

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
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- A. The total amount of radioactivity released or planned to be released;**
- B. The estimated individual dose that may occur due to the event;**
- C. Weather conditions at the time of the release;**
- D. The area affected or anticipated to be affected by the event;**
- E. The equipment that malfunctioned, or the operator error or other condition that caused the release; and**
- F. The corrective actions taken.**

Effective September 18, 1981

CHAPTER 359

S. P. 222 — L. D. 609

AN ACT to Reorganize the Department of Business Regulation to Insure the Independence of Regulators.

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

Sec. 1. 2 MRSA § 6, sub-§ 7, as last amended by PL 1979, c. 732, § 3, is further amended to read:

7. Range 83. The salaries of the following state officials and employees shall be within salary range 83:

Deputy Adjutant General;

Secretary of Public Utilities Commission;

Chief Boiler Inspector and Supervising Elevator Inspector;

Dispute Resolution Specialist;

Director of the Real Estate Commission.

Sec. 2. 5 MRSA § 711, sub-§ 2, ¶ A, sub-¶ (2), as repealed and replaced by PL 1977, c. 674, § 6, is amended to read:

(2) Department of Business Regulation:

(a) Superintendent, Bureau of ~~Banks and Banking~~ Banking;

- (b) Superintendent, Bureau of Consumer Protection; and
- (c) Superintendent, Bureau of Insurance; and.
- ~~(d) Director of Real Estate~~

Sec. 3. 9-A MRSA § 6-103, as amended by PL 1975, c. 771, § 109, is further amended to read:

§ 6-103. Administration

There is created and established the Bureau of Consumer Protection within the Department of Business Regulation. The Superintendent of Consumer Protection is the head of the Bureau of Consumer Protection. As used in this Act, "administrator" means the Superintendent of the Bureau of Consumer Protection. He shall be appointed by the ~~Commissioner of the Department of Business Regulation with the advice and consent of the~~ Governor and subject to review by the Joint Standing Committee on Business Legislation and to confirmation by the Legislature and shall report directly to the ~~Commissioner of the Department of Business Regulation~~. He shall be appointed for a term of 5 years or until a successor is appointed and qualified and he. Any vacancy occurring shall be filled by appointment for the unexpired portion of the term. He may be removed from office for cause by impeachment or by the Governor on the address of both branches of the Legislature and Title 5, section 711, paragraph B, shall not apply. No person shall be eligible for said office unless he shall have been a resident of the State of Maine for at least 2 years. During his term of office the administrator shall engage in no other business or profession.

Sec. 4. 9-B MRSA § 211, sub-§ 1, as last amended by PL 1979, c. 663, § 29, is further amended to read:

1. Appointment; term; qualifications. The activities of the bureau shall be directed by a superintendent who shall be appointed by the ~~Commissioner of Business Regulation with the advice and consent of the~~ Governor and subject to review by the Joint Standing Committee on Business Legislation and to confirmation by the Legislature. The superintendent shall hold office for a term of 5 years, or until his successor is appointed and qualified. ~~provided that the~~ The superintendent may be removed from office for cause by impeachment or by the Governor on the address of both branches of the Legislature, and Title 5, section 711, paragraph B, shall not apply. Any person appointed as superintendent shall have the knowledge of, or experience in, the theory and practice of banking.

Sec. 5. 24-A MRSA § 201, sub-§ 2, as amended by PL 1975, c. 771, § 259, is further amended to read:

2. The superintendent shall be appointed by the ~~Commissioner of the Department of Business Regulation with the advice and consent of the~~ Governor and subject to review by the Joint Standing Committee on Business Legislation and to confirmation by the Legislature.

Sec. 6. 24-A MRSA § 201, sub-§ 3, as repealed and replaced by PL 1973, c. 585, § 7, is amended to read:

3. The superintendent shall hold his office for 5 years or until his successor has been appointed and has qualified. **Any vacancy occurring shall be filled by appointment for the unexpired portion of the term.**

Sec. 7. 24-A MRSA § 201, sub-§ 4 is enacted to read:

4. **The superintendent shall be removable for cause by impeachment or by address of the Governor to both branches of the Legislature, and Title 5, section 711, paragraph B, shall not apply.**

Sec. 8. 32 MRSA § 4051-A, 4th ¶, as amended by PL 1977, c. 674, § 27, is amended to read:

~~The Commissioner of Business Regulation, with the advice and consent of a majority of the Real Estate Commission, shall appoint a Director of the Real Estate Commission whose term of office shall be continuous, subject only to removal by a majority of the commission and the Commissioner of Business Regulation subject to Personnel Law. The salary of the director shall be fixed by the Commissioner of Business Regulation with the advice and consent of a majority of the Real Estate Commission. The director shall be responsible for the management of the commission's affairs within the guidelines, policies, rules and regulations established by the commission. With the approval of the Commissioner of Business Regulation and subject to the Personnel Law, the commission may employ such clerical assistants, technical assistants and investigators as it deems necessary~~

Sec. 9. 32 MRSA § 4053-A is enacted to read:

§ 4053-A. Employees

The director may employ a deputy and such clerical assistants, technical assistants and investigators as deemed necessary to discharge the duties imposed by this chapter and shall outline their duties and fix their compensation, subject to the Personnel Law.

Sec. 10. 32 MRSA § 4056, sub-§ 1, first ¶, as repealed and replaced by PL 1977, c. 365, is amended to read:

1. **Investigations.** The director may in his discretion and shall, upon order of the commission or upon receipt of a verified written complaint, investigate the actions of any real estate broker, real estate salesman or any person who shall assume to act in either capacity. Upon completion of the investigation, the director shall report his findings, which may include conclusions and recommendations, to the commission. **The director shall not participate in commission deliberations or vote in disposition of complaints made pursuant to**

this subsection. The commission shall consider the findings, conclusions and recommendations of the investigation and may convene a hearing to assist it in determining whether a violation of this chapter has occurred.

Sec. 11. Transition provisions. Notwithstanding any other provision of law, the terms of the Superintendent of Banking, the Superintendent of Insurance and the Superintendent of Consumer Protection shall expire on June 1, 1984. On or before that date, the Governor shall determine by lot the transitional terms of office of each of these officials: The transitional term of one of them shall be for 5 years, the transitional term of another of them shall be for 4 years and the transitional term for one of them shall be for 3 years. Following the completion of these transitional terms, the term of office shall be as otherwise prescribed by law.

Effective September 18, 1981

CHAPTER 360

H. P. 1185 — L. D. 1409

AN ACT Amending the Statutes Relating to Restitution.

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

17-A MRSA § 1329 is enacted to read:

§ 1329. Default

1. **Return to court.** An offender who has been sentenced to make restitution and has defaulted in payment or service thereof shall be returned to court for further disposition.

2. **Reports.** A probation officer having knowledge of a default in restitution by an offender shall report the default to the office of the district attorney. A district attorney having knowledge of a default in restitution by an offender shall report the default to the court.

Effective September 18, 1981

CHAPTER 361

H. P. 742 — L. D. 880

AN ACT to Permit the Publication of the Names of Juveniles in Connection with Arrests and Court Appearances.