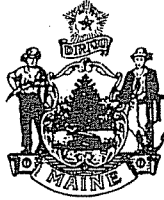


MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

SECOND REGULAR SESSION-1994

Legislative Document

No. 1852

S.P. 676

In Senate, February 10, 1994

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

(EMERGENCY)

Reported by Senator CONLEY of Cumberland for the Committee on Judiciary pursuant to the Maine Revised Statutes, Title 1, section 94.

Reference to the Committee on Judiciary suggested and ordered printed pursuant to Joint Rule 18.

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

JOY J. O'BRIEN
Secretary of the Senate

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

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

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

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

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

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

PART A

Sec. A-1. 1 MRSA §2501, sub-§29, as enacted by PL 1989, c. 824, §1, is repealed.

Sec. A-2. Retroactivity. That section of this Act that repeals the Maine Revised Statutes, Title 1, section 2501, subsection 29 is retroactive to January 1, 1992.

Sec. A-3. 4 MRSA §164, sub-§1-A, as amended by PL 1987, c. 758, §2, is further amended to read:

1-A. Appoint bail commissioners. Appoint bail commissioners pursuant to Title 15, section 1023, for any district when the resident judge for that district, because of illness, absence or disability, is unable to appoint.

Sec. A-4. 4 MRSA §164, sub-§13, as enacted by PL 1975, c. 408, §19, is amended to read:

13. Additional duties. ~~The Chief Judge of the District Court shall perform~~ Perform such additional duties as may be assigned by the Chief Justice of the Supreme Judicial Court.

2 Sec. A-5. 4 MRSA §164, sub-§14, as enacted by PL 1975, c. 488,
§19, is repealed.

4 Sec. A-6. 4 MRSA §164, sub-§15, as amended by PL 1981, c. 414,
§1, is further amended to read:

6
8 15. Fisheries and wildlife bureau. ~~The Chief Judge shall~~
establish Establish in each division a Fisheries fisheries and
10 Wildlife-Bureau wildlife bureau. The Chief Judge shall appoint
~~the clerks~~ a clerk of the District Court in each division as
12 violations clerk for the Fisheries fisheries and Wildlife-Bureau
wildlife bureau in their-respective-divisions that division.

14 The violations clerk shall accept written appearances, waiver
wavers of trial, plea pleas of guilty and payment payments of
16 fine fines and costs in fisheries and wildlife offense cases,
subject to the limitations hereinafter prescribed in this
18 subsection. The violations clerk ~~shall--serve~~ serves under the
direction and control of the judge of the court for which he the
20 violations clerk is appointed.

22 A. A fisheries and wildlife offense ~~shall--mean~~ means any
violation of any provision of Title 12, Part 10~~7~~₂; any
24 provision of law enumerated in Title 12, section 7053~~7~~₂; or
any ~~regulation--promulgated~~ rule adopted by the Commissioner
26 of Inland Fisheries and Wildlife pursuant ~~thereto~~ to the
rules.

28 B. The Chief Judge shall by order, which may from time to
time be amended, suspended or repealed, designate the
30 fisheries and wildlife offenses within the authority of the
violations clerk, except that such offenses ~~shall~~ may not
32 include any offense for which a mandatory minimum term of
imprisonment is provided by law. The court shall establish
34 schedules, within the limits prescribed by law, of the
amount of fines to be imposed for such offenses. The order
36 of the court establishing the schedules ~~shall~~ must be
prominently posted in the place where the fines are paid.
38 Fines and costs ~~shall~~ must be paid to, received by and
accounted for by the violations clerk in accordance with
40 these provisions.

42 C. Any person charged with any fisheries and wildlife
44 offense within the authority of the violations clerk may
file an appearance in person or by mail before the
46 violations clerk and enter a plea admitting the infraction
charged and waiver of trial and pay the fine established for
48 the infraction charged, and costs. Any person ~~so~~ entering a
plea admitting the infraction charged ~~shall~~ must be informed
50 of his that person's rights, including his the right to

stand trial, that ~~his~~ that person's signature to a plea admitting the infraction charged will have the same effect as a judgment of the court and that the record of adjudication will be sent to the Commissioner of Inland Fisheries and Wildlife.

D. Any person who has been found guilty of or who has signed a plea of guilty to, or who has been found to have committed or who has signed a plea admitting or admitting with an explanation, one or more previous fisheries and wildlife offenses subject to this subsection within a ~~12 month's~~ 12-month period shall ~~may~~ not be permitted to appear before the violations clerk unless the court shall, by order, ~~permit--such~~ permits that appearance. Each waiver of hearing filed under this subsection shall ~~must~~ recite on the oath or affirmation of the offender whether or not ~~he~~ the offender has been previously found guilty of, or to have committed, or has previously signed a plea of guilty to, admitting or admitting with an explanation to, one or more fisheries and wildlife offenses within a ~~12-month's~~ 12-month period. Any person swearing falsely to such a statement shall, upon conviction, be is subject to a fine of not more than \$50.

E. The Chief Judge, following notification to the Chief Justice of the Supreme Judicial Court or ~~his~~ the Chief Justice's delegate, may authorize ~~sueh~~ forms and procedures ~~as--he--deems~~ the Chief Judge considers appropriate to carry out this subsection.

Sec. A-7. 4 MRSA §164, sub-§16, as reallocated by PL 1977, c. 696, §23, is amended to read:

16. Development and implementation of administrative concepts. ~~The--Chief--Judge--shall--carry~~ Carry on a continuous survey and study of the organization, operation, condition of business, practice and procedure of the District Court and make recommendations to the Chief Justice of the Supreme Judicial Court concerning the number of judges and other personnel required for the efficient administration of justice and examine, with the advice of the judges of the District Court, the status of dockets of the various District Courts ~~se--as~~ to determine whether the business of the court is being carried out in an efficient manner. From such an examination, the Chief Judge shall annually make recommendations to the Chief Justice of the Supreme Judicial Court for guidelines and policies for the scheduling and trial of matters before the District Court. In providing ~~sueh~~ recommendations, the Chief Judge shall give due and appropriate regard to the recommendations of the judges and other personnel of the District Court and shall provide a mechanism whereby their

2 individual recommendations and comments may be brought to the
attention of the Chief Justice. The Chief Judge, in advising as
4 to the appropriateness of the methods or the systems for
scheduling trials and the management of matters before the
6 District Court, shall take into consideration systems and methods
operational in the Superior Court. The final decision as to the
8 management of personnel and the implementation of guidelines,
policies and procedures for the scheduling of trials and
10 management of matters before the District Court shall must be
made by the Chief Justice only after consultation with the Chief
12 Judge.

14 **Sec. A-8. 4 MRSA §164, sub-§17**, as enacted by PL 1985, c. 481,
Pt. A, §4, is amended to read:

16 **17. Marine resources bureau.** Establish in each division a
18 ~~Marine-Resources-Bureau~~ marine resources bureau. The Chief Judge
shall appoint ~~the clerks~~ a clerk of the District Court in each
20 division as violations clerk for the ~~Marine-Resources-Bureau~~
marine resources bureau in their ~~respective divisions~~ that
division.

22 The violations clerk shall accept written appearances, ~~waiver~~
24 wavers of trial, plea pleas of guilty and payment payments of
~~fine~~ fin es and costs in marine ~~resources'~~ resources offense
26 cases, subject to the limitations prescribed in this subsection.
The violations clerk shall ~~serve~~ serve under the direction and
28 control of the judge of the court for which he the violations
clerk is appointed.

30 A. A marine ~~resources'~~ resources offense means any
32 violation of any provision of Title 12, chapters 601 to 627
and chapter 715, or any ~~regulation-promulgated~~ rules adopted
34 by the Commissioner of Marine Resources pursuant to those
chapters.

36 B. The Chief Judge shall by order, which may from time to
38 time be amended, suspended or repealed, designate the marine
~~resources'~~ resources offenses within the authority of the
40 violations clerk, except that the offenses shall may not
include any offense for which a mandatory minimum term of
42 imprisonment is provided by law. The court shall establish
schedules, within the limits prescribed by law, of the
44 amount of fines to be imposed for the offenses. The order of
the court establishing the schedules shall must be
46 prominently posted in the place where the fines are paid.
Fines and costs shall must be paid to, receipted by and
48 accounted for by the violations clerk in accordance with
these provisions.

50

2 C. Any person charged with any marine resources' resources
3 offense within the authority of the violations clerk may
4 file an appearance in person or by mail before the
5 violations clerk. Any person may enter a plea admitting the
6 violation charged and waiver of trial and pay the fine, and
7 costs, established for the violation charged. Any person se
8 entering a plea admitting the infraction charged shall must
9 be informed of his that person's rights, including his the
10 right to stand trial, that his that person's signature to a
11 plea admitting the violation charged will have the same
12 effect as a judgment of the court and that the record of
13 adjudication will be sent to the Commissioner of Marine
14 Resources.

15 D. Any person who has been found guilty of or who has
16 signed a plea of guilty to, or who has been found to have
17 committed or who has signed a plea admitting or admitting
18 with an explanation, one or more previous marine resources'
19 resources offenses subject to this subsection within a
20 12-month period shall may not be ~~permitted to~~ appear before
21 the violations clerk unless the court, by order, permits
22 such that appearance. Each waiver of hearing filed under
23 this subsection shall must recite on the oath or affirmation
24 of the offender whether or not he the offender has been
25 previously found guilty of or to have committed or has
26 previously signed a plea of guilty to, admitting or
27 admitting with an explanation to, one or more marine
28 resources' resources offenses within a 12-month period. Any
29 person swearing falsely to such a statement shall is, upon
30 conviction, be subject to a fine of not more than \$50.

31 E. The Chief Judge, following notification to the Chief
32 Justice of the Supreme Judicial Court or his the Chief
33 Justice's delegate, may authorize such forms and procedures
34 as he ~~deems~~ the Chief Judge considers appropriate to carry
35 out this subsection; and

36
37 Sec. A-9. 4 MRSA §164, as amended by PL 1991, c. 824, Pt. A,
38 §2, is further amended by adding a new paragraph at the end to
39 read:

40
41 Powers not enumerated in this section but necessary or
42 desirable for the proper administration of the courts may, from
43 time to time, be promulgated and assigned, by rule of the Supreme
44 Judicial Court.

45
46 Sec. A-10. 5 MRSA §453-A, first ¶, as amended by PL 1993, c.
47 349, §5, is further amended to read:

48
49 The Mining Excise Tax Trust Fund Board of Trustees, as
50 established in section 12004-G, subsection 33-A 33-B and referred

2 to in the chapter as the "board," consists of 5 members, at least
3 one of whom must be a resident of the unorganized territory.

4 **Sec. A-11. 5 MRSA §1543, first ¶,** as amended by PL 1993, c.
5 445, §1 and c. 477, Pt. D, §1 and affected by Pt. F, §1, is
6 repealed and the following enacted in its place:

8 Money may not be drawn from the State Treasury except in
9 accordance with appropriations duly authorized by law. Every
10 disbursement from the State Treasury must be upon the
11 authorization of the State Controller and the Treasurer of State,
12 as evidenced by their facsimile signatures, except that the
13 Treasurer of State may authorize interbank and intrabank
14 transfers for purposes of pooled investments. Disbursements must
15 be in the form of a check or an electronic transfer of funds
16 against a designated bank or trust company acting as a depository
17 of the State Government.

18 **Sec. A-12. 5 MRSA §4654, sub-§4, ¶C,** as amended by PL 1993, c.
19 199, §4 and c. 475, §1, is repealed and the following enacted in
20 its place:

22 C. Entering the plaintiff's residence, provided that the
23 court may not use this subsection to evict a defendant from
24 the rental premises in an action brought by a plaintiff;

26 **Sec. A-13. 5 MRSA §4654, sub-§4, ¶D,** as amended by PL 1993, c.
27 475, §1, is further amended to read:

30 D. Taking, converting or damaging property in which the
31 plaintiff may have a legal interest; or

32 **Sec. A-14. 5 MRSA §4654, sub-§4, ¶E,** as enacted by PL 1993, c.
33 199, §5 and c. 475, §1, is repealed and the following enacted in
34 its place:

36 E. In the case of rental property, damaging the plaintiff's
37 property or threatening, assaulting, molesting, harassing or
38 otherwise disturbing the peace of any aggrieved tenant; or

40 **Sec. A-15. 5 MRSA §4654, sub-§4, ¶F** is enacted to read:

42 F. Repeatedly and without reasonable cause:

44 (1) Following the plaintiff; or

46 (2) Being at or in the vicinity of the plaintiff's
48 home, school, business or place of employment.

2 **Sec. A-16. 5 MRSA §7065, sub-§2**, as repealed and replaced by
PL 1989, c. 418, §§1 and 4, is amended to read:

4 **2. Salary limits.** No position may be assigned a salary
greater than the maximum or less than the minimum rates fixed in
6 the compensation plan ~~except as provided by subsections 2-A and~~
~~2-B.~~

8 **Sec. A-17. 5 MRSA §12004-G, sub-§33-A**, as reenacted by PL
10 1991, c. 883, §2, is repealed.

12 **Sec. A-18. 5 MRSA §12004-G, sub-§33-B**, as repealed by PL 1993,
14 c. 349, §12, is reenacted to read:

16 <u>33-B.</u>	<u>Board of</u>	<u>Not</u>	<u>5 MRSA</u>
<u>Taxation</u>	<u>Trustees,</u>	<u>Authorized</u>	<u>§453-A</u>
18	<u>Mining</u>		
	<u>Excise</u>		
20	<u>Tax Trust</u>		
	<u>Fund</u>		

22 **Sec. A-19. 5 MRSA §18506, sub-§2, ¶A**, as amended by PL 1991,
24 c. 885, Pt. E, §13 and affected by §47, is further amended to
read:

26 A. The amount of any disability retirement benefit payable
28 under this article must be reduced by any amount received by
the beneficiary for the same disability under either or both
30 of the following:

32 (1) The workers' compensation or similar law, except
amounts that may be paid or payable under former Title
34 39, section 56 ~~or~~ 56-A or 56-B or Title 39-A, section
212, subsection 3; or

36 (2) The United States Social Security Act, if the
38 employment for which creditable service with the
employer is allowed was also covered under that Act at
40 the date of disability retirement.

42 **Sec. A-20. 5 MRSA Pt. 15-A, first 4 lines**, as repealed and
replaced by PL 1989, c. 502, Pt. A, §157 and c. 571, Pt. B, §1,
44 are repealed and the following enacted in their place:

46 **PART 15-A**

48 **LAND FOR MAINE'S FUTURE**

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CHAPTER 353

LAND FOR MAINE'S FUTURE FUND

Sec. A-21. 10 MRSA §1032, sub-§6, as amended by PL 1993, c. 410, Pt. EEEE, §2 and c. 460, §7, is repealed and the following enacted in its place:

6. Obligations outstanding. The authority may not have at any one time outstanding obligations to which this section is stated in any agreement of the authority to apply in principal amount exceeding \$150,000,000, less the amount of revenue obligation securities to which section 1053 is stated in the trust agreement or other document to apply. Amounts of revenue obligation securities that are not taken into account pursuant to section 1053, subsection 6, may not be taken into account for purposes of determining the amount that may be outstanding under this section. Notwithstanding the foregoing, the authority may additionally have outstanding at any one time up to \$3,500,000 of obligations relating to direct loans to students pursuing higher education.

Sec. A-22. 11 MRSA §4-203, as amended by PL 1993, c. 293, Pt. B, §20, is further amended to read:

§4-203. Effect of instructions

Subject to ~~Article--3~~ Article 3-A concerning conversion of instruments (section 3-1420) and restrictive indorsements (section 3-1206) only a collecting bank's transferor can give instructions that affect the bank or constitute notice to it and a collecting bank is not liable to prior parties for any action taken pursuant to the instructions or in accordance with any agreement with its transferor.

Sec. A-23. 12 MRSA §7463-A, sub-§4, as amended by PL 1993, c. 206, §6 and affected by §7 and as amended by c. 419, §27, is repealed and the following enacted in its place:

4. Hunting permits. In accordance with the provisions of subsections 1-A and 2-A, the commissioner may issue moose hunting permits and may establish the number of moose hunting permits to be issued for each moose hunting zone. No more than 10% of the moose hunting permits may be issued to nonresident and alien hunters. A person whose application is selected may purchase a moose hunting permit upon presentation of proof that the person possesses:

A. A valid Maine hunting license, if the person is a resident of the State; or

2 B. A valid Maine big game hunting license, if the person is
3 a nonresident or alien.

4
5 The fee for a moose hunting permit is \$25 for 1993, \$27 for 1994,
6 \$28 for 1995 and \$29 for 1996 and every year thereafter for
7 residents and \$200 for 1993, \$202 for 1994, \$203 for 1995 and
8 \$204 for 1996 and every year thereafter for nonresidents and
9 aliens. While hunting moose, each nonresident or alien hunter,
10 both permittee and subpermittee, must be in possession of a valid
11 Maine nonresident or alien big game hunting license, whichever is
12 applicable.

13 Sec. A-24. 13-B MRSA §201, sub-§2, as amended by PL 1993, c.
14 316, §29, is further amended to read:

15 2. Corporations not organized. The following types of
16 corporations may not be organized under this Act:

17 A. Parishes and societies, as that term is used in Title
18 13, ~~section--2861--et--seq~~ chapter 93, subchapter I;
19 independent local churches, as that term is used in Title
20 13, ~~section--3021--et--seq~~ chapter 93, subchapter II; meeting
21 houses, as that term is used in Title 13, ~~section--3101--et~~
22 ~~seq~~ chapter 93, subchapter IV; and churches organized as
23 noncapital stock corporations under Title 13, ~~section--901--et~~
24 ~~seq~~ chapter 81, subchapter I.

25 If any of the foregoing corporations files an annual report
26 pursuant to section 1301 of this Act, the filing of the
27 report is deemed an election by that corporation to be
28 governed by all of the provisions of this chapter, unless
29 clearly inapplicable; and

30 B. Cooperatives, as that term is used in Title 13, ~~section~~
31 ~~1771,--et--seq~~ chapter 85, subchapter II; credit unions, as
32 defined in Title 9-B, section 131; rural electrification
33 cooperatives, as that term is used in Title 35-A, chapter
34 37, subchapters I, II and III; consumers' cooperatives, as
35 that term is used in Title 13, ~~section--1501--et--seq~~ chapter
36 85, subchapter I; and fish marketing associations, as that
37 term is used in Title 13, ~~section--2001--et--seq~~ chapter 87.

38 Sec. A-25. 13-B MRSA §1301, as repealed and replaced by PL
39 1993, c. 316, §44 and c. 349, §35, is repealed and the following
40 enacted in its place:

41 §1301. Annual report of domestic and foreign corporations:
42 excuse

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2 1. Annual report. Each domestic corporation, unless
4 excused as provided in subsection 5, and each foreign corporation
6 authorized to carry on activities in this State shall deliver for
8 filing, within the time prescribed by this Act, an annual report
10 to the Secretary of State setting forth:

12 A. The name of the corporation and the jurisdiction of its
14 incorporation;

16 B. The address of the registered office of the corporation
18 in this State and the name of its agent for service of
20 process if a domestic corporation, or its registered agent
22 if a foreign corporation in this State, at that address,
24 including the street or rural route number, town or city and
26 state and, if a foreign corporation, the address of its
28 registered or principal office in its jurisdiction of
30 incorporation; and

32 C. The names and business or residence addresses of the
34 president, the treasurer, the registered agent and the
36 secretary or clerk of the corporation, including the street
38 or rural route number, town or city and state.

40 2. Information contained in annual report. The Secretary
42 of State shall specify by rule the period of time to which the
44 annual report applies as provided in subsection 4. The
46 information contained in the annual report must be current as of
48 the date the report is signed.

50 3. Execution. The annual report must be executed as
52 provided by section 104, except that signing by the president, a
54 vice-president, the secretary, the treasurer, an assistant
56 secretary or any other duly authorized individual without a 2nd
58 signature is deemed valid under section 104, subsection 1,
60 paragraph B, subparagraph (2).

62 4. Filing. Subject to rules adopted under section 1302-A,
64 subsection 4, the annual report must be delivered for filing to
66 the Secretary of State or a designee. The annual reports may be
68 delivered to the Secretary of State on a staggered basis as
70 defined by the Secretary of State by rule in accordance with the
72 Maine Administrative Procedure Act. The report must apply to the
74 12-month period specified by the Secretary of State. Proof to
76 the satisfaction of the Secretary of State that the report was
78 deposited in the United States mail in a sealed envelope,
80 properly addressed and with postage prepaid, before the date that
82 penalties become effective for late delivery of annual reports,
84 as established by the Secretary of State by rule, is considered
86 compliance with this subsection. One copy of the report,
88 together with the filing fee required by this Act, must be

2 delivered for filing to the Secretary of State, who shall file
3 the report if the Secretary of State finds that it conforms to
4 the requirements of this Act. If the Secretary of State finds
5 that the report does not conform, the Secretary of State shall
6 promptly mail or otherwise return the report to the corporation
7 for necessary corrections, in which event the penalties
8 prescribed by this Act for failure to file the report within the
9 time provided in this section do not apply if the report is
10 corrected to conform to the requirements of this Act and returned
11 to the Secretary of State within 30 days from the date on which
12 it was mailed or otherwise returned to the corporation by the
13 Secretary of State.

14 5. Certificate of fact. The Secretary of State, upon
15 application by a corporation and satisfactory proof that it has
16 ceased to carry on activities, shall file a certificate of that
17 fact and shall give a duplicate certificate to the corporation.
18 The corporation is then excused from filing annual reports with
19 the Secretary of State as long as the corporation carries on no
20 activities.

21 6. Vote to carry on activities. The members entitled to
22 vote or, if none, the directors of a corporation that has been
23 excused pursuant to subsection 5 may vote to resume carrying on
24 activities at a meeting duly called and held for that purpose. A
25 certificate executed and filed as provided in sections 104 and
26 106, setting forth that a members' or directors' meeting was
27 held, the date and location of the meeting and that a majority of
28 the members or directors voted to resume carrying on activities,
29 authorizes that corporation to carry on activities; after that
30 certificate is filed, the corporation is required to file annual
31 reports beginning with the next reporting deadline following
32 resumption as established by subsection 4.

33 Sec. A-26. 17-A MRSA §255, sub-§2, as amended by PL 1993, c.
34 451, §2 and c. 453, §4, is repealed and the following enacted in
35 its place:

36 2. Unlawful sexual contact is a Class D crime, except that
37 a violation of subsection 1, paragraph C, G or H is a Class C
38 crime, and a violation of this section when the actor has 2 or
39 more prior Maine convictions for violations of this section is a
40 Class C crime. For purposes of this subsection, the dates of
41 both of the prior convictions must precede the commission of the
42 offense being enhanced by no more than 5 years, although both
43 prior convictions may have occurred on the same day. The date of
44 a conviction is deemed to be the date that sentence is imposed,
45 even though an appeal was taken. The date of a commission of an
46 offense is presumed to be that stated in the complaint,
47 information or indictment, notwithstanding the use of the words
48 "on or about" or the equivalent.

2 **Sec. A-27. 23 MRSA §1961, sub-§2**, as amended by PL 1991, c. 9,
Pt. E, §14 and IB 1991, c. 1, §2, is repealed and the following
4 enacted in its place:

6 **2. Cooperation with the Department of Transportation.** The
Department of Transportation must be provided each year the
8 operating surplus of the Maine Turnpike Authority. These amounts
are considered necessary for use by the department for
10 construction, reconstruction, operation and maintenance of all
roads on the state highway system, which serve and benefit users
12 of the turnpike by providing direct and indirect access to and
from the turnpike as part of the integrated highway system. Due
14 to the utilization of the state highway system by users of the
turnpike, the turnpike and its users have received and will
16 continue to receive a benefit from, or have caused and will
continue to cause, or both, the State acting by and through the
18 Department of Transportation to incur costs for the construction,
operation and maintenance of the state highway system, which
20 provides direct and indirect access to and from the turnpike to
areas in the State for which the State may properly be and should
22 be compensated from the tolls to be collected. The Maine
Turnpike Authority should be maintained to carry out the purposes
24 of this chapter in cooperation with the Department of
Transportation.

26 **Sec. A-28. 23 MRSA §1965, sub-§1, ¶O**, as amended by PL 1991,
28 c. 9, Pt. E, §15 and repealed by IB 1991, c. 1, §6, is repealed.

30 **Sec. A-29. 23 MRSA §1974, sub-§4**, as amended by PL 1991, c. 9,
Pt. E, §17 and as repealed by IB 1991, c. 1, §8, is repealed.

32 **Sec. A-30. 28-A MRSA §2519, sub-§7**, as enacted by PL 1993, c.
34 266, §36, is amended to read:

36 **7. Course accountability.** The Director of the Bureau of
Liquor Enforcement may appoint an employee of the bureau to
38 monitor each alcohol server education course to ensure that the
course presents proper training and meets the approved criteria.
40 The Bureau of Liquor Enforcement shall maintain a record of the
participants who have completed an alcohol server training
42 course. Each instructor of an approved course shall provide the
Director of the Bureau of Liquor Enforcement with the names,
44 addresses, dates of birth and social security numbers of students
who complete the course and the date of completion. The
46 instructors shall forward \$3 of the \$28 enrollment fee to the
Bureau of Liquor Enforcement for every name submitted. The
48 amounts collected must be retained by the Bureau of Liquor
Enforcement to cover costs incurred in carrying out this
50 subsection.

2 Sec. A-31. 30-A MRSA §2, sub-§1, as amended by PL 1993, c.
349, §63 and repealed and replaced by c. 408, §1, is repealed.

4 Sec. A-32. 30-A MRSA §2, sub-§1-B is enacted to read:

6 1-B. County officers' salaries. Notwithstanding other
8 sections of this chapter, counties that are not required to
10 obtain legislative approval of their budgets under section 702
12 are not required to obtain legislative approval of the salaries
14 of county officers under this section. The county commissioners,
16 treasurers, sheriffs, judges of probate, registers of probate and
 registers of deeds in those counties whose budgets require
 legislative approval under section 702 are entitled to receive in
 weekly, biweekly or monthly payments annual salaries from the
 county treasury as follows:

	<u>1992</u>	<u>1993</u>
18		
20	<u>A. Androscoggin County:</u>	
22	<u>(1) Commissioners</u>	
24	<u>(a) Chair</u>	<u>\$6,346</u>
26	<u>(b) Members</u>	<u>5,432</u>
28	<u>(2) Treasurer</u>	<u>20,396</u>
30	<u>(3) Sheriff</u>	<u>27,141</u>
32	<u>(4) Judge of Probate</u>	<u>12,319</u>
34	<u>(5) Register of Probate</u>	<u>10,400</u>
36	<u>(6) Register of Deeds</u>	<u>23,782</u>
38	<u>B. Kennebec County:</u>	
40	<u>(1) Commissioners</u>	
42	<u>(a) Chair</u>	<u>\$7,152</u>
44	<u>(b) Members</u>	<u>6,744</u>
46	<u>(2) Treasurer</u>	<u>9,177</u>
48	<u>(3) Sheriff</u>	<u>33,200</u>
50	<u>(4) Judge of Probate</u>	<u>17,000</u>

2	(5) <u>Register of Probate</u>	<u>22,360</u>	<u>22,360</u>
4	(6) <u>Register of Deeds</u>	<u>23,400</u>	<u>23,400</u>
6	<u>C. Penobscot County:</u>		
8	(1) <u>Commissioners</u>		
10	(a) <u>Chair</u>	<u>\$8,008</u>	<u>\$8,128</u>
12	(b) <u>Members</u>	<u>7,644</u>	<u>7,759</u>
14	(2) <u>Treasurer</u>	<u>3,484</u>	<u>3,536</u>
16	(3) <u>Sheriff</u>	<u>32,457</u>	<u>32,944</u>
18	(4) <u>Judge of Probate</u>	<u>21,424</u>	<u>21,745</u>
20	(5) <u>Register of Probate</u>	<u>21,960</u>	<u>22,290</u>
22	(6) <u>Register of Deeds</u>	<u>20,085</u>	<u>20,386</u>
24	<u>D. Piscataquis County:</u>		
26	(1) <u>Commissioners</u>		
28	(a) <u>Chair</u>	<u>\$5,800</u>	<u>\$6,090</u>
30	(b) <u>Members</u>	<u>5,000</u>	<u>5,250</u>
32	(2) <u>Treasurer</u>	<u>6,600</u>	<u>6,930</u>
34	(3) <u>Sheriff</u>	<u>28,000</u>	<u>29,400</u>
36	(4) <u>Judge of Probate</u>	<u>13,825</u>	<u>14,516</u>
38	(5) <u>Register of Probate</u>	<u>16,288</u>	<u>17,102</u>
40	(6) <u>Register of Deeds</u>	<u>18,000</u>	<u>18,900</u>
42	<u>E. Somerset County:</u>		
44	(1) <u>Commissioners</u>		
46	(a) <u>Chair</u>	<u>\$5,302</u>	<u>\$5,302</u>
48	(b) <u>Members</u>	<u>4,560</u>	<u>4,560</u>
50	(2) <u>Treasurer</u>	<u>10,955</u>	<u>11,284</u>

2	<u>(3) Sheriff</u>	<u>31,466</u>	<u>32,410</u>
4	<u>(4) Judge of Probate</u>	<u>17,713</u>	<u>18,244</u>
6	<u>(5) Register of Probate</u>	<u>18,692</u>	<u>19,253</u>
8	<u>(6) Register of Deeds</u>	<u>19,202</u>	<u>19,778</u>

10 F. York County:

12	<u>(1) Commissioners</u>		
14	<u>(a) Chair</u>	<u>\$4,860</u>	<u>\$4,957</u>
16	<u>(b) Members</u>	<u>4,860</u>	<u>4,957</u>
18	<u>(2) Treasurer</u>	<u>5,612</u>	<u>5,724</u>
20	<u>(3) Sheriff</u>	<u>30,500</u>	<u>31,110</u>
22	<u>(4) Judge of Probate</u>	<u>13,500</u>	<u>13,770</u>
24	<u>(5) Register of Probate</u>	<u>21,600</u>	<u>22,032</u>
26	<u>(6) Register of Deeds</u>	<u>21,600</u>	<u>22,032</u>

28 Sec. A-33. 30-A MRSA §4314, sub-§2, as amended by PL 1993, c.
 30 73, §1 and c. 166, §4, is repealed and the following enacted in
its place:

32 2. Zoning ordinances. Notwithstanding section 4352,
 34 subsection 2, a zoning ordinance that regulates land use beyond
 36 that required by Title 38, chapter 3, subchapter I, article 2-B
and that is not consistent with a comprehensive plan adopted
under this subchapter is void 24 months after adoption of the
plan or by July 1, 1994, whichever date is later.

38 Sec. A-34. 30-A MRSA §5772, sub-§9, as enacted by PL 1987, c.
 40 873, §§2 and 3 and as enacted by PL 1989, c. 104, Pt. A, §50 and
Pt. C. §10, is repealed and the following enacted in its place:

42 9. Interest or dividend exemption from state taxation.
 44 Interest or dividends paid on general obligation securities
 46 issued under this section are exempt from taxation within the
State, whether or not such income is subject to taxation under
the United States Internal Revenue Code, as amended.

48

2 **Sec. A-35. 32 MRSA §226, sub-§2, ¶C**, as amended by PL 1993, c.
349, §65 and c. 389, §18, is repealed and the following enacted
4 in its place:

6 C. Alterations, renovations or remodeling of a building
7 when the cost of the work contemplated by the design does
8 not exceed 15% of the assessed value of the building or
9 \$50,000, whichever is the lesser, or does not require the
10 issuance of a permit under applicable building codes or when
11 the work involves those structures as provided in paragraphs
12 A, B, F, G and H or when the work involves interior design
13 services performed by a certified interior designer;

14 **Sec. A-36. 36 MRSA §653, sub-§1, ¶E**, as repealed and replaced
15 by PL 1993, c. 395, §11 and c. 427, §7, is repealed and the
16 following enacted in its place:

18 E. The word "veteran" as used in this subsection means any
19 person, male or female, who was in active service in the
20 Armed Forces of the United States during any federally
21 recognized war period or the Korean Campaign, the Vietnam
22 War or the Persian Gulf War and who, if discharged, retired
23 or separated from the Armed Forces, was discharged, retired
24 or separated under other than dishonorable conditions. A
25 veteran of the Vietnam War must have served on active duty
26 for a period of more than 180 days, any part of which
27 occurred after August 4, 1964 and before May 7, 1975, except
28 if the veteran died in service or was discharged for a
29 service-connected disability after such date. "Vietnam War"
30 means that period between August 5, 1964 and May 7, 1975.
31 "Persian Gulf War" means service on active duty between
32 August 7, 1990 and April 11, 1991;

34 **Sec. A-37. 36 MRSA §2013, sub-§1, ¶C**, as amended by PL 1993,
35 c. 151, §1 and c. 395, §17, is repealed and the following enacted
36 in its place:

38 C. "Depreciable machinery and equipment" means that part of
39 the following machinery and equipment for which depreciation
40 is allowable under the Code and repair parts for that
41 machinery and equipment:

42 (1) New or used machinery and equipment for use
43 directly and primarily in commercial agricultural
44 production, including self-propelled vehicles, but
45 excluding motor vehicles as defined in section 1752,
46 subsection 7; attachments and equipment for the
47 production of field and orchard crops; and new or used
48 machinery and equipment for use directly and primarily
49 in production of milk, animal husbandry and production
50 of livestock, including poultry;

2 (2) New or used watercraft, nets, traps, cables,
4 tackle and related equipment necessary to and used
6 directly and primarily in the operation of a commercial
 fishing venture, but excluding motor vehicles as
 defined in section 1752, subsection 7; or

8 (3) New or used watercraft, machinery or equipment
10 used directly and primarily for aquacultural
12 production, including, but not limited to: nets; ropes;
14 cables; anchors and anchor weights; shackles and other
16 hardware; buoys; fish tanks; fish totes; oxygen tanks;
18 pumping systems; generators; water-heating systems;
20 boilers and related pumping systems; diving equipment;
22 feeders and related equipment; power-generating
 equipment; tank water-level sensors; aboveground
 pipng; water-oxygenating systems; fish-grading
 equipment; safety equipment; and sea cage systems,
 including walkways and frames, lights, netting, buoys,
 shackles, ropes, cables, anchors and anchor weights;
 but excluding motor vehicles as defined in section
 1752, subsection 7.

24 Sec. A-38. 36 MRSA §4641-C, sub-§2, as amended by PL 1993, c.
26 373, §5 and c. 398, §4, is repealed and the following enacted in
 its place:

28 2. Mortgage deeds. Mortgage deeds, discharges of mortgage
30 deeds and partial releases of mortgage deeds, deeds from a
32 mortgagor to a mortgagee in lieu of foreclosure and deeds from a
34 mortgagee to itself at a public sale held pursuant to Title 14,
36 section 6323. In the event of a deed to a 3rd party at such a
38 public sale, the tax imposed upon the grantor by section 4641-A
40 applies only to that portion of the proceeds of sale that exceeds
 the sums required to satisfy in full the claims of the mortgagee
 and all junior claimants originally made parties in interest in
 the proceedings or having subsequently intervened in the
 proceedings as established by the judgment of foreclosure and
 sale. The tax must be deducted from the excess proceeds;

42 Sec. A-39. 37-B MRSA §105, as amended by PL 1987, c. 370,
 §12, is repealed and the following enacted in its place:

44 §105. Staff organization

46 The Governor may create, organize, abolish or reorganize
48 staff sections that the Governor determines necessary to provide
50 for the National Guard and other state military forces, and
 appoint staff officers necessary to provide for the operation of
 the staff sections. Officers of these sections shall perform the

2 duties required of them by law and those other duties not
4 inconsistent with the laws of the State that correspond to the
6 duties performed by officers in corresponding staff sections in
8 the federal military establishment.

6 Sec. A-40. 37-B MRSA §504, sub-§4, ¶A-1, as amended by PL 1993,
8 c. 150, §1 and c. 427, §8, is repealed and the following enacted
10 in its place:

10 A-1. As used in this subsection, unless the context
12 indicates otherwise, the following terms have the following
14 meanings.

14 (1) "Eligible dependent" means the wife, husband,
16 surviving spouse, unmarried minor child, unmarried
18 dependent child enrolled in secondary school or
20 unmarried adult child who became incapable of
22 self-support before reaching 18 years of age on account
24 of mental or physical defects.

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

24 (a) Served on active duty in the United States
26 Armed Forces during any federally recognized
28 period of conflict, served on active duty in the
30 United States Armed Forces at any time during the
32 period December 22, 1961 to August 5, 1964 or was
34 eligible for an Armed Forces Expeditionary Medal
36 or campaign medal, and who:

32 (i) If discharged, received an honorable
34 discharge or a general discharge under
36 honorable conditions, provided that the
38 discharge was not upgraded through a program
40 of general amnesty; and

38 (ii) Was a resident of the State at the time
40 of entering military service, death or the
42 death of an eligible dependent;

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

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

2 (3) "Federally recognized period of conflict" means
3 World War I, April 6, 1917 to November 11, 1918, or
4 March 31, 1920 if service was in Russia; World War II,
5 December 7, 1941 to December 31, 1946; Korean Conflict,
6 June 27, 1950 to January 31, 1955; the Vietnam War,
7 August 5, 1964 to May 7, 1975; and the Persian Gulf
8 War, August 7, 1990 to April 11, 1991.

10 Sec. A-41. 37-B MRSA §601, as amended by PL 1993, c. 426, §1
11 and c. 427, §10, is repealed and the following enacted in its
12 place:

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

16 There must be public homes for veterans in Maine known as
17 "Maine Veterans' Homes." In addition to the existing home
18 located in Augusta, a 120-bed home located in southern Maine, a
19 home not to exceed 60 beds located in Aroostook County, a home
20 located in Bangor not to exceed 120 beds and a home located in
21 South Paris not to exceed 90 beds may be constructed if federal
22 Veterans' Administration funds are available to meet part of the
23 costs of each facility for construction or operation. In
24 addition, a home located in Machias not to exceed 60 beds may be
25 constructed if federal Veterans' Administration funds or funds
26 from any other state, federal or private source are available to
27 meet part of the costs of the facility for construction or
28 operation, except that the Machias home may not begin operation
29 prior to July 1, 1995 and the construction and funding of the
30 Machias home may not in any way jeopardize the construction,
31 funding or financial viability of any other home. The Board of
32 Trustees of the Maine Veterans' Homes shall plan and develop
33 these additional homes and may use any funds available for those
34 purposes, except for the Augusta facility's funded depreciation
35 account. The primary purpose of the homes is to provide support
36 and care for honorably discharged veterans who served in the
37 United States Armed Forces during wartime, including the Korean
38 Conflict, the Vietnam War and the Persian Gulf War.

40 Sec. A-42. 38 MRSA §482, sub-§5, as amended by PL 1993, c.
41 366, §§1 to 3 and amended by c. 383, §17 and affected by §42, is
42 repealed and the following enacted in its place:

44 **5. Subdivision.** A "subdivision" is the division of a
45 parcel of land into 5 or more lots to be offered for sale or
46 lease to the general public during any 5-year period if the lots
47 to be offered, together with the roads, common areas, easement
48 areas and all portions of the parcel of land in which rights or
49 interests, whether expressed or implied, are to be offered make
50 up an aggregate land area of more than 20 acres except for the
following:

2 C. Lots of 40 or more acres but not more than 500 acres may
3 not be counted as lots except where:
4
5 (1) The proposed subdivision is located wholly or
6 partly within the shoreland zone;
7
8 C-1. Lots of more than 500 acres in size may not be counted
9 as lots;
10
11 D. Five years after a subdivider establishes a
12 single-family residence for that subdivider's own use on a
13 parcel and actually uses all or part of the parcel for that
14 purpose during that period, a lot containing that residence
15 may not be counted as a lot;
16
17 E. Unless intended to circumvent this article, the
18 following transactions may not be considered lots offered
19 for sale or lease to the general public:
20
21 (1) Sale or lease of lots to an abutting owner or to a
22 spouse, child, parent, grandparent or sibling of the
23 developer if those lots are not further divided or
24 transferred to a person not so related to the developer
25 within a 5-year period, except as provided in this
26 subsection;
27
28 (2) Personal, nonprofit transactions, such as the
29 transfer of lots by gift or devise, if those lots are
30 not further divided or transferred within a 5-year
31 period; or
32
33 (3) Grant of a bona fide security interest in the
34 whole lot or subsequent transfer of the whole lot by
35 the original holder of the bona fide security interest
36 or that person's successor in interest;
37
38 F. In those subdivisions that would otherwise not require
39 site location approval, unless intended to circumvent this
40 article, the following transactions may not, except as
41 provided, be considered lots offered for sale or lease to
42 the general public:
43
44 (1) Sale or lease of common lots created with a
45 conservation easement as defined in Title 33, section
46 476, provided that the department is made a party; and
47
48 H. The transfer of contiguous land by a permit holder to
49 the owner of a lot within a permitted subdivision is exempt
50 from review under this article, provided that the land was

2 not owned by the permit holder at the time the department
3 approved the subdivision. Further division of the
4 transferred land must be reviewed under this article.

5
6 The exception described in paragraph F does not apply, and the
7 subdivision requires site location approval, whenever the use of
8 a lot described in paragraph F changes or the lot is offered for
9 sale or lease to the general public without the limitations set
10 forth in paragraph F. For the purposes of this subsection only,
11 a parcel of land is defined as all contiguous land in the same
12 ownership provided that lands located on opposite sides of a
13 public or private road are considered each a separate parcel of
14 land unless that road was established by the owner of land on
15 both sides of the road subsequent to January 1, 1970. A lot to
16 be offered for sale or lease to the general public is counted,
17 for purposes of determining jurisdiction, from the time a
18 municipal subdivision plan showing that lot is recorded or the
19 lot is sold or leased, whichever occurs first, until 5 years
20 after that recording, sale or lease.

21
22 Sec. A-43. 38 MRSA §560-A, sub-§6, as amended by PL 1993, c.
23 410, Pt. H, §1 and c. 412, §6, is repealed and the following
24 enacted in its place:

25
26 6. Allocation from Ground Water Oil Clean-up Fund. From
27 the fees assessed in subsection 5, 6¢ per barrel of gasoline,
28 refined petroleum products and their by-products, other than
29 liquid asphalt and #6 fuel oil, must be transferred by the
30 department upon receipt as follows.

31
32 A. Sixty-two and one half percent of the 6¢ per barrel fee
33 must be transferred to the Finance Authority of Maine for
34 deposit in the Underground Oil Storage Replacement Fund, and
35 after \$3,000,000 has been transferred to the Maine State
36 Housing Authority pursuant to paragraph B, 100% of the 6¢
37 per barrel fee must be transferred to the Finance Authority
38 of Maine.

39
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 facilities and tanks have been identified by the department
48 as leaking or posing an environmental threat or as having
49 been abandoned. After \$3,000,000 has been transferred, the
50 Maine State Housing Authority does not receive a percentage
of the 6¢ per barrel fee.

2 After an aggregate sum of \$10,000,000 has been transferred to the
4 Finance Authority of Maine and an aggregate sum of \$3,000,000 has
6 been transferred to the Maine State Housing Authority pursuant to
8 this subsection, the per barrel fee assessed pursuant to
10 subsection 5 must be reduced by 6¢ per barrel. For the purposes
12 of this subsection, the transfers from the Underground Oil
Storage Replacement Fund under Public Law 1993, chapter 6 and
under unified appropriations and allocations for fiscal year
1993-94 and fiscal year 1994-95 are not included in calculating
the amount transferred from the Ground Water Oil Clean-up Fund to
the Underground Oil Storage Replacement Fund.

14 **Sec. A-44. 38 MRS** §1310-N, as amended by PL 1993, c. 191,
16 §1 and affected by §4, and amended by c. 378, §§5 and 6 and c.
383, §36, is repealed and the following enacted in its place:

18 **§1310-N. Solid waste facility licenses**

20 No person may locate, establish, construct, expand the
22 disposal capacity of or operate any solid waste facility unless
24 approved by the department under the provisions of this chapter.
When the proposed facility is located within the jurisdiction of
26 the Maine Land Use Regulation Commission, in addition to any
other requirement, the department shall require compliance with
existing standards of the commission.

28 **1. Licenses.** The department shall issue a license for a
30 waste facility whenever it finds that:

32 A. The facility will not pollute any water of the State,
34 contaminate the ambient air, constitute a hazard to health
or welfare or create a nuisance;

36 B. In the case of a disposal facility, the facility
provides a substantial public benefit; and

38 C. In the case of a disposal facility, the volume of the
40 waste and the risks related to its handling and disposal
42 have been reduced to the maximum practical extent by
recycling and source reduction prior to disposal.

44 **2-A. Aquifer protection.** The department may not issue a
46 license for a solid waste disposal facility when it finds that
the proposed facility overlies a significant sand and gravel
48 aquifer or when the department finds that the proposed facility
poses an unreasonable threat to the quality of a significant sand
and gravel aquifer it does not overlie, or to an underlying
fractured bedrock aquifer.

50

2. A. "Significant sand and gravel aquifer" is defined as a
4 porous formation of ice-contact and glacial outwash sand and
gravel that contains significant recoverable quantities of
water likely to provide drinking water supplies.

6 B. "Fractured bedrock aquifer" is defined as a consolidated
8 rock formation that is fractured and that is saturated and
10 recharged by precipitation percolating through overlying
sediments to a degree that will permit wells drilled into
the rock to produce a sufficient water supply for domestic
use.

12 C. In determining whether or not the proposed facility
14 poses an unreasonable threat to the quality of a significant
16 sand and gravel aquifer or to an underlying fractured
bedrock aquifer, the department shall require the applicant
to provide:

18 (1) A thorough hydrogeological assessment of the
20 proposed site and the contiguous area including any
22 classified surface waters, significant sand and gravel
24 aquifers and fractured bedrock aquifers that could be
26 affected by the proposed facility during normal
28 operation or in the event of unforeseen circumstances
including the failure of any engineered barriers to
ground water flow. The assessment must include a
description of ground water flow rates, the direction
of ground water flow in both the horizontal and
vertical directions, and the degree of dilution or
attenuation of any contaminants that may be released
from the proposed site and flow toward any classified
surface water, significant sand and gravel aquifer or
fractured bedrock aquifer.

34 2-D. Setback requirements for transfer stations. The
36 department may not issue a permit or a license for a municipal
solid waste transfer station unless the location of the handling
38 site conforms to the following setback requirements.

40 A. For a transfer station on an island that is not
42 connected to the mainland by a road, there is no setback
requirement. The department shall review the proposed
44 location of the handling site and determine whether the
property setbacks proposed by the developer are reasonable
and compatible with the abutting land uses. To the fullest
46 extent possible, the department shall ensure that the
handling site of a transfer station on an island is located
48 in a manner that minimizes any adverse impact on the island
residents.

50

2. B. For all other transfer stations, the handling site may
not be within 250 feet of any abutting property boundary,
4 unless:

6 (1) The department finds the abutting property to be a
conforming use. If the department finds an abutting
8 property to be a conforming use, the handling site may
be within 250 feet of the boundary but not within 250
10 feet of any permanent structure on that abutting
property; or

12 (2) The municipality obtains the written permission of
14 all property owners within 250 feet of the proposed
handling site.

16 This subsection does not apply to transfer station permit or
18 license renewals.

20 2-E. Automobile dismantling, recycling and salvage
operations. The department may not issue a license for a solid
22 waste facility that is larger than 3 acres in size and that is
the location of automobile dismantling, recycling and salvage if
24 the automobile dismantling, recycling and salvage operations take
place within 100 feet of a well that serves as a public or
26 private water supply. This prohibition does not include a
private well that serves only the facility or the owner's or
28 operator's abutting residence.

30 2-F. Siting standards. The department shall issue a
license for a new or expanded solid waste facility when it finds
32 that the following standards, in addition to any other
requirements of this chapter, have been met.

34 A. The applicant has the financial and technical ability to
develop the project in a manner consistent with state
36 environmental standards and with the provisions of this
chapter.

38 B. The applicant has made adequate provision for traffic
40 movement of all types into, out of and within the proposed
solid waste facility. The department shall consider traffic
42 movement both on site and off site. In making its
determination, the department shall consider the following
44 factors:

46 (1) Vehicular weight limits;

48 (2) Road construction and maintenance standards;

50 (3) Vehicle type;

2. (4) Public safety and congestion on any public or
4 private road traveled by vehicles transporting waste to
or from the proposed facility; and

6 (5) Other relevant factors.

8 C. The applicant has made adequate provision for fitting
10 the proposed solid waste facility harmoniously into the
12 existing natural environment and the proposed solid waste
14 facility will not unreasonably adversely affect existing
uses, scenic character, air quality, water quality or other
natural resources in the municipality or in neighboring
municipalities.

16 D. The proposed solid waste facility will be built on soil
18 types that are suitable to the nature of the undertaking and
will not cause unreasonable erosion of soil or sediment.

20 E. The proposed solid waste facility will not pose an
22 unreasonable risk that a discharge to a significant ground
water aquifer will occur.

24 F. The applicant has made adequate provision for utilities
26 including water supplies, sewerage facilities, solid waste
28 disposal and roadways required for the project, and the
30 proposed solid waste facility will not have an unreasonable
adverse effect on the existing or proposed utilities and
roadways in the municipality or area served by those
services.

32 G. The project will not unreasonably cause or increase the
34 flooding of the alteration area or adjacent properties nor
create an unreasonable flood hazard to a structure.

36 3. Public benefit determination. The department shall
38 determine the public benefit of a proposed facility according to
the following provisions.

40 A. Prior to the initial adoption of the state plan, the
42 department shall find that a proposed facility provides a
44 substantial public benefit when the applicant demonstrates
that the facility is designed, located and will be operated
so that it is consistent with and meets the needs identified
in the capacity needs analysis under former section 1310-O.

46 B. Subsequent to the initial adoption of the state plan and
48 for those facilities not subject to chapter 24, subchapter
50 IV, the department shall employ a rebuttable presumption of
public benefit.

2 C. Subsequent to the adoption of the state plan and for
4 those facilities subject to chapter 24, subchapter IV, the
 agency shall determine whether or not the proposed facility
 meets the requirements of section 2157.

6 **5. Recycling and source reduction determination.** The
8 department shall find that the provisions of subsection 1,
10 paragraph C are satisfied when the applicant demonstrates that
 all requirements of this subsection have been satisfied.

12 A. The proposed solid waste disposal facility will accept
14 solid waste that is subject to recycling and source
16 reduction programs, voluntary or otherwise, at least as
 effective as those imposed by this chapter and other
 provisions of state law.

18 (1) The department shall attach this requirement as a
20 standard condition to the license of a solid waste
 disposal facility governing the future acceptance of
 solid waste at the proposed facility.

22 B. The applicant has shown consistency with the recycling
24 provisions of the state plan.

26 **6. Terms and compliance schedules.** Except as provided in
28 subsection 6-D, licenses are issued under terms and conditions
30 the department prescribes, and for a term not to exceed 5 years.
32 The department may establish reasonable time schedules for
34 compliance with this article and rules adopted by the board. A
36 licensed or unlicensed municipal solid waste landfill operating
 on December 31, 1991 may continue to operate until December 31,
 1992 unless the commissioner finds that continued operation of a
 landfill poses an immediate hazard to the public health or the
 environment, including, without limitation, a threat to a public
 or private water supply.

38 **6-A. Relicensing.** Notwithstanding subsection 6, a transfer
40 station or a recycling facility licensed under this chapter is
42 not subject to relicensing unless the standards in effect at the
44 time the previous license was issued are changed or the facility
46 significantly changes its operation. For the purposes of this
 subsection, a transfer station includes any associated area or
 use that is permitted by the license, such as areas used to burn
 or chip wood or brush and areas used to store or handle white
 goods or tires, but does not include any associated wood waste or
 demolition debris landfills.

48 **6-B. Unlicensed landfills operating after December 31,**
50 1992. Notwithstanding subsection 6, the commissioner shall enter

2 into an agreement with a municipality allowing that municipality
3 to operate an unlicensed municipal solid waste landfill after
4 December 31, 1992 if the commissioner determines that the
5 municipality has:

6 A. Selected an alternative solid waste handling or disposal
7 option that is licensed or capable of being licensed;

8
9 B. Proposed to the department a reasonable and mutually
10 acceptable schedule for implementing that option; and

11 C. Agreed to cease accepting waste at the unlicensed
12 landfill on a date certain.

13
14
15 An agreement under this subsection between a municipality and the
16 department may not include any provision that prevents the
17 municipality from using its unlicensed landfill for the disposal
18 of municipal solid waste during the term of the agreement.
19 Notwithstanding any provision of an agreement entered into under
20 this subsection, the commissioner shall order an unlicensed
21 landfill to cease operating if the commissioner finds that
22 continued operation of the landfill poses an immediate hazard to
23 the public health or the environment, including without
24 limitation a threat to a public or private water supply.

25
26 6-C. Summary of federal regulations. The commissioner
27 shall provide a summary of the criteria for municipal solid waste
28 landfills set forth in 40 Code of Federal Regulations, Part 258
29 (1992) to each municipality operating a licensed or unlicensed
30 municipal solid waste landfill on the effective date of this
31 subsection. The summary must describe the operational and, where
32 possible, the economic implications under federal and state rules
33 of accepting waste at a municipal solid waste landfill after
34 October 8, 1993.

35
36 6-D. Solid waste facilities licensed under rules valid on
37 or after May 24, 1989. A solid waste facility license issued
38 under applicable solid waste management rules valid on or after
39 May 24, 1989 remains in effect unless modified, revoked or
40 suspended under section 341-D, subsection 3. These licensees
41 must:

42 A. Comply with applicable operating rules adopted by the
43 board;

44
45 B. Comply with annual facility reporting rules adopted by
46 the board; and

47
48 C. Beginning 5 years after the date of issuance of the
49 license, pay an annual facility reporting fee established by
50

2 the commissioner. The annual fee established in this
3 paragraph must be an amount equal to 20% of the relicensing
4 fee that would have applied to that facility.

6 7. Criminal or civil record. The department may refuse to
7 grant a license under this article if it finds that the applicant
8 or, if the applicant is other than a natural person, any person
9 having legal interest in the applicant has been found guilty of a
10 criminal or civil violation of laws administered by the
11 department or other laws of the State, other states, the United
12 States or another country.

14 8. Exemption. The disposal of construction and demolition
15 debris, land clearing debris and wood wastes is exempt from the
16 requirements of this chapter when:

18 A. The disposal facility is less than one acre in size;

20 B. The disposal facility is located on the same parcel of
21 property where the waste is generated; and

22 C. Only one exempt disposal facility is located on a single
23 parcel of property, except that additional disposal
24 facilities on the same parcel that are less than one acre in
25 size and that were in existence prior to the effective date
26 of this subsection do not require a license under this
27 chapter if no additional waste is disposed of in those
28 additional facilities after the effective date of this
29 subsection.

30 Sec. A-45. 38 MRSA §2174, sub-§3, as amended by PL 1993, c.
31 310, Pt. B, §8 and repealed by c. 355, §62, is repealed.

34 Sec. A-46. PL 1975, c. 623, §72, first 2 lines are repealed and the
35 following enacted in their place:

36 Sec. 72. 38 MRSA §247, as enacted by PL 1971, c. 75, is
37 repealed.

40 Sec. 72-A. P&SL 1975, c. 75, §9 is repealed and the following
41 enacted in place thereof:

42 Sec. A-47. PL 1991, c. 887, §3 is amended to read:

44 Sec. 3. 4 MRSA §1353, sub-§7, ¶A, as enacted by PL 1983, c.
45 853, Pt. C, §§15 and 18, is amended to read:

48 A. The disability retirement allowance of a beneficiary
49 shall ~~must~~ cease at ~~age 70, or prior thereto,~~ whenever the
50 service retirement allowance of the beneficiary would equal

2 or exceed the amount of his the member's disability
retirement allowance.

4 Sec. A-48. PL 1993, c. 207, §1, first 2 lines are repealed and the
following enacted in their place:

6 Sec. 1. 5 MRSA §12004-L, sub-§4, as enacted by PL 1987, c.
8 786, §5, is repealed.

10 Sec. A-49. PL 1993, c. 335, §1, first 3 lines are repealed and the
following enacted in their place:

12 Sec. 1. 12 MRSA §8003, sub-§3, ¶M, as amended by PL 1987, c.
14 308, §10, is further amended to read:

16 Sec. A-50. P&SL 1975, c. 84 is amended by striking out the
18 first 2 lines after the enacting clause and inserting in their
place the following:

20 Sec. 1. P&SL 1907, c. 433, as amended, is repealed and the
22 following enacted in place thereof:

24 Sec. A-51. P&SL 1975, c. 84, §22, the first 2 lines are repealed and
the following enacted in their place:

26 Sec. 2. P&SL 1913, c. 157, §2 is amended by adding a new
28 paragraph at the end to read:

30 Sec. A-52. Resolve 1993, c. 8 is repealed.

32 PART B

34 Sec. B-1. 12 MRSA §7736, sub-§1, ¶A, as amended by PL 1993, c.
36 438, §38, is further amended to read:

38 A. A person may keep a wild animal in captivity in
40 accordance with sections 7231, 7235-A, 7241, or 7242;
42 section 7035, subsection 3; section 7771, subsection 2; or
Title 7, section 1809;

44 Sec. B-2. 24-A MRSA §1106, sub-§6, ¶E, as enacted by PL 1993,
c. 313, §21, is amended to read:

46 E. The aggregate amount of medium grade obligations issued,
48 guaranteed or insured by any one institution then held by
the insurer exceeds 1% of its admitted assets, and

2 **Sec. B-3. 25 MRSA §2701, sub-§2, ¶B**, as enacted by PL 1977, c.
80, §2, is amended to read:

4 B. A structure or facility that is constructed, in whole or
6 in part, with either state or federal funds and specifically
 intended:

8 (1) As a place where 5 persons or more will be
 employed; or

10 (2) As public housing, ~~and which is constructed, in~~
12 ~~whole or in part, with either state or federal funds.~~

14 **Sec. B-4. 25 MRSA §2954**, as amended by PL 1991, c. 837, Pt.
16 B, §12 and c. 841, §10, is repealed and the following enacted in
 its place:

18 **§2954. Maine Drug Enforcement Agency Advisory Board**

20 In order to develop, coordinate and carry out a statewide
22 drug enforcement program and strategy, there is established the
24 Maine Drug Enforcement Agency Advisory Board. The board
26 consists of the Attorney General or a designee; the Chief of the
28 State Police; a state law enforcement officer selected by the
30 Governor with the advice of the Chief of the State Police; a
32 district attorney selected by the Governor with the advice of the
34 Maine Prosecutors Association; the United States Attorney for the
 District of Maine or a designee; 3 municipal police chiefs
 selected by the Governor with the advice of the Maine Chiefs of
 Police Association; a county sheriff selected by the Governor
 with the advice of the Maine Sheriffs' Association; the
 Commissioner of Corrections or a designee; and 2 citizens, one of
 whom has experience with drug treatment and education programs,
 appointed for 2-year terms by the Governor.

36 The board shall provide advice and consultation to the
38 Commissioner of Public Safety for the drug law enforcement effort
40 within the State. This effort must include the integration and
42 coordination of investigative and prosecutorial functions in the
44 State with respect to drug law enforcement. The board shall also
 make recommendations to the Legislature as it determines to be
 appropriate for the implementation of an effective drug law
 enforcement program.

46 The board, in addition to these responsibilities, shall
48 provide advice to the commissioner regarding the integration of
 law enforcement officers from county, municipal and all state law
 enforcement agencies, into the agency.

2 Sec. B-5. 25 MRSA §2955, as amended by PL 1991, c. 837, Pt.
B, §13 and c. 841, §11, is repealed and the following enacted in
4 its place:

6 §2955. Maine Drug Enforcement Agency

8 The commissioner shall establish and operate within the
10 Maine Drug Enforcement Agency such regional investigative task
12 forces as the commissioner determines, in consultation with the
14 board, are required for effective drug law enforcement throughout
16 the State.

18 The investigative component of each task force is comprised
20 of law enforcement officers drawn from municipal, county and
22 state law enforcement agencies, who, during the period in which
24 they serve in the task force, must be placed on a temporary
26 assignment by their employing law enforcement agencies and in the
nonclassified positions within the agency as established. All
agency investigative personnel may not be state employees, for
the purposes of Title 26, chapter 9-B. All agency investigative
personnel shall act in accordance with rules, policies and
procedures established by the commissioner. In determining the
number, areas of responsibility and investigative complement of
these task forces, the commissioner shall take into account
geography, population, the need for service and the advice
provided by the board.

28 1. Director. The agency is managed by a director who
30 reports to the commissioner. The director must be an experienced
32 law enforcement officer. The Chief of the State Police, the
34 Maine Sheriffs' Association and the Maine Chiefs of Police
36 Association may each nominate one candidate as director for
38 submission to the Maine Drug Enforcement Agency Advisory Board.
40 The advisory board shall submit one of the 3 nominations to the
42 commissioner, who may appoint that person with the approval of
44 the Governor. If the commissioner or the Governor does not
46 approve of the candidate submitted, each of the nominating groups
48 is requested to submit an additional nomination. The director
50 serves at the pleasure of the commissioner. Eligibility for this
appointment is not dependent upon the parent law enforcement
agency, if any, of the person selected. If the person selected
is currently an employee of any state, county or local law
enforcement agency, the person must be placed on a temporary
assignment by the person's employing agency. The director
reports directly to the commissioner, notwithstanding any
existing command structure of the person's employing agency.
Notwithstanding any other provision of law, the person retains
and continues to accrue seniority and retirement rights and
benefits within the person's employing agency for the time in
which the person serves as director.

2 2. Assistant director. The director of the agency is
4 assisted by an assistant director. The assistant director must be
6 an experienced law enforcement officer and may exercise any of
 the powers of the director as the director may delegate. The
 assistant director is appointed by and serves at the pleasure of
 the commissioner.

8
10 Eligibility for the selection is not dependent upon the parent
12 law enforcement agency, if any, of the person selected. The
14 assistant director is compensated in a manner equivalent to that
16 of a captain in the State Police, with respect to both regular
18 and overtime compensation. If the person selected is currently
20 an employee of any state, county or local law enforcement agency,
22 the person must be placed on a temporary assignment by the
 person's employing agency. The assistant director reports
 directly to the director, notwithstanding any existing command
 structure of the person's employing agency. Notwithstanding any
 other provision of law, the person retains and continues to
 accrue seniority and retirement rights and benefits within the
 person's employing agency for the time in which the person serves
 as assistant director.

24 3. Commanders. There may be no more than 3 commanders
26 within the agency who may exercise any powers the director may
28 delegate. Each commander must be an experienced law enforcement
30 officer appointed by the director with the concurrence of the
32 commissioner and serves at the pleasure of the director. The
34 appointment of commanders is not dependent upon the parent law
36 enforcement agency, if any, of the person selected. Commanders
38 are compensated from the budget of the agency in a manner
40 equivalent to that of a lieutenant in the State Police, with
42 respect to both regular and overtime compensation. If the person
 selected is currently an employee of any state, county or local
 law enforcement agency, the person must be placed on a temporary
 assignment by the person's employing agency. A commander reports
 directly to the director or assistant director, notwithstanding
 any existing command structure of the person's employing agency.
 Notwithstanding any other provision of law, the person retains
 and continues to accrue seniority and retirement rights and
 benefits within the person's employing agency for the time in
 which the person serves as commander.

44 4. Task force investigative supervisors. Each task force
46 is supervised by a task force investigative supervisor. Each
48 supervisor must be an experienced law enforcement officer
50 appointed by the director with the concurrence of the
 commissioner and serves at the pleasure of the director. The
 appointment of supervisors is not dependent upon the parent law
 enforcement agency, if any, of the person selected. Supervisors

2 are compensated from the budget of the agency in a manner
3 equivalent to that of a sergeant assigned to the State Police,
4 with respect to both regular and overtime compensation. If the
5 person selected is currently an employee of any state, county or
6 local law enforcement agency, the person must be placed on a
7 temporary assignment by the person's employing agency. A
8 supervisor reports directly to the assistant director or a
9 commander, notwithstanding any existing command structure of the
10 person's employing agency. Notwithstanding any other provision of
11 law, the person retains and continues to accrue seniority and
12 retirement rights and benefits within the person's employing
13 agency for the time in which the person serves as supervisor.

14 5. Task force investigative agents. The investigative
15 complement of each task force is comprised of task force
16 investigative agents. Agents may be selected from municipal,
17 county and state law enforcement agencies within the State and
18 other state agencies, as long as the prospective agent is
19 certified pursuant to section 2803-A, subsection 1; or may be
20 other experienced law enforcement officers, as long as each is
21 certified pursuant to section 2803-A, subsection 1. Agents are
22 selected and appointed at the discretion of the director with the
23 concurrence of the commissioner from among those persons
24 nominated by the chief administrative officer of a prospective
25 agent's employing agency and other experienced law enforcement
26 officers who apply. Agents serve at the pleasure of the
27 director. Agents receive compensation, paid from the budget of
28 the agency, equivalent to that of a detective in the State
29 Police, with respect to both regular and overtime compensation
30 with the additional credit given to seniority based upon law
31 enforcement experience. If the person selected as an agent is
32 currently an employee of any municipal, county or state law
33 enforcement agency, or any other state agency, the person must be
34 placed on a temporary assignment by the person's employing
35 agency. An agent reports directly to the task force supervisor,
36 notwithstanding any existing command structure of the person's
37 employing agency. Notwithstanding any other provisions of law,
38 the person retains and continues to accrue seniority and
39 retirement rights and benefits within the person's employing
40 agency for the time in which the person serves as an agent.

41 Any person employed as a senior agent or special agent
42 investigator within the State Police may be temporarily assigned
43 to the agency. During that temporary assignment, the State
44 Police retains the positions of senior agent and special agent
45 investigator.

46
47
48 6. Authority of agency officers. The director, assistant
49 director, commanders, supervisors and agents are vested at the
50 discretion of the commissioner with the following:

2 A. The authority throughout the State to arrest pursuant to
3 Title 17-A, section 15;

4 B. The same powers and duties throughout the several
5 counties of the State as sheriffs have in their respective
6 counties to serve criminal process, to investigate and
7 prosecute violators of any law of this State and to arrest
8 without warrant and detain persons found violating or
9 attempting to violate any other penal law of the State until
10 a warrant can be obtained. They have the same rights as
11 sheriffs to require aid in executing the duties of their
12 office; and

13 C. The same powers and duties throughout the several
14 counties of the State as sheriffs have in their respective
15 counties to serve civil process in all matters relating to
16 investigations or violations of Title 17-A, chapter 45 or
17 actions arising under or initiated pursuant to Title 15,
18 chapter 517.

19 7. Task force attorneys. The Attorney General, the United
20 States Attorney for the District of Maine and the respective
21 district attorneys may assign as many of their assistants and
22 special assistants as they determine to be appropriate to each of
23 the task forces or to the agency generally. The attorneys must
24 be available to the agency officers for purposes of ongoing
25 consultation and advice on the propriety and legal consequences
26 of methods of investigation and are responsible for coordinating,
27 with the commanders and supervisors, the prosecutorial and
28 investigative priorities of the task forces. The Attorney
29 General shall appoint one assistant attorney general as a
30 full-time coordinator of drug prosecution matters. That
31 assistant attorney general is responsible to coordinate the
32 efforts of each of the attorneys assigned to the agency.

33 8. Compensation; State Police personnel. Notwithstanding
34 any other provision in this section, State Police officers,
35 senior agents and special investigative agents who are
36 temporarily assigned to the agency continue to be paid from the
37 budget of the Bureau of State Police, except that any additional
38 compensation arising from such a temporary assignment must be
39 paid from the budget of the agency.

40 Sec. B-6. 28-A MRSA §705, sub-§5, as enacted by PL 1993, c.
41 266, §15, is repealed.

42 Sec. B-7. 28-A MRSA §2075, sub-§4, as amended by PL 1993, c.
43 266, §25, is further amended to read:

44

2 4. Penalties. Any person who illegally imports up to 5
gallons of spirits or causes up to 5 gallons of spirits to be
4 shipped into the State commits a civil violation for which a
forfeiture not to exceed \$500 must be adjudged. Any person who
6 illegally imports ~~6 or~~ more than 5 gallons of spirits or causes ~~6~~
~~or~~ more than 5 gallons of spirits to be shipped into the State
commits a Class E crime.

8
10 Sec. B-8. 28-A MRSA §2077, sub-§4, as amended by PL 1993, c.
266, §27, is further amended to read:

12 4. Penalties. Any person who illegally transports up to 5
gallons of wine or up to 9 gallons of malt liquor into or within
14 the State commits a civil violation for which a forfeiture not to
exceed \$500 must be adjudged. Any person who illegally
16 transports ~~6 or~~ more than 5 gallons of wine or ~~10 or~~ more than 9
gallons of malt liquor into or within the State commits a Class E
18 crime.

20 Sec. B-9. 28-A MRSA §2519, sub-§6, as enacted by PL 1993, c.
266, §36, is amended to read:

22 6. Instructor training. Each instructor providing
24 instruction in an approved alcohol server education course shall
biennially attend a seminar on the liquor laws of the State
26 provided by an employee of the Bureau of Liquor Enforcement.
There is a \$5 fee for the seminar to offset expenses incurred in
28 carrying out this subsection. The instructor of each ~~seminar~~
course provided shall supply the Bureau of Liquor Enforcement
30 with the name, address and telephone number of each attendant.

32 Sec. B-10. 36 MRSA §2801-A, sub-§4, as corrected by RR 1991,
c. 1, §56, is amended to read:

34 4. Basis of assessments; reporting. The Bureau of Taxation
36 shall base each hospital's final assessment on the final decision
and order of the Maine Health Care Finance Commission issued
38 after the close of a payment year to determine compensation by a
hospital with its revenue limits and the final obligations of its
40 payors according to Title 22, section 396-I. The commission
shall promptly report its final decision to the Bureau of
42 Taxation. Upon notice, the Bureau of Taxation shall promptly
report to the affected hospital the Maine Health Care Finance
44 Commission's final decision and order as it affects the final
assessment of the hospital under this section for the payment
46 year involved.

48 If the estimated assessment paid exceeds the actual liability, a
refund must be authorized by the Bureau of Taxation in the amount
50 of the excess payment. The refund must be paid from the ~~Medical~~

2 ~~Care---Payments to Providers Special Revenue Account~~ Maine Health
3 Care Commission Fund.

4 If the estimated assessment paid is less than the actual
5 liability, the underpayment must be assessed and payment to the
6 Bureau of Taxation is due within 30 days of notice.

8 **Sec. B-11. 36 MRSA §2801-A, sub-§6**, as enacted by PL 1991, c.
9 528, Pt. Q, §8 and affected by Pt. RRR and enacted by c. 591, Pt.
10 Q, §8, is amended to read:

12 **6. Deposit of collections.** The collections made pursuant
13 to this section must be deposited in the ~~Medical-Care---Payment~~
14 ~~to-Providers-Special-Revenue-Account~~ Maine Health Care Commission
15 Fund. An accounting of the details of the source of the revenue
16 must be provided to the Department of Human Services.

18 **Sec. B-12. 38 MRSA §482, sub-§2**, as amended by PL 1993, c.
19 350, §3 and c. 383, §3 and affected by §42, is repealed and the
20 following enacted in its place:

22 **2. Development that may substantially affect the**
23 **environment.** "Development that may substantially affect the
24 environment," in this article also called "development," means
25 any federal, state, municipal, quasi-municipal, educational,
26 charitable, residential, commercial or industrial development
27 that:

28 A. Occupies a land or water area in excess of 20 acres;

30 B. Contemplates drilling for or excavating natural
31 resources on land or under water where the area affected is
32 in excess of 60,000 square feet;

34 C. Is a mining or advanced exploration activity as defined
35 in this section;

36 D. Is a structure as defined in this section; or

38 E. Is a subdivision as defined in this section.

40 **Emergency clause.** In view of the emergency cited in the
41 preamble, this Act takes effect when approved.

42
43
44
45
46 **STATEMENT OF FACT**

47
48 **PART A**

49 Sections 1 and 2 retroactively repeal a provision of law
50 that repeals the Maine Revised Statutes, Title 29, section 780.

2 Public Law 1991, chapter 216, section 2 repealed another section
of law that was intended to repeal Title 29, section 780. Title
1, section 2501, subsection 29 was never repealed to effectuate
4 the changes made by Public Law 1991, chapter 216, section 2.

6 Sections 3 to 9 correct errors in punctuation, grammar and
format. These sections are in this bill because Title 4, section
8 164, subsection 14 is being taken out as a subsection and being
put back in the law as a paragraph at the end of the section.

10 Section 10 removes the reference to a repealed subsection of
12 law.

14 Section 11 consolidates changes in the first paragraph of
Title 5, section 1543 that were made in Public Law 1993, chapters
16 445 and 477.

18 Sections 12 to 15 resolve a conflict created by Public Law
1993, chapters 199 and 475, which affected the same subsection of
20 law, by incorporating changes from both public laws.

22 Section 16 deletes language referring to 2 repealed
subsections of law.

24 Section 17 repeals a subsection of law that was incorrectly
reenacted because changes were made to the subsection. The
26 content of Title 5, section 12004-G, subsection 33-A will now be
28 contained in Title 5, section 12004-G, subsection 33-B.

30 Section 18 reenacts Title 5, section 12004-G, subsection
33-B. A problem was created when 2 public laws, Public Law 1991,
32 chapters 799 and 883, attempted to fix a problem by enacting a
new Board of Trustees of the Mining Excise Tax Trust Fund. Title
34 5, section 12004-G, subsection 33-A originally enacted this board
in Public Law 1989, chapter 503, Part A, section 19. The board
36 was repealed by Public Law 1991, chapter 622, Part S, section 8.
The board was established again in 1991 by Public Law 1991,
38 chapter 799 as Title 5, section 12004-G, subsection 33-B and also
by Public Law 1991, chapter 883 as Title 5, section 12004-G,
40 subsection 33-A. Public Law 1991, chapter 883 reenacted
subsection 33-A incorrectly because the cross-reference to the
42 section that was enacted to create the board again, Title 5,
section 453-A, was not the same section that originally enacted
44 the board. The board was originally enacted as Title 5, section
453 and that is the section that Title 5, section 12004-G,
46 subsection 33-A makes reference to. In order to clear up the
history of these sections, the intent is to repeal Title 5,
48 section 12004-G, subsection 33-A and reenact Title 5, section
12004-G, subsection 33-B, which was repealed by Public Law 1993,
50 chapter 349, section 12.

2 Section 19 corrects a cross-reference error.

4 Section 20 corrects a conflict created when 2 public laws,
6 Public Law 1989, chapter 502 and chapter 571, enacted a new title
8 for Title 5, Part 15-A. This section repeals both versions and
10 puts the version enacted by Public Law 1989, chapter 502 back in.

12 Section 21 consolidates changes in Title 10, section 1032,
14 subsection 6 that were made in Public Law 1993, chapters 410 and
16 460.

18 Section 22 corrects a cross-reference.

20 Section 23 incorporates the provisions of Public Law 1993,
22 chapters 206 and 419 amending the same subsection of law.

24 Section 24 corrects cross-references by replacing the words
26 "et seq" with the appropriate statutory references.

28 Section 25 corrects a conflict that was created when Public
30 Law 1993, chapters 316 and 349 attempted to correct a conflict
32 that was created by Public Law 1991, chapters 780 and 837 when
both chapters amended Title 13-B, section 1301 differently and
reference was not made by either chapter to the changes made by
the other chapter. When attempting to correct the error created
by the 1991 laws, Public Law 1991, chapter 349 combined the
changes made by both 1991 laws and Public Law 1991, chapter 316
also combined changes made by both 1991 laws and also made other
changes. The Public Law 1991, chapter 316 version is being used
because this law was a law to specifically change the corporate
laws and Public Law 1991, chapter 349 was an errors bill.

34 Section 26 incorporates the provisions of Public Law 1993,
36 chapters 451 and 453 that amended the same subsection of law.
Both public laws increase the circumstances when unlawful sexual
contact is enhanced to a Class C crime.

38 Section 27 corrects a conflict created by Public Law 1991,
40 chapter 9 and Initiated Bill 1991, chapter 1 by incorporating
42 these changes that reflect the intent of Initiated Bill 1991,
chapter 1, which was approved by the voters in a statewide
44 referendum on November 5, 1991 for the purpose of deauthorizing
the widening of the Maine Turnpike and establishing a
46 transportation policy.

48 Section 28 corrects a conflict created by Public Law 1991,
50 chapter 9 and Initiated Bill 1991, chapter 1 by repealing the law
concerning the power of the Maine Turnpike Authority to provide
an annual amount of money to the Department of Transportation for

2 the construction, operation and maintenance of access roads as
intended by Initiated Bill 1991, chapter 1. Initiated Bill 1991,
4 chapter 1 was approved by the voters in a statewide referendum on
November 5, 1991 for the purpose of deauthorizing the widening of
the Maine Turnpike and establishing a transportation policy.

6
8 Section 29 corrects a conflict created by Public Law 1991,
chapter 9 and Initiated Bill 1991, chapter 1 by repealing the law
10 concerning revenues for access roads and the state highway system
as intended by Initiated Bill 1991, chapter 1. Initiated Bill
12 1991, chapter 1 was approved by the voters in a statewide
referendum on November 5, 1991 for the purpose of deauthorizing
14 the widening of the Maine Turnpike and establishing a
transportation policy.

16 Section 30 clarifies the intent of Title 28-A, section 2519,
subsection 7 by deleting the language that indicates that the
18 enrollment fee for a course is \$28. Title 28-A, section 2519,
subsection 7 requires that for each person who attends a course
20 in alcohol server training the instructor must forward \$3 of the
enrollment fee to the Bureau of Liquor Enforcement. The way the
22 law reads now, it appears that if the enrollment fee is \$28, \$3
of the \$28 must be forwarded. The intent was that \$3 of any
24 enrollment fee must be forwarded to the bureau.

26 Sections 31 and 32 correct an error that was created when
Public Law 1991, chapter 852 repealed and replaced Title 30-A,
28 section 2, subsection 1. The law repealed some paragraphs under
subsection 1 and relettered the remaining paragraphs to read
30 consecutively, confusing the histories. Section 31 repeals Title
30-A, section 2, subsection 1 and section 32 enacts Title 30-A,
32 section 2, subsection 1-B to eliminate the confusion.

34 Section 33 incorporates the changes from Public Law 1993,
chapters 73 and 166. Public Law 1993, chapter 73 adds a date
36 when a zoning ordinance that is not consistent with a
comprehensive plan will become void. Public Law 1993, chapter
38 166 adds language to clarify which zoning ordinances that are not
consistent with the comprehensive plan will become void.

40 Section 34 corrects a conflict that was created when Public
42 Law 1989, chapter 104 enacted a new Title 30-A, section 5772,
subsection 9 without taking into account that that subsection
44 already existed, which was enacted by Public Law 1987, chapter
873. Both chaptered laws contain the same information but are
46 worded differently. This section repeals the Public Law 1987
version and keeps the Public Law 1989 version.

48
50 Section 35 incorporates the changes made by Public Law 1993,
chapter 349 and chapter 389. Public Law 1993, chapter 349 made a

2 technical change and Public Law 1993, chapter 389 added wording
to the effect that if services were done by a certified interior
designer a permit was not necessary.

4
6 Section 36 corrects a conflict created by Public Law 1993,
chapter 395 and Public Law 1993, chapter 427 which repealed and
replaced Title 36, section 653, subsection 1, paragraph E.
8 Public Law 1993, chapters 395 and 927 both amended the term
"veteran" and Public Law 1993, chapter 427 expanded the
10 definition to include the meaning of the term "Persian Gulf War."

12 Section 37 incorporates the changes made to Title 36,
section 2013, subsection 1, paragraph C by Public Law 1993,
14 chapters 151 and 395. Public Law 1993, chapter 151 makes
technical changes and adds a new subparagraph (3). Public Law
16 1993, chapter 395 makes technical changes and adds language to
the effect that new and used machinery and equipment must be used
18 directly and primarily for the production of milk, animal
husbandry and production of livestock.

20
22 Section 38 corrects a conflict that was created when Public
Law 1993, chapters 373 and 398 amended Title 36, section 4641-C,
24 subsection 2. Both chapters amended the subsection in the same
way.

26 Section 39 corrects an error that was created when Title
37-B, section 1105 was amended by Public Law 1975, chapter 370,
28 section 22. Inadvertently the same changes that were made to
Title 37-B, section 1105 were also made to Title 37-B, section
30 105 by Public Law 1975, chapter 370, section 12. It is believed
that when the text was being typed Title 37-B, section 105 was
32 typed instead of Title 37-B, section 1105. The content of both
sections is the same. The content is the first paragraph of
34 Title 37-B, section 1105 as enacted by Public Law 1983, chapter
460, section 3.

36
38 Section 40 corrects an error by incorporating the changes
made by Public Law 1993, chapters 150 and 427. Public Law 1993,
chapter 150 amended the paragraph by adding language that makes
40 an unmarried dependent child of a veteran that is in secondary
school eligible to be buried in a veteran's cemetery. Public Law
42 1993, chapter 427 adds the Persian Gulf War to the definition of
"federally recognized period of conflict."

44
46 Section 41 corrects an error by incorporating changes made
by Public Law 1993, chapters 426 and 427. Public Law 1993,
chapter 426 made technical changes and also adds language that
48 indicates a home may be constructed in Machias if funds are made
available, but not until July 1, 1995. Public Law 1993, chapter
50 427 clarifies that the Board of Trustee of the Maine Veterans'

2 Homes is responsible for the planning and developing of the
3 additional homes.

4 Section 42 consolidates changes in Title 38, section 482,
5 subsection 5 that were made in Public Law 1993, chapters 366 and
6 383 and also corrects an error in word usage.

8 Section 43 corrects a conflict by incorporating the changes
9 made by Public Law 1993, chapters 410 and 412. Both chapters
10 made the same changes, except that chapter 410 added language
11 stating that transfers from the Underground Oil Storage
12 Replacement Fund under Public Law 1993, chapter 6 and under
13 unified appropriations and allocations for fiscal year 1993-94
14 and fiscal year 1994-95 are not included in calculating the
15 amount transferred from the Ground Water Oil Clean-up Fund to the
16 Underground Oil Storage Replacement Fund.

18 Section 44 corrects a conflict by consolidating changes in
19 Title 38, section 1310-N that were made in Public Law 1993,
20 chapters 191, 378 and 383.

22 Section 45 resolves a conflict created by Public Law 1993,
23 chapters 310 and 355 that affected the same subsection of law by
24 repealing the subsection. Public Law 1993, chapter 355 repealed
25 Title 38, section 2174, subsection 3 authorizing a certified
26 inspector to enter property in the inspector's jurisdiction to
27 inspect records, take samples and conduct inspections. Public
28 Law 1993, chapter 310 made changes to the law that restricted the
29 inspector's jurisdiction.

30 Section 46 adds a section number to Private and Special Law
31 1975, chapter 623 to make the history of Private and Special Law
32 1975, chapter 75, section 9 complete.

34 Section 47 makes a technical change to correct the improper
35 placement of 2 subparagraphs that were inadvertently attached to
36 Title 4, section 1353, subsection 7, paragraph A in Public Law
37 1991, chapter 887. The subparagraphs were properly placed in
38 Title 5, section 17907, subsection 2, paragraph A of the same
39 public law.

42 Section 48 corrects a statutory reference. The intention of
43 Public Law 1993, chapter 207 was to repeal the law creating the
44 Joint Committee of Licensure-Certification for School
45 Psychological Services, but an incorrect statutory citation was
46 used.

48 Section 49 corrects an error that was created when an
49 attempt to amend Title 12, section 8003, subsection 3, paragraph
50 M was made. Inadvertently, Title 38, section 8003, was typed in

2 place of Title 12, section 8003. Title 38, section 8003 does not
3 exist.

4 Sections 50 and 51 amend Private and Special Law 1975,
5 chapter 84 by inserting at the beginning "Sec. 1." and by
6 changing section 22 to be section 2 of chapter 84. Private and
7 Special Law 1907, chapter 433 which was amended by Private and
8 Special Law 1975, chapter 84 only has 21 sections. Section 22 of
9 Private and Special Law 1975, chapter 84 has nothing to do with
10 Private and Special Law 1907, chapter 433. Chapter 433 deals
11 with Private and Special Law 1913, chapter 157.

12 Section 52 repeals Resolve 1993, chapter 8. Resolve 1993,
13 chapters 8 and 38 both enacted a new section to Resolve 1991,
14 chapter 46 dealing with an additional report that the commission
15 shall submit to the First Regular Session of the 117th
16 Legislature. Chapter 8 added the additional report as a new
17 section 10 and chapter 38 added it as a new section 11. Chapter
18 38 also added a new section 10 to chapter 46 which deals with an
19 advisory committee. In order to clear up the conflict created by
20 Resolve 1993, chapters 8 and 38 both creating a new section 10 to
21 chapter 46, Resolve 1993, chapter 8 is being repealed.

24 PART B

26
27 Section 1 corrects a clerical error by supplying a correct
28 cross-reference and corrects punctuation and usage within a
29 series.

30
31 Section 2 corrects a punctuation and usage error within a
32 series.

33
34 Section 3 clarifies the intent of Title 25, section 2701,
35 subsection 2, paragraph B. The intent of the law is that the
36 definition of "building" includes facilities that are
37 constructed, in whole or in part, with either state or federal
38 funds and employs 5 or more people and does not mean any place
39 where 5 or more people are employed.

40
41 Sections 4 and 5 correct the conflict created by Public Law
42 1991, chapters 837 and 841. Both public laws amended the same
43 section dealing with the Bureau of Intergovernmental Drug
44 Enforcement, BIDE. The number of board members and how they are
45 appointed is different in the 2 public laws. Public Law 1991,
46 chapter 841 is being used because that public Law deals
47 exclusively with the changes to BIDE.

2 Section 6 corrects an error that was created when the same
3 language was contained in several subsections. The language that
4 is being taken out by repealing Title 28-A MRSA section 705,
5 subsection 5 is also contained in Title 28-A, section 705,
6 subsections 2, 2-A, 3 and 3-A.

7 Sections 7 and 8 correct 2 subsections that were amended by
8 Public Law 1993, chapter 266. Public Law 1993, chapter 266
9 amended Title 28-A, section 2075, subsection 4 to increase the
10 penalty for importing or shipping more than 5 gallons of spirits
11 into the State. The way the law is worded, it is uncertain what
12 penalty would apply if between 5 and 6 gallons of spirits were
13 imported or shipped into the State. This section takes out the
14 language that refers to 6 or more gallons and replaces it with
15 language that says "more than 5 gallons" to clarify that
16 importing or shipping 5 gallons or more of spirits is a Class E
17 crime. The same ambiguity exists in Title 28-A, section 2077,
18 subsection 4 and section 8 amends that language to clarify that
19 any person who transports more than 5 gallons of wine or more
20 than 9 gallons of malt liquor commits a Class E crime.

21 Section 9 clarifies that the instructor giving a course must
22 supply the names of the attendants to the Bureau of Liquor
23 Enforcement and not that a person who gives a seminar for an
24 instructor must supply the instructor's name to the bureau.

25 Sections 10 and 11 remove references to an account that has
26 been repealed and replace those references with the name of the
27 correct fund.

28 Section 12 corrects a conflict that was created when Public
29 Laws 1993, chapters 350 and 383 amended Title 38, section 482,
30 subsection 2. The conflict is corrected by repealing the
31 subsection and replacing that subsection using the text of
32 chapter 383.