

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

SECOND SPECIAL SESSION

September 25, 1981

AND

THIRD SPECIAL SESSION

December 9, 1981

AND

SECOND REGULAR SESSION

January 6, 1982 to April 13, 1982

AND AT THE

FOURTH SPECIAL SESSION

April 28, 1982 to April 29, 1982

AND AT THE

FIFTH SPECIAL SESSION

May 13, 1982

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 164, SUBSECTION 6.

J.S. McCarthy Co.
Augusta, Maine
1981

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND AND THIRD SPECIAL SESSIONS

and

SECOND REGULAR SESSION

and

FOURTH AND FIFTH SPECIAL SESSIONS

of the

ONE HUNDRED AND TENTH LEGISLATURE

1981

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

Sec. 1. 35 MRSA §93, sub-§3, as amended by PL 1979, c. 399, §3, is further amended to read:

3. Policies. Policies which encourage economic use of fuel and which encourage the maximum efficient utilization of natural energy resources indigenous to the State; and

Sec. 2. 35 MRSA §93, sub-§4, as enacted by PL 1977, c. 521, is amended to read:

4. Rates or regulatory policies. Rates or other regulatory policies which encourage electric utility system reliability; and

Sec. 3. 35 MRSA §93, sub-§5 is enacted to read:

5. Utility financing of energy conservation. Electric utility financing or subsidization of capital improvements undertaken by ratepayers to conserve the ratepayer's future use of electricity.

Effective July 13, 1982.

CHAPTER 698

S.P. 969 - L.D. 2136

AN ACT to Make Corrections of Errors and Inconsistencies in the Laws of Maine.

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

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

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

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

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

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

Sec. 1. 1 MRSA §72, sub-§13, as repealed and replaced by PL 1977, c. 390, §1, is repealed and the following enacted in its place:

13. Municipality. "Municipality" includes cities, towns and plantations, except that "municipality" does not include plantations in Title 10, chapter 110, subchapter IV; Title 30, chapters 201 to 213; 235; 239, subchapters I-A, I-B, II, III, III-A and IV; and chapters 240, 241 and 243 to 245.

Sec. 2. 1 MRSA §1017, first ¶, as last amended by PL 1977, c. 252, §3, is further amended by adding after the first sentence a new sentence to read:

The Secretary of State shall prior to the end of the first week in January in each year deliver a form to each of the members of the Senate and House of Representatives.

Sec. 3. 3 MRSA §507, sub-§4, as last repealed and replaced by PL 1979, c. 654, §3 and as amended by PL 1979, c. 732, §§4 and 31 and PL 1981, c. 470, Pt. A, §3, is repealed and the following enacted in its place:

4. Group B-1 and B-2 independent agencies.

A. Unless continued or modified by law, the following Group B-1 independent agencies shall terminate, not including the grace period, no later than June 30, 1982:

- (1) Plumbers' Examining Board;
- (2) State Board of Funeral Services;
- (3) Board of Hearing Aid Dealers and Fitters; and
- (4) Maine Human Services Council.

B. Unless continued or modified by law, the following Group B-2 independent agencies shall terminate, not including the grace period, no later than June 30, 1983. The Maine Health Facilities Authority and the Maine State Housing Authority shall not terminate, but shall be reviewed by the Legislature no later than June 30, 1987:

- (1) Board of Chiropractic Examination and Registration;
- (2) Board of Dental Examiners;
- (3) State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals;
- (4) Board of Registration in Medicine;
- (5) State Board of Nursing;
- (6) State Board of Optometry;
- (7) Board of Osteopathic Examination and Registration;
- (8) Board of Commissioners of the Profession of Pharmacy;
- (9) Examiners of Podiatrists;
- (10) Maine Health Facilities Cost Review Board;
- (11) Maine Medical Laboratory Commission;
- (12) State Planning and Advisory Council on Developmental Disabilities;
- (13) Maine Committee on Problems of the Mentally Retarded;
- (14) Governor's Committee on Employment of the Handicapped;
- (15) Division of Community Services;
- (16) Maine State Housing Authority; and
- (17) Maine Health Facilities Authority.

Sec. 4. 4 MRSA §197, 2nd ¶, as enacted by PL 1981, c. 501, §1, is amended to read:

The treasurer shall, annually, before the last Wednesday in ~~January~~ July, deposit in the office of the State Court Library Committee a statement of the funds received and expended by the treasurer during the ~~year~~ preceding fiscal year.

Sec. 5. 4 MRSA §1151, sub-§2, first ¶, as amended by PL 1979, c. 265, §1, is further amended to read:

Except as provided in Title 5, section 10004, Title 29, chapter 17 and Title 35, ~~sections~~ section 13-A and 1566, the Administrative Court shall have exclusive jurisdiction upon complaint of an agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General, to revoke or suspend licenses issued by the agency, and shall have original jurisdiction upon complaint of a licensing agency to determine whether renewal or reissuance of a license of that agency may be refused.

Sec. 6. 5 MRSA §711, sub-§2, ¶A, sub-¶(2), div. (b), as amended by PL 1981, c. 359, §2 and c. 501, §2, is repealed and the following enacted in its place:

(b) Superintendent, Bureau of Consumer Credit Protection; and

Sec. 7. 5 MRSA §1122, sub-§5-A, last ¶, last sentence, as enacted by PL 1975, c. 622, §54-B, is amended to read:

Such determinations may be appealed in the manner provided by Title 39, section 403 103-B.

Sec. 8. 5 MRSA §5005, sub-§1, ¶O, as amended by PL 1981, c. 61, §1 and as repealed and replaced by PL 1981, c. 470, Pt. A, §8, is repealed and the following enacted in its place:

O. In cooperation with the Plumbers' Examining Board and the Department of Business Regulation, establish a voluntary training and certification program for installers of solar energy equipment; and

Sec. 9. 5 MRSA §7002, sub-§2, ¶I, as enacted by PL 1981, c. 512, §1, is reallocated to 5 MRSA §7002, sub-§2, ¶J.

Sec. 10. 5 MRSA §8053, sub-§1, last ¶, as enacted by PL 1981, c. 524, §7, is repealed.

Sec. 11. 5 MRSA §8053, sub-§1, last ¶, as enacted by PL 1979, c. 425, §5 and as repealed and replaced by PL 1981, c. 470, Pt. A, §9, is amended by adding at the end 2 new

sentences to read:

Subscribers under paragraph B may request to receive a copy of each proposed rule with the written notice. The agency shall provide the copy at the same time the notice is sent.

Sec. 12. 5 MRSA §8053, sub-§5, ¶A, as repealed and replaced by PL 1981, c. 456, Pt. A, §21 and as amended by PL 1981, c. 524, §10, is repealed and the following enacted in its place:

A. Arrange for the weekly publication of a consolidated notice of rule making of all state agencies, which shall also include a brief explanation to assist the public in participating in the rule-making process. Notice of each rule-making proceeding shall be published once 17 to 24 days prior to the public hearing on the proposed rule or at least 30 days prior to the last date on which views and arguments may be submitted to the agency for consideration if no public hearing is scheduled;

Sec. 13. 5 MRSA §10051, sub-§1, as last amended by PL 1979, c. 265, §2, is further amended to read:

1. Jurisdiction. Except as provided in section 10004, Title 29, chapter 17 and Title 35 sections section 13-A and 1566, the Administrative Court shall have exclusive jurisdiction upon complaint of any agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General to revoke or suspend licenses issued by such agency and shall have original jurisdiction upon complaint of an agency to determine whether renewal or reissuance of a license of that agency may be refused.

Sec. 14. 7 MRSA §1032, sub-§2-A, as enacted by PL 1981, c. 540, §3, is amended to read:

2-A. Identification marks of bag manufacturers and bag distributors. Identification marks of bag manufacturers and bag distributors are exempt from this Act Article.

Sec. 15. 7 MRSA §1032, sub-§3, as repealed and replaced by PL 1981, c. 540, § 4, is amended to read:

3. Maine bag. "Maine bag" means any consumer pack for potatoes on which appears the word Maine in letters larger than 1/4 inch or a ~~pictoral~~ pictorial representation of the outline of the shape of the State.

Sec. 16. 7 MRSA §3451, 12th ¶, as enacted by PL 1979,

c. 314, is amended to read:

The commissioner shall not issue a license to maintain a kennel, boarding kennel or pet shop to any person, partnership or corporation which has, within the 5 years previous to the application for the license, been convicted of a criminal violation or civil violation under this Part ~~or~~, Title 17, chapter 43 or Title 17-A, section 510, which violation involves cruelty to animals.

Sec. 17. 7 MRSA §3704, as repealed and replaced by PL 1981, c. 470, Pt. A, §11, is amended to read:

§3704. Official refusal or neglect of duty

Any mayor, selectman, clerk, constable, police officer, sheriff or animal control officer who refuses or intentionally fails to perform the duties imposed by sections 3402, 3451, 3452, 3652-A and 3701 to 3703 ~~and 3804~~ commits a civil violation for which a forfeiture of not less than \$10 nor more than \$50, and costs, shall be adjudged.

Sec. 18. 9-A MRSA §1-301, sub-§41, as repealed and replaced by PL 1975, c. 770, §49, is amended to read:

41. "Provisions on disclosure" includes Article ~~7~~ 8, regulations issued pursuant to said that Article, and the Federal Truth in Lending Act, as applicable.

Sec. 19. 9-A MRSA §3-506, as amended by PL 1977, c. 564, §45, is further amended to read:

§3-506. Limitation

This Part shall not apply to any transaction covered by Title ~~9-A~~, section ~~7-117~~ 8-204, nor shall it apply to any sale, by any dealer or agent or salesman of a registered dealer, registered pursuant to Title 32, chapter 13, of stocks, bonds, debentures or securities representing stocks, bonds or debentures registered pursuant to Title 32, chapter 13 or expressly exempt from registration thereof.

Sec. 20. 9-A MRSA §8-204, sub-§7, as enacted by PL 1981, c. 243, §25, is amended to read:

7. In any action in which it is determined that a creditor has violated this section, in addition to ~~rescission~~ rescission, the court may award relief under section 8-208 for violations of this Article not relating to the right to rescind.

Sec. 21. 9-A MRSA §8-208, sub-§1, ~~¶¶B~~ and C, as

enacted by PL 1981, c. 243, §25, are amended to read:

B. Twice the amount of any finance charge in connection with the transaction or, in the case of a consumer lease, 25% of the total amount of monthly payments under the lease, except that the liability under this paragraph shall not be less than \$100 nor greater than \$1,000; and

C. In the case of any successful action to enforce the foregoing liability or in any action in which a person is determined to have a right of rescision under section 8-204, the costs of the action, together with a reasonable attorney's fee as determined by the court; and

Sec. 22. 9-A MRSA §8-208, sub-§1, ¶D is enacted to read:

D. In the case of a class action, such amount as the court may allow, except that as to each member of the class no minimum recovery is applicable, and the total recovery for any class action or series of class actions arising out of the same failure to comply by the same creditor shall not be more than the lesser of \$500,000 or 1% of the net worth of the creditor. In determining the amount of award in any class action, the court shall consider, among other relevant factors, the amount of any actual damages awarded, the frequency and persistence of failures of compliance by the creditor, the resources of the creditor, the number of persons adversely affected and the extent to which the creditor's failure of compliance was intentional.

Sec. 23. 9-A MRSA §8-208, sub-§8, ¶D, as enacted by PL 1981, c. 243, §25, is repealed.

Sec. 24. 9-B MRSA §465, sub-§3, ¶A, as enacted by PL 1975, c. 500, §1, is amended to read:

A. Every director, corporator, officer, agent and employee of a financial institution who authorizes or assists in procuring, granting or causing the granting of a loan in violation of this section or sections 613 ~~422-A~~ and 633, or pays or willfully permits the payment of any funds of the institution on such loan, and every director of an institution who votes on a loan in violation of any of the provisions of this section and every director, corporator, officer, agent or employee who willfully and knowingly permits or causes the same to be done shall be personally responsible for the payment thereof and shall be guilty of a misdemeanor;

Sec. 25. 9-B MRSA §562, sub-§1, last sentence, as enacted by PL 1975, c. 500, §1, is amended to read:

Reserves required under the Federal Reserve Act shall be substituted for the cash reserve required by section 514 422-A.

Sec. 26. 9-B MRSA §563, sub-§1, last sentence, as enacted by PL 1975, c. 500, §1, is amended to read:

Reserves required under said this Act shall be substituted for the cash reserve required pursuant to section 514 422-A; provided that if such bank is also a member of the Federal Reserve System pursuant to section 562, such cash reserve shall be maintained in such manner as shall comply with the requirements of both the Federal Reserve Bank and the Federal Home Loan Bank of which the savings bank is a member.

Sec. 27. 9-B MRSA §614, sub-§1, last sentence, as enacted by PL 1975, c. 500, §1, is amended to read:

Reserves required under the Federal Reserve Act shall be substituted for the cash reserve required under section 613 422-A.

Sec. 28. 9-B MRSA §763, sub-§1, last sentence, as enacted by PL 1975, c. 500, §1, is amended to read:

Reserves required under said this Act shall be substituted for the cash reserve required pursuant to section 714 422-A.

Sec. 29. 10 MRSA §672, sub-§1-A, as enacted by PL 1981, c. 525, §1, is repealed.

Sec. 30. 10 MRSA §672, sub-§2, as repealed by PL 1981, c. 476, §1 and as amended by PL 1981, c. 525, §2, is repealed.

Sec. 31. 10 MRSA §672, sub-§2-A, as enacted by PL 1981, c. 525, §3, is repealed.

Sec. 32. 10 MRSA §672, sub-§§6 and 7, as enacted by PL 1981, c. 525, §4, are repealed.

Sec. 33. 10 MRSA §673, sub-§2, as repealed by PL 1981, c. 476, §1 and as repealed and replaced by PL 1981, c. 525, §5, is repealed.

Sec. 34. 10 MRSA §674, last ¶, as enacted by PL 1981, c. 525, §6, is repealed.

Sec. 35. 10 MRSA §676, as repealed by PL 1981, c. 476,

§1 and as amended by PL 1981, c. 525, §§7 and 8, is repealed.

Sec. 36. 10 MRSA §677, as repealed by PL 1981, c. 476, §1 and as amended by PL 1981, c. 525, §9, is repealed.

Sec. 37. 10 MRSA §678, last sentence, as enacted by PL 1981, c. 525, §10, is repealed.

Sec. 38. 10 MRSA §679, as repealed by PL 1981, c. 476, §1 and as amended by PL 1981, c. 525, §11, is repealed.

Sec. 39. 10 MRSA §751, sub-§1, ¶G, as repealed by PL 1981, c. 476, §1 and as amended by PL 1981, c. 512, §2, is repealed.

Sec. 40. 10 MRSA §751, sub-§1, ¶H, as enacted by PL 1981, c. 512, §3, is repealed.

Sec. 41. 10 MRSA §752, sub-§11, ¶¶D and E, as repealed by PL 1981, c. 476, §1 and as amended by PL 1981, c. 512, §4, are repealed.

Sec. 42. 10 MRSA §752, sub-§11, ¶F, as enacted by PL 1981, c. 512, §5, is repealed.

Sec. 43. 10 MRSA §754, as last amended by PL 1981, c. 192, §2 and as repealed by PL 1981, c. 476, §1, is repealed.

Sec. 44. 10 MRSA §802, as last amended by PL 1981, c. 192, §3 and as repealed by PL 1981, c. 476, §1, is repealed.

Sec. 45. 10 MRSA §803, as amended by PL 1981, c. 470, Pt. A, §§20 to 22 and as repealed by PL 1981, c. 476, §1, is repealed.

Sec. 46. 10 MRSA §863, as amended by PL 1981, c. 320, §1 and c. 425, §§1 and 2 and as repealed by PL 1981, c. 476, §1, is repealed.

Sec. 47. 10 MRSA §864, as amended by PL 1981, c. 425, §3 and c. 512, §§6 and 7 and as repealed by PL 1981, c. 476, §1, is repealed.

Sec. 48. 10 MRSA §866, as amended by PL 1981, c. 425, §4 and as repealed by PL 1981, c. 476, §1, is repealed.

Sec. 49. 10 MRSA §1003, sub-§6-C is enacted to read:

6-C. Energy conservation project. "Energy conservation project" means the purchase and installation of energy conservation equipment or facilities, including building

modifications, with a calculated payback period of more than one year, but less than 7 years. The term does not include simple weatherization measures.

Sec. 50. 10 MRSA §1003, sub-§26-C is enacted to read:

26-C. Small business. "Small business" means any business meeting the criteria in the United States Code, Title 15, Section 632.

Sec. 51. 10 MRSA §1004, sub-§8, ¶¶E and F, as enacted by PL 1981, c. 476, §2, are amended to read:

E. Make recommendations and reports, in cooperation with the State Development Office, to the authority on the merits of any proposed eligible project, on the status of local development corporations and on meritorious industrial locations; and

F. Perform other duties directed by the authority in carrying out the purposes of this chapter; and

Sec. 52. 10 MRSA §1004, sub-§8, ¶G is enacted to read:

G. Provide information to the Maine Aid to Families with Dependent Children Coordinating Committee established pursuant to Title 22, section 3773, regarding employment opportunities available to recipients of Aid to Families with Dependent Children under this chapter and assist the committee in the referral and placement of these persons.

Sec. 53. 10 MRSA §1005, sub-§5-A, as enacted by PL 1981, c. 476, §2, is amended to read:

5-A. Agreements for eligible projects. Enter into agreements with prospective prospective mortgagees and mortgagors, for the purpose of planning, designing, constructing, acquiring, altering and financing eligible projects.

Sec. 54. 10 MRSA §1023, sub-§2, ¶A, as enacted by PL 1981, c. 476, §2, is amended to read:

A. All expense of the authority, including interest and principal payments required by loan defaults, all operating expenses and, except as provided in section 1023-A, all income of the authority, including mortgage insurance premiums and sale, disposal, lease or rental proceeds;

Sec. 55. 10 MRSA §1023, sub-§3, as enacted by PL 1981, c. 476, §2, is amended to read:

3. Deposited with Treasurer of State or invested. Moneys in the fund not needed currently to meet the obligations of the authority in the exercise of its responsibilities as insurer under this subchapter shall be deposited with the Treasurer of State to the credit of the fund or the Guarantee Reserve Fund, or may be invested in such manner as provided by statute.

Sec. 56. 10 MRSA §1023-A is enacted to read:

§1023-A. Proceeds received by authority

Proceeds received by the authority from the disposal, by sale or in some other means, of property it may have acquired in accordance with section 1025, subsection 1, shall be credited either to the Mortgage Insurance Fund, the Guarantee Reserve Fund or the Debt Service Fund as directed by the State Controller.

Sec. 57. 10 MRSA §1024, sub-§1, 2nd sentence, as enacted by PL 1981, c. 476, §2, is amended to read:

The Governor shall transfer to the fund sufficient moneys from the State Contingent Account, Guarantee Reserve Fund or from the proceeds of bonds to be issued as provided in subsection 2.

Sec. 58. 10 MRSA §1024, sub-§2, first sentence, as enacted by PL 1981, c. 476, §2, is amended to read:

In the event a request for funds is made under subsection 1 and there are insufficient funds in the State Contingent Account or the Guarantee Reserve Fund, bonds shall be issued in the following manner:

Sec. 59. 10 MRSA §1026, sub-§4-A is enacted to read:

4-A. Percentage of permanent jobs targeted to recipients of Aid to Families with Dependent Children. An employment plan describing potential opportunity for Aid to Families with Dependent Children recipients including types of jobs, skills required, training necessary for placement and the percentage of permanent jobs which will be targeted to these recipients;

Sec. 60. 10 MRSA §1043, sub-§2, 2nd ¶, as enacted by PL 1981, c. 476, §2, is repealed.

Sec. 61. 10 MRSA §1043, sub-§2, ¶B, as enacted by PL 1981, c. 476, §2, is amended by adding at the end a new paragraph to read:

The applicant shall have the burden of demonstrating that the project will not result in a substantial detriment to existing industry in accordance with the requirements of the subsection, including rules adopted in accordance therewith, except in cases where no interested parties object to the project, in which event the requirements of subparagraph (2) shall be deemed satisfied. Interested parties shall be given an opportunity, with or without a hearing at the discretion of the authority, to present their objections to the project on grounds that the project will result in a substantial detriment to existing industry. If any such party presents such objections with reasonable specificity and persuasiveness, the authority may divulge whatever information concerning the project which it deems necessary for a fair presentation by the objecting party and evaluation of such objections. The applicant shall then have the burden of demonstrating by a preponderance of the evidence that the project will not result in substantial detriment to existing industry. If the authority finds that the applicant has failed to meet its burden as specified in this subsection, the application shall be denied;

Sec. 62. 10 MRSA §1043, sub-§2, ¶F, sub-¶(3), as enacted by PL 1981, c. 476, §2, is amended to read:

(3) It is unlikely that public facilities meeting the needs of the users and securing comparable public benefit will become available in the reasonably foreseeable future; and

Sec. 63. 10 MRSA §1043, sub-§2, ¶G, sub-¶(2), last sentence, as enacted by PL 1981, c. 476, §2, is amended to read:

The authority shall take the comments into consideration in its consideration of the project--;

Sec. 64. 10 MRSA §1043, sub-§2, ¶¶H and I are enacted to read:

H. In the case of energy conservation projects, any small business is eligible to apply for a loan of up to \$10,000. The authority shall select these projects according to the following criteria:

(1) The gross amount of energy saved by the project expressed in British Thermal Units, BTU's;

(2) The ability of the project to serve as an educational demonstration for other similar busi-

nesses or industries;

(3) The pattern of energy used within the facility and the overall dependence on energy for the conduct of business;

(4) The simple payback of the project calculated as the annual energy cost savings divided into the project; and

(5) The ability of the business or industry to generate capital from sources other than provided by this paragraph.

The Office of Energy Resources shall provide assistance to the authority in determining technical eligibility and merit of loan applications.

Each recipient of a loan under this paragraph shall provide the authority, within one year, with detailed information on energy consumption before and after the completion of the energy conservation project. The authority shall issue an annual report to the Legislature on loans made under this paragraph, the success of various energy saving techniques employed and the overall energy benefits achieved by the program. The Office of Energy Resources shall assist the authority in preparing this report; and

l. The project will, to the extent possible, make a commitment to provide employment to recipients of Aid to Families with Dependent Children.

Sec. 65. 10 MRSA §1044, sub-§8, first sentence, as enacted by PL 1981, c. 476, §2, is amended to read:

The proceeds of each issue shall be used solely for the authorized purposes and shall be disbursed as provided in the authorizing resolution or in the securing trust agreement, except that the proceeds of each issue may be used to make loans for small business energy conservation projects as described in section 1043, subsection 2, paragraph H.

Sec. 66. 10 MRSA §1044, sub-§8, as enacted by PL 1981, c. 476, §2, is amended by adding after the first sentence a new sentence to read:

Administration costs incurred by the authority under this program may be drawn from those proceeds.

Sec. 67. 10 MRSA §1063, sub-§1, 3rd sentence, as enacted by PL 1981, c. 476, §2, is amended to read:

The notice shall be published at least 14 7 days prior to the date scheduled for the meeting, shall set forth the name of the municipality and the proposed tenant of the project, describe generally the project and set forth the time and place of the meeting at which the application will be considered.

Sec. 68. 10 MRSA §1083, first sentence, as enacted by PL 1981, c. 476, §2, is amended to read:

The authority may assist a local development corporation to construct a community industrial building by loaning it money, for construction or carrying costs of both, for the project, subject to subsection 1.

Sec. 69. 12 MRSA §505, as repealed by PL 1979, c. 545, §11 and as repealed and replaced by PL 1979, c. 556, §2, is repealed.

Sec. 70. 12 MRSA §682, first ¶, as enacted by PL 1969, c. 494, is repealed as follows:

As used in this chapter:

Sec. 71. 12 MRSA §7034, sub-§8, as repealed by PL 1981, c. 414, §4 and as amended by PL 1981, c. 505, §4, is repealed.

Sec. 72. 12 MRSA §7034, sub-§9 is enacted to read:

9. Outdoor map. The commissioner shall provide sufficient information concerning fisheries and wildlife resources to the Department of Transportation for the creation of the consolidated state outdoor recreational map under Title 23, section 4206, subsection 1, paragraph L.

Sec. 73. 12 MRSA §7231, sub-§2, as amended by PL 1981, c. 12, §3 and c. 414, §24, is repealed and the following enacted in its place:

2. Application. Applications for wildlife exhibit permits shall be made on forms prepared and furnished by the commissioner and shall show:

A. The name and address of the applicant;

B. The location or proposed location of the wildlife exhibit;

C. The approximate number and kinds of wildlife being or to be kept; and

D. Such further information as the commissioner may prescribe.

Sec. 74. 12 MRSA §7801, sub-§9, last sentence, as enacted by PL 1979, c. 420, §1, is amended to read:

Standards, tests and procedures applicable in determining whether a person is under the influence within the meaning of this section shall be those applicable pursuant to Title 29, section sections 1312, 1312-B and 1312-C.

Sec. 75. 12 MRSA §7824, sub-§3, ¶A, sub-¶(2), as enacted by PL 1979, c. 420, §1, is amended to read:

(2) 50¢ of each fee shall be credited to the Snowmobile Trail Fund of the Bureau of Parks and Recreation; and

Sec. 76. 12 MRSA §7824, sub-§3, ¶B, sub-¶(2), as enacted by PL 1979, c. 420, §1, is amended to read:

(2) 50¢ of each fee shall be credited to the Parks and Recreation Snowmobile Trail Fund of the Bureau of Parks and Recreation.

Sec. 77. 12 MRSA §7824, sub-§4, ¶B, first ¶, as enacted by PL 1979, c. 420, §1, is repealed and the following enacted in its place:

The Bureau of Parks and Recreation is authorized to use the moneys credited to the Snowmobile Trail Fund of the Bureau of Parks and Recreation to make grants-in-aid to political subdivisions, educational institutions, regional planning agencies, snowmobile groups and others for the construction and maintenance of snowmobile trails and for research, development and planning of snowmobile trails on such terms as the bureau determines necessary.

Sec. 78. 12 MRSA §7824, sub-§4, ¶B, sub-¶(2), as enacted by PL 1979, c. 420, §1, is amended to read:

(2) The bureau may charge a reasonable fee for these services and materials when the moneys credited to it under this paragraph are insufficient to satisfy the demand for the services and materials. All fees so collected shall be deposited in the State Park and Recreation Snowmobile Trail Fund of the Bureau of Parks and Recreation.

Sec. 79. 12 MRSA §7824, sub-§4, ¶C, as enacted by PL 1979, c. 420, §1, is repealed and the following enacted in its place:

C. The Bureau of Parks and Recreation is authorized to

use moneys credited to the Snowmobile Trail Fund of the Bureau of Parks and Recreation for snowmobile trail acquisition, including, but not limited to, the purchase or lease of real estate and the acquisition of easements, construction, development, planning and maintenance and for providing educational and informational materials for the use of operators of snowmobiles and for research.

Sec. 80. 12 MRSA §7827, sub-§9, last sentence, as enacted by PL 1979, c. 420, §1, is amended to read:

Standards, tests and procedures applicable in determining whether a person is under the influence within the meaning of this section shall be those applicable pursuant to Title 29, section sections 1312, 1312-B and 1312-C.

Sec. 81. 12 MRSA §9322, sub-§2, as enacted by PL 1979, c. 545, §3, is amended to read:

2. Exemptions. This section shall not apply to the use of portable stoves which are fueled by propane gas, gasoline or sterno, or to recreational fires kindled when the ground is covered with snow.

Sec. 82. 13 MRSA §932, first ¶, 2nd sentence, as amended by PL 1973, c. 571, §7, is further amended to read:

Any corporation organized under this chapter and ~~Title 27, chapter 7,~~ for the purpose of establishing and maintaining a hospital, a free public library or a school or academy accredited by the State Board of Education and conducted on a nonprofit basis, or a laboratory exclusively engaged in research for the benefit of mankind, or an educational television or radio station operated on a nonprofit basis, or a private vocational school conducted on a nonprofit basis may receive and hold real and personal estate to any amount, which may from time to time be given, granted, bequeathed or devised to it and accepted by the corporation for the uses and purposes of said the hospital, free public library, school or academy, laboratory, or educational television or radio station provided always both the principal and income thereof shall be appropriated according to the terms of the donation, devise or bequest.

Sec. 83. 13 MRSA §4001, sub-§5, as amended by PL 1977, c. 78, §110, is further amended to read:

5. Institution. "Institution" means an incorporated or unincorporated organization organized and operated exclusively for educational purposes and subject to Title 20, sections 2202 2202-A to 2204-A.

Sec. 84. 13-A MRSA §1301, sub-§6, as last amended by PL 1973, c. 483, §21, is further amended to read:

6. The requirement of subsection 1 shall not apply to religious, charitable, educational or benevolent corporations, nor to corporations organized under Title 13, chapters 81, 83, 91 and 93, nor to corporations organized under Title 27, chapter 7.

Sec. 85. 13-B MRSA §201, sub-§3, ¶A, as enacted by PL 1977, c. 525, §13, is repealed as follows:

A. County law libraries, as that term is used in Title 27, section 221 et seq;

Sec. 86. 14 MRSA §167, sub-§1, as enacted by PL 1981, c. 380, §1, is amended to read:

1. Exemption. Subject to subsection 2, the furnishing of, or failure to furnish, insurance inspection services related to, in connection with or incidental to the issuance or ~~removal~~ renewal of a policy of property or casualty insurance shall not subject the insurer, its agents, employees or service contractors to liability for damages from injury, death or loss occurring as a result of any act or omission by any person in the course of such services.

Sec. 87. 14 MRSA §6325, first sentence, as amended by PL 1977, c. 564, §70, is further amended to read:

The method of foreclosure set forth in sections 6321 to 6324 may be used for the foreclosure of all real property mortgages executed subsequent to October 1, 1975, except for railroad mortgages, so called, or for indentures or deeds of trust securing bond issues of corporations wherein the method of foreclosure or sale is provided in the indenture or deed of trust or any similar instrument; provided that any such railroad mortgage, corporate indenture, deed of trust or similar instrument executed subsequent to January 1, 1976, shall be subject to this subchapter unless the applicability of this chapter is expressly negated in such instrument.

Sec. 88. 15 MRSA §392, as amended by PL 1979, c. 127, §115, is repealed and the following enacted in its place:

§392. Application

The penal provisions of section 393 shall not apply to any person employed as a law enforcement officer or employed by a watch, guard or patrol agency license under Title 32, chapter 89 or chapter 93.

Sec. 89. 17 MRSA §341, as amended by PL 1981, c. 412, §3, is repealed.

Sec. 90. 17 MRSA §341, sub-§1, as enacted by PL 1981, c. 130, is amended to read:

1. Limits. A licensed game of chance shall be limited as to the amount to be gambled for any one chance to ~~25¢~~ 50¢, except that an organization may operate and conduct a game of cards and charge no more than \$1 daily entry fee for participation in a game of cards, provided that no money or valuable thing other than \$1 daily entry fee is gambled in connection with a game of cards.

Sec. 91. 17-A MRSA §4-A, sub-§4, as repealed and replaced by PL 1981, c. 324, §7, is amended to read:

4. A statute or ordinance outside this code may be expressly designated as a civil violation.

A statute or ordinance outside this code which prohibits defined conduct, but does not provide an imprisonment penalty, is a civil violation, enforceable in accordance with section 4, subsection 3 2.

A statute or ordinance outside this code which is stated to be a criminal violation or which otherwise uses language indicating that it is a crime, but does not provide an imprisonment penalty is a civil violation, enforceable in accordance with section 4, subsection 3 2, unless the statute or ordinance is an exception to the operation of this subsection.

Sec. 92. 22 MRSA §14, sub-§1, first sentence, as amended by PL 1979, c. 610, §1, is further amended to read:

When benefits are provided or will be provided to a beneficiary under the Medicaid program administered by the department pursuant to the Federal United States Social Security Act, Title XIX, for the medical costs of injury, disease, disability or similar occurrence for which a third party is civilly liable, the commissioner shall have the right to recover from that party the reasonable value of the benefits so provided.

Sec. 93. 22 MRSA §3461, sub-§2, as amended by PL 1981, c. 470, Pt. A, §97 and as repealed by PL 1981, c. 527, §1, is repealed.

Sec. 94. 22 MRSA §3461, sub-§5, as amended by PL 1981, c. 470, Pt. A, §98 and as repealed by PL 1981, c. 527, §1, is repealed.

Sec. 95. 22 MRSA §3463, as amended by PL 1981, c. 470, Pt. A, §99 and as repealed by PL 1981, c. 527, §1, is repealed.

Sec. 96. 22 MRSA §4003, sub-§4, last sentence, as enacted by PL 1981, c. 369, §9, is amended to read:

It is the intent of the Legislature that the department reduce the number of children receiving assistance under the United States Social Security Act, Title IV-E, who have been in foster care more than 24 months, by 10% each year beginning with the federal fiscal year that starts on October 1, 1983.

Sec. 97. 22 MRSA c. 1666, first 2 lines, as enacted by PL 1981, c. 445, are repealed and the following enacted in their place:

CHAPTER 1666

RESIDENTS' RIGHTS

Sec. 98. 23 MRSA §337, sub-§1, as amended by PL 1981, c. 456, Pt. A, §76 and as repealed by PL 1981, c. 492, Pt. D, §2, is repealed.

Sec. 99. 23 MRSA §751, first sentence, as amended by PL 1971, c. 593, §22, is further amended to read:

The department shall provide a system of maintenance for all state highways to which section 1001 may apply and for all state aid highways to which ~~sections~~ section 802 and 852 may apply so that all sections of such highways may be effectually and economically preserved and maintained, in accordance with the best maintenance practice ~~in so far~~ insofar as funds will permit.

Sec. 100. 23 MRSA §1251, last sentence is amended to read:

In the compact parts of cities and towns where the conditions mentioned in ~~Title 35, section 1178,~~ 2920 exist and are observed and at all other places where in the judgment of the 2 ~~said~~ commissions such signs are unnecessary, no such warning signs need be erected.

Sec. 101. 23 MRSA §1915, sub-§6, as repealed and replaced by PL 1981, c. 318, §4 and as amended by PL 1981, c. 470, Pt. A, §137, is repealed and the following enacted in its place:

6. Maintenance of lawfully erected signs. Any sign

lawfully erected as of January 1, 1978, in accordance with section 1924, subsections 1 and 2 may be maintained until removed by the commissioner under subsection 7 or by section 1916.

Sec. 102. 23 MRSA §1965, sub-§2, ¶A, last sentence, as enacted by PL 1981, c. 595, §3, is amended to read:

In all events, no member may be appointed to the authority who is not a resident of the State at the time of his appointment and qualification, or who has not been a qualified voter in the State for a period of at least one year next preceding his appointment.

Sec. 103. 23 MRSA §1974, sub-§3, first sentence, as enacted by PL 1981, c. 595, §3, is amended to read:

In addition to interchanges which have been incorporated into the turnpike, the authority shall authorize turnpike revenues to be utilized for interchanges determined pursuant to the terms and conditions of this ~~chapter~~ section, provided that the department shall request use of revenues by submitting a proposed program for additional interchanges or improvements to existing interchanges, and provided that the authority shall have and exercise sole discretion to set the level of revenues, and provided further that the additional interchanges or improvements have or would have a sufficient relationship to the public's use of the turnpike and the orderly regulation and flow of vehicular traffic using the turnpike so that the use of the turnpike revenues is warranted to pay all or any portion of the cost of maintaining or constructing such additional interchanges or improvements and all or a portion of the access roads required in connection therewith.

Sec. 104. 23 MRSA §1974, sub-§3, ¶F, as enacted by PL 1981, c. 595, §3, is amended to read:

F. The effect the construction or reconstruction improvement will have on the flow of traffic to, from and on the turnpike, and in diverting vehicular traffic off or away from the turnpike;

Sec. 105. 23 MRSA §1974, sub-§4, first 2 sentences, as enacted by PL 1981, c. 595, §3, are amended to read:

Subject to the terms and conditions of this chapter, the authority, semi-annually on July 1st and January 1st of each fiscal year commencing July 1, 1983, shall, upon making the determination referred to in this subsection, authorize turnpike revenues to be transferred to the Department of Transportation for the costs of construction, reconstruc-

tion, operation and maintenance of access roads provided, first, that the department provide certification as to the utilization of all or a part of the state highway system by turnpike users with respect to the benefit received by the turnpike and its users and the costs incurred by the department for the construction, reconstruction, operation and maintenance of the access roads caused by the turnpike and its users and supporting the transfer of turnpike revenues for each 2-year period. The department shall not request and the authority shall not approve a transfer of turnpike revenues under this subsection in any year that exceeds the cost to the department for construction, reconstruction or operation and maintenance of access roads fairly attributable to vehicular traffic traveling to or from the turnpike.

Sec. 106. 23 MRSA §4205, as amended by PL 1981, c. 98, §§1 and 2 and c. 456, Pt. A, §87, is repealed and the following enacted in its place:

§4205. Department; commissioner

There is created and established the Department of Transportation to consist of a Commissioner of Transportation appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over transportation and to confirmation by the Legislature, who shall serve at the pleasure of the Governor.

Sec. 107. 24 MRSA §2328, as enacted by PL 1981, c. 254, §1, is reallocated to 24 MRSA §2331.

Sec. 108. 24-A MRSA §2510, sub-§1, first sentence, as amended by PL 1981, c. 188, §1, is further amended to read:

There shall be a provision that after 3 full years' premiums have been paid and after the policy has a cash surrender value and while no premium is in default beyond the grace period for payment, the insurer will advance, on proper assignment or pledge of the policy and on the sole security thereof, at a rate of interest as specified in ~~section 2252 to 2254~~ sections 2552 to 2554, an amount equal to or, at the option of the party entitled thereto, less than the loan value of the policy.

Sec. 109. 24-A MRSA §2807, as last amended by PL 1981, c. 147, §6, is further amended to read:

§2807. Debtor groups

A group of individuals may be insured under a policy issued to a creditor, or its parent holding company or to a trustee or trustees or agent designated by 2 or more credi-

tors, which creditor, holding company, affiliate, trustee, trustees or agent shall be deemed the policyholder, to insure debtors of the creditor or creditors, as the case may be, all as defined and set forth under section 2604 2604-A, provided that the amount of indemnity payable with respect to any person insured thereunder shall not at any time exceed the aggregate of the periodic scheduled unpaid installments, including, with respect to mortgage indebtedness, such real estate taxes and insurance costs incident to the mortgaged property as may become due during the scheduled period and provided that nothing in this paragraph shall may be construed or deemed to apply to or affect disability benefit provisions in group credit life insurance policies as authorized under section 2604 2604-A.

Sec. 110. 24-A MRSA §2816, last sentence, as enacted by PL 1981, c. 205, §3, is amended to read:

Insurers offering policies under this chapter shall offer to certificate holders the right of review and arbitration set forth in section 2747, subsection 1, with respect to denials of medical expense reimbursement benefits based upon the grounds set forth in section 2747, subsection 2, except that the requirement of section 2747, subsection 1 shall not apply to certificate holders in groups subject to the United States Employee Retirement Income Security Act of 1974, Public Law 93-406, as amended, or to any policy or certificate holder to whom the insurer voluntarily extends a review similar to that which it provides to persons insured under group policies subject to that Act.

Sec. 111. 24-A MRSA c. 41, as enacted by PL 1969, c. 132, §1, is amended by inserting before §3001, the following:

SUBCHAPTER I

STANDARD FIRE POLICY

Sec. 112. 24-A MRSA c. 41, sub-c. 1, first 2 lines, as enacted by PL 1969, c. 132, §1, are repealed.

Sec. 113. 25 MRSA §2702-A, sub-§1, first ¶, 2nd sentence, as enacted by PL 1981, c. 334, §6, is amended to read:

The standards shall be adopted in order to fully implement the specifications in the American National Standards Institute publication "Specifications for Making Buildings and Facilities Accessible to and Usable by Physically Handicapped People," (~~ANSI A 116.1-1980~~) (ANSI A 117.1-1980), except as otherwise exempted or provided by the National

Fire Protection Association's Life Safety Code 101.

Sec. 114. 26 MRSA §143, as amended by PL 1973, c. 452, §3, is further amended to read:

§143. Penalties

Whoever violates any provision of ~~sections~~ section 178, 211, 216 and 217 shall be punished by a fine of not more than \$50 or by imprisonment for not more than 90 days, or by both.

Sec. 115. 26 MRSA §704, as enacted by PL 1981, c. 470, Pt. A, §141, is amended to read:

§704. Penalty for employers

Any person who violates sections 701 and 702 commits a civil violation for which the following forfeiture shall be adjudged:

1. First offense. For the first offense a forfeiture of not less than ~~\$25~~ \$50 nor more than ~~\$50~~ \$100;

2. Second offense. For the 2nd offense a forfeiture of not less than ~~\$50~~ \$100 nor more than \$200; and

3. Subsequent offenses. For a 3rd offense and subsequent offenses a forfeiture of not less than \$250 nor more than \$500.

Sec. 116. 26 MRSA §738, as amended by PL 1981, c. 407 and as repealed by PL 1981, c. 470, Pt. A, §142, is repealed.

Sec. 117. 26 MRSA §962, sub-§6, ¶B, as amended by PL 1981, c. 529, §5, is further amended to read:

B. Appointed to office pursuant to statute, ordinance or resolution for a specified term of office by the executive head or body of the public employer, except that appointees to county offices shall not be excluded under this ~~section~~ paragraph unless defined as a county officer under Title 30, section 1502; or

Sec. 118. 26 MRSA §1195, sub-§1, ¶G, first sentence, as last amended by PL 1979, c. 127, §163, is further amended to read:

"Rate of insured unemployment" for purposes of paragraphs H and I means the percentage derived by dividing the average weekly number of individuals filing claims

for regular benefits in this State for weeks of unemployment with respect to the most recent 13-consecutive-week period, as determined by the commissioner on the basis of his reports to the United States Secretary of Labor, by the average monthly employment covered under this chapter for the first 4 of the most recent 6 completed calendar quarters ending before the end of such 13-week period.

Sec. 119. 26 MRSA §1602, as amended by PL 1981, c. 168, §21 and c. 515, §1, is repealed and the following enacted in its place:

§1602. Displaced Homemaker Program

The Department of Labor shall establish a program to provide job counseling, job training, job placement and referral services to displaced homemakers in cooperation with existing Displaced Homemaker Programs.

Sec. 120. 26 MRSA §1603, sub-§1, as amended by PL 1981, c. 168, §22 and as repealed and replaced by PL 1981, c. 515, §2, is repealed and the following enacted in its place:

1. Powers. The Commissioner of Labor, in this chapter referred to as the commissioner, shall be responsible for the program administration of Displaced Homemaker Programs. The commissioner shall implement these programs by contracting with the existing Displaced Homemaker Program to develop programs in at least 2 unserved areas.

Sec. 121. 28 MRSA §2, sub-§11-A, ¶B, as enacted by PL 1979, c. 432, §1, is amended to read:

B. Has been in existence one year prior to first applying for a license under section 252 252-A; and

Sec. 122. 28 MRSA §52, first sentence, as repealed and replaced by PL 1975, c. 770, §129, is amended to read:

The State Liquor Commission, as heretofore established, shall consist of 3 members to be appointed by the Governor, subject to review by the Joint Standing Committee on ~~Liquor Control~~ Legal Affairs and to confirmation by the Legislature, to serve for 3 years and may be removed by the Governor on the address of both branches of the Legislature or by impeachment.

Sec. 123. 28 MRSA §103, first sentence, as last amended by PL 1975, c. 741, §7, is further amended to read:

Upon petition signed by 15% or more of the voting age residents in an unincorporated place requesting a vote on local option questions, the Secretary of State shall forthwith appoint a time and place, give public notice in the same manner as provided for notice in section 252 252-A and cause a vote on such questions to be taken in such unincorporated place under his supervision and subject to such rules and regulations as he shall promulgate.

Sec. 124. 28 MRSA §304, first sentence, as amended by PL 1977, c. 74, §1, is further amended to read:

Except as provided by section 601, no person shall be issued a license or a renewal of a license if he shall be indebted in any manner, directly or indirectly, to any other person for liquor or to the State of Maine for any tax, other than property tax, assessed and deemed final under Title 36 which the State Tax Assessor certifies, in accordance with Title 36, section 6 172, as remaining unpaid in an amount exceeding \$1,000 for a period greater than 60 days after the applicant or licensee has received notice of the finality of such tax.

Sec. 125. 28 MRSA §604, 4th ¶, as enacted by PL 1981, c. 581, §2, is amended to read:

Notwithstanding the importation restrictions of sections 1051 and 1052, the commission may issue certificates of approval authorizing the direct importation of malt liquors, table wines or ~~distilled~~ spirits from suppliers located in foreign countries or states into special warehouse storage facilities located within this State that are under the direct supervision and control of the certificate holder. The fee therefor shall be \$600 a year for malt liquor only, \$600 a year for table wine only and \$600 a year for ~~distilled~~ spirits only.

Sec. 126. 28 MRSA §604, 7th ¶, as enacted by PL 1981, c. 581, §2, is amended to read:

~~Distilled spirits~~ Spirits may be withdrawn from special warehouse storage facilities by the State Liquor Commission.

Sec. 127. 28 MRSA §604, 8th ¶, first sentence, as enacted by PL 1981, c. 581, §2, is amended to read:

Malt liquor, table wines or ~~distilled~~ spirits may be withdrawn from special warehouse storage facilities by authorized out-of-state purchasers and that certificate authorizes the direct transportation of these products to the state border for delivery to such out-of-state purchasers.

Sec. 128. 28 MRSA §801, first sentence, as repealed and replaced by PL 1979, c. 663, §165, is amended to read:

Licenses for the sale of spirituous and vinous liquor and malt liquor to be consumed on the premises where sold may be issued to clubs and to bona fide qualified catering services, hotels, restaurants, vessels, railroad dining cars, airlines, to incorporated civic organizations pursuant to section 801-B, civic auditoriums and performing arts centers on payment of the fees provided; subject to the provisions of section 252 252-A and to the condition that the initial application therefor be approved by the municipal officers of the town or city in which that intended licensee, if operating a qualified catering service, club, restaurant, hotel or civic auditorium is operating the same, and if that qualified catering service, hotel, restaurant or club is located in an unorganized place, that application shall be approved by the county commissioners of the county, within which that unorganized place is located, and subject to the further condition that licenses issued to restaurants, except Class A restaurants, shall be limited to malt liquor or wine, or both.

Sec. 129. 29 MRSA §242, sub-§1, ¶C, sub-¶(1) is repealed and the following enacted in its place:

(1) Operating under chapter 25, or under Title 35, chapter 91 or 97; or

Sec. 130. 29 MRSA §582, sub-§4, as enacted by PL 1981, c. 492, Pt. E, §18, is reallocated to 29 MRSA §582, sub-§5.

Sec. 131. 29 MRSA §1317, as repealed and replaced by PL 1977, c. 243, is amended to read:

§1317. Motor vehicles in racing events

Sections 1252, 1311 and 1314 shall not apply to the operation of vehicles participating in racing events and exhibitions at which the public does not have access to the operating area and shall not apply to the use of motor vehicles on private land to which the public does not have access when used by the landowner or used with authorization of the landowner.

Sec. 132. 29 MRSA §1553, last sentence is amended to read:

A rule, regulation or code, or any part thereof, which shall be inconsistent with rules and regulations adopted by either the Public Utilities Commission Bureau of State Police under chapter 25, Title 35, chapters 1 to 17 and chapters the

Department of Transportation under chapter 91 to or 97 or by the Interstate Commerce Commission under Part II of the Interstate Commerce Act of 1935 as amended Ex Parte No. MC--40, shall not apply to motor vehicles subject to regulation by the Public Utilities Commission Bureau of State Police, Department of Transportation or by the Interstate Commerce Commission, respectively.

Sec. 133. 29 MRSA §2241, sub-§1, ¶1, as enacted by PL 1977, c. 694, §522, is amended to read:

I. Has failed to appear in court on the day specified, either in person or by counsel, after being ordered to do so to answer any violation of chapter 25 or Title 35, chapters chapter 91 to or 97.

Sec. 134. 29 MRSA §2352, sub-§1, ¶¶B and C, as amended by PL 1981, c. 110, §§1 to 3 and as repealed and replaced by PL 1981, c. 492, Pt. E., §19, are repealed and the following enacted in their place:

B. §6:

(1) For filing an application for a first certificate of title including security interest;

(2) For filing notice of a security interest after the first certificate of title has been issued;

(3) For a certificate of title after a transfer; and

(4) For a certificate of salvage pursuant to section 2377;

C. §5:

(1) For a corrected certificate of title or certificate of salvage; and

(2) For duplicate certificate of title or certificate of salvage pursuant to section 2377; and

Sec. 135. 29 MRSA §2501, first sentence, as enacted by PL 1979, c. 464, §5, is amended to read:

Any law enforcement officer in uniform whose duty it is to enforce the motor vehicle laws may stop and examine any motor vehicle for the purpose of ascertaining whether its equipment complies with the requirements of section 2502 2503, and the officer may demand and inspect the operator's

license, certificate of registration and permits.

Sec. 136. 29 MRSA §2504, sub-§1, as enacted by PL 1979, c. 464, §5, is amended to read:

1. Nonfunctioning equipment. Any equipment as described in section ~~2503~~ 2502 that does not function, does not function sufficiently for the safety of the general public or is loose and not securely attached to the vehicle; and

Sec. 137. 29 MRSA §2507-A, sub-§§1 and 2, as enacted by PL 1979, c. 673, §14, are amended to read:

1. Motor vehicles required to meet standard. Except as provided in section 2507 regarding vehicles requiring body repair, no dealer or holder of a transporter registration certificate in new or used motor vehicles may permit any vehicle under his ownership or control to be sold or transferred to another person or legal entity for operation upon the highways unless the vehicle meets the inspection standards required by section ~~2502~~ 2503 and the rules and regulations promulgated thereunder.

2. Dealer liable. It is no defense to this section that the dealer or holder of a transporter registration certificate complied with section 2507 or did not know that the vehicle failed to meet the requirement of section ~~2502~~ 2503 and the rules and regulations promulgated thereunder.

Sec. 138. 30 MRSA §66, as enacted by PL 1981, c. 403, §1, is amended to read:

§66. County commissioners' authority

The county commissioners shall have final authority over the operation of all county offices by elected or appointed county officers, except in circumstances for which a County Personnel Board has been established under subchapter VII with the powers and duties set forth in that subchapter and in section 64-A.

Sec. 139. 30 MRSA §403-A, 2nd sentence, as enacted by PL 1981, c. 406, §2, is repealed and the following enacted in its place:

Unorganized territory and countywide funds may only be commingled for investment purposes.

Sec. 140. 30 MRSA §403-A, last sentence, as enacted by PL 1981, c. 406, §2, is repealed and the following enacted in its place:

No countywide funds, nor return on investments of countywide funds, may be used to fund expenditures for services that a county is providing to unorganized territories in lieu of municipal government.

Sec. 141. 30 MRSA §1901, first ¶, as amended by PL 1979, c. 127, §174, is repealed and the following enacted in its place:

The listed terms as used in chapters 201 to 213, 235 and 239, subchapters I-A to VI, chapters 241, 243 to 245 and Title 10, chapter 110, subchapter IV are defined as follows, unless a different meaning is plainly required by the context.

Sec. 142. 30 MRSA §1901, sub-§2, last sentence, as amended by PL 1969, c. 519, §1, is repealed and the following enacted in its place:

Any obligation or expenses incurred by the municipality in connection with any of the foregoing items of cost, including the payment in whole or in part of indebtedness incurred to pay such obligations or expenses and interest thereon, may be regarded as a part of such cost and reimbursed to the municipality out of the proceeds of revenue bonds issued under chapters 201 to 213, 223, 235, 239 to 241, 243 to 245 and Title 10, chapter 110, subchapter IV.

Sec. 143. 30 MRSA §2365, last sentence, as enacted by PL 1981, c. 269, is amended to read:

This shall include investigation of the applicants applicant's abilities, reputation for truthfulness and respect for the law.

Sec. 144. 30 MRSA §5062, first ¶, as reenacted by PL 1975, c. 770, §178, is amended to read:

The limitations on municipal debt in section 5061 shall not be construed as applying to any funds received in trust by any municipality, any loan which has been funded or refunded, notes issued in anticipation of federal or state aid or revenue sharing money, tax anticipation loans, notes maturing in the current municipal year, indebtedness of entities other than municipalities, indebtedness of any municipality to the Maine School Building Authority, debt issued under chapter 235 and ~~chapter 242~~ Title 10, chapter 110, subchapter IV, obligations payable from revenues of the current municipal year or from other revenues previously appropriated by or committed to the municipality, and the state reimbursable portion of school debt.

Sec. 145. 30 MRSA §5163, sub-§8, as amended by PL 1973, c. 97, §1, is further amended to read:

8. Municipal security. "Municipal security" means a bond or note or evidence of debt issued by a governmental unit and payable from taxes or from rates, charges or assessments, but shall not include any bond or note or evidence of debt issued under chapter 235 or ~~chapter 242~~ Title 10, chapter 110, subchapter IV.

Sec. 146. 30 MRSA §5325, sub-§1, as amended by PL 1981, c. 340, §§1 and 2 and as repealed by PL 1981, c. 476, §3, is repealed.

Sec. 147. 30 MRSA §5326, sub-§2, as amended by PL 1981, c. 320, §2 and c. 338, §1 and as repealed by PL 1981, c. 476, §3, is repealed.

Sec. 148. 30 MRSA §5326, sub-§2-D, as enacted by PL 1981, c. 340, §3, is repealed.

Sec. 149. 30 MRSA §5326, sub-§5, as amended by PL 1981, c. 340, §4 and as repealed by PL 1981, c. 476, §3, is repealed.

Sec. 150. 30 MRSA §5326, sub-§11, as enacted by PL 1981, c. 338, §2, is repealed.

Sec. 151. 30 MRSA §5328, sub-§4-E, as enacted by PL 1981, c. 340, §5, is repealed.

Sec. 152. 30 MRSA §5341, as amended by PL 1981, c. 470, Pt. A, §150 and as repealed by PL 1981, c. 476, §3, is repealed.

Sec. 153. 31 MRSA §6, as enacted by PL 1967, c. 157, is amended by adding at the end a new sentence to read:

A limited partnership may use the term "limited partnership" as part of its name.

Sec. 154. 32 MRSA §352, sub-§3, as amended by PL 1977, c. 604, §10 and as repealed and replaced by PL 1977, c. 694, §552, is repealed and the following enacted in its place:

3. Hearings. The board shall conduct the hearings and keep such records and minutes as are necessary to the ordinary dispatch of its functions. All hearings shall be conducted in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375.

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

The commissioner shall not have the authority to exercise or interfere with the exercise of discretionary, regulatory or licensing authority granted by statute to the board.

The board shall submit to the Commissioner of Business Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 155. 32 MRSA §582, last sentence, as amended by PL 1979, c. 127, §176, is repealed.

Sec. 156. 32 MRSA §802, last sentence, as repealed and replaced by PL 1975, c. 767, §25, is repealed.

Sec. 157. 32 MRSA §1104, 3rd ¶, first sentence, as amended by PL 1981, c. 432, §5 and c. 470, Pt. A, §151, is repealed and the following enacted in its place:

The decision of the Superior Court on an appeal as provided is final.

Sec. 158. 32 MRSA §1309, last sentence, as repealed and replaced by PL 1981, c. 2 and as amended by PL 1981, c. 456, Pt. A, §109, is repealed and the following enacted in its place:

Copies of the roster and of the supplementary roster shall be mailed to each person listed therein and furnished to the public upon request.

Sec. 159. 32 MRSA §1679, as amended by PL 1981, c. 5, §6 and c. 456, Pt. A, §112, is repealed and the following enacted in its place:

§1679. Rosters of land surveyors

Rosters, showing the names and places of business of all registered land surveyors, shall be prepared by the secretary of the board during the month of January of each even-numbered year. Copies of these rosters shall be mailed to each person so registered and furnished to the public upon request.

Sec. 160. 32 MRSA §4123, sub-§2, last sentence, as enacted by PL 1981, c. 75, is amended to read:

Failure to remedy within the additional 60-day period auto-

matically rescinds the conditional operating consent set forth in this Part subchapter and the applicant home service company shall cease doing business in this State until duly licensed.

Sec. 161. 32 MRSA §4125, sub-§4, first sentence, as enacted by PL 1981, c. 75, is amended to read:

The State is responsible for the safekeeping of all securities deposited with the Treasurer of State under this Part subchapter at the expense of the depositor.

Sec. 162. 32 MRSA §4127, first sentence, as enacted by PL 1981, c. 75, is amended to read:

Each license as a home service company issued under this Part subchapter expires 2 years from the date of issuance or expires upon termination of the surety bond required under section 4125 if not otherwise in compliance with that section.

Sec. 163. 32 MRSA §6057, as repealed by PL 1981, c. 126, §1 and as amended by PL 1981, c. 470, Pt. A, §155, is repealed.

Sec. 164. 32 MRSA §8113, first sentence, as enacted by PL 1981, c. 126, §2, is amended to read:

The commissioner may, after a hearing in conformance with the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, refuse to issue or renew a license.

Sec. 165. 33 MRSA §353-A, as enacted by PL 1981, c. 181, §3, is amended by adding after the 2nd paragraph a new paragraph to read:

All foreclosures commenced on or after October 1, 1975, of real estate mortgages executed on, or prior to, October 1, 1975, using the method of foreclosure set forth in Title 14, sections 6321 to 6324 for which the period of redemption allowed was not less than one year and that would be valid but for the date of execution of the mortgage are valid and effective according to their terms.

Sec. 166. 33 MRSA §601, last sentence, as repealed and replaced by PL 1975, c. 445, §1, is repealed.

Sec. 167. 33 MRSA §605, first sentence, as amended by PL 1981, c. 279, §20 and c. 394, §8, is repealed and the following enacted in its place:

Each register shall appoint a deputy register of deeds

subject to the requirements of Title 30, section 64-A; the deputy register shall be sworn.

Sec. 168. 33 MRSA §607 is repealed.

Sec. 169. 33 MRSA §608 is amended to read:

§608. Removal of register for misconduct or incapacity

When on presentment of the grand jury or information of the Attorney General to the Superior Court, any register of deeds, by default, confession, demurrer or verdict, after due notice, is found guilty of misconduct in his office or incapable of discharging its duties, the court shall enter judgment for his removal from office and issue a writ to the sheriff to take possession of all the books and papers belonging thereto and deliver them to the clerk of said court, that he may perform the duties of register as prescribed in sections 606 and 607 register of deeds.

Sec. 170. 34 MRSA §871, first ¶, 4th sentence, as enacted by PL 1981, c. 382, is amended to read:

All persons transferred to the Charleston Correctional Facility shall be detained and confined in accordance with the sentences of the court and the policies and procedures of the Department of Mental Health and Corrections.

Sec. 171. 35 MRSA §827, as repealed by PL 1981, c. 456, Pt. A, §119 and as amended by PL 1981, c. 469, §32, is repealed.

Sec. 172. 35 MRSA §1560, sub-§1, last 2 sentences, as enacted by PL 1981, c. 263, repealed by PL 1981, c. 469, §54 and as amended by PL 1981, c. 470, Pt. B, §12, are repealed.

Sec. 173. 35 MRSA §2323, sub-§3, as repealed and replaced by PL 1981, c. 450, §3, is amended by adding before the first sentence a new sentence to read:

"Small power producer" means a municipality, person or corporation owning or operating a power production facility with a power production capacity which, together with any other facilities located at the same site, does not exceed 80 megawatts of electricity and which depends upon renewable resources for its primary source of energy.

Sec. 174. 36 MRSA §111, first sentence, as enacted by PL 1979, c. 378, §2, is amended to read:

As used in this title Title, unless the context otherwise indicates, the following terms shall have the following

meanings.

Sec. 175. 36 MRSA §111, sub-§2, 3rd ¶, as enacted by PL 1979, c. 378, §2, is amended to read:

In the case of a joint income tax return, notice may be a single joint notice ~~except~~ except that, if the State Tax Assessor is notified by either spouse that separate residences have been established, he shall mail a joint notice to each spouse.

Sec. 176. 36 MRSA §191, sub-§2, ¶H, as amended by PL 1981, c. 364, §18 and c. 504, §1, is repealed and the following enacted in its place:

H. The disclosure by the State Tax Assessor of the fact that a person is or is not registered under this Title or disclosure of both the fact that a registration under this Title has been revoked and the reasons for revocation;

Sec. 177. 36 MRSA c. 102, first 4 lines, as enacted by PL 1973, c. 620, §10, are repealed and the following enacted in their place:

CHAPTER 102

PROPERTY TAX ADMINISTRATION

SUBCHAPTER I

BUREAU OF TAXATION

Sec. 178. 36 MRSA §381, first and 4th sentences, as repealed and replaced by PL 1975, c. 272, §35, are repealed and the following enacted in their place:

The term "state valuation" as used in reference to the unorganized territory in this Title, except in this chapter, means an annual valuation of all property subject to a Maine property tax but not taxable by a municipality.

In this chapter and outside of this Title, the term "state valuation" means the valuation filed with the Secretary of State pursuant to section 305, subsection 1.

Sec. 179. 36 MRSA §653, sub-§1, ¶F, sub-¶¶(1) and (2), as amended by PL 1981, c. 133, §3 and as repealed by PL 1981, c. 523, §1, are repealed.

Sec. 180. 36 MRSA §843, sub-§1, first sentence, as amended by PL 1981, c. 30, §3 and c. 364, §21, is repealed

and the following enacted in its place:

Where the municipality has adopted a board of assessment review, if the assessors or the municipal officers refuse to make the abatement asked for, the applicant may apply in writing to the board of assessment review within 60 days after notice of the decision from which the appeal is being taken or after the application is deemed to have been denied, and, if the board thinks he is over-assessed, he shall be granted such reasonable abatement as the board thinks proper.

Sec. 181. 36 MRSA §1109, sub-§1, last sentence, as amended by PL 1977, c. 509, §24, is repealed as follows:

The assessor shall file with the register of deeds in the appropriate county, on or before June 1st in each year, a list of all parcels of land classified under this subchapter.

Sec. 182. 36 MRSA §1282, 5th ¶, as amended by PL 1969, c. 2, §2, is further amended to read:

In the event that such tax, interest and costs, together with \$4 \$5 for recording the discharge, shall be paid within the period of redemption, the State Tax Assessor shall discharge ~~said that~~ mortgage in the same manner as is now provided for the discharge of real estate mortgages and shall record ~~such that~~ discharge in the appropriate registry of deeds.

Sec. 183. 36 MRSA §2961, first ¶ is amended to read:

The term "motor carrier" as used in this chapter means every person, firm or corporation which is engaged in intra-state or interstate commerce, or both, and which operates or causes to be operated on any way in this State any motor vehicle for the transportation of property or passengers for hire as a contract or common carrier for which a certificate or permit is required under Title 29, chapter 25 and Title 35, chapters 91 to or 97 for the operation of such motor vehicle.

Sec. 184. 36 MRSA §3035, 3rd ¶, as last amended by PL 1971, c. 529, §8, is further amended to read:

At the time of the filing of ~~said the~~ report each use fuel dealer shall pay to the State Tax Assessor a tax of 9¢ upon each gallon so reported as sold or used, and the State Tax Assessor shall pay over all receipts from such tax to the Treasurer of State daily.

Sec. 185. 36 MRSA §4509, as last amended by PL 1981, c. 364, §51 and as repealed and replaced by PL 1981, c. 470, Pt. A, §161, is repealed and the following enacted in its place:

§4509. Reports; payment of tax

Every dealer shall, on or before the 20th day of each month, report to the State Tax Assessor the quantity of milk received by him during the preceding calendar month. Upon application to the State Tax Assessor, dealers who sell less than 100 quarts of milk each day may be permitted by the State Tax Assessor to file reports quarterly upon the 20th day of the month following the quarter. Reports shall be on forms to be furnished by the State Tax Assessor and shall contain such further information as the State Tax Assessor may prescribe. On the filing of a report, each dealer shall pay to the State Tax Assessor a tax at the rate imposed by section 4505 upon all milk so reported.

Sec. 186. 36 MRSA §5205, as amended by PL 1977, c. 686, §13, is repealed.

Sec. 187. 36 MRSA §5210, as amended by PL 1979, c. 541, Pt. A, §236, is repealed and the following enacted in its place:

§5210. Definitions

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

1. Business income. "Business income" means income arising from transactions and activity in the regular course of the taxpayer's trade or business and includes income from tangible and intangible property if the acquisition, management and disposition of the property constitutes integral parts of the taxpayer's regular trade or business operations.

2. Commercial domicile. "Commercial domicile" means the principal place from which the trade or business of the taxpayer is directed or managed.

3. Compensation. "Compensation" means wages, salaries, commissions and any other form of remuneration paid to employees for personal services.

4. Nonbusiness income. "Nonbusiness income" means all income other than business income.

5. Sales. "Sales" means all gross receipts of the

taxpayer not allocated under section 5211, subsections 3 to 7.

6. State. "State" means any state of the United States, District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, and any foreign country or political subdivision thereof.

Sec. 188. 36 MRSA §5256, sub-§3, as enacted by P&SL 1969, c. 154, §F, is amended to read:

3. Termination of taxable year for jeopardy. Notwithstanding the provisions of subsections 1 and 2, if the assessor terminates the taxpayer's taxable year under section 5324 141, relating to tax in jeopardy, the tax shall be computed for the period determined by such action.

Sec. 189. 36 MRSA §6108, as repealed and replaced by PL 1981, c. 538, §1, is amended to read:

§6108. Income limitation

No claim otherwise allowable may be granted to claimants of single member households with household income in excess of \$5,600 in calendar year 1980 and \$6,200 in each succeeding succeeding year for which relief is requested; and no claim otherwise allowable may be granted to claimants of households of 2 or more members with income in excess of \$6,700 in calendar year 1980 and \$7,400 in each succeeding year for which relief is requested.

Sec. 190. 38 MRSA §482, sub-§5, ¶D, sub-¶(2), as enacted by PL 1981, c. 227, §2, is amended to read:

(2) Personal, nonprofit transactions, such as the transfer of lots by gift or device devise.

Sec. 191. 38 MRSA §1304, sub-§9, as enacted by PL 1981, c. 430, §11, is reallocated to 38 MRSA §1304, sub-§10.

Sec. 192. 39 MRSA §91, 4th ¶, first sentence, as amended by PL 1979, c. 548, §4, is further amended to read:

The chairman shall appoint, supervise and direct ~~an executive secretary~~ a director of administrative services, full-time or part-time reporters and such clerical assistance as may be necessary, subject to the Personnel Law.

Sec. 193. 39 MRSA §99, 2nd ¶, 3rd sentence, as enacted by PL 1977, c. 632, §2, is amended to read:

The running of the time for appeal, including certification

and presentation to the court Appellate Division under section ~~403~~ 103-B, is terminated by a timely motion made pursuant to this section, and the full time for this appeal commences to run and is to be computed from the filing of those findings, conclusions and revised decision.

Sec. 194. 39 MRSA §99, 2nd ¶, last sentence, as enacted by PL 1977, c. 632, §2, is amended to read:

The running of the time for appeal, including certification and presentation to the court division under section ~~403~~ 103-B, is terminated by a timely motion made pursuant to this section, and the full time for this appeal commences to run and is to be computed from the filing of those findings, conclusions and revised decision.

Sec. 195. 39 MRSA §99, 3rd ¶, last sentence, as enacted by PL 1981, c. 199, §5, is amended to read:

During the pendency of an appeal, these mistakes may be so corrected before the appeal is docketed in the Superior Court division or Supreme Judicial Court and thereafter while the appeal is pending may be so corrected with leave of the Superior Court division or Supreme Judicial Court.

Sec. 196. 39 MRSA §100, sub-§3, as enacted by PL 1981, c. 514, §4, is amended to read:

3. Petition procedure. Sections 96 96-A to 99 apply to petitions brought under this section.

Sec. 197. 39 MRSA §103-D, as enacted by PL 1981, c. 514, §6, is amended to read:

§103-D. Report to the Law Court

Decisions of the division commission may be reported directly to the Law Court pursuant to the Maine Rules of Civil Procedure, Rule 72.

Sec. 198. 39 MRSA §103-E, as enacted by PL 1981, c. 514, §6, is amended by adding at the end 4 new sentences to read:

Any party in interest may present copies, certified by the clerk of the commission or of the division, of any order or decision of the commission or of the division, or of any memorandum of agreement approved by the commission to the clerk of courts for the county in which the injury occurred; or if the injury occurred without the State, to the clerk of courts for the County of Kennebec. Whereupon any Justice of the Superior Court shall render a pro forma decision in

accordance therewith and cause all interested parties to be notified. The decision shall have the same effect and all proceedings in relation thereto shall thereafter be the same as though rendered in an action in which equitable relief is sought, duly heard and determined by the court. The decision shall be for enforcement of a commission decision, order or agreement; appeals from a commission decision, order or agreement shall be in accordance with section 103-B.

Sec. 199. 39 MRSA §104, as last amended by PL 1977, c. 709, §7, is repealed.

Sec. 200. 39 MRSA §104-A, sub-§1, first, 2nd and 3rd sentences, as repealed and replaced by PL 1977, c. 333, are amended to read:

Within 10 days after the receipt of notice of an approved agreement for payment of compensation or within 10 days after any order or decision of the commission awarding compensation. Payment shall not be suspended thereafter in the event of appeal to the Appellate Division as provided in section 103-B or, if the division finds that the employee is entitled to compensation, in the event of appeal to the Law Court from such order or a decision of the division as provided in section ~~103~~ section 103-C, except that the commission shall retain jurisdiction, pending the decision on appeal, to enter orders or decisions as provided in section 100. If the commission, after a review of incapacity under section 100, issues an order or decision denying compensation to an employee, compensation shall be suspended from the date of the commission's order or decision, notwithstanding any appeal of that order or decision to the law court as provided in section ~~103~~ division as provided in section 103-B, or any report or appeal to the Law Court as provided in sections 103-C and 103-D.

Sec. 201. 39 MRSA §104-A, sub-§1, 4th sentence, as enacted by PL 1981, c. 485, is amended to read:

The employer or insurer may recover from an employee payments made pending appeal to the Appellate Division or pending report or appeal to the Law Court if and to the extent that the Appellate Division or the Law Court has decided that the employee was not entitled to the compensation paid.

Sec. 202. PL 1981, c. 508, §§ 2 and 3 are amended to read:

Sec. 2. Expenditure Funds. The funds appropriated for personal services under this program in the biennium shall be expended for 2 professional positions and one clerical

position in fiscal year 1981-82 and for 3 professional positions and one clerical position in fiscal year 1982-83.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

<u>HUMAN SERVICES, DEPARTMENT OF</u>	<u>1981-82</u>	<u>1982-83</u>
Bureau of Health		
Positions	(3)	(3) (4)
Personal Services	\$45,187	\$ 72,142
All Other	21,375	28,500
Capital Expenditures	<u>3,970</u>	<u>-</u>
Total	\$70,532	\$100,642

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 16, 1982.

CHAPTER 699

S.P. 870 - L.D. 2019

AN ACT to Create the Maine Condominium Act.

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

33 MRSA c. 31 is enacted to read:

CHAPTER 31

MAINE CONDOMINIUM ACT

ARTICLE I

GENERAL PROVISIONS

§1601-101. Short title

This Act shall be known and may be cited as the Maine