

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

No. 648

S.P. 251

In Senate, February 28, 1995

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

(EMERGENCY)

Reported by Senator MILLS of Somerset for the Revisor of Statutes pursuant to the Maine Revised Statutes, Title 1, section 94.

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

A handwritten signature in cursive script that reads "May M. Ross".

MAY M. ROSS
Secretary of the Senate

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

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

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

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

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

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

24 **Sec. 1. 2 MRSA §6, sub-§5,** as repealed and replaced by PL
26 1993, c. 410, Pt. L, §1, is amended to read:

28 **5. Range 86.** The salaries of the following state officials
and employees are within salary range 86:

30 Director of Labor Standards;

32 Deputy Chief of the State Police;

34 State Archivist;

36 Director of Maine Geological Survey;

38 Executive Director, Maine Land Use Regulation Commission;

40 Chair, Maine Unemployment Insurance Commission;

42 Child Welfare Services Ombudsman; and

44 Director of the Maine Drug Enforcement Agency; ~~and,~~

46 ~~Executive Director, Maine Science and Technology Commission.~~

48 **Sec. 2. 2 MRSA §7,** as amended by PL 1991, c. 885, Pt. A, §2
50 and affected by §§9 to 11, is repealed.

2 **Sec. 3. 4 MRSA §164, sub-§1-A**, as amended by PL 1993, c. 675,
Pt. B, §5 and c. 680, Pt. A, §1, is repealed and the following
4 enacted in its place:

6 **1-A. Appoint bail commissioners. Appoint bail**
commissioners pursuant to Title 15, section 1023, for any
8 district;

10 **Sec. 4. 4 MRSA §164, sub-§15, ¶¶A and D**, as amended by PL 1993,
c. 680, Pt. A, §4, are further amended to read:

12 A. A fisheries and wildlife offense means any violation of
14 any provision of Title 12, Part 10; any provision of law
enumerated in Title 12, section 7053; or any rule adopted by
16 the Commissioner of Inland Fisheries and Wildlife pursuant
to ~~the rules~~ these provisions.

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

36 **Sec. 5. 5 MRSA §151, first ¶**, as amended by PL 1993, c. 600,
Pt. B, §§20 to 22, is further amended to read:

38 All money received by the Treasurer of State from the Board
40 of Licensure in Medicine, the Board of Examiners in Physical
Therapy, the Board of Examiners of Psychologists, the State Board
42 of Nursing, the Board of Accountancy, the Board of Veterinary
Medicine, the Board of Osteopathic Licensure, the State Board of
44 Funeral Service, the State Board of Optometry, the Board of
Dental Examiners, the State Board of Registration for
46 Professional Engineers, the State Board of Certification for
Geologists and Soil Scientists, the Nursing Home Administrators
48 Licensing Board, the State Board of Licensure for Architects and
Landscape Architects, the Electricians' Examining Board, the Oil
50 and Solid Fuel Board, Maine State Pilotage Commission, the State

2 Board of Barbers, State Board of Cosmetology, State Board of
Registration for Land Surveyors, State Board of Social Worker
4 Registration, the ~~Examiners-of-Podiatrists~~ Board of Licensure of
Podiatric Medicine, the Board of Chiropractic Licensure, the
6 Board of Examiners on Speech Pathology and Audiology, the Maine
Real Estate Commission, the Board of Commercial Driver Education,
8 the Board of Registration of Dietetic Practice, the State Board
of Registration for Professional Foresters, the Board of Hearing
10 Aid Dealers and Fitters, the Manufactured Housing Board, the
Board of Occupational Therapists, Radiologic Technology Board of
12 Examiners, Board of Registration of Substance Abuse Counselors,
Maine Athletic Commission, Board of Underground Oil Storage Tank
14 Installers and the Board of Commissioners of the Profession of
Pharmacy ~~shall-constitute~~ constitutes a fund, which ~~shall-be~~ is a
16 continuous carrying account for the payment of the compensation
and expenses of the members, the expenses of the board and for
18 executing the law relating to each board respectively and as much
thereof as may be required is appropriated for these purposes.
The secretary of each board ~~shall--be~~ is reimbursed for all
20 expenditures for books, stationery, printing and other necessary
expenses incurred in the discharge of ~~his~~ the secretary's duties.
22 All such payments ~~shall~~ must be made from the respective funds
held in the State Treasury, after the approval of the State
24 Controller. In no event may these payments exceed the amounts
received by the Treasurer of State from the treasurer of each
26 respective board. Any balance remaining to the credit of any
board at the end of any year ~~shall~~ must be carried forward to the
28 next year.

30 **Sec. 6. 5 MRSA c. 12**, as amended, is repealed.

32 **Sec. 7. 5 MRSA §937, sub-§1**, as amended by PL 1993, c. 684, §1
and c. 708, Pt. J, §2, is repealed and the following enacted in
34 its place:

36 **1. Major policy-influencing positions.** The following
positions are major policy-influencing positions within the
38 Department of Education. Notwithstanding any other provision of
law, these positions and their successor positions are subject to
40 this chapter:

42 A. Deputy Commissioner;

44 B. Deputy Commissioner;

46 F. Director, Planning and Management Information;

48 G. Federal and State Education Program Coordinator;

2 The activities of the authority must be conducted in
accordance with the terms and conditions of the Federal Surplus
4 Property Act, 50 Appendix United States Code, Section 1622 et
seq.; the federal Airport and Airway Improvement Act of 1982, 49
6 United States Code App. Section 2201 et seq.; and Federal
Aviation Administration Order 5190.6A. If a conflict exists
8 between this article and those federal laws and rules, the
federal requirements control.

10 **Sec. 14. 5 MRSA §17001, sub-§13, ¶B,** as amended by PL 1993, c.
410, Pt. L, §12, is further amended to read:

12 B. "Earnable compensation" does not include:

14 (1) For any member who has 10 years of creditable
16 service by July 1, 1993 or who has reached 60 years of
age and has been in service for a minimum of one year
18 immediately before that date, payment for more than 30
days of unused accumulated or accrued sick leave,
20 payment for more than 30 days of unused vacation leave
or payment for more than 30 days of a combination of
22 both;

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

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

32 (4) Teacher recognition grants paid pursuant to Title
34 20-A, section 13503-A.

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

40 **Sec. 15. 5 MRSA §17001, sub-§13, ¶C,** as amended by PL 1993, c.
42 580, §1 and affected by §3, and as amended by c. 595, §3 and
affected by §16, is repealed and the following enacted in its
44 place:

46 C. Notwithstanding the other provisions of this subsection,
48 for the purposes of determining average final compensation,
earnable compensation does not include any increase that
50 exceeds the prior year's earnable compensation by more than
5% or that results in a total increase of more than 10%

2 during the 3-year period used in the calculation of average
3 final compensation unless the cost of the additional
4 actuarial liability arising from the excess increase is paid
5 by the employer as provided in section 17154. Any payment
6 made under paragraph B, subparagraph (1) must be included in
7 determining the amount of increase in the year in which the
8 payment is made. This paragraph does not apply to excess
9 increases resulting from compensation paid prior to July 1,
10 1993, from compensation paid in accordance with an
11 individual employment contract executed prior to July 1,
12 1993 or collective bargaining agreement executed or ratified
13 in its final form by final vote of one party to the
14 agreement prior to July 1, 1993 for the initial term of that
15 contract or agreement or from other action by the governing
16 body of the school administrative unit in effect on July 1,
17 1993. In addition, this paragraph does not apply to
18 increases in compensation for state employees received
19 during fiscal year 1993-94 and fiscal year 1994-95. In all
20 circumstances in which this paragraph does not apply, the
21 provisions of this paragraph that were in effect prior to
22 June 30, 1993 apply.

23 **Sec. 16. 5 MRSA §17154, sub-§10,** as amended by PL 1993, c.
24 580, §2 and affected by §3, is further amended to read:

25 **10. Payment of additional actuarial costs incurred by the**
26 **retirement system due to early retirement incentives.**
27 Notwithstanding the other provisions of this section, additional
28 actuarial and reasonable administrative costs that result from
29 the early retirement of a member offered a retirement incentive
30 by an employer must be paid by the employer that offered and
31 provided the incentive in a manner prescribed in rules adopted by
32 the board. "Early retirement" means retirement before normal
33 retirement age with a reduced retirement benefit as provided by
34 section 17852, subsection 3 or 3-A, subsection 4, paragraph C or
35 C-1 or subsection 10, paragraph C or C-1; section 17857,
36 subsection 3-A; section 18452, subsection 3; or section 18462,
37 subsection 3. For purposes of this ~~paragraph~~ subsection,
38 "employer" means, in the case of a member who is a state
39 employee, the department of State Government by which the member
40 was last employed prior to retirement; in the case of a member
41 who is a teacher, the local school administrative unit by which
42 the member was last employed prior to retirement; and in the case
43 of a member who is an employee of a participating local district,
44 the district by which the member was last employed prior to
45 retirement. An early retirement incentive that is part of a
46 collective bargaining agreement executed or ratified in its final
47 form by final vote of one party to the agreement prior to July 1,
48 1993 is not subject to this subsection for the initial term of
49 that agreement.
50

2 **Sec. 17. 5 MRSA §18605, sub-§3**, as enacted by PL 1993, c. 595,
§14, is amended to read:

4 **3. Cost-of-living adjustments.** Benefits under this article
6 are subject to adjustment as provided in section ~~17806~~ 18407.

8 **Sec. 18. 10 MRSA §973**, as amended by PL 1993, c. 359, Pt. C,
§5 and c. 460, §3 and affected by §9, is repealed and the
10 following enacted in its place:

12 **§973. Conflicts of interest**

14 Notwithstanding Title 5, section 18, subsection 1, paragraph
16 B, each member of the authority, each member of the Maine
Education Assistance Board and each employee, contractor, agent
18 or other representative of the authority is deemed an "executive
employee" solely for purposes of Title 5, section 18, and for no
20 other purpose, except that the chief executive officer in
addition is deemed an "executive employee" for purposes of Title
22 5, section 19. Title 17, section 3104 does not apply to any of
those representatives.

24 **Sec. 19. 10 MRSA §1013, sub-§10**, as amended by PL 1991, c.
824, Pt. A, §12, is further amended to read:

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

30 **Sec. 20. 10 MRSA §1013, sub-§12**, as amended by PL 1991, c.
32 612, §1, is repealed.

34 **Sec. 21. 10 MRSA §1100-T, sub-§3**, as amended by PL 1991, c.
854, Pt. A, §11, is further amended to read:

36 **3. Priority.** The authority may reserve \$500,000 in tax
38 credit authorization for "natural resource enterprises," as
defined in section 963-A, subsection 41, ~~and may reserve an~~
40 ~~additional \$500,000 in tax credit authorization for eligible~~
~~investments in businesses located in job opportunity zones~~
42 ~~designated pursuant to Title 5, chapter 403 or in contiguous~~
~~communities designated by the Commissioner of Economic and~~
44 ~~Community Development as being entitled to zone benefits due to~~
~~special circumstances.~~

46 **Sec. 22. 10 MRSA c. 202-B, first 2 lines**, as enacted by PL 1991,
48 c. 535, are repealed and the following enacted in their place:

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CHAPTER 202-C

COMMERCIAL LOAN AGREEMENTS

Sec. 23. 10 MRSA c. 208-A, as enacted by PL 1993, c. 683, Pt. B, §1, is repealed.

Sec. 24. 10 MRSA c. 208-B is enacted to read:

CHAPTER 208-B

FARM MACHINERY DEALERSHIPS

§1285. Definitions

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

1. Current net price. "Current net price" means the price listed in the supplier's price list or catalog in effect at the time the dealer agreement is terminated, less any applicable discounts allowed.

2. Dealer. "Dealer" means a person, corporation or partnership primarily engaged in the business of retail sales of farm and utility tractors, farm implements, farm machinery, yard and garden equipment, attachments, accessories and repair parts. "Dealer" does not include a person, corporation or partnership primarily engaged in the business of retail sales of heavy construction, industrial and utility equipment, attachments, accessories and repair parts.

3. Dealer agreement. "Dealer agreement" means a written or oral contract or agreement between a dealer and a wholesaler, manufacturer or distributor by which the dealer is granted the right to sell or distribute goods or services or to use a trade name, trademark, service mark, logotype or advertising or other commercial symbol.

4. Inventory. "Inventory" means farm, utility or industrial equipment, implements, machinery, yard and garden equipment, attachments or repair parts. These terms do not include heavy construction equipment.

5. Net cost. "Net cost" means the price the dealer paid the supplier for the inventory, less all applicable discounts allowed, plus the amount the dealer paid for freight costs from the supplier's location to the dealer's location, plus reasonable cost of assembly or disassembly performed by the dealer.

2 6. Supplier. "Supplier" means a wholesaler, manufacturer
or distributor of inventory as defined in this chapter who enters
4 into a dealer agreement with a dealer.

6 7. Termination. "Termination" of a dealer agreement means
the cancellation, nonrenewal or noncontinuance of the agreement.
8

10 **§1286. Usage of trade**

12 The terms "utility" and "industrial," when used to refer to
equipment, machinery, attachments, yard and garden equipment or
14 repair parts, have the meanings commonly used and understood
among dealers and suppliers of farm equipment as usage of trade
in accordance with Title 11, section 1-205, subsection 2.
16

18 **§1287. Notice of termination of dealer agreements**

20 1. Notice of termination. Notwithstanding any agreement to
the contrary, prior to the termination of a dealer agreement, a
22 supplier shall notify the dealer of the termination not less than
90 days prior to the effective date of the termination. The
24 supplier may immediately terminate the agreement at any time upon
the occurrence of any of the following events:

26 A. The filing of a petition for bankruptcy or for
receivership either by or against the dealer;
28

30 B. The making by the dealer of an intentional and material
misrepresentation as to the dealer's financial status;

32 C. Any default by the dealer under a chattel mortgage or
other security agreement between the dealer and the supplier;
34

36 D. Discontinuance by the dealer of more than 50% of the
dealer's business related to the handling of goods provided
by the supplier;
38

40 E. The commencement of voluntary or involuntary dissolution
or liquidation of the dealer if the dealer is a partnership
or corporation;
42

44 F. A change in location of the dealer's principal place of
business as provided in the agreement without the prior
written approval of the supplier;
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48 G. Withdrawal of an individual proprietor, partner, major
shareholder or the involuntary termination of the manager of

2 the dealership or a substantial reduction in the interest of
3 a partner or major shareholder without the prior written
4 consent of the supplier; or

5 H. Breach by the dealer of a written obligation contained
6 in the agreement.

7
8 2. Time of notice. Unless there is an agreement to the
9 contrary, a dealer who intends to terminate a dealer agreement
10 with a supplier shall notify the supplier of that intent not less
11 than 90 days prior to the effective date of the termination.

12
13 3. Notice in writing. Notification required by this
14 section must be in writing and be made by certified mail or by
15 personal delivery and must contain:

16 A. A statement of intention to terminate the dealer
17 agreement;

18
19 B. A statement of the reasons for the termination; and

20
21 C. The date on which the termination is effective.

22
23 **§1288. Supplier's duty to repurchase**

24
25 1. Repurchase. Whenever a dealer enters into a dealer
26 agreement under which the dealer agrees to maintain an inventory,
27 and the agreement is terminated by either party as provided in
28 this chapter, the supplier, upon written request of the dealer
29 filed within 30 days of the effective date of the termination,
30 shall repurchase the dealer's inventory as provided in this
31 chapter. There is no requirement for the supplier to repurchase
32 inventory pursuant to this section if:

33
34 A. The supplier and dealer have made a written agreement
35 with respect to repurchase;

36
37 B. The dealer has made an intentional and material
38 misrepresentation as to the dealer's financial status;

39
40 C. The dealer has defaulted under a chattel mortgage or
41 other security agreement between the dealer and supplier; or

42
43 D. The dealer has filed a voluntary petition in bankruptcy.

44
45 2. Death of dealer. Whenever a dealer enters into a dealer
46 agreement in which the dealer agrees to maintain an inventory and
47 the dealer or the majority stockholder of the dealer, if the
48 dealer is a corporation, dies or becomes incompetent, the
49 supplier shall, at the option of the heir, personal
50 representative or executor of the estate of the dealer, repurchase

2 representative, or guardian of the dealer, or the person who
4 succeeds to the stock of the majority stockholder, repurchase the
6 inventory as if the agreement had been terminated. The heir,
8 personal representative, guardian or succeeding stockholder has
10 one year from the date of the death of the dealer or majority
12 stockholder to exercise the option under this chapter.

8 **§1289. Repurchase terms**

10 **1. Examination of records.** Within 90 days from receipt of
12 the written request of the dealer, a supplier under the duty to
14 repurchase inventory pursuant to section 1288 may examine any
16 books or records of the dealer to verify the eligibility of any
18 item for repurchase. Except as otherwise provided in this
20 chapter, the supplier shall repurchase from the dealer all
22 inventory previously purchased from the supplier in the
24 possession of the dealer on the date of termination of the dealer
26 agreement.

20 **2. Payment terms.** The supplier shall pay the dealer:

22 **A.** One hundred percent of the net cost of all new and
24 undamaged and complete farm, utility and industrial
26 equipment, implements, machinery, yard and garden equipment
28 and attachments, less a reasonable allowance for
30 deterioration attributable to weather conditions at the
32 dealer's location;

30 **B.** Ninety percent of the current net prices of all new and
32 undamaged repair parts; and

32 **C.** Eighty-five percent of the current net prices of all new
34 and undamaged superseded repair parts.

34 **3. Return costs.** The party that initiates the termination
36 of the dealer agreement shall pay the cost of the return,
38 handling, packing and loading of the inventory.

40 **4. Payment date.** Payment to the dealer required under this
42 section must be made by the supplier not later than 60 days after
44 receipt of the inventory by the supplier. The supplier is
46 entitled to apply any payment required under this section to be
48 made to the dealer, as a setoff against any amount owed by the
50 dealer to the supplier.

46 **§1290. Exceptions to repurchase requirement**

48 **1. Exceptions.** The provisions of this chapter do not
50 require the repurchase from a dealer of:

2 A. A repair part with a limited storage life or otherwise
3 subject to physical or structural deterioration including,
4 but not limited to, gaskets or batteries, but excluding
5 industrial "press on" or industrial pneumatic tires;

6 B. A single repair part normally priced and sold in a set
7 of 2 or more items;

8 C. A repair part that, because of its condition, can not be
9 marketed as a new part without repackaging or reconditioning
10 by the supplier or manufacturer;

11 D. An item of inventory for which the dealer does not have
12 title free of all claims, liens and encumbrances other than
13 those of the supplier;

14 E. Any inventory that the dealer elects to retain;

15 F. Any inventory ordered by the dealer after receipt of
16 notice of termination of the dealer agreement by either the
17 dealer or supplier;

18 G. Any inventory that was acquired by the dealer from a
19 source other than the supplier; or

20 H. Any farm, utility or industrial equipment, implements,
21 machinery, yard and garden equipment or attachments that
22 were purchased by the dealer more than 30 months prior to
23 the termination of the dealer agreement.

24 **§1291. Transfer of business**

25 **1. Transfer.** A supplier may not unreasonably withhold or
26 delay consent to any transfer of the dealer's business or
27 transfer of the stock or other interest in the dealership,
28 whenever the dealer to be substituted meets the material and
29 reasonable qualifications and standards required of its dealers.
30 If a supplier determines that a proposed transferee does not meet
31 its qualifications and standards, it shall give the dealer
32 written notice thereof, stating the specific reasons for
33 withholding consent. A prospective transferee may not be
34 disqualified from being a dealer because it is a publicly held
35 corporation. A supplier has 45 days to consider a dealer's
36 request to make a transfer under this subsection.

37 **2. Withhold consent.** Notwithstanding subsection 1, no
38 supplier may withhold consent to, or in any manner retain a right
39 of prior approval of, the transfer of the dealer's business to a
40 member or members of the family of the dealer or the principal
41 owner of the dealer. As used in this subsection, "family" means
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2 and includes the spouse, parent, siblings, children, stepchildren
3 and lineal descendants, including those by adoption of the dealer
4 or principal owner of the dealer.

6 3. Assume obligations. Whenever a transfer of a dealer's
7 business occurs, the transferee shall assume all the obligations
8 imposed on and succeed to all the rights held by the selling
9 dealer by virtue of any agreement, consistent with this chapter,
10 entered into prior to the transfer between the selling dealer and
11 one or more suppliers.

12 4. Burden of proof. In any dispute as to whether a
13 supplier has denied consent in violation of this section, the
14 supplier has the burden of proving a substantial and reasonable
15 justification for the denial of consent.

16 **§1292. Uniform commercial practice**

18 1. Security interest. Nothing contained in this chapter
19 may be construed to release or terminate a perfected security
20 interest of the supplier in the inventory of the dealer.

22 **§1293. Warranty obligations**

24 1. Payment of warranty claim. Whenever a supplier and a
25 dealer enter into an agreement providing consumer warranties, the
26 supplier shall pay any warranty claim made by the dealer for
27 warranty parts or service within 30 days after its receipt and
28 approval. The supplier shall approve or disapprove a warranty
29 claim within 30 days after its receipt. If a claim is not
30 specifically disapproved in writing within 30 days after its
31 receipt, it is deemed to be approved and payment must be made by
32 the supplier within 30 days.

34 2. Indemnity. Whenever a supplier and a dealer enter into
35 a dealer agreement, the supplier shall indemnify and hold
36 harmless the dealer against any judgment for damages arising from
37 breach of warranty or rescission of the sale by the supplier.

40 **§1294. Remedies**

42 1. Jurisdiction. Concurrent jurisdiction under this
43 chapter is in the District Court or Superior Court of the city or
44 county where the dealer has its principal place of business. The
45 court may grant equitable relief as is necessary to remedy the
46 effects of conduct that it finds to exist and is prohibited under
47 this chapter, including, but not limited to, declaratory judgment
48 and injunctive relief.

2 2. Recovery. In addition to any other remedies available
4 at law or in equity, if a supplier has attempted or accomplished
6 an annulment, cancellation or termination, or refused to continue
8 or renew an agreement without good cause or withheld or delayed
 consent in violation of section 1287 or 1291, then the dealer is
 entitled to recover losses and damages, together with the cost of
 the action and reasonable legal fees. These damages include
 compensation for the value of the agreement and the good will of
 the dealer's business.

10
12 3. Arbitration. Nothing contained in this section may bar
14 the right of an agreement to provide for binding arbitration of
16 disputes. Any arbitration must be consistent with the provisions
 of this chapter and Title 14, chapter 706, and the place of any
 arbitration must be in the city or county in which the dealer
 maintains the dealer's principal place of business in the State.

18 4. Renewal of agreement. No supplier may cancel, terminate
20 or refuse to continue to renew an agreement during the 90-day
22 period set forth in section 1287 or during the pendency of
 litigation or arbitration, except under the conditions set forth
 in section 1287, subsection 1.

24 **§1295. Management**

26 A supplier may not require or prohibit any change in
28 management or personnel of any dealer unless the current or
30 potential management or personnel fails to meet reasonable
 qualifications and standards required by the supplier for its
 dealers.

32 **§1296. Waiver of chapter void**

34 The provisions of this chapter are deemed to be incorporated
36 in every agreement and supersede and control all other provisions
38 of the agreement. A supplier may not require any dealer to waive
40 compliance with any provision of this chapter. Any contract or
42 agreement purporting to do so is void and unenforceable to the
 extent of the waiver or variance. Nothing in this chapter may be
 construed to limit or prohibit good faith settlements of disputes
 voluntarily entered into between the parties.

44 **§1297. Applicability**

46 This chapter applies to agreements in effect as of October
48 1, 1989. In addition, this chapter applies to any agreements
50 entered into after October 1, 1989. The provisions of this
 chapter are also applicable to any renewal or amendment of the
 agreements.

2 **§1298. Reasonableness and good faith**

4 **1. Good faith.** Every agreement entered into under this
chapter imposes on the parties the obligation to act in good
faith.

6 **2. Reasonableness.** This chapter imposes on every term and
8 provision of any agreement a requirement of reasonableness.
Every term or provision of any agreement must be interpreted so
10 that the requirements or obligations imposed are reasonable.

12 **Sec. 25. Retroactivity.** Those sections of this Act that repeal
the Maine Revised Statutes, Title 10, chapter 208-A and enact
14 chapter 208-B take effect retroactively to January 1, 1995.

16 **Sec. 26. 10 MRSA §1522, sub-§1, ¶G,** as amended by PL 1993, c.
616, §1 and c. 718, Pt. B, §2, is repealed and the following
18 enacted in its place:

20 G. Consists of or comprises a corporate, limited liability
22 company or limited partnership name, unless the corporation,
limited liability company or limited partnership executes
24 and files with the Secretary of State proof of authorization
of the use of a mark similar to the corporation, limited
26 liability company or limited partnership name by the
applicant seeking to use the mark;

28 **Sec. 27. 10 MRSA §3411,** as amended by PL 1983, c. 824, Pt. X,
§1, is further amended to read:

30 **§3411. Lien**

32 Every individual, partnership, firm, association,
34 corporation, institution or any governmental unit or combination
or parts thereof of a partnership, firm, association,
36 corporation, institution or governmental unit maintaining and
operating a hospital licensed in the State shall ~~be~~ is entitled
38 to a lien for the reasonable charges for hospital care, treatment
and maintenance of an injured person upon any and all causes of
40 action, suits, claims, ~~counter-claims~~ counterclaims or demands
accruing to the person to whom such care, treatment or
42 maintenance was furnished, or to the legal representatives of
such person, on account of injuries giving rise to such causes of
44 action and which necessitated such hospital care, treatment and
maintenance, except that no entitlement to such a lien may exist
46 against the principal residence of any person in any 12-month
period or periods during which that person is eligible for
48 financial assistance under the catastrophic illness program,
Title 22, section 3185. Such lien shall ~~may~~ not be applied or
50 considered valid against anyone coming under the former Workers'

2 Compensation Act ~~in this State or the Maine Workers' Compensation~~
3 Act of 1992, and nothing enacted by this chapter shall ~~may~~ be
4 construed so as to give such lien precedence over the claim or
5 contract of an attorney for legal services rendered with respect
6 to the claim of the injured party nor shall ~~may~~ this lien be
7 applicable to any accident or health insurance policy, or the
8 proceeds from the same, owned by or running to the benefit of the
injured person.

10 **Sec. 28. 10 MRSA §9003, sub-§2**, as amended by PL 1993, c. 600,
11 Pt. A, §13 and c. 642, §10, is repealed and the following enacted
12 in its place:

14 **2. Composition of board; terms of members.** The members of
15 the board must include:

16 A. One member who is a manufactured housing owner and whose
17 manufactured housing unit is not located in a mobile home
18 park or similar rental community;

20 B. Two members who are manufactured housing owners and the
21 manufactured housing units in which the owners live are
22 located on lots, within mobile home parks or similar rental
23 communities, that the manufactured housing owners do not own;

26 C. One member who is a professional engineer with
27 demonstrated experience in construction and building
28 technology;

30 D. One member who is a dealer;

32 E. One member who is an owner or operator of a mobile home
33 park with 15 or fewer lots;

34 F. One member who is an owner or operator of a mobile home
35 park with more than 15 lots;

38 G. One member who is a builder of manufactured housing; and

40 H. One member with a minimum of 2 years of practical
41 experience in building code administration and enforcement
42 and with current employment as a code enforcement officer.

44 The term of office of the members is 4 years. Appointment of a
45 member must comply with Title 32, section 60. A member of the
46 board may be removed for cause by the Governor.

48 **Sec. 29. 10 MRSA §9003, sub-§3**, as repealed by PL 1993, c.
49 600, Pt. A, §14 and amended by c. 642, §10, is repealed.
50

2 **Sec. 30. 11 MRSA §9-402, sub-§(1)**, as amended by PL 1977, c.
696, §144, is further amended to read:

4 (1) A financing statement is sufficient, if it gives the
6 names of the debtors and the secured party, is signed by the
debtor, gives an address of the secured party from which
8 information concerning the security interest may be obtained,
gives a mailing address of the debtor and contains a statement
10 indicating the types, or describing the items, of collateral;
~~provided except~~ that, for purposes of this section, if the
12 collateral is a mobile home ~~as defined in Title 10, section 1402,~~
~~subsection 2,~~ the description of collateral shall must include
14 the location designated by the debtor in the security agreement
as the place at which the mobile home is, or is to be, located.
16 A financing statement may be filed before a security agreement is
made or a security interest otherwise attaches. When the
18 financing statement covers timber to be cut ~~or covers;~~ minerals
or the like, including oil and gas, or accounts subject to
20 section 9-103, subsection (5), ~~or covers~~ crops growing or to be
grown, or when the financing statement is filed as a fixture
22 filing, section 9-313, and the collateral is goods ~~which that~~ are
or are to become fixtures, the statement must comply with
24 subsection (5). A copy of the security agreement is sufficient
as a financing statement, if it contains the above information
26 and is signed by the debtor. A legible carbon, photographic or
other reproduction of a security agreement or a financing
28 statement is sufficient as a financing statement if the security
agreement so provides or if the original has been filed in this
State.

30 **Sec. 31. Retroactivity.** That section of this Act that amends
32 the Maine Revised Statutes, Title 11, section 9-402, subsection
(1), applies retroactively to April 8, 1994.

34 **Sec. 32. 12 MRSA §685-A, sub-§8**, as amended by PL 1977, c.
36 694, §227-B, is repealed and the following enacted in its place:

38 8. Amendments to district boundaries and standards. The
40 commission, of its own accord, may initiate, and any state or
federal agency or any property owner or lessee, may petition for
42 a change in the boundary of any land use district or for
amendments to any land use standard.

44 The commission shall, within 45 days of receipt of the petition,
46 either approve the proposed amendment, deny the proposed
amendment or schedule a public hearing on the proposed amendment
48 in the manner provided in subsection 7. The notification
procedures set forth in Title 5, section 8053 are not required
prior to the commission's action upon a petition by a landowner

2 for revision to the district boundaries within the landowner's
3 ownership unless the commission determines to hold a hearing
4 prior to acting upon the petition. Notice of the hearing must be
5 given to all abutting landowners.

6 No change in a district boundary may be approved, unless there is
7 substantial evidence that:

8
9 A. The change is consistent with the standards for district
10 boundaries in effect at the time; the comprehensive land use
11 plan; and the purpose, intent and provisions of this
12 chapter; and

13 B. The change in districting satisfies demonstrated need in
14 the community or area and has no undue adverse impact on
15 existing uses or resources or a new district designation is
16 more appropriate for the protection and management of
17 existing uses and resources within the affected area.
18

19 No amendment to land use standards may be approved unless there
20 is substantial evidence that the change would better serve the
21 purpose, intent and provisions of this chapter and would be
22 consistent with the comprehensive land use plan.
23

24 Amendments to land use standards so adopted are effective
25 immediately but must be submitted to the next regular or special
26 session of the Legislature for approval or modification. If the
27 Legislature fails to act, those standards continue in full force
28 and effect.

29 **Sec. 33. 12 MRSA §4807-G**, as repealed and replaced by PL
30 1977, c. 300, §7, is amended to read:
31

32 **§4807-G. Violations**
33

34 Each day of violation of any provision of this chapter or
35 the ~~regulations rules~~ enacted hereunder--shall--be under this
36 chapter is considered a separate offense. Alternatively, and in
37 addition thereto to being an offense, any use of land in
38 violation of this chapter shall-be-deemed is considered to be a
39 nuisance and the ~~board~~ Department of Human Services may seek an
40 injunction to prevent or abate a violation of this chapter or
41 regulations--promulgated--thereunder rules adopted under this
42 chapter.
43

44 **Sec. 34. 12 MRSA §6749-Q**, as enacted by PL 1993, c. 740, §3,
45 is amended to read:
46
47
48

2
3 **§6749-Q. License surcharges**

4 The following surcharges are assessed on licenses sold for
5 calendar years 1995, 1996 and 1997:

6 **1. Hand fishing sea urchin license.** One hundred and sixty
7 dollars on a sea urchin hand harvesting license;

8 **2. Sea urchin dragging license.** One hundred and sixty
9 dollars on a sea urchin dragging license;

10 **3. Sea urchin boat tender's license.** Thirty-five dollars
11 on a sea urchin boat tender's license;

12 **4. Wholesale seafood license with a sea urchin buyer's**
13 **permit.** Five hundred dollars on a wholesale seafood license with
14 a sea urchin buyer's permit; and

15 **5. Wholesale seafood license with a sea urchin processor's**
16 **permit.** Two thousand five hundred dollars on a wholesale seafood
17 license with a sea urchin processor's permit.

18 ~~The commissioner shall deposit all surcharges assessed in this~~
19 ~~section in the Sea Urchin Research Fund established in section~~
20 ~~6749-R.~~

21 The commissioner shall deposit all surcharges assessed in
22 this section in the Sea Urchin Research Fund established in
23 section 6749-R.

24 **Sec. 35. 12 MRSA §7076, sub-§1,** as amended by PL 1993, c. 24,
25 §1 and c. 574, §7, is repealed and the following enacted in its
26 place:

27 **1. Residents over 70 years of age.** A complimentary license
28 to hunt, trap or fish, including an archery license under section
29 7102-A, a pheasant hunting permit under section 7106-B and a
30 muzzle-loading hunting license under section 7107-A, must be
31 issued to any resident of Maine who is 70 years of age or older
32 upon application to the commissioner. These complimentary
33 licenses, upon issuance, remain valid for the remainder of the
34 life of the license holder, provided the license holder continues
35 to satisfy the residency requirements set out in section 7001,
36 subsection 32 and provided the license is not revoked or
37 suspended. Residents who apply for these complimentary licenses
38 at any time during the calendar year of their 70th birthday must
39 be issued a license upon application, regardless of the actual
40 date during that calendar year in which they attain age 70. A
41 guide license may be renewed without charge for any resident of
42 Maine who is 70 years of age or older upon application to the

2 commissioner. The application must be accompanied by a birth
4 certificate or other certified evidence of the applicant's date
6 of birth and residency. When the holder of a license issued
8 under this subsection no longer satisfies the residency
requirements set out in section 7001, subsection 32, the license
is no longer valid and further use of the license for purposes of
hunting, fishing or trapping constitutes a license violation
under section 7371, subsection 3.

10 **Sec. 36. 12 MRSA §7102, sub-§9** is enacted to read:

12 **9. Repeal.** This section is repealed January 1, 1995.

14 **Sec. 37. 12 MRSA §7106-A**, as repealed and replaced by PL
16 1993, c. 438, §5, is repealed.

18 **Sec. 38. 12 MRSA §7106-B** is enacted to read:

20 **§7106-B. Pheasant hunting permit**

22 **1. Issuance.** The commissioner or the commissioner's
24 authorized agent may issue a pheasant hunting permit in the form
26 of a stamp to applicants 16 years of age or older permitting them
28 to hunt or possess pheasants in Cumberland County and York
County. A person under 16 years of age may hunt or possess
pheasants in accordance with chapters 701 to 721, except that a
person under 16 years of age is not required to purchase or carry
a pheasant hunting permit in order to hunt or possess pheasants.

30 **2. Fee.** The fee for a pheasant hunting permit is \$16, \$1
32 of which is retained by the commissioner's authorized agent.

34 **3. Validation.** A pheasant hunting permit is validated by
36 the permittee writing the permittee's signature across the face
of the stamp in ink.

38 **4. Restrictions.** The following restrictions apply to the
40 hunting or possession of any pheasant in Cumberland County and
York County.

42 **A.** A person must carry an unexpired validated pheasant
44 hunting permit at all times when hunting or possessing a
pheasant.

46 **B.** A pheasant hunting permit must be exhibited to a warden
or employee of the department upon request.

48 **5. Pheasant Fund; agreements.** Revenues generated from the
50 sale of pheasant hunting permits must be deposited into a
separate account within the department, to be known as the

2 Pheasant Fund and referred to in this section as the "fund." The
3 fund is nonlapsing. The fund may be used only for costs directly
4 related to the administration of the pheasant program, including
5 grants to a qualified rod and gun club or qualified
6 hunting-oriented organization to help defray the costs of
7 purchasing and raising pheasants in accordance with an agreement
8 with the commissioner. The commissioner may enter into an
9 agreement with any qualified rod and gun club or qualified
10 hunting-oriented organization to allow the club or organization
11 to purchase and raise pheasants. An agreement entered into
12 pursuant to this subsection may provide for the use of department
13 facilities for raising pheasants by a qualified rod and gun club
14 or qualified hunting-oriented organization. For purposes of this
15 subsection, "qualified rod and gun club or qualified
16 hunting-oriented organization" means a rod and gun club or a
17 hunting-oriented organization that has demonstrated involvement
18 in raising and releasing pheasants in the year prior to entering
19 into an agreement with the commissioner to purchase and raise
20 pheasants.

21 **6. Department participation.** The department may not
22 purchase or raise pheasants.

23 **7. Release of birds.** All pheasants purchased and raised
24 under an agreement with the commissioner pursuant to subsection 5
25 must be released under the direction of department officials in
26 areas open to hunting for the general public.

27 **8. Rules.** The commissioner may adopt rules necessary for
28 the proper administration, enforcement and interpretation of this
29 section.

30 **Sec. 39. 12 MRSA §7759, sub-§3,** as amended by PL 1993, c. 567,
31 §1 and c. 683, Pt. B, §2 and affected by §5, is repealed and the
32 following enacted in its place:

33 **3. Distribution from fund.** The first \$10,000 received from
34 the sale of environmental registration plates must be allocated
35 to the Department of Conservation for marketing of the plates.
36 Money distributed from the fund may be used for marketing the
37 plates and for the production and marketing of goods using the
38 environmental plate design. After the Treasurer of State has
39 reimbursed the Secretary of State for costs of producing and
40 issuing environmental registration plates in accordance with
41 Title 29-A, section 455, the Treasurer of State shall annually
42 distribute the balance in the fund as follows:

43 **A.** Sixty percent of the balance must be deposited in the
44 Maine State Parks Fund established in section 610; and
45

2 B. Forty percent of the balance must be deposited in the
3 Maine Endangered and Nongame Wildlife Fund established in
4 section 7757.

6 This subsection is repealed March 31, 1996.

8 **Sec. 40. 13-B MRSA §201, sub-§3, ¶G,** as enacted by PL 1985, c.
9 737, Pt. A, §35, is amended to read:

10 G. Volunteer fire associations, as that term is used in
11 Title 30 30-A, chapter 228 153.

12 **Sec. 41. 17 MRSA §331, sub-§6,** as enacted by PL 1987, c. 190,
13 §3, is amended to read:

16 **6. Raffles with prizes over \$10,000.** Notwithstanding
17 subsection 1, no license to conduct or operate a raffle as
18 defined in section 330, subsection 5, in which the holder of the
19 winning chance does not receive something of value worth more
20 than \$10,000, is required of the following:

22 A. Any agricultural society eligible for the state stipend
23 under Title 7, section 62, or any bona fide, nonprofit
24 organization which is either charitable, educational,
25 political, civic, recreational, fraternal, patriotic or
26 religious or any auxiliary of such organization;

28 B. Any volunteer police force, fire department or ambulance
29 corps; or

30 C. Any class or organization of an elementary, secondary or
31 post-secondary educational institution operated or
32 accredited by the State.

34 Any exempt organization, department or class or combination
35 listed in paragraph A, B or C may sponsor, operate and conduct a
36 raffle without a license only for the exclusive benefit of that
37 organization, department or class or combination thereof and that
38 raffle shall be conducted only by duly authorized members of the
39 sponsoring organization, department or class or combination
40 thereof.

42 **Sec. 42. 17 MRSA §331, sub-§7,** as repealed and replaced by PL
43 1989, c. 254, §1, is amended to read:

46 **7. Special exempt raffles; prizes more than \$10,000 but not**
47 **more than \$25,000.** The following rules apply to special exempt
48 raffles licensed under this subsection.

2 A. Except as provided in subsection 8, the Chief of the
State Police may issue one special exempt raffle license per
4 year to any organization, department or class eligible to
hold a raffle under subsection 6 without obtaining a
license. The special exempt raffle license entitles the
6 licensee to hold one raffle in which the holder of a winning
chance receives something of value worth more than \$10,000
8 but not more than \$25,000. Section 341 does not apply to
raffles licensed under this section.

10 B. The Chief of the State Police may not issue a license
under this subsection to hold a raffle in which the holder
12 of a winning chance receives a cash prize worth more than
\$10,000.

16 C. All tickets sold pursuant to a special exempt raffle
license shall be purchased from a licensed distributor or
18 licensed printer. Tickets shall be sequentially numbered
and have printed on their faces the following information:
20 the name of the special exempt raffle licensee; a
description of the prize or prizes; the price of the ticket;
22 and the date, time and place of the drawing. Any
organization, department or class listed in subsection 6
24 that conducts a raffle under section 331-A shall retain all
unsold raffle tickets for 6 months after the raffle drawing
26 and make those tickets available for inspection at the
request of the Chief of the State Police.

28 **Sec. 43. 17 MRSA §331, sub-§8-A,** as enacted by PL 1991, c.
30 796, §3, is amended to read:

32 **8-A. Special exempt raffles; prizes more than \$10,000 but**
not more than \$75,000. The following rules apply to special
34 exempt raffles licensed under this subsection.

36 A. The Chief of the State Police may issue one special
exempt raffle license per year to any organization,
38 department or class eligible to hold a raffle under
subsection 6 without obtaining a license. The special
40 exempt raffle license entitles the licensee to hold one
raffle in which the holder of a winning chance receives
42 something of value worth more than \$10,000 but not more than
\$75,000. Section 341 does not apply to raffles licensed
44 under this section.

46 B. The Chief of the State Police may not issue a license
under this subsection to hold a raffle in which the holder
48 of a winning chance receives a cash prize worth more than
\$10,000.

50

2 C. All tickets sold pursuant to a special exempt raffle
license must be purchased from a licensed distributor or
4 licensed printer. Tickets must be sequentially numbered and
have printed on their faces the following information: the
6 name of the special exempt raffle licensee; a description of
the prize or prizes; the price of the ticket; and the date,
8 time and place of the drawing. Any organization, department
or class listed in subsection 6 that conducts a raffle under
10 section 331-A shall retain all unsold raffle tickets for 6
months after the raffle drawing and make those tickets
12 available for inspection at the request of the Chief of the
State Police.

14 D. The Chief of the State Police may issue only one special
exempt raffle license per year, either under this subsection
16 or subsection 7, to the same organization, department or
class listed in subsection 6.

18 **Sec. 44. 18-A MRSA §5-419, sub-§(a)**, as amended by PL 1991, c.
20 641, §4, is further amended to read:

22 (a) Every conservator must account to the court for the
administration of the trust as specified by the court at the time
24 of the initial order or at the time of a subsequent order or as
provided by court rule and upon resignation or removal. On
26 termination of the protected person's minority or disability, a
conservator may account to the court or may account to the former
28 protected person or that person's personal representative. Prior
to the termination of the protected person's minority ~~and--the~~
30 ~~termination of any extension ordered pursuant to section 5-408,~~
~~paragraph-(6)~~, the conservator must account to the court and the
32 protected person.

34 **Sec. 45. 20-A MRSA c. 701, first 2 lines**, as enacted by PL 1993,
c. 708, Pt. A, §1, are repealed and the following enacted in
36 their place:

38 **PART 8**

40 **REHABILITATION SERVICES**

42 **CHAPTER 701**

44 **REHABILITATION ACT**

46 **Sec. 46. 22 MRSA §14, sub-§2-I, ¶A**, as amended by PL 1993, c.
707, Pt. I, §1, is further amended by amending subparagraph (3)
48 to read:

2 (3) It is determined that the recipient has received
or is entitled to receive benefits under a long-term
4 care insurance policy in connection with which assets
or resources that are disregarded and medical
6 assistance was paid on behalf of the recipient for
nursing facility or other long-term care services.

8 **Sec. 47. 22 MRSA §14, sub-§2-I, ¶B,** as amended by PL 1993, c.
707, Pt. I, §1, is repealed and the following enacted in its
10 place:

12 B. The amount of Medicaid benefits paid and recoverable
under this subsection is a claim against the estate of the
14 deceased recipient.

16 (1) As to assets of the recipient included in the
probated estate, this claim may be enforced pursuant to
18 Title 18-A, Article III, Part 8.

20 (2) As to assets of the recipient not included in the
probated estate, this claim may be enforced by filing a
22 claim in any court of competent jurisdiction.

24 **Sec. 48. 22 MRSA §309, sub-§1, ¶D,** as amended by PL 1993, c.
477, Pt. D, §4 and affected by Pt. F, §1, is further amended to
26 read:

28 D. That the proposed services are consistent with the
orderly and economic development of health facilities and
30 health resources for the State, that the citizens of the
State have the ability to underwrite the additional costs of
32 the proposed services and that the proposed services are in
accordance with standards, criteria or plans adopted and
34 approved pursuant to the state health plan developed by the
department and the findings of the Maine Health Care Finance
36 Commission under section ~~396-J~~ 396-K with respect to the
ability of the citizens of the State to pay for the proposed
38 services.

40 **Sec. 49. 22 MRSA §2660-C, first ¶,** as enacted by PL 1993, c.
410, Pt. DD, §4, is amended to read:

42 The Maine Public Drinking Water Commission as established by
44 Title 5, section 12004-I, subsection 47-A 47-C, is created within
the department.

46 **Sec. 50. 22 MRSA §3187, first ¶,** as enacted by PL 1987, c. 402,
48 Pt. A, §141, is amended to read:

2 The department shall meet annually with providers of
community based intermediate care facilities for the mentally
4 ~~retarded~~ to review current principles of reimbursement ~~for-United~~
States-Code under the federal Social Security Act, Title XIX, 42
6 United States Code, chapter 7, and discuss necessary and
appropriate changes.

8 **Sec. 51. 22 MRSA §4318, 2nd ¶,** as enacted by PL 1991, c. 622,
Pt. M, §27, is amended to read:
10

12 Notwithstanding any other provision of law, municipalities
have a lien for the value of all general assistance payments made
14 under the former Workers' Compensation Act, the Maine Workers'
Compensation Act of 1992 or similar law of any other state.
16

18 **Sec. 52. 22 MRSA §5001, sub-§9,** as repealed by PL 1989, c.
400, §6 and amended by PL 1989, c. 410, §23, is repealed.

20 **Sec. 53. 23 MRSA §1980, sub-§2-B, ¶B,** as enacted by PL 1993,
c. 698, §2, is amended to read:
22

24 B. Notwithstanding any other provision of law, a
photograph, micro-photograph, videotape or other recorded
26 image prepared for enforcement of authority tolls is for the
exclusive use of the authority in the discharge of its
28 duties under this section. The material is not available to
the public and, except as provided in this subsection or as
30 may be necessary to prove a claim for indemnification under
subsection 2-A, paragraph ~~H-~~ F, may not be used in a court
32 in an action or proceeding.

34 **Sec. 54. 23 MRSA §3031, sub-§3,** as enacted by PL 1987, c. 385,
§2, is amended to read:

36 **3. Shorter duration of public and private rights; rights of**
lesser extent. Notwithstanding subsections 1 and 2, the developer
38 or other person recording a subdivision plan in the registry of
deeds may set a shorter duration for the public and private
40 rights established in subsections 1 and 2 than the period
provided in those subsections. The developer or other person
42 recording the subdivision plan shall cause the shorter duration
to be noted on the face of the subdivision plan.
44

46 Pursuant to a subdivision review under Title 30 30-A, section
4956 chapter 187, subchapter IV, the municipal reviewing
48 authority may set a shorter duration for the public and private
rights established in subsections 1 and 2 than the period

2 provided in those subsections. The municipal reviewing authority
shall cause the shorter duration to be noted on the face of the
subdivision plan.

4
6 Nothing in this section may be construed to prohibit the
developer or other person recording a subdivision plan in the
registry of deeds from granting rights of lesser extent than
8 those established in subsections 1 and 2. If rights of lesser
extent are granted, the person recording the subdivision plan
10 shall cause the extent of those rights to be described on the
face of the subdivision plan and in any conveyance of land shown
12 on the plan.

14 **Sec. 55. 24 MRSA §2302-B**, as enacted by PL 1993, c. 645, Pt.
B, §1, is repealed.

16 **Sec. 56. 24 MRSA §2302-C** is enacted to read:

18 **§2302-C. Penalty for noncompliance with utilization review**
20 **programs**

22 A contract issued or renewed by a nonprofit service
organization after the effective date of this section may not
24 contain a provision that establishes a penalty of more than \$500
for failure to provide notification under a utilization review
26 program.

28 **Sec. 57. 24-A MRSA §1519, sub-§2**, as amended by PL 1993, c.
637, §19, is repealed and the following enacted in its place:

30
32 2. As to applicants not licensed under this Title or
licensed as insurance agent, broker or adjuster in this State
under laws now in force, the superintendent shall secure, as soon
34 as is reasonably possible after filing of the application, a
credit or investigation report relative to the applicant from a
36 recognized and established independent investigation and
reporting agency. The cost, if any, of such report, in a
38 reasonable uniform flat amount as from time to time fixed by the
superintendent, must be paid by or on behalf of the applicant,
40 and must be deposited with the superintendent at the time of
filing the application. The superintendent shall promptly deposit
42 the payment with the Treasurer of State to the credit of the
Insurance Regulatory Fund. The superintendent shall keep
44 confidential the contents of any such report and shall destroy
the report after the application has been approved.

46
48 **Sec. 58. 24-A MRSA §2384-B, sub-§10**, as amended by PL 1993, c.
610, §1, is further amended to read:

2 **Sec. 62. 25 MRSA §2957**, as amended by PL 1991, c. 837, Pt. B,
§15 and c. 841, §13, is repealed and the following enacted in its
place:

4 **§2957. Confidentiality**

6 Notwithstanding any other provisions of law, the
8 investigative records of the agency are confidential.

10 **Sec. 63. 30-A MRSA §66, sub-§2, ¶A**, as amended by PL 1993, c.
554, §1, is further amended to read:

12 A. Commissioner District Number 1 consists of the
14 municipalities of Amity, Ashland, Bancroft, Blaine,
16 Bridgewater, Cary Plantation, Crystal, Dyer Brook, Easton,
18 Fort Fairfield, Garfield Plantation, Glenwood Plantation,
20 Hammond, Haynesville, Hersey, Hodgdon, Houlton, Island
22 Falls, Linneus, Littleton, Ludlow, Macwahoc Plantation, Mars
24 Hill, Masardis, Merrill, Monticello, Moro Plantation,
26 Nashville Plantation, New Limerick, Oakfield, Orient, Oxbow
Plantation, Reed Plantation, Sherman, Smyrna, Westfield,
Weston and the unorganized territories of Central Aroostook
and South Aroostook and ~~that portion~~ those portions of the
unorganized territory formerly known as Benedicta and E
Plantation. The term of office of the county commissioner
from this district expires in 1994 and every 4 years
thereafter.

28 **Sec. 64. 30-A MRSA §899-A** is enacted to read:

30 **§899-A. Review**

32 The joint standing committee of the Legislature having
34 jurisdiction over county government matters may review the
36 operation of the budget committee before February 1, 1997 and, if
38 it determines necessary, introduce legislation to amend or repeal
this article. If the committee fails to act, this article
continues in effect.

40 **Sec. 65. 30-A MRSA §900**, as enacted by PL 1993, c. 582, §1,
is repealed.

42 **Sec. 66. 30-A MRSA §5263, sub-§10**, as enacted by PL 1993, c.
44 671, §2, is amended to read:

46 **10. Pulp and paper industry.** "Pulp and paper industry"
48 means any industrial activity currently described by the United
States Office of Management and Budget under Standard Industrial
Classification 261, 262 or 263 or those activities classified
50 under classification 2679 that press or mold wood pulp or

2 recycled fiber to make products, including, without limitation,
any activity regarding the treatment, recycling or disposal of
4 wastewater, air emissions, solid residues or other related
manufacturing by-products. This term does not include activity
6 relating to, associated with or otherwise involving the growth,
harvesting, transportation or preparation of timber, pulpwood or
8 other wood products prior to the manufacture of pulp, paper or
paperboard.

10 **Sec. 67. 30-A MRSA §5703, sub-§1**, as enacted by PL 1989, c.
381, is amended to read:

12
14 **1. Limitations on municipal debt.** The limitations on
municipal debt in section 5702 shall not be construed as applying
to any funds received in trust by any municipality, any loan
16 which has been funded or refunded, notes issued in anticipation
of federal or state aid or revenue sharing money, tax
18 anticipation loans, notes maturing in the current municipal year,
indebtedness of entities other than municipalities, indebtedness
20 of any municipality to the Maine School Building Authority, debt
issued under chapter 235 213 and Title 10, chapter 110,
22 subchapter IV, obligations payable from revenues of the current
municipal year or from other revenues previously appropriated by
24 or committed to the municipality, and the state reimbursable
portion of school debt. The limitations on municipal debt set
26 forth in section 5702 do not apply to obligations incurred by one
or more municipalities pursuant to Title 38, section 1304-B, with
28 respect to solid waste facilities, which obligations are
regulated in the manner set forth in Title 38, section 1304-B.

30
32 **Sec. 68. 32 MRSA §1075, last ¶**, as amended by PL 1993, c. 600,
Pt. A, §61 and c. 659, Pt. B, §4, is repealed and the following
enacted in its place:

34
36 The commissioner may not exercise or interfere with the
exercise of discretionary, regulatory or licensing authority
granted by law to the board. The commissioner may require the
38 board to be accessible to the public for complaints and questions
during regular business hours and to provide any information the
40 commissioner requires in order to ensure that the board is
operating administratively within the requirements of this
42 chapter.

44 **Sec. 69. 32 MRSA §2153-A, sub-§11**, as enacted by PL 1993, c.
600, Pt. A, §123, is amended to read:

46
48 **11. Budget.** Shall submit to the Commissioner of
Professional and Financial Regulation its budgetary requirements
in the same manner as is provided in Title 5, section 1665 and

2 the commissioner shall in turn transmit these requirements to the
Bureau of the Budget without revision or change, unless
4 alterations are mutually agreed upon by the department and the
board or the board's designee. The budget submitted by the board
6 to the commissioner must be sufficient to enable the board to
comply with this subchapter;

8 **Sec. 70. 32 MRSA §2153-A, last ¶**, as enacted by PL 1993, c.
10 600, Pt. A, §123, is amended to read:

12 The Commissioner of Professional and Financial Regulation
shall act as a liaison between the board and the Governor. The
14 commissioner does not have the authority to exercise or interfere
with the exercise of discretionary, regulatory or licensing
16 authority granted by statute to the board. The commissioner may
require the board to be accessible to the public for complaints
18 and questions during regular business hours and to provide any
information the commissioner requires in order to ensure that the
20 board is operating administratively within the requirements of
this chapter.

22 **Sec. 71. 32 MRSA §2418, last ¶**, as amended by PL 1993, c. 600,
24 Pt. A, §147 and c. 659, Pt. B, §10, is repealed and the following
enacted in its place:

26 The commissioner may not exercise or interfere with the
exercise of discretionary, regulatory or licensing authority
28 granted by statute to the board. The commissioner may require
the board to be accessible to the public for complaints and
30 questions during regular business hours and to provide any
information the commissioner requires in order to ensure that the
32 board is operating administratively within the requirements of
this chapter.

34 **Sec. 72. 32 MRSA §2418-A**, as amended by PL 1993, c. 600, Pt.
36 A, §148 and c. 659, Pt. B, §11, is repealed and the following
enacted in its place:

38 **§2418-A. Budget**

40 The board shall submit to the Commissioner of Professional
42 and Financial Regulation its budgetary requirements as provided
in Title 5, section 1665, and the commissioner shall in turn
44 transmit these requirements to the Bureau of the Budget without
any revision or other change, unless alterations are mutually
46 agreed upon by the department and the board or the board's
designee. The budget submitted by the board to the commissioner
48 must be sufficient to enable the board to comply with this
subchapter.

2 **Sec. 73. 32 MRSA §2594-D, sub-§1, ¶¶B and C**, as amended by PL
1993, c. 600, Pt. A, §187, are further amended to read:

4 B. Has performed otherwise than at the direction of and
under the supervision of a physician licensed by the board;
6 or

8 C. Has been delegated and has performed a task beyond that
physician assistant's competence.

10 **Sec. 74. 32 MRSA §3269, sub-§13**, as amended by PL 1993, c.
12 600, Pt. A, §202 and c. 659, Pt. B, §14, is repealed and the
following enacted in its place:

14 **13. Liaison; limitation.** The commissioner acts as a liaison
16 between the board and the Governor.

18 The commissioner does not have the authority to exercise or
interfere with the exercise of discretionary, regulatory or
20 licensing authority granted by statute to the board. The
commissioner may require the board to be accessible to the public
22 for complaints and questions during regular business hours and to
provide any information the commissioner requires in order to
24 ensure that the board is operating administratively within the
requirements of this chapter;

26 **Sec. 75. 32 MRSA §3269, sub-§14**, as amended by PL 1993, c.
28 600, Pt. A, §202 and c. 659, Pt. B, §15, is repealed and the
following enacted in its place:

30 **14. Budget.** The board shall submit to the Commissioner of
32 Professional and Financial Regulation its budgetary requirements
in the same manner as is provided in Title 5, section 1665, and
34 the commissioner shall in turn transmit these requirements to the
Bureau of the Budget without revision, alteration or change,
36 unless alterations are mutually agreed upon by the department and
the board or the board's designee;

38 **Sec. 76. 32 MRSA §3271, sub-§2**, as amended by PL 1993, c. 600,
40 Pt. A, §208 and c. 659, Pt. B, §16, is repealed and the following
enacted in its place:

42 **2. Postgraduate training.** Each applicant who has graduated
44 from an accredited medical school on or after January 1, 1970
must have satisfactorily completed at least 24 months in a
46 graduate educational program approved by the Accreditation
Council on Graduate Medical Education, the Canadian Medical
48 Association or the Royal College of Physicians and Surgeons of
Canada. Each applicant who has graduated from an accredited
50 medical school prior to January 1, 1970, must have satisfactorily

2 completed at least 12 months in a graduate educational program
3 approved by the Accreditation Council on Graduate Medical
4 Education, the Canadian Medical Association or the Royal College
5 of Physicians and Surgeons of Canada. Each applicant who has
6 graduated from an unaccredited medical school must have
7 satisfactorily completed at least 36 months in a graduate
8 educational program approved by the Accreditation Council on
9 Graduate Medical Education, the Canadian Medical Association, the
10 Royal College of Physicians and Surgeons of Canada or the Royal
11 Colleges of Physicians of England, Ireland or Scotland.
12 Notwithstanding this subsection, an applicant who is board
13 certified in family practice and who graduated prior to July 1,
14 1974, is board certifiable, board certified or board eligible in
15 emergency medicine and who graduated prior to July 1, 1982, is
16 deemed to meet the postgraduate training requirements of this
17 subsection.

18 **Sec. 77. 32 MRSA §3280**, as amended by PL 1993, c. 600, Pt. A,
19 §216, is repealed.

20 **Sec. 78. 32 MRSA §3604**, as amended by PL 1993, c. 600, Pt. A,
21 §237 and c. 659, Pt. B, §17, is repealed and the following
22 enacted in its place:

23 **§3604. Reports; liaison; limitations**

24
25 On or before August 1st of each year, the board shall submit
26 to the commissioner, for the preceding fiscal year ending June
27 30th, an annual report of its operations and financial position,
28 together with comments and recommendations the board determines
29 essential.

30
31 The commissioner shall act as a liaison between the board
32 and the Governor.

33
34 The commissioner may not exercise or interfere with the
35 exercise of discretionary, regulatory or licensing authority
36 granted by law to the board. The commissioner may require the
37 board to be accessible to the public for complaints and questions
38 during regular business hours and to provide any information the
39 commissioner requires in order to ensure that the board is
40 operating administratively within the requirements of this
41 chapter.

42
43 **Sec. 79. 32 MRSA §4167, sub-§1**, as amended by PL 1993, c. 585,
44 §5, is further amended to read:

45 **1. Council established as an incorporated public**
46 **instrumentality of the State.** Effective July 1, 1994, the Maine
47 Sardine Council, referred to in this subchapter as the "council,"
48
49

2 is a body corporate and politic and an incorporated public
instrumentality of the State and the exercise of powers conferred
4 by this Part chapter is held to be the performance of essential
government functions. For the purposes of the budget, accounts
6 and control, purchasing or other provisions of Title 5, Part 4
the council may not be construed to be a state agency. The
8 council consists of not more than 9 nor fewer than 3 members to
be appointed by the Commissioner of Marine Resources. Fifty-one
10 percent of the members of the council constitutes a quorum and
the affirmative vote of at least 51% of the members is necessary
12 for the transaction of all business and the carrying out of the
duties of the council. A quorum of council members may be
14 determined through the use of proxy voting and telephone polls.
The members must be sardine packers operating within the State
16 who have been actively engaged in packing sardines, kippers or
steaks for not less than 2 years and must remain so while in
18 office. A person is considered to be actively engaged in packing
sardines, kippers or steaks if that person has derived, during
20 the period, a substantial portion of income from packing
sardines, kippers or steaks or has been the director or manager
22 of an entity that derives a substantial portion of its income
from packing sardines, kippers or steaks.

24 **Sec. 80. 32 MRSA §13908, sub-§4**, as enacted by PL 1993, c.
659, Pt. A, §12 and affected by §15, is repealed and the
26 following enacted in its place:

28 **4. Continuing education.** An applicant for license renewal
as a professional land surveyor shall present evidence of having
30 completed 12 hours of professional development in the previous
biennium. This subsection does not apply to a person 65 years of
32 age or older who practices less than 160 hours a year. Credit
for development hours may be earned as follows.

34 **A. Six hours must be in surveying practice or in courses in**
36 **at least one of the following areas:**

38 **(1) General business administration or management;**

40 **(2) Land use regulation;**

42 **(3) Other related land use fields, including, but not**
44 **limited to, civil or environmental engineering, site**
46 **evaluation for septic system design, soils, landscape**
architecture, geology, forestry, title examination and
insurance, and other legal issues related to real
estate;

48 **(4) Computer application skills or programming;**
50

2 (5) Communication, including, but not limited to,
speech and technical writing; or

4 (6) Other subject matters the understanding of which
appreciably aids a land surveyor in the performance of
6 professional duties.

8 B. One hour of professional development may be earned for
every 900 hours of survey practice during the past biennium
10 and one hour may be earned for each 3 years of full-time
surveying practice as a registered or licensed surveyor
12 during the time preceding the past biennium.

14 C. The applicant may acquire professional development
credit through the following professional activities.

16 (1) Credit may be earned by membership and
18 participation in surveying organizations as follows.

20 (a) Membership in a surveying organization
22 entitles the licensee to one credit hour.

24 (b) Holding a leadership position in a surveying
organization entitles the licensee to an
26 additional credit hour per biennium.

28 (c) Active participation in an active committee
of a surveying organization entitles the licensee
30 to an additional credit hour.

32 (d) Chairing an active committee of a surveying
organization entitles the licensee to an
34 additional credit hour.

36 (e) Attendance at a minimum of 50% of the general
membership meetings of a surveying organization
38 entitles the licensee to an additional credit hour.

40 (2) The licensee is entitled to 1 credit hour for
membership in other associations, societies, boards or
42 clubs related to a subject matter described in
paragraph A.

44 (3) A licensee is entitled to one credit hour for each
article, column or other significant work relevant to
46 subject matter described in paragraph A that is
published in a professional journal, magazine or other
48 similar publication. Credit hours for works written by
multiple authors must be divided pro rata.
50

2 The board may waive requirements of this subsection in cases of
3 undue hardship and may accept for credit worthy professional
4 development activities not specified in this subsection. The
5 board shall adopt any rules necessary to implement this
6 subsection.

7 The provisions of this subsection must be reviewed by the joint
8 standing committee of the Legislature having jurisdiction over
9 business legislation matters by March 1, 1999.

10 This subsection is repealed March 1, 1999.

11 **Sec. 81. 34-A MRSA §1001, sub-§6,** as enacted by PL 1983, c.
12 459, §6, is repealed and the following enacted in its place:

13 **6. Correctional facility.** "Correctional facility" means
14 any facility that falls under the jurisdiction of the department,
15 but does not include a county jail, holding facility, short-term
16 detention area or a detention facility.

17 **Sec. 82. Retroactivity.** That section of this Act that amends
18 the Maine Revised Statutes, Title 34-A, section 1001, subsection
19 6 applies retroactively to October 9, 1991.

20 **Sec. 83. 35-A MRSA §4403,** as enacted by PL 1993, c. 662, §1,
21 is amended to read:

22 **§4403. Surplus energy pool established**

23 The commission shall, within 90 days of the effective date
24 of this section, estimate the total amount of surplus electricity
25 that is likely to be available to each eligible electric utility
26 and the period during which that surplus will be available. The
27 commission shall calculate the total surplus as the amount of
28 electricity not required to meet the utility's projected load at
29 any time during the period of surplus and not needed to satisfy
30 the requirements of the utility's participation in the New
31 England power pool as defined in section 4103. The energy pool
32 available to be auctioned under this chapter may be no more than
33 80% of the total surplus electricity estimated by the
34 commission. The commission may further restrict the size of the
35 pool to the extent the commission determines necessary to protect
36 the interests of ratepayers. This subsection section does not
37 preclude an eligible electric utility from marketing surplus
38 energy under any other applicable tariff or special contract
39 filed with the commission.

40 **Sec. 84. 35-A MRSA §7302, sub-§1,** as amended by PL 1993, c.
41 589, §13 and c. 708, Pt. J, §10, is repealed and the following
42 enacted in its place:

2 1. Rate reduction. The commission shall establish a 70%
4 rate reduction for intrastate toll calls made on lines, or via
6 credit cards assigned to lines, used for making calls from
8 certified deaf, hard-of-hearing or speech-impaired persons who
10 must rely on teletypewriters for residential telephone
12 communications. In addition, the 70% rate reduction must apply
14 to all calls using the state telecommunications relay service.
16 Upon request, this discount must be provided to any noncertified
18 user making calls to a certified user, provided the noncertified
20 user informs the local exchange carrier or toll provider of the
22 relevant billed calls made during each billing period. This
 reduction must also apply to intrastate toll calls made by
 agencies certified by the Division of Deafness in the Department
 of Education as eligible to receive a discount, while providing
 vocal relay services to deaf, hard-of-hearing or speech-impaired
 persons, as well as to community service centers serving deaf,
 hard-of-hearing or speech-impaired persons certified by the
 Division of Deafness of the Department of Education as eligible
 to receive a discount. The costs incurred by a telephone company
 under this subsection are just and reasonable expenses for
 rate-making purposes.

24 **Sec. 85. 36 MRSA §305, sub-§1,** as amended by PL 1993, c. 696,
26 §4, is further amended to read:

28 **1. Just value.** Certify to the Secretary of State before
30 the first day of February the equalized just value of all real
32 and personal property in each municipality and unorganized place
34 that is subject to taxation under the laws of this State, except
36 that percentage of captured assessed value located within a tax
38 increment financing district that is used to finance that
40 district's development plan and the valuation amount by which the
42 current assessed value of commercial and industrial property
44 within a municipal incentive development zone, as determined in
46 Title 30-A, section 5284, exceeds the assessed value of
48 commercial and industrial property within the zone as of the date
50 the zone is approved by the Commissioner of Economic and
 Community Development, known in this subsection as the "sheltered
 value," up to the amount invested by a municipality in
 infrastructure improvements under an infrastructure improvement
 plan adopted pursuant to Title 30-A, section 5283. The equalized
 just value must be uniformly assessed in each municipality and
 unorganized place and be based on 100% of the current market
 value. It must separately show for each municipality and
 unorganized place the actual or estimated value of all real
 estate that is exempt from property taxation by law or is the
 captured value within a tax increment financing district that is
 used to finance that district's development plan, as reported on
 the municipal valuation return filed pursuant to section 383, or

2 that is the sheltered value of a municipal incentive development
3 zone. The valuation as filed remains in effect until the next
4 valuation is filed and is the basis for the computation and
5 apportionment of the state and county taxes;

6 **Sec. 86. 36 MRSA §653, sub-§1, ¶E**, as amended by PL 1993, c.
7 680, Pt. A, §29 and repealed and replaced by c. 739, §3, is
8 repealed and the following enacted in its place:

10 E. The word "veteran" as used in this subsection means any
11 person, male or female, who was in active service in the
12 Armed Forces of the United States and who, if discharged,
13 retired or separated from the Armed Forces, was discharged,
14 retired or separated under other than dishonorable
15 conditions.

16 **Sec. 87. 36 MRSA §1752, sub-§11, ¶B**, as amended by PL 1993, c.
17 670, §1 and c. 701, §2, is repealed and the following enacted in
18 its place:

19 B. "Retail sale" does not include:

- 21 (1) Any casual sale;
- 22
- 23 (2) Any sale by a personal representative in the
24 settlement of an estate, unless the sale is made
25 through a retailer or unless the sale is made in the
26 continuation or operation of a business;
- 27
- 28 (3) The sale, to a person engaged in the business of
29 renting automobiles, of automobiles, integral parts of
30 automobiles or accessories to automobiles for rental or
31 for use in an automobile rented on a short-term basis;
- 32
- 33 (4) The sale, to a person engaged in the business of
34 renting video tapes and video equipment, of video tapes
35 or video equipment for rental; or
- 36
- 37 (5) The sale, to a person engaged in the business of
38 renting or leasing automobiles, of automobiles for
39 rental or lease for more than one year.
- 40
- 41

42 **Sec. 88. 36 MRSA §1760, sub-§64**, as amended by PL 1993, c.
43 670, §5, is further amended to read:

44 **64. Schools and school-sponsored organizations.** Sales of
45 ~~goods--and--services~~ tangible personal property and taxable
46 services by public and private elementary and secondary schools
47 that otherwise qualify as schools under subsection 16, and by
48 student organizations sponsored by those schools, including
49

2 booster clubs and student or parent-teacher organizations, as
3 long as the profits from such sales are used to benefit those
4 schools or student organizations or are used for a charitable
5 purpose.

6 **Sec. 89. 36 MRSA §4641-C, sub-§16**, as amended by PL 1993, c.
7 647, §3 and c. 718, Pt. B, §11, is repealed and the following
8 enacted in its place:

10 **16. Certain corporate, partnership and limited liability**
11 **company deeds.** Deeds between a family corporation, partnership,
12 limited partnership or limited liability company and its
13 stockholders, partners or members for the purpose of transferring
14 real property in the organization, dissolution or liquidation of
15 the corporation, partnership, limited partnership or limited
16 liability company under the laws of this State, if the deeds are
17 given for no actual consideration other than shares, interests or
18 debt securities of the corporation, partnership, limited
19 partnership or limited liability company. For purposes of this
20 subsection a family corporation, partnership, limited partnership
21 or limited liability company is a corporation, partnership,
22 limited partnership or limited liability company in which the
23 majority of the voting stock of the corporation, or of the
24 interests in the partnership, limited partnership or limited
25 liability company is held by and the majority of the
26 stockholders, partners or members are persons related to each
27 other, including by adoption, as descendants or as spouses of
28 descendants of a common ancestor who was also a transferor of the
29 real property involved, or persons acting in a fiduciary capacity
30 for persons so related;

32 **Sec. 90. 36 MRSA §4641-C, sub-§17**, as enacted by PL 1993, c.
33 647, §4 and c. 718, Pt. B, §12, is repealed and the following
34 enacted in its place:

36 **17. Deeds to charitable conservation organizations.** Deeds
37 for gifts of land or interests in land granted to bona fide
38 nonprofit institutions, organizations or charitable trusts under
39 state law or charter, a similar law or charter of any other state
40 or the Federal Government that meet the conservation purposes
41 requirements of Title 33, section 476, subsection 2, paragraph B
42 without actual consideration for the deeds; and

44 **Sec. 91. 36 MRSA §4641-C, sub-§18** is enacted to read:

46 **18. Limited liability company deeds.** Deeds to a limited
47 liability company from a corporation, a general or limited
48 partnership or another limited liability company, when the

2 grantor or grantee owns an interest in the limited liability
3 company in the same proportion as the grantor's or grantee's
4 interest in or ownership of the real estate being conveyed.

6 **Sec. 92. 37-B MRSA §823**, as enacted by PL 1983, c. 460, §3,
7 is amended to read:

8 **§823. Compensation for injuries received in line of duty**

10 All members of the civil emergency preparedness forces shall
11 be are deemed to be employees of the State while on, or training
12 for, civil emergency preparedness duty. They shall have all the
13 rights given to state employees under the former Workers'
14 Compensation Act or the Maine Workers' Compensation Act of 1992.
15 All claims shall must be filed, prosecuted and determined in
16 accordance with the procedure set forth in the former Workers'
17 Compensation Act or the Maine Workers' Compensation Act of 1992.

18 **1. Average weekly wage.** In computing the average weekly
19 wage of any claimant under this section, the average weekly wage
20 shall must be taken to be the earning capacity of the injured
21 person in the occupation in which he the injured person is
22 regularly engaged.

24 **2. Setoff.** Any sums payable under any act of Congress or
25 other federal program as compensation for death, disability or
26 injury of civil emergency preparedness workers shall must be
27 considered with the determination and settlement of any claim
28 brought under this section. When payments received from the
29 Federal Government are less than an injured member would have
30 been entitled to receive under this section, ~~he shall be~~ the
31 injured member is entitled to receive all the benefits to which
32 he the injured member would have been entitled under this
33 section, less the benefits actually received from the Federal
34 Government.

36 **Sec. 93. 38 MRSA §352, sub-§5-B**, as amended by PL 1993, c.
37 632, §2 and affected by §3, and repealed by c. 735, §5, is
38 repealed.

40 **Sec. 94. 38 MRSA §353, sub-§3**, as amended by PL 1993, c. 410,
41 Pt. G, §4, is further amended to read:

44 **3. License fee.** The license fee assessed in section 352,
45 subsection 5 must be paid at the time of filing the application.
46 Failure to pay the license fee at the time of filing results in
47 the application being returned to the applicant. One-half the
48 processing fee assessed in section 352, subsection 5-B 5-A for
49 licenses issued for a 10-year term must be paid at the time of
50 filing the application. The remaining 1/2 of the processing fee

2 for licenses issued for a 10-year term must be paid 5 years after
3 issuance of the license. The commissioner shall refund the
4 license fee if the board or commissioner denies the application
5 or if the application is withdrawn by the applicant.
6 Notwithstanding the provisions of this subsection, the license
7 fee for a subdivision must be paid prior to the issuance of the
8 license.

9
10 The license fees for nonferrous metal mining must be paid
11 annually on the anniversary date of the license for the life of
12 the project, up to and including the period of closure and
13 reclamation.

14 **Sec. 95. 38 MRSA §488, sub-§14**, as enacted by PL 1993, c. 721,
15 Pt. C, §2 and affected by Pt. H, §1, is amended to read:

16 **14. Developments within designated growth areas.** The
17 following provisions apply to developments within a designated
18 growth area.

19
20 A. A development is exempt from review under traffic
21 movement, flood plain, noise and infrastructure standards
22 under section 484 if that development is located entirely
23 within:

24
25 (1) A municipality that has adopted a local growth
26 management program that the Department of Economic and
27 Community Development has certified under Title 30-A,
28 section 4348; and

29 (2) An area designated in that municipality's local
30 growth management program as a growth area.

31
32 An applicant claiming an exemption under this paragraph
33 shall include with the application a statement from the
34 Department of Economic and Community Development affirming
35 that the location of the proposed development meets the
36 provisions of subparagraphs (1) and (2).

37
38 An applicant claiming an exemption under this paragraph
39 shall publish a notice of that application in a newspaper of
40 general circulation in the region that includes the
41 municipality in which the development is proposed to occur.
42 That notice must include a statement indicating the standard
43 or standards for which the applicant is claiming an
44 exemption.

45
46 B. The commissioner may require application of the traffic
47 movement, noise, flood plain or infrastructure standards to
48 a proposed development if the commissioner determines, after
49

2 receipt of a petition under subparagraph (1) or on the
commissioner's own initiative under subparagraph (2), that a
4 reasonable likelihood exists that the development will have
a significant and unreasonable impact on traffic movement,
6 flood plains, infrastructure or noise beyond the boundaries
of the municipality within which the development is to be
located.

8
10 (1) Within 15 working days after the publication of
the notice required under paragraph A, municipal
12 officers or residents of the municipality in which the
development is proposed to occur or municipal officers
14 or residents of an abutting municipality may petition
the commissioner to apply one or more of the standards
16 for which an exemption is claimed under this
subsection. A petition must be signed either by the
municipal officers of the petitioning municipality or
18 by 10% of that number of registered voters of the
petitioning municipality casting ballots in the most
20 recent gubernatorial election or 150 registered voters
of the petitioning municipality, whichever is less.
22 The petition must include the name and legal address of
each signatory and must designate one signatory as the
24 contact person. The commissioner shall notify the
contact person and the applicant of the commissioner's
26 decision within 10 working days after receipt of a
petition meeting the requirements of this subsection.
28 A decision by the commissioner under this subparagraph
is appealable to the board.

30
32 (2) A decision to require the application of one or
more standards made on the commissioner's own
34 initiative must be made within 15 working days after
the application is filed with the department.

36 ~~Nothing in this subsection may be construed to exempt a~~
~~proposed development from review for flooding potential due~~
38 ~~to increases in stormwater runoff caused by the development.~~

40 Nothing in this subsection may be construed to exempt a proposed
development from review for flooding potential due to increases
42 in stormwater runoff caused by the development.

44 **Sec. 96. 38 MRSA §490-D, sub-§7,** as enacted by PL 1993, c.
350, §5, is amended to read:

46
48 **7. Property boundary.** A natural buffer strip at least 150
feet wide must be maintained between any excavation and a
property boundary, including a road right-of-way. This distance
50 may be reduced to not less than 10 feet with the written

2 permission of the affected abutting property owner or owners,
3 except that the distance may not be reduced to less than 25 feet
4 from the boundary of a cemetery or burial ground. The distance
5 between borrow pits owned by abutting owners may be reduced to
6 not less than 50 feet with the abutter's written permission. The
7 department may not grant a variance from the provisions of this
8 section subsection.

9
10 **Sec. 97. 38 MRSA §1303-C, sub-§39**, as amended by PL 1993, c.
11 424, §2 and affected by §3, is repealed and the following enacted
12 in its place:

13 **39. Treatment.** "Treatment" means any process, including
14 but not limited to incineration, designed to change the character
15 or composition of any hazardous waste, waste oil or biomedical
16 waste so as to render the waste less hazardous or infectious.

17 **Sec. 98. 38 MRSA §1310-F, sub-§2**, as amended by PL 1993, c.
18 621, §6 and repealed and replaced by c. 732, Pt. C, §15, is
19 repealed and the following enacted in its place:

20
21 **2. Eligibility.** A municipality that owns, rents or leases
22 a solid waste landfill for which obligations are required or
23 permitted by this chapter or rules adopted under this chapter is
24 eligible for cost-sharing grants or reimbursement payments. In
25 order to receive reimbursement pursuant to this section, the
26 municipality must, at a minimum, provide such reasonable proof of
27 municipal expenditures as the department may require, as well as
28 certification signed by the municipal officers that, to the best
29 of their knowledge and the knowledge of all the pertinent
30 municipal officials, the closure activities were performed in
31 accordance with the applicable standards established by section
32 1310-E-1. A municipality that has spent funds to close its solid
33 waste landfill or to remedy environmental and public health
34 hazards posed by the landfill prior to the adoption of a closure
35 or remediation plan under this subchapter or that closed a
36 landfill or remediated environmental or public health hazards
37 posed by a landfill is also eligible for reimbursement of closure
38 or remediation costs incurred after February 1, 1976, as long as
39 the closure or remediation actions were in conformance with all
40 applicable laws or rules in effect at the time. Costs incurred
41 by closure or remediation actions taken after the adoption of a
42 closure or remediation plan under this subchapter are eligible
43 for reimbursement only if those actions conform to that plan.
44 Grant or reimbursement payments may not be made to a municipality
45 for a portion of payments to settle civil or criminal judgments
46 against that municipality for damages or injuries caused by the
47 landfill. In addition, for landfills in operation prior to
48 January 1, 1993, grant payments may not be made to a municipality
49 for remediation to mitigate a threat posed by that landfill to
50

2 structures built after January 1, 1994 by that municipality, the
3 county in which that municipality is located, a school
4 administrative unit as defined in Title 20-A, section 1, a
5 quasi-municipal corporation as defined in Title 30-A, section
6 2351 or a special district as defined in Title 30-A, section 5704
7 that includes any portion of the municipality unless the
8 commissioner determines that the municipality could not have
9 reasonably anticipated the threat. Any interest paid by a
10 municipality prior to reimbursement on a municipal bond or
11 commercial bank note issued to raise funds for remediation and
12 closure activities is a cost eligible for reimbursement under
13 this section. Unless otherwise directed by the terms of a bond
14 issue approved by the voters, the commissioner shall use at least
15 1/3 of the funds approved by the voters for municipalities
16 eligible for reimbursement of closure and remediation costs
17 eligible under this subsection until all those municipalities
18 have been reimbursed. The remainder of the available funds must
19 be allocated in an equitable manner so that, at a minimum, an
20 adequate cap is constructed over all identified high-risk
21 landfills subject to closure. The department shall issue, upon
22 the request of a municipality, a notice in writing that projects
23 to a date certain the availability of cost-sharing funds for
24 which the municipality is eligible. The inability or failure of
25 the department to issue a written projection to a date certain
26 means that the cost-sharing funds are not available for the
27 foreseeable future. A landfill that is privately owned and
28 operated is not eligible for reimbursement under this subchapter.

29 A. The commissioner may act to abate public health, safety
30 and environmental threats at sites identified as
31 uncontrolled hazardous substance sites under section 1362,
32 subsection 3 or at federally declared Superfund sites.
33 Notwithstanding any other provision of this article, the
34 commissioner shall determine the amount of funds expended at
35 those sites.

36 B. The commissioner may enter into contracts with the Maine
37 Municipal Bond Bank to manage bonds issued under this
38 article, as long as the management fee structure does not
39 allow dilution of the bond principal.

40 C. In a circumstance where the department finds that
41 further closure or remediation activities are required for a
42 landfill because the landfill was not closed in accordance
43 with the standards of closure that the municipal officers
44 certified to the department pursuant to this subsection and
45 further finds that the certification was a negligent
46 misrepresentation of a material fact results in the
47 landfill being closed or remediated.

2 ineligibility of the municipality for cost sharing for the
3 additional activities that may be required as a result of
4 the nonperformance of the previously certified activities.

6 D. A municipality that is eligible or authorized by the
7 department to use the closing procedure established in
8 section 1310-E-1, subsection 1, 2 or 3 is not eligible for
9 reimbursement of costs associated with closing activities
10 that are more stringent than the minimum required by that
11 section unless those additional activities are approved in
12 writing by the department.

14 **Sec. 99. 38 MRSA §1364, sub-§5, ¶¶A and B,** as enacted by PL
1993, c. 621, §7, are amended to read:

16 A. Neither the commissioner nor any responsible party is
17 obligated under this ~~subchapter~~ chapter to reimburse any
18 person for the expense of treating or replacing the well if
19 the well is installed in an area delineated by the
20 department as contaminated as provided in section 548,
21 subsection 1; and

22 B. The obligation of the commissioner or any responsible
23 party under this ~~subchapter~~ chapter with regard to
24 replacement or treatment of the well is limited to
25 reimbursement of the expense of installing the well and its
26 proper abandonment if the well is installed in an area other
27 than one described in paragraph A. The well owner is
28 responsible in such a case for other expenses of replacing
29 or treating the water supply well, including the cost of any
30 pump or piping installed with the well.

32 **Sec. 100. 38 MRSA §1367-C, sub-§§1 and 2,** as enacted by PL
34 1993, c. 621, §8, are amended to read:

36 **1. Delineated contaminated area.** Neither the commissioner
37 nor any responsible party is obligated under this ~~subchapter~~
38 chapter to reimburse any person for the expense of treating or
39 replacing the well if the well is installed in an area delineated
40 by the department as contaminated as provided in section 548,
41 subsection 1; and

42 **2. Areas not delineated.** The obligation of the
43 commissioner or any responsible party under this ~~subchapter~~
44 chapter with regard to replacement or treatment of the well is
45 limited to reimbursement of the expense of installing the well
46 and its proper abandonment if the well was installed in an area
47 other than one described in subsection 1. The well owner is
48 responsible in such a case for other expenses of replacing or
49 treating the water supply well, including the cost of any pump or
50 piping installed with the well.

2 **Sec. 101. 39-A MRSA §602**, as enacted by PL 1991, c. 885, Pt.
A, §8 and affected by §§9 to 11, is amended to read:

4
6 **§602. Application**

8 Except as otherwise specifically provided, incapacity to
work or death of an employee arising out of and in the course of
employment and resulting from an occupational disease must be
10 treated as the happening of a personal injury arising out of and
in the course of the employment, within the meaning of the former
12 Workers' Compensation Act or the Maine Workers' Compensation Act
of 1992, and all the provisions of that the applicable Act apply
14 to ~~such~~ that occupational diseases disease. This chapter applies
only to cases in which the last exposure to an occupational
16 disease in an occupation subject to the hazards of ~~such~~ that
disease occurred in the State and after January 1, 1946.

18 **Sec. 102. 39-A MRSA §606**, as enacted by PL 1991, c. 885, Pt.
20 A, §8 and affected by §§9 to 11, is amended to read:

22 **§606. Date from which compensation is computed; employer liable**

24 The date when an employee becomes incapacitated by an
occupational disease from performing the employee's work in the
26 last occupation in which the employee was injuriously exposed to
the hazards of the occupational disease is the date of the injury
equivalent to the date of injury under the former Workers'
28 Compensation Act or the Maine Workers' Compensation Act of 1992.
~~Where~~ When compensation is payable for an occupational disease,
30 the employer in whose employment the employee was last
injuriously exposed to the hazards of the occupational disease
32 and the insurance carrier, if any, on the risk when the employee
was last exposed under that employer, are liable. The amount of
34 the compensation must be based on the average wages of the
employee when last exposed under that employer and notice of
36 injury and claim for compensation must be given to that employer.
38 The only employer and insurance carrier liable are the last
employer in whose employment the employee was last injuriously
40 exposed to the hazards of the disease during a period of 60 days
or more and the insurance carrier, if any, on the risk when the
42 employee was last so exposed, under that employer.

44 **Sec. 103. PL 1989, c. 876, Pt. A, §§3, 4, 7, 9 and 10** are amended to
read:

46 **Sec. A-3. Sale; how negotiated; proceeds appropriated.** The
48 Treasurer of State may negotiate the sale of the bonds by
direction of the Governor, but no such bond may be loaned,
50 pledged or hypothecated on behalf of the State. The proceeds of

2 the sale of the bonds, which shall be held by the Treasurer of
3 State and paid by ~~him~~ the Treasurer of State upon warrants drawn
4 by the State Controller, are appropriated to be used solely for
5 the purposes set forth in this Aet Part. Any unencumbered
6 balances remaining at the completion of the project in section 6
7 shall lapse to the debt service account established for the
8 retirement of these bonds.

9
10 **Sec. A-4. Interest and debt retirement.** Interest due or accruing
11 upon any bonds issued under this Aet Part and all sums coming due
12 for payment of bonds at maturity shall be paid by the Treasurer
13 of State.

14 **Sec. A-7. Contingent upon ratification of bond issue.** Sections 1
15 to 6 shall not become effective unless and until the people of
16 the State have ratified the issuance of bonds as set forth in
17 this Aet Part.

18
19 **Sec. A-9. Bonds authorized but not issued.** Any bonds authorized
20 but not issued, or for which bond anticipation notes have not
21 been issued within 5 years of ratification of this Aet Part,
22 shall be deauthorized and may not be issued, provided that the
23 Legislature may, within 2 years after the expiration of that
24 5-year period, extend the period for issuing any remaining
25 unissued bonds or bond anticipation notes for an additional
26 amount of time not to exceed 5 years.

27
28 **Sec. A-10. Referendum for ratification; submission at general
29 election; form of question; effective date.** This Aet Part shall be
30 submitted to the legal voters of the State of Maine at the next
31 general election in the month of November following passage of
32 this Aet Part. The city aldermen, town selectmen and plantation
33 assessors of this State shall notify the inhabitants of their
34 respective cities, towns and plantations to meet, in the manner
35 prescribed by law for holding a general election, to vote on the
36 acceptance or rejection of this Aet Part by voting on the
37 following question:

38
39 "Shall a bond issue for the purchase of public lands to
40 provide access for Maine's people and for construction to
41 replace Churchill Dam in the amount of \$19,000,000 be
42 approved?"

43
44 The legal voters of each city, town and plantation shall
45 vote by ballot on this question, and shall designate their choice
46 by a cross or check mark placed within a corresponding square
47 below the word "Yes" or "No." The ballots shall be received,
48 sorted, counted and declared in open ward, town and plantation
49 meetings and returns made to the Secretary of State in the same
50 manner as votes for members of the Legislature. The Governor

2 shall review the returns and, if it appears that a majority of
the legal voters are in favor of ~~the Act~~ this Part, the Governor
4 shall proclaim that fact without delay, and ~~the Act~~ this Part
shall become effective 30 days after the date of the proclamation.

6 The Secretary of State shall prepare and furnish to each
city, town and plantation all ballots, returns and copies of this
8 Act Part necessary to carry out the purpose of this referendum.

10 **Sec. 104. Retroactivity.** That section of this Act that amends
Public Law 1993, chapter 876, applies retroactively to July 14,
12 1990.

14 **Sec. 105. PL 1991, c. 314, §5** is repealed.

16 **Sec. 106. Retroactivity.** That section of this Act that repeals
Public Law 1991, chapter 314, section 5 applies retroactively to
18 October 9, 1991.

20 **Sec. 107. PL 1993, c. 413, §4, amending clause** is amended to read:

22 **Sec. 4. PL 1991, c. 780, Pt. KKK, §7, under the caption**
"ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT
24 OF," in that part relating to Departments and Agencies - Statewide, 2nd
line, as amended by PL 1993, c. 70, §8, is repealed and the
26 following enacted in its place:

28 **Sec. 108. PL 1993, c. 415, Pt. L, §3** is amended to read:

30 **Sec. L-3. PL 1993, c. 159, §2, as amended by PL 1993, c. 410,**
Pt. XXX, §1, is repealed.

32 **Sec. 109. PL 1993, c. 582, §1, amending clause** is amended to read:

34 **Sec. 1. 30-A MRSA c. 3, sub-c. I, art. 12** is enacted to read:

36 **Sec. 110. PL 1993, c. 642, §40** is repealed.

38 **Sec. 111. Retroactivity.** That section of this Act that repeals
40 Public Law 1993, chapter 642, section 40, applies retroactively
to April 8, 1994.

42 **Sec. 112. PL 1993, c. 659, Pt. B, §§8 and 9** are repealed.

44 **Sec. 113. PL 1993, c. 732, Pt. A, §8** is repealed.

46

2 **Sec. 114. PL 1995, c. 1, §1, amending clause** is amended to read:

4 **Sec. 1. PL 1993, c. 684, ~~§5~~ §4, sub-§5** is amended to read:

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

2

STATEMENT OF FACT

4

6 Section 1 removes a reference to the Executive Director of
the Maine Science and Technology Commission to reflect the intent
of Public Law 1993, chapter 410, Part E, which abolishes all
8 positions of the Maine Science and Technology Commission.

10 Section 2 repeals the headnote to the Maine Revised
Statutes, Title 2, section 7, which is all that remains of
12 section 7 following the repeal of subsections 1, 2 and 3.

14 Section 3 corrects a conflict created by Public Law 1993,
chapters 675 and 680, which affected the same section of law, by
16 repealing both and replacing them with the changes made by
chapter 675.

18

20 Section 4 corrects a reference in Title 4, section 164,
subsection 15, paragraph A and strikes language that was
inadvertently not stricken in Title 4, section 164, paragraph D
22 by Public Law 1993, chapter 680, Part A, section 4.

24 Section 5 corrects the name of the licensing body for
podiatrists to Board of Licensure of Podiatric Medicine, as
26 changed by Public Law 1993, chapter 600. It also makes
grammatical corrections.

28

30 Section 6 repeals the sections of law that described the
powers and duties of the Maine-New Hampshire Boundary
Commission. The sections of law that established the commission
32 and described its composition were repealed by Public Law 1993,
chapter 361, Part D, section 1. This section carries out the
34 legislative intent of that public law.

36 Section 7 corrects an error that was created when Public Law
1993, chapter 684 amended Title 5, section 937, subsection 1 by
38 amending paragraph A and repealing paragraphs C, D and E and when
Public Law 1993, chapter 708 amended Title 5, section 937,
40 subsection 1 by repealing paragraphs C, D and E. This section
incorporates the changes from both public laws.

42

44 Section 8 replaces the word "by" with the word "with" to
reflect the intent of the law and corrects a punctuation error.

46 Section 9 corrects a minor conflict in the wording of the
heading of Title 5, chapter 353 enacted by 2 separate public laws.

48

50 Sections 10 and 11 correct a numbering conflict created by
Public Law 1993, chapters 381 and 410, which enacted

2 substantively different provisions with the same subsection
number.

4 Section 12 repeals the requirement that at least 20% of the
6 funds available under the assistance to municipalities program be
set aside for job opportunity zones, due to the repeal of the Job
Opportunity Zones Act by Public Law 1993, chapter 359.

8
10 Section 13 corrects an incomplete statutory reference to the
United States Code.

12 Section 14 corrects a cross-reference.

14 Section 15 incorporates the provisions of Public Law 1993,
16 chapters 580 and 595, which amend the same lettered paragraph of
law.

18 Section 16 corrects an internal reference.

20 Section 17 corrects a cross-reference.

22 Section 18 corrects an error created when 2 public laws
24 amended the same section. Public Law 1993, chapter 359 makes
technical changes and amends which members of the authority are
26 deemed to be executive employees for purposes of Title 5, section
18 and Public Law 1993, chapter 460 makes technical changes.
This section incorporates the changes from both public laws.

28
30 Sections 19 and 20 repeal a reference to the Maine Choice
Program, which was repealed by Public Law 1993, chapter 252.

32 Section 21 deletes a reference to the Job Opportunity Zones
Act, which was repealed by Public Law 1993, chapter 359.

34
36 Section 22 corrects an error that was created when Public
Law 1991, chapters 261 and 535 enacted the same chapter in Title
10.

38
40 Sections 23 and 24 correct a numbering conflict created by
Public Law 1993, chapters 115 and 683, which enacted
42 substantively different provisions with the same chapter and
section numbers. Section 24 also corrects cross-references
44 contained in Title 10, chapter 208-B and deletes the reference to
the bulk sales provision of Title 11, section 6-101. The bulk
sales provisions were repealed by Public Law 1991, chapter 636,
46 section 3. These provisions were not enacted in any other part

2 of the statutes. Since the provision for bulk sales no longer
exists, this subsection is deleted. Section 25 makes the changes
in sections 23 and 24 retroactive.

4
6 Section 26 corrects an error that was created when Public
Law 1993, chapter 616 amended Title 10, section 1522, subsection
1, paragraph G by striking the period at the end and adding a
8 semicolon because chapter 616 enacted new paragraphs H and I and
chapter 718 amended paragraph G by adding limited liability
10 company as an entity that may register a trademark or name. This
section incorporates the changes from both public laws.

12
14 Section 27 adds "Maine Workers' Compensation Act of 1992" to
reflect the change made by Public Law 1991, chapter 885. It also
makes stylistic changes.

16
18 Section 28 corrects a conflict created by 2 public laws that
amended the same subsection by retaining the technical changes
made in Public Law 1993, chapter 642, section 10 and Public Law
20 1993, chapter 600, Part A, section 13.

22
24 Section 29 corrects a conflict created when 2 1993 public
laws affected the same subsection. It repeals the subsection as
intended by the first public law enacted, as the 2nd public law
only made minor technical changes.

26
28 Public Law 1993, chapter 642, section 40 amended Title 11,
section 9-402, subsection (1) and inadvertently omitted a portion
of the subsection. Another section of this bill repeals the
30 public law that was in error. Section 30 amends the language of
Title 11, section 9-402 to implement the intent of chapter 642.
32 Section 31 makes the change retroactive.

34
36 Section 32 corrects errors in punctuation, grammar and
format. Title 12, section 685-A, subsection 8 was enacted with 2
paragraph As. This section corrects that error by making the 2nd
paragraph A part of the blocked paragraph above it.

38
40 Section 33 clarifies the role of the Department of Human
Services as it pertains to violations of Title 12, chapter
423-A. It also corrects grammatical errors.

44
46 Section 34 corrects an error in format to clarify that all
the surcharges imposed for sea-urchin-related licenses go to the
Sea Urchin Research Fund, as was the intent of the Legislature.

48
50 Section 35 consolidates changes to Title 12, section 7076,
subsection 1 that were made in Public Law 1993, chapters 24 and
574.

52
Section 36 adds a repealer to Title 12, section 7102 to
avoid any future conflicts that may be created by amending

2 section 7102 prior to the effective date of the future repealer
that was enacted by Public Law 1993, chapter 24, section 2 and
4 affected by section 7.

6 Sections 37 and 38 correct an error that was created when
Public Law 1993, chapter 438, section 5 repealed and replaced
8 Title 12, section 7106-A by repealing the text that was enacted
by Public Law 1991, chapter 736 and placing the same language
10 back in as a new section 7106-A. Public Law 1991, chapter 736,
section 2 enacted section 7106-A. Section 7106-A, subsection 5
12 repealed the entire section on June 30, 1993. Because Public Law
1993, chapter 438 did not take effect until October 13, 1993 and
14 Public Law 1991, chapter 736 repealed section 7106-A on June 30,
1993, there was no section left to be amended by Public Law 1993,
16 chapter 438. In order to implement the intent of the
Legislature, the language enacted by Public Law 1993, chapter 438
18 is being repealed and the language from that chapter is being
enacted as a new section 7106-B.

20 Section 39 resolves a conflict that was created by Public
Law 1993, chapters 567 and 683 that affected the same subsection
22 of law by repealing and replacing the subsection. Public Law
1993, chapter 567 added language that states that the first
24 \$10,000 received from the sale of environmental registration
plates must be used for promotion of the plates and chapter 683
26 changes a reference to Title 29 to the correct section of the
newly enacted Title 29-A. This section incorporates changes made
28 by both public laws.

30 Section 40 corrects a cross-reference to Title 30-A.

32 Sections 41 to 43 change the headnotes to reflect the
wording of the subsections and remove an ambiguity created by the
34 headnotes.

36 Section 44 corrects a cross-reference. Public Law 1991,
chapter 641, section 4 makes reference to Title 18-A, section
38 5-408, paragraph (6). In the original L.D., a new paragraph (6)
was enacted in section 5-408. Committee Amendment "A" took out
40 the section of the bill that enacted section 5-408, paragraph (6)
but did not take out the reference to the new paragraph (6) in
42 section 5-419, subsection (a).

44 Section 45 designates a part for sections improperly placed
in a part already existing.

46 Section 46 corrects the language enacted by Public Law 1993,
48 chapter 707, amending Title 22, section 14, subsection 2-I,
paragraph A, subparagraph (3) to clarify the intent of the
50 Legislature.

2 Section 47 corrects the language enacted by Public Law 1993,
4 chapter 707, amending Title 22, section 14, subsection 2-I,
6 paragraph B, subparagraphs (1) and (2) to clarify that the intent
of the Legislature is that the claim against assets is enforced
in the manner set out.

8 Section 48 corrects a cross-reference.

10 Section 49 corrects a reference to a subsection number that
12 is changed in this report due to the enactment of 2 different
provisions in separate public laws which both used the same
14 subsection number.

16 Section 50 corrects an incomplete statutory reference to the
United States Code regarding reimbursement under the federal
18 Social Security Act.

20 Section 51 adds "Maine Workers' Compensation Act of 1992" to
reflect the change made by Public Law 1991, chapter 885.

22 Section 52 corrects a conflict created by 2 public laws
24 amending the same section. Public Law 1989, chapter 400 repealed
all of Title 22, chapter 1071, subchapter X and Public Law 1989,
26 chapter 410 amended Title 22, section 5001, subsection 9. This
section corrects the error by repealing Title 22, section 5001,
28 subsection 9.

30 Section 53 corrects a cross-reference.

32 Section 54 corrects a cross-reference.

34 Sections 55 and 56 correct an error created by Public Law
1993, chapter 645, Part B, section 1 that enacted Title 24,
36 section 2302-B by changing the section to section 2302-C because
a section 2302-B already exists. Public Law 1989, chapter 767
created a section 2302-B.

38 Section 57 addresses a typographical error in Public Law
40 1993, chapter 637, section 19 in which an attempt was made to
strike the word "theretofore" but the initial letter was not
42 stricken.

44 Section 58 corrects a technical error by adding the word
46 "former" before the words "Workers' Compensation Commission" in
the last sentence of subsection 10 to clarify the meaning of the
subsection.

48 Section 59 corrects an error that was created when Public
50 Law 1993, chapters 634 and 688 enacted the same chapter.

2 Section 60 corrects a conflict created by Public Law 1987,
4 chapters 35 and 192 that amended the same section of law by using
6 the chapter 192 version. Both chapters amended the penalty
8 provision. However, chapter 192 made the provision consistent
with other local government enforcement laws. This section of
the bill also corrects a cross-reference that was repealed and
makes references to owner and inspector gender-neutral.

10 Section 61 corrects an error that was created when Public
12 Law 1993, chapter 551 amended paragraph A by adding new
14 subparagraphs (1) and (2) under paragraph A of Title 25, section
16 2806, subsection 2 and chapter 744 amended the same section by
18 adding a new subparagraph (6) under subsection 1, paragraph B,
which was added as a reason to suspend or revoke a certificate
under subsection 2, paragraph A. The error was corrected by
incorporating the changes from both public laws.

20 Section 62 corrects a conflict that was created when Public
22 Law 1991, chapters 837 and 841 amended Title 25, section 2957.
The conflict is corrected by repealing and replacing that section
using the text of chapter 841.

24 Section 63 amends Title 30-A, section 66, subsection 2,
26 paragraph A to clarify the description of the Aroostook County
Commissioner District Number 1.

28 Sections 64 and 65 resolve an error that was created when
30 Public Law 1993, chapter 582, section 1 enacted a new Title 30-A,
32 section 900 by repealing section 900 and enacting a new section
899-A. Title 30-A, section 900 already exists.

34 Section 66 inserts the word "classification" before 2679 to
36 clarify that the number referenced is a classification of the
United States Office of Management and Budget under the Standard
Industrial Classification.

38 Section 67 corrects a cite to the Revenue Producing
40 Municipal Facilities Act.

42 Section 68 corrects an error that was created when Public
44 Law 1993, chapter 600 amended Title 32, section 1075 by making
46 grammatical changes and chapter 659 amended section 1075 by
adding a new sentence in the last paragraph. The error was
corrected by incorporating the changes from both public laws.

48 Sections 69 and 70 resolve a conflict created by Public Law
50 1993, chapters 600 and 659 that affected the same sections of
law. Public Law 1993, chapter 600 repealed Title 32, section
2153, regarding the State Board of Nursing and enacted a similar

2 provision as Title 32, section 2153-A. The provisions in Public
Law 1993, chapter 659 that made changes to Title 32, section 2153
are now incorporated into Title 32, section 2153-A.

4
6 Section 71 corrects an error that was created when Public
Law 1993, chapter 600 made technical changes to the last
paragraph of Title 32, section 2418 and chapter 659 added a new
8 sentence to the last paragraph. This section incorporates the
changes from both public laws.

10
12 Section 72 corrects an error that was created when Public
Law 1993, chapter 600 amended Title 32, section 2418-A by making
technical changes and chapter 659 added a new sentence at the
14 end. This section incorporates the changes made by both public
laws.

16
18 Section 73 corrects an error whereby a disjunction was
omitted within a series.

20
22 Sections 74 and 75 resolve a conflict created by Public Law
1993, chapters 600 and 659, which affected the same section of
law by incorporating language from both laws.

24
26 Section 76 resolves a conflict created by Public Law 1993,
chapters 600 and 659, which affected the same section of law, by
incorporating language from both laws.

28
30 Section 77 corrects a conflict created when Public Law 1993,
chapter 526 repealed Title 32, section 3280 and replaced it with
section 3280-A and Public Law 1993, chapter 600 amended section
3280 with minor corrections and substantive changes that were
32 incorporated in Title 32, section 3280-A.

34
36 Section 78 corrects an error that was created when Public
Law 1993, chapter 600 amended Title 32, section 3604 by making
technical changes and chapter 659 added a new sentence at the end
of the last paragraph. This section incorporates the changes
38 made by both public laws.

40 Section 79 corrects an internal reference.

42
44 Section 80 corrects format errors to fulfill the legislative
intent by specifying that the waiver, review and repealer
paragraphs apply to the newly created Title 32, section 13908,
subsection 4 and not to the entire section.

46
48 Section 81 repeals and replaces a provision to clarify that
the Downeast Correctional Facility should never have appeared in
the text since Public Law 1989, chapter 133 referendum failed
50 causing the change proposed by Public Law 1989, chapter 898 to
never take effect. Section 82 makes this amendment apply
52 retroactively.

2 Section 83 corrects an internal reference.

4 Section 84 corrects an error that was created when Public
6 Law 1993, chapter 589 amended Title 35-A, section 7302,
8 subsection 1 by adding a new sentence in the middle of the
10 paragraph and Public Law 1993, chapter 708 amended subsection 1
12 by changing a department name. This section incorporates the
14 changes made by both public laws.

16 Section 85 corrects a cross-reference.

18 Section 86 corrects a conflict created by Public Law 1993,
20 chapters 680 and 739, which affected the same section of law, by
22 repealing both and replacing them with the changes made by Public
24 Law 1993, chapter 739.

26 Section 87 corrects an error that was created when Public
28 Law 1993, chapter 670 amended Title 36, section 1752, subsection
30 11, paragraph B by making technical changes and chapter 701 added
32 a new Title 36, section 1752, subsection 11, paragraph B,
34 subparagraph (5). This section incorporates the changes made by
36 both public laws.

38 Section 88 corrects an error that was created when Public
40 Law 1993, chapter 670 amended Title 36, section 1760, subsection
42 64 and inadvertently struck a necessary word.

44 Section 89 corrects an error that was created when Public
46 Law 1993, chapter 647 amended subsection 16 by making technical
48 changes and chapter 718 added limited liability company to the
50 list of entities that can receive deeds and not pay transfer
tax. This section incorporates the changes made by both public
laws.

Sections 90 and 91 correct a numbering problem created by
Public Law 1993, chapters 647 and 718 enacting 2 substantially
different provisions with the same subsection number.

Section 92 adds "Maine Workers' Compensation Act of 1992" to
reflect the change made by Public Law 1991, chapter 885. It also
makes stylistic changes.

Section 93 resolves a conflict created by Public Law 1993,
chapters 632 and 735 that affected the same subsection of law by
repealing the subsection. Chapter 632 amended the subsection by
adding a new paragraph and chapter 735 repealed the subsection.

Section 94 corrects a cross-reference.

2 Section 95 corrects an error in format.

4 Section 96 corrects an internal reference.

6 Public Law 1993, chapter 732, Part A, section 8 amended the
8 definition in Title 38, section 1303-C, subsection 39 and
10 inadvertently omitted the second sentence in the original
12 subsection, which should have been shown stricken. Another
14 section of this bill repeals the public law that was in error.
16 Section 97 repeals and replaces the language of Title 38, section
18 1303-C, subsection 39 to implement the intent of chapter 732.

20 Section 98 resolves a conflict created by PL 1993, chapters
22 621 and 732 that affected the same subsection of law by repealing
24 and replacing the subsection. Public Law 1993, chapter 621 made
26 minor changes to the subsection and chapter 732 included those
28 changes when it repealed and replaced the subsection with the
30 addition of 2 paragraphs. This section repeals the subsection
32 and replaces it with the chapter 732 version.

34 Section 99 corrects internal references.

36 Section 100 corrects internal references.

38 Section 101 adds "Maine Workers' Compensation Act of 1992"
40 to reflect the change made by Public Law 1991, chapter 885. It
42 also makes grammatical changes.

44 Section 102 adds a reference to the Maine Workers'
46 Compensation Act of 1992 to reflect the change made by Public Law
48 1991, chapter 885. It also makes a grammatical change.

 Sections 103 and 104 retroactively amend Public Law 1989,
chapter 876, which consisted of Part A, which authorized a bond
issue, and Part B, which made changes to the Maine Revised
Statutes, Title 5 and Title 7. The language in Part A specified
that the Act takes effect when approved by the majority of
voters. Section 103 corrects that language to specify that Part
A takes effect upon voter approval.

 Section 105 repeals Public Law 1991, chapter 314, section 5,
which amended language that was contingent upon a referendum that
never passed and carried an incorrect history. Section 106 makes
this repeal retroactive to October 9, 1991.

 Section 107 corrects an amending clause to reflect the
change made by Public Law 1993, chapter 70.

2 Section 108 corrects the conflict created by Public Law
3 1993, chapters 410 and 415. Chapter 410 amended Public Law 1993,
4 chapter 159, section 2 and chapter 415 repealed chapter 159,
5 section 2. The conflict is corrected by retaining the repealer
6 of Public Law 1993, chapter 159, section 2, but reflecting in the
7 history that that section had been amended by Public Law 1993,
8 chapter 410, Part XXX, section 1.

9
10 Section 109 corrects an amending clause.

11
12 Public Law 1993, chapter 642, section 40 inadvertently
13 omitted a portion of Title 11, section 9-402, subsection (1);
14 section 110 repeals section 40 of chapter 642. Another section
15 of this bill amends the language of Title 11, section 9-402,
16 subsection (1) to implement the intent of Public Law, chapter
17 642. Section 111 makes the repeal retroactive.

18 Section 112 resolves a conflict created by Public Laws 1993,
19 chapters 600 and 659 that affected the same sections of law.
20 Public Law 1993, chapter 600 repealed Title 32, section 2153
21 regarding the State Board of Nursing and enacted a similar
22 provision, Title 32, section 2153-A, in its place. The changes
23 made by Public Law 1993, chapter 659 are now incorporated into
24 Title 32, section 2153-A.

25
26 Public Law 1993, chapter 732, Part A, section 8 amended a
27 definition in Title 38, section 1303-C, subsection 39 and
28 inadvertently omitted the 2nd sentence. Section 113 repeals that
29 section of the public law that was in error. Another section of
30 this bill repeals and replaces the language of Title 38, section
31 1303-C, subsection 39 to implement the intent of chapter 732.

32 Section 114 corrects an amending clause.