctional system. Inasmuch as possible the
deliberations of the institute must be open to the general public.

Members of the institute are not entitled to receive
compensation for their services, but are allowed, out of any
appropriation or other fund made available for the purpose, such

2 expenses for clerical and other services, travel and incidentals
as the Judicial-Council State Court Administrator may authorize.

4 Sec. B-12. 5 MRSA §96, as amended by PL 1989, c. 503, Pt. B,
§9, is repealed.

6 Sec. B-13. 5 MRSA c. 12, as amended, is repealed.

8 Sec. B-14. 5 MRSA §298, as amended by PL 1989, c. 503, Pt. B,
10 §12, is repealed.

12 Sec. B-15. 5 MRSA §299, as amended by PL 1989, c. 410, §§15
and 16, is repealed.

14 Sec. B-16. 5 MRSA §350, as amended by PL 1989, c. 503. Pt. B,
16 §13, is repealed.

18 Sec. B-17. 5 MRSA §351, as amended by PL 1987, c. 370, §1, is
repealed.

20 Sec. B-18. 5 MRSA §352, as amended by PL 1985, c. 785, Pt. A,
22 §37, is repealed.

24 Sec. B-19. 5 MRSA §723, as amended by PL 1991, c. 376, §14,
is repealed.

26 Sec. B-20. 5 MRSA §884, as repealed and replaced by PL 1991,
28 c. 108, is repealed.

30 Sec. B-21. 5 MRSA §1658, as amended by PL 1989, c. 503, Pt.
B, §17, is repealed.

32 Sec. B-22. 5 MRSA §1742, sub-§16, as amended by PL 1989, c.
34 410, §18, is further amended to read:

36 16. **Maintain public park in Augusta.** To maintain all that
38 portion of the state lands specified in Title 3, section 902
902-A, subsection 2, ~~in accordance with the official plans~~
40 ~~proposed by the State House and Capitol Park Commission to the~~
~~Legislative Council and adopted by the Legislature pursuant to~~
42 ~~Title 3, section 902, subsection 1;~~

44 Sec. B-23. 5 MRSA §1876, sub-§1, ¶H, as enacted by PL 1985, c.
785, Pt. A, §78, is amended to read:

46 H. The Division of Risk Management, the head of which shall
be is the Director of Risk Management; and

48 Sec. B-24. 5 MRSA §1876, sub-§1, ¶I, as amended by PL 1987, c.
50 402, Pt. B, §3, is further amended to read:

2 I. The Board of Trustees of Group Accident and Sickness or
Health Insurance;.

4
6 **Sec. B-25. 5 MRSA §1876, sub-§1, ¶K,** as enacted by PL 1987, c.
402, Pt. B, §4, is repealed.

8 **Sec. B-26. 5 MRSA §3313,** as amended by PL 1989, c. 503, Pt.
10 B, §19, is repealed.

12 **Sec. B-27. 5 MRSA §3314, sub-§1,** as amended by PL 1979, c.
672, Pt. A, §9, is amended to read:

14 **1. Register of Critical Areas.** The State Planning Office,
16 ~~with the advice and approval of the board,~~ shall establish a
Register of Critical Areas, which shall must contain an inventory
18 of sites and areas of significant natural, scenic or scientific
value duly classified as "critical areas" as defined in section
20 3312. In determining the classification of an area or site as a
critical area, the State Planning Office shall consider, ~~inter~~
alia:

22
24 A. The unique or exemplary natural qualities of the area or
site;

26 B. The intrinsic fragility of the area or site to
alteration or destruction;

28
30 C. The present or future threat of alteration or
destruction;

32 D. The economic implications of inclusion of a critical
area in the register.

34
36 **Sec. B-28. 5 MRSA §3314, sub-§5,** as enacted by PL 1973, c.
778, §1, is amended to read:

38 **5. Removal of listed areas.** The State Planning Office, ~~with~~
39 ~~the advice and approval of the Maine Critical Areas Advisory~~
40 ~~Board,~~ may remove any critical area listed in the register, when
it ~~shall determine~~ determines that such protection as afforded
42 under inclusion in the register is no longer necessary or
appropriate.

44
46 **Sec. B-29. 5 MRSA §3315, sub-§1,** as enacted by PL 1985, c.
595, §3, is amended to read:

48 **1. Official list of endangered plants.** The Director of the
State Planning Office, ~~with the advice of the Critical Areas~~
50 ~~Advisory Board,~~ shall establish and maintain the official list of

native endangered and threatened plants of the State. The purpose and intent of the list is informational only.

Sec. B-30. 5 MRSA §3358, sub-§1, as enacted by PL 1991, c. 417, §1, is amended to read:

1. Establishment. In order to monitor and evaluate the State's criminal justice system on an ongoing basis and to provide recommendations regarding changes in that system to the appropriate state departments and the Legislature, there is established, pursuant to Title 5, section ~~12004-J~~ 12004-G, subsection ~~10~~ 7-F, an independent commission known as the Maine Criminal Justice Commission.

Sec. B-31. 5 MRSA §3358, sub-§2, ¶P, as enacted by PL 1991, c. 417, §1, is amended to read:

P. The commission shall request that the Chief Justice of the Maine Supreme Judicial Court serve as an advisor to the commission ~~or designate a member of the Judicial Council to serve as an adviser.~~

Sec. B-32. 5 MRSA §12002-B, sub-§1, as amended by PL 1989, c. 503, Pt. B, §27, is further amended to read:

1. Payment of compensation. The legislative per diem or any other specified daily rate of compensation or annual rate of compensation, as specified in sections 12004-A to ~~12004-K~~ 12004-L, may be paid only for a member's:

A. Actual attendance at meetings of the board within the State called by the chair or by a majority of the members of the board;

B. Actual attendance at public hearings held by the board within the State to fulfill the duties and responsibilities of the board;

C. Actual attendance at meetings within the State of groups advisory to the board; or

D. Participation in official business of the board required by law or by rule of the board or a procedure ~~which is~~ necessary to fulfill the statutory responsibilities of the board, ~~but shall not include~~ except for any of the prohibited activities as defined in subsection 2.

Sec. B-33. 5 MRSA §12003-A, sub-§3, as amended by PL 1989, c. 503, Pt. B, §28, is further amended to read:

2 3. Compensation as provided in sections 12004-A to
3 12004-L. Compensation to members of boards shall must be in
4 accordance with the rate established for each board in ~~section~~
5 sections 12004-A to 12004-K 12004-L. The defined rate of
6 compensation for each board in ~~section~~ sections 12004-A to
7 12004-K shall 12004-L must be in compliance with this section.

8 Sec. B-34. 5 MRSA §12004, first ¶, as repealed and replaced by
9 PL 1989, c. 503, Pt. A, §1, is amended to read:

10 Boards established or authorized by this chapter shall--be
11 are classified according to the similarities of the powers and
12 duties of the several boards. Members of boards shall--be are
13 eligible for the rate of compensation specified for each board,
14 except when compensation is not authorized. A reference to the
15 statutory description of each board shall is also be provided.
16 For the purposes of sections 12004-G to 12004-J 12004-K, the term
17 "field" does not designate the state agency or department with
18 which a board is associated or affiliated, but only refers to the
19 generic subject matter before the board.

20 Sec. B-35. 5 MRSA §12004-F, sub-§§3-A to 3-D are enacted to
21 read:

22 <u>3-A. Passamaquoddy</u>	<u>Not Autho-</u>	<u>22 MRSA</u>
23 <u>Indian Housing</u>	<u>rized</u>	<u>§4733</u>
24 <u>Authority - Indian</u>		
25 <u>Township</u>		

26 <u>3-B. Passamaquoddy</u>	<u>Not Autho-</u>	<u>22 MRSA</u>
27 <u>Indian Housing</u>	<u>rized</u>	<u>§4733</u>
28 <u>Authority -</u>		
29 <u>Pleasant Point</u>		

30 <u>3-C. Penobscot</u>	<u>Not Autho-</u>	<u>22 MRSA</u>
31 <u>Tribal Reservation</u>	<u>rized</u>	<u>§4733</u>
32 <u>Housing Authority</u>		

33 <u>3-D. Maliseet</u>	<u>Not Autho-</u>	<u>22 MRSA</u>
34 <u>Housing Authority</u>	<u>rized</u>	<u>§4733</u>

35 Sec. B-36. 5 MRSA §12004-F, sub-§16 is enacted to read:

36 <u>16. Board of</u>	<u>Expenses</u>	<u>30-A MRSA</u>
37 <u>Emergency Municipal</u>	<u>Only</u>	<u>§6101</u>
38 <u>Finance</u>		

39 Sec. B-37. 5 MRSA §12004-G, sub-§§7-F, 8-B, 8-C and 19-A are
40 enacted to read:

2	<u>7-F.</u>	<u>Maine</u>	<u>As Author-</u>	<u>5 MRSA</u>
4	<u>Criminal</u>	<u>Criminal</u>	<u>ized by Com-</u>	<u>\$3358</u>
	<u>Justice</u>	<u>Justice</u>	<u>mission</u>	
		<u>Commission</u>		
6	<u>8-B.</u>	<u>Interdepart-</u>	<u>Expenses</u>	<u>20-A MRSA</u>
8	<u>Education</u>	<u>mental Com-</u>	<u>Only</u>	<u>\$7803</u>
		<u>mittee on</u>		
10		<u>Transition</u>		
12	<u>8-C.</u>	<u>Maine Choice</u>	<u>Expenses</u>	<u>20-A MRSA</u>
14	<u>Education</u>	<u>Advisory</u>	<u>Only for</u>	<u>\$12658</u>
		<u>Board</u>	<u>Nonstate</u>	
			<u>Employees</u>	
16	<u>19-A.</u>	<u>Radiological</u>	<u>Expenses</u>	<u>37-B MRSA</u>
18	<u>Human Ser-</u>	<u>Emergency</u>	<u>Only</u>	<u>\$954</u>
20	<u>vices:</u>	<u>Preparedness</u>		
	<u>Public</u>	<u>Committee</u>		
	<u>Health</u>			

22 Sec. B-38. 5 MRSA §12004-G, sub-§§26-A and 27-B to 27-E are
24 enacted to read:

26	<u>26-A.</u>	<u>Regional</u>	<u>Paid by</u>	<u>30-A MRSA</u>
28	<u>Local and</u>	<u>Council</u>	<u>Member</u>	<u>\$2311</u>
	<u>County</u>	<u>of Govern-</u>	<u>Governments</u>	
	<u>Government</u>	<u>ments</u>		
30	<u>27-B.</u>	<u>Medical</u>	<u>Expenses</u>	<u>24 MRSA</u>
32	<u>Medicine</u>	<u>Specialty</u>	<u>Only</u>	<u>\$2972</u>
34		<u>Advisory</u>		
		<u>Committee</u>		
		<u>on Anesthe-</u>		
		<u>siology</u>		
36	<u>27-C.</u>	<u>Medical</u>	<u>Expenses</u>	<u>24 MRSA</u>
38	<u>Medicine</u>	<u>Specialty</u>	<u>Only</u>	<u>\$2972</u>
40		<u>Advisory</u>		
		<u>Committee</u>		
		<u>on Emergency</u>		
		<u>Medicine</u>		
44	<u>27-D.</u>	<u>Medical</u>	<u>Expenses</u>	<u>24 MRSA</u>
46	<u>Medicine</u>	<u>Specialty</u>	<u>Only</u>	<u>\$2972</u>
48		<u>Advisory</u>		
		<u>Committee</u>		
		<u>on Obstetrics</u>		
50		<u>and Gynecology</u>		

2	<u>27-E.</u>	<u>Medical</u>	<u>Expenses</u>	<u>24 MRSA</u>
4	<u>Medicine</u>	<u>Specialty</u>	<u>Only</u>	<u>\$2972</u>
6		<u>Advisory</u>		
8		<u>Committee</u>		
10		<u>on Radiology</u>		

Sec. B-39. 5 MRSA §12004-I, as amended by PL 1991, c. 622, Pt. J, §18 and affected by §25 and amended by Pt. S, §§9 to 17, is repealed.

Sec. B-40. 5 MRSA §12004-J, as amended by PL 1991, c. 622, Pt. S, §§18 and 19, is repealed.

Sec. B-41. 5 MRSA §13065, sub-§1, as enacted by PL 1989, c. 875, Pt. M, §§6 and 13, is amended to read:

1. Office of Tourism; establishment. The Office of Tourism is established to carry out the purposes of this article. The Director of the Office of Tourism shall administer the office. ~~The Office of Tourism includes the Maine Tourism Commission and the Maine State Film Commission.~~

Sec. B-42. 5 MRSA §13067, as corrected by RR 1991, c. 1, §11, is repealed.

Sec. B-43. 5 MRSA §§13069 and 13069-A, as enacted by PL 1989, c. 875, Pt. M, §§6 and 13, are repealed.

Sec. B-44. 5 MRSA c. 383, sub-c. II, art. 5, as amended, is repealed.

Sec. B-45. 5 MRSA §13093, as amended by PL 1989, c. 700, Pt. A, §22, is repealed.

Sec. B-46. 5 MRSA §15134, as enacted by PL 1987, c. 542, Pt. I, §§3 and 6, is repealed.

Sec. B-47. 5 MRSA §15135, sub-§1, as enacted by PL 1987, c. 769, Pt. A, §22, is repealed.

Sec. B-48. 5 MRSA §18801, sub-§6, as enacted by PL 1989, c. 811, §3, is repealed.

Sec. B-49. 5 MRSA §§18802 and 18803, as enacted by PL 1989, c. 811, §3, are repealed.

Sec. B-50. 5 MRSA §19202, as amended by PL 1991, c. 404, §1 and affected by §2, is repealed.

2 **Sec. B-51. 5 MRSA §19205, sub-§2**, as amended by PL 1989, c.
502, Pt. A, §22, is further amended to read:

4 **2. Coordination of services.** A person designated by the
Commissioner of Human Services shall insure coordination of new
6 and existing services so as to meet the needs of persons with
AIDS, AIDS-Related Complex and viral positivity and identify gaps
8 in programs.

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

14 **Sec. B-52. 5 MRSA §20003, sub-§5**, as enacted by PL 1989, c.
16 934, Pt. A, §3, is repealed.

18 **Sec. B-53. 5 MRSA §20009, sub-§1**, as amended by PL 1991, c.
20 601, §13, is further amended to read:

22 **1. Biennial plan.** By January 15, 1991, and biennially
thereafter, ~~with the advice and consultation of the Maine Council~~
~~on--Alcohol--and--Drug--Abuse--Prevention--and--Treatment,~~ a
24 comprehensive plan containing statements of measurable goals to
be accomplished during the coming biennium and establishing
26 performance indicators by which progress toward accomplishing
those goals will be measured; and

28 **Sec. B-54. 5 MRSA §20061**, as amended by PL 1991, c. 601, §25,
30 is repealed.

32 **Sec. B-55. 6 MRSA §302**, as amended by PL 1989, c. 503, Pt. B,
34 §35, is repealed.

36 **Sec. B-56. 7 MRSA §231**, as amended by PL 1989, c. 878, Pt. A,
§21, is repealed.

38 **Sec. B-57. 7 MRSA §2402, sub-§1**, as enacted by PL 1991, c.
40 609, §2, is amended to read:

42 **1. Creation of fund.** There is created the Integrated Pest
Management Fund. The commissioner shall credit funds received
44 from any source for the development and implementation of an
expanded and improved integrated pest management program to that
fund. The following limitations apply to any revenue received
46 from General Fund appropriations.

48 **A.** A minimum of 60% of the General Fund revenues must be
50 granted to the University of Maine Cooperative Extension
after an agreement on a work plan is reached by the

commissioner and the Director of the University of Maine Cooperative Extension. The grant funds may not be used for purposes outside the strict scope of the grant. The grant funds may not be used for defrayal of overhead and administrative costs of the grant recipient.

B. A minimum of 5% of the General Fund revenues must be used by the Bureau of Agricultural Production for a new crop pest survey and biocontrol program, after a work plan is submitted to and approved by the commissioner.

C. A minimum of 5% of the General Fund revenues must be used to fund grants to examine the feasibility of, or promote, the involvement of the private sector in the development or implementation of integrated pest management programs in the State.

D. A minimum of 20% of the General Fund revenues must be used to fund grants for integrated pest management research and demonstration projects. The funds may be used to support graduate student programs and stipends. The grant funds may not be used for purposes outside the strict scope of the grant. The grant funds may not be used for defrayal of overhead and administrative costs of the grant recipient.

~~With--the--advice--of--the--Integrated--Pest--Management--Advisory Committee--established--in--section--2403,--the~~ The commissioner may expend any remaining General Fund appropriations for publications, educational efforts and other purposes consistent with this section.

Sec. B-58. 7 MRSA §2403, as enacted by PL 1991, c. 609, §2, is repealed.

Sec. B-59. 9-A MRSA §6-301, as amended by PL 1985, c. 295, §§26 and 27, is repealed.

Sec. B-60. 9-A MRSA §§6-302 and 6-303, as enacted by PL 1973, c. 762, §1, are repealed.

Sec. B-61. 10 MRSA §965, sub-§1, as amended by PL 1991, c. 511, Pt. A, §1, is repealed.

Sec. B-62. 10 MRSA §965, sub-§3, as amended by PL 1987, c. 596, §1, is further amended to read:

3. At-large members. Three Nine members appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over economic development and

subject to confirmation by the Legislature shall ~~be~~ are appointed from at large.

Sec. B-63. 10 MRSA §966, first ¶, as enacted by PL 1983, c. 519, §6, is amended to read:

The terms of office for the designated and at-large members defined in section 965, subsections 2 and 3, shall ~~be~~ are for 4 years, except for initial appointees. ~~The terms of office for the appointees who are selected board members, as defined in section 965, subsection 1, shall be coterminous with their terms of office with the boards from which they are selected.~~

Sec. B-64. 10 MRSA §972, sub-§1, as amended by PL 1989, c. 698, §7, is further amended to read:

1. Employ directors. In accordance with procedures of the authority, employ the directors of the divisions established by the authority. ~~During the selection process, the authority or its designee, the chief executive officer, shall consult with the Natural Resource Financing and Marketing Board concerning the appointment of a director of the Division of Natural Resources Financing and Marketing and with the Maine Education Assistance Board concerning the appointment of a director of the Maine Education Assistance Division.~~ The directors shall serve at the pleasure of the chief executive officer;

Sec. B-65. 10 MRSA §972, sub-§4, as amended by PL 1985, c. 344, §21, is further amended to read:

4. Attend meetings. Attend or be represented at meetings of the members and boards of the authority;

Sec. B-66. 10 MRSA §973, first ¶, as amended by PL 1989, c. 698, §8, is further amended to read:

Notwithstanding Title 5, section 18, subsection 1, paragraph B, each member of the authority, ~~each member of the Natural Resource Financing and Marketing Board, each member of the Maine Veterans' Small Business Loan Board, each member of the Maine Education Assistance Board~~ and each employee, contractor, agent or other representative of the authority is deemed an "executive employee" solely for purposes of Title 5, section 18, and for no other purpose, provided that the chief executive officer shall in addition be is deemed an executive employee for purposes of Title 5, section 19. In addition, Title 17, section 3104, ~~shall be~~ is applicable, in accordance with its provisions, to all such representatives of the authority.

2 **Sec. B-67. 10 MRSA §985**, as amended by PL 1989, c. 4, §2, is
repealed.

4 **Sec. B-68. 10 MRSA §1016**, as amended by PL 1989, c. 878, Pt.
F, §1, is repealed.

6 **Sec. B-69. 10 MRSA §1100-W, sub-§2, ¶A**, as enacted by PL 1991,
8 c. 545, §2, is amended to read:

10 A. Allocation of funds as-determined-upon-recommendation-of
12 the-Primary-Care-Residency-Advisory-Committee-under-section
1100-X; and

14 **Sec. B-70. 10 MRSA §1100-W, sub-§2, ¶B**, as enacted by PL 1991,
c. 545, §2, is repealed.

16 **Sec. B-71. 10 MRSA §1100-X**, as enacted by PL 1991, c. 545,
18 §2, is repealed.

20 **Sec. B-72. 10 MRSA §1414**, as amended by PL 1989, c. 503, Pt.
B, §53, is repealed.

22 **Sec. B-73. 12 MRSA §6141, sub-§2**, as enacted by PL 1985, c.
24 677, §1, is amended to read:

26 **2. Policy investigations.** The commissioner shall develop
28 in the lobster research program the capacity to systematically
analyze the effects of conservation and management options. The
30 analysis includes both the biological and economic components of
the fishery. Options for policy analysis include, without
32 limitation, changes in the lobster measures, seasons, limitations
on effort and limitations on entry to the fishery. Analysis of
these options shall must be conducted cooperatively with the
34 industry and-the-Lobster-Advisory-Council.

36 **Sec. B-74. 12 MRSA §6141, sub-§5**, as amended by PL 1987, c.
694, §2, is further amended to read:

38 **5. Report.** The commissioner shall prepare an annual report
40 to the Legislature setting out the accomplishments of the
previous year and an updated, 5-year research plan for future
42 activities with proposed budget requirements. ~~The-report-shall~~
~~be-reviewed-by-the-Lobster-Advisory-Council-prior-to-submission~~
44 ~~to-the-Legislature.~~ The report shall must be submitted to the
joint standing committee of the Legislature having jurisdiction
46 over marine resources on or before March 15th of each year.

48 **Sec. B-75. 12 MRSA §6451, sub-§6**, as repealed and replaced by
50 PL 1987, c. 406, is amended to read:

2 **6. Lobster hatcheries.** The commissioner, ~~with the advice~~
3 ~~of the Lobster Advisory Council,~~ may authorize expenditure of
4 money from the Lobster Fund, any available funds and, as
5 appropriated by the Legislature, the General Fund to make grants
6 in support of the establishment and operation of lobster
7 hatcheries. The grants shall must be for a one-year period and
8 ~~shall---be~~ are renewable indefinitely upon successful
9 reapplication. There shall may be no more than 5 lobster
10 hatcheries supported under this section. The commissioner shall
11 develop rules, including biological and economic criteria for
12 evaluating proposals. The commissioner shall require the grantee
13 to keep a log of activities regarding the hatchery and shall
14 require a written report at the termination of each grant.

15 **Sec. B-76. 12 MRSA §6451, sub-§7,** as enacted by PL 1985, c.
16 237, §3, is repealed.

17 **Sec. B-77. 12 MRSA §6462,** as amended by PL 1989, c. 503, Pt.
18 B, §63, is repealed.

19 **Sec. B-78. 12 MRSA §6463,** as enacted by PL 1979, c. 355, §1,
20 is repealed.

21 **Sec. B-79. 12 MRSA §7011, last ¶,** as amended by PL 1989, c. 53,
22 §1, is further amended to read:

23 The department shall ~~consist~~ consists of a Commissioner of
24 Inland Fisheries and Wildlife, deputy commissioner, Bureau of
25 Administrative Services, Bureau of Resource Management and Bureau
26 of Warden Service. ~~It shall also include the Advisory Board for~~
27 ~~the Licensing of Guides, the Junior Maine Guides and Trip~~
28 ~~Leaders' Curriculum Board and whatever state agencies which shall~~
29 ~~be designated.~~ The department shall is under the control and
30 supervision of the commissioner.

31 **Sec. B-80. 12 MRSA §7320,** as amended by PL 1989, c. 503, Pt.
32 B, §65, is repealed.

33 **Sec. B-81. 12 MRSA §7323,** as amended by PL 1989, c. 503, Pt.
34 B, §66, is repealed.

35 **Sec. B-82. 12 MRSA §7354, sub-§1, ¶A,** as enacted by PL 1989,
36 c. 913, Pt. C, §4, is repealed.

37 **Sec. B-83. 12 MRSA §7354, sub-§5,** as enacted by PL 1989, c.
38 913, Pt. C, §4, is amended to read:

39 **5. Rules.** The commissioner may, pursuant to the Maine
40 Administrative Procedure Act, adopt rules to implement the
41 provisions of this section and sections ~~7355 to~~ 7356 and 7357.

2 **Sec. B-84. 12 MRSA §7355**, as amended by PL 1989, c. 913, Pt.
C, §4, is repealed.

4 **Sec. B-85. 12 MRSA §7369-A**, as amended by PL 1989, c. 503,
6 Pt. B, §68, is repealed.

8 **Sec. B-86. 17-A MRSA c. 55**, as amended, is repealed.

10 **Sec. B-87. 19 MRSA §770-B**, as enacted by PL 1989, c. 862,
§22, is repealed.

12 **Sec. B-88. 20-A MRSA §202, sub-§2**, as enacted by PL 1981, c.
14 693, §§5 and 8, is repealed.

16 **Sec. B-89. 20-A MRSA §260, sub-§2, ¶¶B and C**, as enacted by PL
18 1983, c. 859, Pt. K, §2, are amended to read:

20 B. Enter into such contracts as may be necessary to carry
out the development and implementation of the assistance
22 program; and

24 C. Adopt rules to implement the program~~+~~and.

26 **Sec. B-90. 20-A MRSA §260, sub-§2, ¶D**, as amended by PL 1985,
c. 295, §28, is repealed.

28 **Sec. B-91. 20-A MRSA §651**, as amended by PL 1989, c. 503, Pt.
30 B, §74, is repealed.

32 **Sec. B-92. 20-A MRSA §5152**, as enacted by PL 1985, c. 774,
§5, is repealed.

34 **Sec. B-93. 20-A MRSA §6203, sub-§4**, as amended by PL 1985, c.
36 295, §29, is repealed.

38 **Sec. B-94. 20-A MRSA §7503, sub-§8**, as amended by PL 1987, c.
395, Pt. A, §77, is repealed.

40 **Sec. B-95. 20-A MRSA §9002**, as amended by PL 1989, c. 503,
42 Pt. B, §75, is repealed.

44 **Sec. B-96. 20-A MRSA §11801, sub-§3**, as amended by PL 1989, c.
698, §15 and affected by §76, is repealed.

46 **Sec. B-97. 20-A MRSA §11803, sub-§2**, as amended by PL 1989, c.
48 698, §17 and affected by §76, is further amended to read:

50 **2. Forgiveness of indebtedness.** The agreement must provide
that 1/4 of the indebtedness is forgiven for each year in which

2 the state contract student practices the student's profession
3 within the State in primary care or other specialized areas as
4 determined by the chief executive officer, ~~with the advice of the~~
5 ~~Advisory Committee on Medical Education.~~ For other state
6 contract students returning to practice their profession in
7 Maine, 1/4 of their indebtedness is forgiven for each of the
8 first 2 years of practice.

10 **Sec. B-98. 20-A MRSA §11807**, as amended by PL 1989, c. 698,
§23 and affected by §76, is repealed.

12 **Sec. B-99. 20-A MRSA §12658, sub-§1**, as enacted by PL 1989, c.
13 579, §2, is amended to read:

14 **1. Establishment.** There is established as authorized in
15 Title 5, section 12004-I, 12004-G, subsection 8-C the Maine
16 Choice Advisory Board for the purposes of this chapter.

18 **Sec. B-100. 20-A MRSA §12851, sub-§2**, as enacted by PL 1991,
19 c. 372, §2, is repealed.

22 **Sec. B-101. 20-A MRSA §12855**, as enacted by PL 1991, c. 372,
23 §2, is amended to read:

24 **§12855. Director**

26 The University of New England, ~~with the advice of the~~
27 ~~committee,~~ shall appoint a system director who meets federal area
28 health education center requirements. The director is
29 responsible for the administration of the system in accordance
30 with policies established under this chapter.

32 **Sec. B-102. 20-A MRSA §12856**, as enacted by PL 1991, c. 372,
33 §2, is repealed.

36 **Sec. B-103. 20-A MRSA §12857, first ¶**, as enacted by PL 1991,
37 c. 372, §2, is amended to read:

38 The ~~committee~~ system director may designate centers and
39 their service areas and must ~~provide authorization before the~~
40 ~~director enters into~~ authorize any contracts with any center, the
41 statewide consortium for health professions education or other
42 providers.

44 **Sec. B-104. 22 MRSA §303, sub-§5**, as amended by PL 1981, c.
45 705, Pt. V, §3, is further amended to read:

48 **5. Department.** "Department" means the Department of Human
49 Services, ~~but does not include the Certificate of Need Advisory~~
50 ~~Committee within the department.~~

2 **Sec. B-105. 22 MRSA §307, sub-§2-A**, as amended by PL 1989, c.
503, Pt. B, §79, is repealed.

4 **Sec. B-106. 22 MRSA §307, sub-§2-B**, as amended by PL 1985, c.
6 342, is repealed.

8 **Sec. B-107. 22 MRSA §307, sub-§5-A, ¶¶B and C**, as amended by PL
1985, c. 418, §9, are further amended to read:

10 B. After reviewing each application, the commissioner shall
12 make a decision either to issue a certificate of need or to
deny the application for a certificate of need. The
14 decision of the commissioner shall must be based on the
informational record developed in the course of review as
16 specified in paragraph C. Notice of the decision shall must
be sent to the applicant and ~~the committee~~. This notice
18 shall must incorporate written findings which that state the
basis of the decision, including the findings required by
20 section 309, subsection 1. ~~If the decision is not~~
~~consistent with the recommendations of the Certificate of~~
22 ~~Need Advisory Committee, the commissioner shall provide a~~
~~detailed statement of the reasons for the inconsistency.~~

24 C. For purposes of this subsection, "informational record
26 developed in the course of review" includes the following:

28 (1) All applications, filings, correspondence and
documentary material submitted by applicants and
30 interested or affected persons ~~prior to the termination~~
~~of the public comment period under subsection 2-B,~~
32 ~~paragraph F or, if no hearing is held,~~ prior to the
80th day of a 90-day review cycle and prior to the
34 140th day of a 150-day review cycle;

36 (2) All documentary material reflecting information
generated by the department ~~prior to termination of the~~
38 ~~public comment period or, if no hearing is held,~~ prior
to the 80th day of a 90-day review cycle and prior to
40 the 140th day of a 150-day review cycle;

42 (3) Stenographic or electronic recording of any public
hearing or meeting held during the course of review,
44 whether or not transcribed;

46 ~~(4) All material submitted or obtained in accordance~~
~~with the procedures in subsection 2-B, paragraph G;~~

2 (5) The staff report of the agency, and the
preliminary staff report of the department ~~and--the~~
4 ~~recommendations-of-the-committee;~~

6 (6) Officially noticed facts; and

8 (7) The final staff report of the department.

10 Documentary materials may be incorporated in the record by
reference, provided that registered affected persons are
12 afforded the opportunity to examine the materials.

14 **Sec. B-108. 22 MRSA §314**, as amended by PL 1985, c. 418, §16,
is further amended to read:

16 **§314. Conflict of interest**

18 In addition to the limitations of Title 5, section 18, a
member or employee of the Department of Human Services or
20 ~~Certificate--of--Need--Advisory--Committee~~ who has a substantial
economic or fiduciary interest which that would be affected by a
22 recommendation or decision to issue or deny a certificate of
need, or who has a close relative or economic associate whose
24 interest would be so affected ~~shall--be~~ is ineligible to
participate in the review, recommendation or decision making
26 process with respect to any application for which the conflict of
interest exists.

28 **Sec. B-109. 22 MRSA §386, sub-§2**, as enacted by PL 1983, c.
30 579, §10, is amended to read:

32 **2. Committees.** ~~In addition to the committees required to be~~
~~established under section 396-P,--the~~ The commission may create
34 committees from its membership and appoint advisory committees
consisting of members, other individuals and representatives of
36 interested public and private groups and organizations.

38 **Sec. B-110. 22 MRSA §396-P**, as amended by PL 1991, c. 84, §§4
and 5, is repealed.

40 **Sec. B-111. 22 MRSA §2092, sub-§2**, as amended by PL 1975, c.
42 293, §4, is repealed.

44 **Sec. B-112. 22 MRSA §2094, next to the last ¶**, as amended by PL
1991, c. 152, §4, is further amended to read:

46 The director possesses full authority and responsibility for
48 administering all the powers and duties provided in section 2095,
~~with-the-advice-of-the-council-pursuant-to-section-2099.~~ The

2 director shall assume and discharge all responsibilities vested
in the division.

4 Sec. B-113. 22 MRSA c. 415, sub-c. III, as amended, is repealed.

6 Sec. B-114. 22 MRSA §2621, sub-§1, as amended by PL 1985, c.
748, §25, is repealed.

8 Sec. B-115. 22 MRSA §2625, as amended by PL 1985, c. 748,
10 §27, is further amended by adding a new 2nd paragraph to read:

12 The commissioner shall establish by rule the qualifications,
14 conditions, standards and procedures for licensing individuals
to act as operators.

16 Sec. B-116. 22 MRSA §2625, last ¶, as amended by PL 1985, c.
18 748, §27, is further amended to read:

Applications for a first examination shall must be received
20 by the ~~board-chairman~~ commissioner at least 5 days prior to the
examination. The passing grade on any portion of the examination
22 shall--be--not--less--than is 70%. A candidate failing one
examination may apply for reexamination, which may be granted
24 upon payment of a fee established by regulation. Any candidate
for registration having an average grade of less than 50% may not
26 apply for reexamination for 6 months.

28 Sec. B-117. 22 MRSA §3072, sub-§1, as enacted by PL 1985, c.
160, §2, is repealed.

30 Sec. B-118. 22 MRSA §§3074 and 3075, as enacted by PL 1985,
32 c. 160, §2, are repealed.

34 Sec. B-119. 22 MRSA §§3098 and 3099, as enacted by PL 1991,
36 c. 370, §2, are repealed.

38 Sec. B-120. 22 MRSA §3100, as enacted by PL 1991, c. 370, §2,
is repealed.

40 Sec. B-121. 22 MRSA §3189, sub-§2, ¶B, as enacted by PL 1989,
42 c. 588, Pt. A, §43, is repealed.

44 Sec. B-122. 22 MRSA §3189, sub-§3, ¶F, as enacted by PL 1991,
c. 591, Pt. GG, §3, is amended to read:

46 F. ~~Notwithstanding--subsection--4,--paragraph--E,--the~~ The
48 department shall implement the following asset guidelines
during any recertification and for new enrollees to
determine eligibility.

2 (1) For adults under the age of 65, the asset limits
are the same as those for medically needy Medicaid
4 recipients except that there is a 2nd car exclusion for
families with 2 wage earners when the 2nd car is
6 necessary for work-related travel.

8 (2) For adults 65 and older, the asset limit is
\$10,000 per household.

10 The department may adopt rules to implement these asset
12 guidelines. After January 1, 1992, the department may
reassess and change these asset guidelines with--approval
14 from-the-Maine-Health-Program-Advisory-Committee.

16 Sec. B-123. 22 MRSA §3189, sub-§4, as amended by PL 1991, c.
622, Pt. L, §9, is repealed.

18 Sec. B-124. 22 MRSA §3189, sub-§5, as amended by PL 1991, c.
20 591, Pt. GG, §§4 to 8, is further amended by amending the first
paragraph to read:

22 5. Program development and administration. The department
24 shall develop and administer the program with--advice--from--the
committee--and in accordance with this section.

26 Sec. B-125. 22 MRSA §3189, sub-§5, ¶A, as amended by PL 1991,
28 c. 591, Pt. GG, §4, is further amended by amending subparagraph
(3) to read:

30 (3) The medical assistance to be provided may not
32 require participants with household income below 100%
of the federal poverty level to make out-of-pocket
34 expenditures, such as requiring deductibles or
copayments for any service covered, except to the
36 extent out-of-pocket expenditures are required under
state Medicaid rules. The department may study,--in
38 consultation--with--the--committee, whether to require
copayments from participants with household income
40 above 100% of the federal poverty level. Copayments
may be required of those persons only to the extent
42 that the study finds that implementation of the
proposed copayment will not significantly reduce access
44 to necessary services, and will achieve appropriate
reduction in the utilization of services and the cost
46 of the program.

48 Sec. B-126. 22 MRSA §3189, sub-§5, ¶B, as amended by PL 1991,
c. 591, Pt. GG, §5, is further amended to read:

50

2 B. The department, ~~in consultation with the council,~~ shall
develop plans to ensure appropriate utilization of
4 services. The department's consideration must include, but
is not limited to, preadmission screening, managed care, use
6 of preferred providers and 2nd surgical opinions. In
addition, the department may implement surveillance and
8 utilization control review and quality control or management
evaluation to the same extent such programs exist in the
10 Medicaid program, including the establishment of a Maine
Health Program formulary. The department may utilize any
12 existing Medicaid formulary for these purposes except that
the department is not bound by federal law in determining
14 what to allow or not allow on the formulary.

16 **Sec. B-127. 22 MRSA §3189, sub-§9,** as enacted by PL 1989, c.
588, Pt. A, §43, is amended to read:

18 **9. Procedures for adopting rules.** In adopting, amending or
repealing any rule required or authorized by this section, the
20 department shall comply with the Maine Administrative Procedure
Act, Title 5, chapter 375, ~~and shall provide the committee a~~
22 ~~reasonable opportunity to review and comment on the proposed~~
~~rules as a committee prior to the department giving public notice~~
24 ~~of rulemaking.~~

26 **Sec. B-128. 22 MRSA §3772, sub-§1,** as enacted by PL 1981, c.
512, §16, is repealed.

28 **Sec. B-129. 22 MRSA §3773,** as amended by PL 1989, c. 700, Pt.
30 A, §84, is repealed.

32 **Sec. B-130. 22 MRSA §3774,** as amended by PL 1989, c. 700, Pt.
A, §85, is repealed.

34 **Sec. B-131. 22 MRSA §4089,** as amended by PL 1989, c. 819, §6,
36 is repealed.

38 **Sec. B-132. 22 MRSA §4092, sub-§1-A,** as enacted by PL 1989, c.
892, §2, is repealed.

40 **Sec. B-133. 22 MRSA §4094,** as enacted by PL 1989, c. 892, §3,
42 is repealed.

44 **Sec. B-134. 22 MRSA §4733,** as amended by PL 1983, c. 812,
§131, is further amended to read:

46 **§4733. Create respective tribal housing authorities**

48
The Passamaquoddy Tribe, the Penobscot Nation and the
50 Houlton Band of Maliseet Indians are authorized by Title 5,

2 section ~~12004~~ 12004-F, ~~subsection-10~~, subsections 3-A to 3-D to
create respective tribal housing authorities. The respective
4 tribe, nation or band shall prescribe the manner of selection of
the members, their terms and grounds for removal. Except as
6 otherwise provided in this chapter or clearly indicated
otherwise, the Maine Housing Authorities Act ~~shall-apply~~ applies
8 to the tribal housing authorities, ~~which hereinafter in this~~
chapter may be referred to as "authority" or "authorities." The
power of such tribal housing authorities may be exercised only
10 within the Indian territory of the respective tribe or nation, or
the trust land of the Houlton Band of Maliseet Indians. Such
12 tribal housing authorities ~~shall-be-in-substitution-for~~ replace
any tribal housing authority heretofore existing under the laws
14 of the State and shall assume all the rights and obligations of
such predecessor housing authorities. The presently constituted
16 tribal housing authority of the respective tribe or nation ~~shall~~
continue continues in existence and ~~shall-exercise~~ exercises all
18 the authority ~~heretofore~~ vested by law in it until such time as
the respective tribe or nation creates the tribal housing
20 authority authorized by this section.

22 **Sec. B-135. 22 MRSA §8152, sub-§§1 and 3**, as repealed and
replaced by PL 1987, c. 432, §1, are amended to read:

24 **1. Planning.** The committee, ~~--in--consultation--with--the~~
26 ~~Residential--Treatment--Centers--Advisory--Group~~, shall develop
overall state policies for placement of children in need of
28 treatment in residential treatment centers.

30 **3. Contract procedures.** The committee shall develop, ~~--in~~
~~consultation--with--the--Residential--Treatment--Centers--Advisory~~
32 ~~Group~~, contract procedures for the provision of these services by
community-based provider agencies consistent with the following
34 requirements.

36 **A.** Residential treatment centers desiring to provide
services to children in need of placement shall submit the
38 necessary budget data to the Children's Residential
Treatment Committee on or before May 15th of each year.

40 **B.** The Children's Residential Treatment Committee shall
42 prepare for the State to offer the residential treatment
centers a contract, by July 1st of each year, which must
44 state:

46 (1) The reason for the number of children being
contracted for;

48 (2) The rate established for payment for those
50 services; and

2 (3) The basis for that rate.

4 C. An interim rate procedure shall must be established
6 consistent with subsection 4.

8 **Sec. B-136. 22 MRSA §8154**, as amended by PL 1989, c. 503, Pt.
B, §97, is repealed.

10 **Sec. B-137. 22 MRSA c. 1680**, as amended, is repealed.

12 **Sec. B-138. 23 MRSA §1904**, as amended by PL 1991, c. 548, Pt.
14 B, §2, is repealed.

16 **Sec. B-139. 23 MRSA §1906, sub-§1**, as repealed and replaced by
PL 1981, c. 318, §1, is amended to read:

18 1. **Erection and maintenance.** The commissioner, ~~with the~~
20 ~~advice of the Travel Information Advisory Council,~~ shall
designate locations for and erect official business directional
22 signs licensed under this chapter. The official business
directional signs shall must be furnished and preserved by the
24 applicant thereafter and shall conform to regulations issued by
the commissioner ~~with the advice of the Travel Information~~
26 ~~Advisory Council.~~ Such regulations shall must be consistent with
section 1910.

28 **Sec. B-140. 23 MRSA §1909**, as repealed and replaced by PL
30 1981, c. 318, §1, is amended to read:

32 **§1909. Eligibility for official business directional signs**

34 Lawful businesses and points of interest and cultural,
historic, recreational, educational and religious facilities are
36 eligible for official business directional signs, subject to this
chapter and, to rules promulgated by the commissioner ~~with the~~
38 ~~advice of the Travel Information Advisory Council,~~ and to any
federal law, rule or regulation affecting the allocation of
40 federal highway funds or other funds to or for the benefit of the
State or any agency or subdivision thereof.

42 **Sec. B-141. 23 MRSA §1910**, as amended by PL 1981, c. 576, §4,
44 is further amended to read:

46 **§1910. Types and arrangements of signs**

48 Subject to this chapter, the commissioner, ~~with the advice~~
~~of the Travel Information Advisory Council,~~ shall regulate the
size, shape, color, lighting, manner of display and lettering of
50 official business directional signs. A symbol may be specified

for each type of eligible service ~~ef~~ or facility for inclusion upon official business directional signs.

Sec. B-142. 23 MRSA §1925, as amended by PL 1981, c. 785, Pt. B, §104, is further amended to read:

§1925. Administration of chapter

The commissioner shall administer this chapter ~~with--the advice--of--the--Travel--Information--Advisory--Council.~~ The commissioner may employ, subject to the Civil Service Law, clerical and other assistants required for the administration of this chapter. The commissioner may delegate to personnel of the Department of Transportation the authority to administer this chapter. The commissioner may promulgate rules to administer the various provisions of this chapter that are consistent with the provisions thereof. The commissioner may execute contracts and other agreements to carry out the purposes of this chapter.

Sec. B-143. 23 MRSA c. 410-A, as amended, is repealed.

Sec. B-144. 23 MRSA c. 411, as amended, is repealed.

Sec. B-145. 24 MRSA §2320-A, sub-§4, as enacted by PL 1989, c. 875, Pt. I, §2, is amended to read:

4. Reports. Each nonprofit hospital and medical care service organization subject to this section shall report to the superintendent its experience for each calendar year beginning with 1991 not later than April 30th of the following calendar year. The report must include the information required and be presented in the form prescribed by the superintendent. The report must include the amount of claims paid in this State for services required by this section. The superintendent shall compile this data in an annual report ~~and--submit--the--report--to--the--Mandated--Benefits--Advisory--Commission--established--by--Title--5, section--12004--I,--subsection--50.~~

Sec. B-146. 24 MRSA §2325-B, as amended by PL 1989, c. 878, Pt. A, §65, is repealed.

Sec. B-147. 24 MRSA §2972, sub-§1, as amended by PL 1991, c. 319, §2, is further amended to read:

1. Medical specialty areas. The Medical Specialty Advisory Committee on Anesthesiology, in accordance with Title 5, section ~~12004-I~~ 12004-G, subsection 58-A ~~27-B~~; the Medical Specialty Advisory Committee on Emergency Medicine, in accordance with Title 5, section ~~12004-I~~ 12004-G, subsection 58-B ~~27-C~~; the Medical Specialty Advisory Committee on Obstetrics and

2 Gynecology, in accordance with Title 5, section ~~12004-I~~ 12004-G,
subsection 58-C 27-D; and the Medical Specialty Advisory
4 Committee on Radiology, in accordance with Title 5, section
~~12004-I~~ 12004-G, subsection 58-D 27-E are established and shall
6 develop practice parameters and risk management protocols for
their respective medical specialty areas.

8 **Sec. B-148. 24-A MRSA §1525**, as amended by PL 1989, c. 168,
§§12 to 14, is repealed.

10 **Sec. B-149. 24-A MRSA §1526**, as amended by PL 1989, c. 168,
12 §15, is repealed.

14 **Sec. B-150. 24-A MRSA §1876**, as enacted by PL 1989, c. 31,
§4, is repealed.

16 **Sec. B-151. 24-A MRSA §1878, sub-§2**, as enacted by PL 1989, c.
18 31, §4, is amended to read:

20 2. Courses and programs shall--be are approved or
disapproved by the superintendent,--~~subject to prior review and~~
22 ~~nonbinding recommendations of the Continuing Education Advisory~~
Committee. The superintendent may, by rule, establish criteria
24 for the review and approval of courses and for the determination
of the number of continuing education hours to be credited for
26 completion of each course or program.

28 **Sec. B-152. 24-A MRSA §2701, sub-§2, ¶B**, as enacted by PL
1989, c. 556, Pt. A, §4, is repealed.

30 **Sec. B-153. 24-A MRSA §2745-A, sub-§4**, as enacted by PL 1989,
32 c. 875, Pt. I, §3, is amended to read:

34 4. **Reports.** Each insurer that issues policies subject to
this section shall report to the superintendent its experience
36 for each calendar year beginning with 1991 not later than April
30th of the following calendar year. The report must include the
38 information required and be presented in the form prescribed by
the superintendent. The report must include the amount of claims
40 paid in this State for services required by this section. The
superintendent shall compile this data in an annual report and
42 ~~submit the report to the Mandated Benefits Advisory Commission,~~
~~established by Title 5, section 12004-I, subsection 50.~~

44 **Sec. B-154. 24-A MRSA §2751**, as amended by PL 1991, c. 333,
46 §2, is repealed.

48 **Sec. B-155. 24-A MRSA §2837-A, sub-§4**, as enacted by PL 1989,
c. 875, Pt. I, §6, is amended to read:

2 4. **Reports.** Each insurer that issues policies subject to
3 this section shall report to the superintendent its experience
4 for each calendar year beginning with 1991 not later than April
5 30th of the following calendar year. The report must include the
6 information required and be presented in the form prescribed by
7 the superintendent. The report must include the amount of claims
8 paid in this State for services required by this section. The
9 superintendent shall compile this data in an annual report and
10 ~~submit the report to the Mandated Benefits Advisory Commission~~
~~established in Title 5, section 12004-I, subsection 50.~~

12 **Sec. B-156. 25 MRSA §2901,** as amended by PL 1989, c. 648, §2,
13 is further amended to read:

14 **§2901. Department; commissioner**

16 There is created and established the Department of Public
17 Safety to coordinate and efficiently manage the law enforcement
18 and public safety responsibilities of the State, to consist of
19 the Commissioner of Public Safety, in this chapter called
20 "commissioner," who shall--be is appointed by the Governor,
21 subject to review by the joint standing committee of the
22 Legislature having jurisdiction over state and local government
23 and to confirmation by the Legislature, to serve at the pleasure
24 of the Governor, and the following as created and established:
25 the Bureau of State Police, the Bureau of Liquor Enforcement, the
26 Office of the State Fire Marshal, the Maine Criminal Justice
27 Academy, ~~the Maine Highway Safety Commission,~~ the Bureau of
28 Highway Safety and the Bureau of Intergovernmental Drug
29 Enforcement.

32 **Sec. B-157. 25 MRSA §2902, sub-§4,** as amended by PL 1989, c.
33 648, §3 and c. 700, Pt. A, §101, is repealed.

34 **Sec. B-158. 25 MRSA §2925,** as amended by PL 1989, c. 503, Pt.
35 B, §107, is repealed.

38 **Sec. B-159. 26 MRSA c. 7, sub-c. IV-A,** as amended, is repealed.

40 **Sec. B-160. 26 MRSA §1082, sub-§5,** as repealed and replaced by.
41 PL 1989, c. 878, Pt. A, §72, is repealed.

42 **Sec. B-161. 26 MRSA §1082, sub-§6,** as amended by PL 1981, c.
43 168, §16, is further amended to read:

46 **6. Employment stabilization.** The Commissioner of Labor,
47 ~~with the advice and aid of such advisory council as he may~~
48 ~~appoint,~~ may take all appropriate steps to reduce and prevent
unemployment; to encourage and assist in the adoption of

practical methods of vocational training, retraining and vocational guidance; to investigate, recommend, advise and assist in the establishment and operation, by municipalities, counties, school districts and the State, of reserves for public works to be used in times of business depression and unemployment; to promote the reemployment of unemployed workers throughout the State in every other way that may be feasible; and to these ends to carry on and publish the results of investigations and research studies.

Sec. B-162. 26 MRSA §1604, as amended by PL 1989, c. 503, Pt. B, §112, is repealed.

Sec. B-163. 29 MRSA §547, as amended by PL 1989, c. 481, Pt. A, §21, is repealed.

Sec. B-164. 30-A MRSA §1703, sub-§§7 and 8, as enacted by PL 1989, c. 304, §5, are amended to read:

7. Disposition of records. No records may be destroyed or otherwise disposed of by any local government official, except as provided by the ~~Local-Government-Records-Board~~ State Archivist. Records which have been determined by the ~~board~~ State Archivist to possess sufficient archival value shall must be preserved by the municipality or deposited with the State Archivist.

8. Regulations. Each local government official shall comply with the standards, procedures and ~~regulations~~ rules issued by the ~~Local-Government-Records-Board~~ State Archivist.

Sec. B-165. 30-A MRSA §1704, as enacted by PL 1989, c. 304, §5, is repealed.

Sec. B-166. 30-A MRSA §1705, as enacted by PL 1989, c. 304, §5, is amended to read:

§1705. Powers and duties of State Archivist

The ~~Local-Government-Records-Board~~ State Archivist shall establish standards, procedures and ~~regulations~~ rules for the effective management of local government records. These standards, procedures and ~~regulations-shall~~ rules must, as far as practical, follow the program established under the Archives and Records Management Law to govern the creation, utilization, maintenance, retention, preservation and disposition of state records, except as otherwise provided in this chapter. The ~~board~~ State Archivist may revise such standards, procedures and ~~regulations~~ rules as it ~~shall-deem~~ necessary. ~~Administrative services-shall-be-provided-by-the-Maine-State-Archives,-which shall-serve-as-secretariat-of-the-board.~~

2 Sec. B-167. 30-A MRSA §1707, as amended by PL 1991, c. 172,
3 §3, is amended further to read:

4 **§1707. Violation**

6 Any person who violates any provisions of this chapter or
7 rules of the ~~Local--Government--Records--Board~~ State Archivist
8 promulgated under section 1705 is guilty of a Class E crime.

10 Sec. B-168. 30-A MRSA §4723, sub-§2, ¶A, as amended by PL
11 1989, c. 104, Pt. C, §§8 and 10, is repealed.

12 Sec. B-169. 30-A MRSA §4723, sub-§2, ¶¶C and D, as amended by
13 PL 1989, c. 104, Pt. C, §§8 and 10, are further amended to read:

14 C. The Maine State Housing Authority ~~shall--have~~ has a
15 director, who must be a person qualified by training and
16 experience to perform the duties of the office. The
17 Governor shall appoint the director of the Maine State
18 Housing Authority, subject to review by the joint standing
19 committee of the Legislature having jurisdiction over
20 economic development, and to confirmation by the Legislature.

21 (1) The director of the Maine State Housing Authority
22 ~~shall--serve~~ serves on a full-time basis for a 4-year
23 term of office, and until a successor has been
24 appointed and qualified. The Governor shall establish
25 the rate and amount of compensation of the director.

26 (2) The powers and duties of the Maine State Housing
27 Authority, except those listed in paragraph B, are
28 vested solely in the director of the Maine State
29 Housing Authority. The director of the Maine State
30 Housing Authority or a representative shall attend all
31 meetings ~~of the advisory board of~~ of the commissioners.

32 (3) The director of the Maine State Housing Authority
33 may act in all personnel matters and may employ
34 technical or legal experts and any other officers,
35 agents and employees that the director requires, and
36 shall determine their qualifications, duties and
37 compensation. The director may delegate to the
38 employees and agents any powers and duties that the
39 director considers proper.

40 D. ~~Any person may serve as a member of the advisory board,~~
41 ~~and--any--person~~ who, at the time of appointment, is a
42 resident of the State, may serve as a commissioner, except

2 that the director need not be a resident of the State before
being appointed.

4 (1) Each commissioner, except for the director and the
Treasurer of State, and ~~each advisory board member~~
6 shall serve a 4-year term beginning with the expiration
of the term of the predecessor, except that a vacancy
8 occurring in such a position before the normal
expiration of the appointment shall must be filled as
10 soon as practicable by a new gubernatorial appointee
who shall serve for the remainder of the unexpired
12 term. Each ~~advisory board member~~ and commissioner
shall continue to hold office after the term expires
14 until a successor is appointed. In any instance in
which more than one commissioner ~~or advisory board~~
16 member is serving beyond the original term, any new
appointee is deemed to succeed the commissioner ~~or~~
18 ~~advisory board member~~ whose term expired first.

20 (2) The Secretary of State shall prepare a certificate
evidencing the appointment of each ~~advisory board~~
22 ~~member~~ and commissioner. An original of this
certificate shall must be provided to the appointee.
24 One authenticated copy shall must be retained by the
Maine State Housing Authority and one by the Secretary
26 of State. An authenticated certificate of appointment
is conclusive evidence of the appointment.

28
30 **Sec. B-170. 30-A MRSA §4723, sub-§2, ¶E,** as amended by PL
1991, c. 574, §2, is further amended to read:

32 E. The director is a full-time employee of the authority,
but may receive fees or honoraria for services provided to
34 others not in conflict with full-time duties and not
performed during time for which the director is receiving
36 compensation from the Maine State Housing Authority. In
addition to any authorized compensation, the director is
38 entitled to any employee benefits that are available to
other employees of the Maine State Housing Authority,
40 including, but not limited to, authority contributions to
any retirement plan, insurance plan, deferred compensation
42 plan or other similar benefits. Each commissioner and
~~advisory board member~~ is entitled to compensation according
44 to the provisions of Title 5, chapter 379 except
notwithstanding Title 5, section 12003-A, subsection 4,
46 authorized expenses incurred by a state employee, or
designee of that state employee, serving in an ex officio
48 capacity as a commissioner must be paid from the budget of
the authority.

2 **Sec. B-171. 30-A MRSA §5045**, as corrected by RR 1991, c. 1,
§42, is repealed.

4 **Sec. B-172. 30-A MRSA §6101**, as amended by PL 1989, c. 878,
Pt. A, §90, is further amended to read:

6 **§6101. Membership**

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

22 **Sec. B-173. 32 MRSA §1726**, as enacted by PL 1989, c. 585, Pt.
C, §16, is amended to read:

24 **§1726. Rules and enforcement**

26 The Maine Waste Management Agency, Office of Waste Reduction
28 and Recycling shall adopt and enforce rules implementing the
provisions of this chapter including, but not limited to,
30 criteria for labeling containers made of more than one plastic
resin. In adopting rules, the office shall consult with the
32 ~~Waste-Management-Advisory-Council~~, the Department of Agriculture,
Food and Rural Resources, plastic container manufacturers and
34 distributors, and the recycling industry. Rules ~~shall~~ must be
adopted in accordance with the provisions of Title 5, chapter 375.

36 **Sec. B-174. 34-A MRSA §1204-A**, as amended by PL 1991, c.
38 314, §14, is repealed.

40 **Sec. B-175. 34-A MRSA §3002**, as amended by PL 1989, c. 503,
Pt. B, §159, is repealed.

42 **Sec. B-176. 34-A MRSA §3951, sub-§1**, as enacted by PL 1989, c.
44 898, §4, is repealed.

46 **Sec. B-177. 34-A MRSA §3953**, as enacted by PL 1989, c. 898,
§4, is repealed.

48 **Sec. B-178. 34-B MRSA §1209-A**, as amended by PL 1989, c.
50 503, Pt. B, §161, is repealed.

2 **Sec. B-179. 34-B MRSA §1209-B**, as enacted by PL 1989, c. 688,
3 §2, is repealed.

4 **Sec. B-180. 34-B MRSA §1210**, as amended by PL 1989, c. 73,
5 §2, is repealed.

6 **Sec. B-181. 34-B MRSA §1211**, as amended by PL 1989, c. 503,
7 Pt. B, §162, is repealed.

8 **Sec. B-182. 34-B MRSA §1213**, as enacted by PL 1985, c. 796,
9 §7, is repealed.

10 **Sec. B-183. 34-B MRSA §1403-A**, as enacted by PL 1991, c. 70,
11 §2, is repealed.

12 **Sec. B-184. 34-B MRSA §§1804 and 1805**, as enacted by PL 1991,
13 c. 316, §2, are repealed.

14 **Sec. B-185. 34-B MRSA §6204, sub-§3**, as enacted by PL 1985, c.
15 503, §12, is amended to read:

16 **3. Appointment of director.** The commissioner shall, ~~with~~
17 ~~the advice of the Maine Advisory Committee on Children with~~
18 ~~Special Needs,~~ appoint and set the salary for the director of the
19 bureau, subject to the approval of the Governor. Notwithstanding
20 any other law, the commissioner may delegate any employee of the
21 department to serve, for a period not to exceed 180 days, as
22 acting director of the bureau, if the office of the director is
23 vacant. Service as acting director shall ~~be~~ is considered a
24 temporary additional duty for the person so delegated.

25 **Sec. B-186. 34-B MRSA §6241**, as amended by PL 1989, c. 503,
26 Pt. B, §164, is repealed.

27 **Sec. B-187. 34-B MRSA §6252, sub-§2, ¶A**, as enacted by PL
28 1985, c. 503, §12, is amended to read:

29 A. The commissioner shall, ~~with the advice of the Maine~~
30 ~~Committee on Children with Special Needs,~~ appoint and set
31 the salary for the director.

32 **Sec. B-188. 34-B MRSA §7014, sub-§1**, as enacted by PL 1983, c.
33 459, §7, is amended to read:

34 **1. Confidentiality of proceedings and records.** All court
35 proceedings occurring under this chapter shall ~~be~~ are
36 confidential and closed to the public, unless the person seeking
37 sterilization or being considered for sterilization, personally
38 or through his that person's attorney, requests that the

proceedings be open to the public. Records of the court proceedings shall ~~may~~ not be open to inspection by the public, ~~except under section 7017,~~ without the consent, personally or through his the person's attorney, of the person seeking sterilization or for whom sterilization is being considered.

Sec. B-189. 34-B MRSA §7017, as amended by PL 1985, c. 295, §50, is repealed.

Sec. B-190. 35-A MRSA §8702, sub-§1, as enacted by PL 1989, c. 851, §7, is repealed.

Sec. B-191. 35-A MRSA §8703, sub-§4, as enacted by PL 1989, c. 851, §7, is amended to read:

4. Blockage level. The allowable blockage level for the telecommunications relay services must be reasonable. Complaints relating to the reasonableness of the blockage level may be brought to the commission ~~by the advisory council or~~ by 10 or more aggrieved persons pursuant to section 1302, subsection 1.

Sec. B-192. 35-A MRSA §8703, sub-§8, as enacted by PL 1989, c. 851, §7, is repealed.

Sec. B-193. 35-A MRSA §8704, as enacted by PL 1989, c. 851, §7, is repealed.

Sec. B-194. 37-B MRSA §505, sub-§4, ¶A, as enacted by PL 1989, c. 547, §2, is repealed.

Sec. B-195. 37-B MRSA §505, sub-§4, ¶¶C to F are enacted to read:

C. "Atomic veteran" means a person who:

(1) Participated in the occupation of Japan between August 1, 1945 and August 1, 1946;

(2) Was an American prisoner of war used by the Japanese to clean up Hiroshima or Nagasaki prior to the surrender of the Japanese empire or a prisoner of war who transited through either Hiroshima or Nagasaki following repatriation;

(3) Is a veteran of the Armed Forces of the United States who participated in the atmospheric testing of nuclear weapons; or

(4) Is a veteran of the Armed Forces of the United States who was exposed to radiation as a result of that

2 person's military occupational specialty code or a
3 nuclear accident.

4 D. "Radiation" means any fissionable material used in the
5 composition of a nuclear weapon and any fissionable material
6 created as a result of either a nuclear detonation or other
7 military use of radioactive materials or a nuclear accident.

8
9 E. "Toxic chemicals" means any of those insecticides and
10 herbicides used in Southeast Asia during the Vietnam War,
11 including, but not limited to:

12 (1) Agent Orange, containing trichlorophenoxy acidic
13 acid and dichlorophenoxy acidic acid;

14
15 (2) Agent White, containing picloram;

16
17 (3) Agent Blue, containing cacodylic acid, including
18 arsenic;

19 (4) Lindane, mirex, dichlorodiphenyltrichloroethan,
20 chlordane, dieldrin, dapsone, malathion,
21 hexachlorobenzene, dinoxol, trinoxol, diguat, bromacil,
22 monuron, tandex and dalapon; and

23 (5) Any form of dioxin or tetrachlorodibenzo-p-dioxin.

24
25 F. "Vietnam veteran" means any person who served on active
26 duty in the Armed Forces of the United States during the
27 Vietnam War, August 5, 1964 to May 7, 1975.

28
29 **Sec. B-196. 37-B MRSA c. 8, as amended, is repealed.**

30
31 **Sec. B-197. 37-B MRSA §954, sub-§1, as amended by PL 1989, c.**
32 **503, Pt. B, §173, is further amended to read:**

33
34 **1. Created.** There is created the Radiological Emergency
35 Preparedness Committee, as established by Title 5, section
36 12004-I 12004-G, subsection 48 19-A, composed of 10 voting
37 members as listed in this subsection:

38
39 **A.** Three members shall-be appointed by the Lincoln County
40 Commissioners as follows:

41
42 (1) One representative of Lincoln County fire
43 departments;

44
45 (2) One representative of Lincoln County ambulance
46 service personnel; and

47
48
49
50

2 (3) One representative of Lincoln County law
enforcement agencies;

4 B. Three members shall-be appointed by the Sagadahoc County
Commissioners as follows:

6 (1) One representative of Sagadahoc County fire
8 departments;

10 (2) One representative of Sagadahoc County ambulance
service personnel; and

12 (3) One representative of Sagadahoc County law
14 enforcement agencies;

16 C. One member representing the Maine Yankee Nuclear Power
Plant;

18 D. The Director of the Maine Emergency Management Agency,
20 who shall act as chair;

22 E. The Commissioner of Public Safety; and

24 F. The Director of Health Engineering.

26 Sec. B-198. 8 MRSA §1310-L, sub-§2, as amended by PL 1989, c.
503, Pt. B, §179, is repealed.

28 Sec. B-199. 38 MRSA §1451, sub-§3-A, as amended by PL 1985, c.
30 737, Pt. A, §114, is repealed.

32 Sec. B-200. 38 MRSA §1453, as amended by PL 1985, c. 737, Pt.
A, §115, is repealed.

34 Sec. B-201. 38 MRSA §1454, sub-§§5 and 7, as repealed and
36 replaced by PL 1987, c. 530, §3, are amended to read:

38 5. Allocation. Money in the fund established by this
section shall must be allocated from time to time by the
40 Legislature ~~for the following purposes:--To the commission for~~
~~advisory and public information activities and to the Department~~
42 of Environmental Protection for regulatory activities. These
amounts shall become available in accordance with Title 5,
44 chapters 141 to 155.

46 ~~The commission may receive and expend federal grants and payments~~
~~for the purpose of carrying out its duties.--The money received~~
48 ~~by the commission from federal sources shall not be counted~~
~~toward the ceiling established in subsection 4.~~

50

2 **7. Financial reports.** The commissioner shall report
3 ~~quarterly to the Advisory Commission on Radioactive Waste and~~
4 annually, before February 1st, to the joint standing committee of
5 the Legislature having jurisdiction over natural resources
6 matters on the income to and expenditures from the Radioactive
7 Waste Evaluation Fund for the previous fiscal year and on the
8 budget for the coming year. Those reports shall must include
9 total fees received from each generator, line item detail on
10 expenditures, including in-state travel and out-of-state travel,
11 printing, mailing and hearings, personnel, consultant services,
12 general operating expenses, supplies and overhead for ~~both the~~
13 ~~commission and~~ the department and transfers of funds under
14 subsection 7-A.

15 **Sec. B-202. 38 MRSA §1503, sub-§3,** as enacted by PL 1987, c.
16 530, §4, is repealed.

17 **Sec. B-203. 38 MRSA §2104,** as enacted by PL 1989, c. 585, Pt.
18 A, §7, is repealed.

19 **Sec. B-204. 38 MRSA §2122, sub-§1,** as amended by PL 1991, c.
20 591, Pt. E, §40, is further amended to read:

21 **1. Consultation.** In developing the plan, the office shall
22 consult with the Department of Environmental Protection, the
23 Office of Siting and Disposal Operations and the Office of Waste
24 Reduction and Recycling, and shall submit its draft plan to that
25 department and these offices for review and written comment
26 before the agency publishes the plan as a proposed rule. The
27 office shall solicit public input and shall hold hearings in
28 different regions of the State. ~~The office shall also seek~~
29 ~~comment and advice on its draft plan from the Waste Management~~
30 ~~Advisory Council established under section 2104.~~

31 **Sec. B-205. 38 MRSA §2136,** as enacted by PL 1989, c. 585, Pt.
32 A, §7, is amended to read:

33 **§2136. Scrap metal transportation cost subsidy**

34 The office may enter into annual agreements with a
35 municipality or regional association to reimburse a portion of
36 the direct costs of transporting material to a recycling facility
37 for intermediate processing or final use. The office shall base
38 grants on the value of the scrap metal, the distance to
39 acceptable scrap metal recycling facilities and the availability
40 of funding. The office shall adopt rules, ~~in consultation with~~
41 ~~the Waste Management Advisory Council,~~ necessary for the
42 implementation of this section.

Sec. B-206. 38 MRSA §2310, as amended by PL 1991, c. 520, §21, is repealed.

Sec. B-207. 39 MRSA §57-B, sub-§1, as amended by PL 1989, c. 580, §1, is repealed.

Sec. B-208. 39 MRSA §57-B, sub-§4, ¶A, as enacted by PL 1985, c. 372, Pt. A, §23, is repealed.

Sec. B-209. 39 MRSA §89, as enacted by PL 1985, c. 372, Pt. A, §29, is repealed.

Sec. B-210. Effective date. This Part takes effect July 1, 1993.

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

STATEMENT OF FACT

Part A requires the Secretary of State to submit legislation that repeals the statutory authorization for any board or commission that does not submit a report on its activities to the Secretary of State as required by law. Part A also requires the Revisor of Statutes and the Secretary of State to review the Maine Revised Statutes to locate any statutory board that is not listed in Title 5 and to submit legislation that incorporates the appropriate reference for each board.

Part A also directs the Legislature and the Governor to review nonstatutory boards, occupational and professional licensing boards and statutory advisory boards and establishes criteria to be used to assess the need for each board.

Part B also repeals all advisory boards listed under the Maine Revised Statutes, Title 5, sections 12004-I and 12004-J except those that had been listed incorrectly in these sections. This part also repeals several other advisory boards with minimal authority that were not listed in the Title 5 inventory.