

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND ELEVENTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 1982 to June 24, 1983
Chapters 453-End

AND AT THE
FIRST SPECIAL SESSION
September 6, 1983 to September 7, 1983
Chapters 583-588

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1983

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED
and
FIRST SPECIAL SESSION
of the
ONE HUNDRED AND ELEVENTH LEGISLATURE
1983

Speaker of the House of Representatives, together with any recommended legislation, no later than April 30, 1984.

Sec. 32. Appropriation. The following funds are appropriated from the General Fund to carry out the study provided in section 32.

1983-84

COMMISSION TO STUDY
WORKERS' COMPENSATION INSURANCE

Personal services	\$30,000
All Other	<u>70,000</u>
Total	\$100,000

Sec. 33. Data system funds. Notwithstanding any other provision of this Act, all moneys previously appropriated to the Workers' Compensation Commission for the study, acquisition and implementation of a data system shall be retained for that use by the commission. These funds shall not lapse to the General Fund.

Emergency clause. In view of the emergency cited in the preamble, sections 2, 4, 5, 8 to 13, 22, 24, 31 and 33 of this Act shall take effect when approved. Sections 1, 3, and 14 to 16 shall take effect on July 1, 1983. The remaining sections shall take effect on January 1, 1984.

Effective June 24, 1983, unless otherwise indicated.

CHAPTER 480

S.P. 622 - L.D. 1760

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:

PART A

Sec. 1. 1 MRSA §120, as enacted by PL 1983, c. 76, is reallocated to 1 MRSA §121.

Sec. 2. 5 MRSA §89, sub-§2, ¶E, as enacted by PL 1981, c. 506, §1, is amended to read:

E. Provide that any license or identification card issued to persons under 20 years of age shall be distinguished by a different color or other means to make such distinction easily observable.

Sec. 3. 5 MRSA §711, sub-§2, ¶A, as amended by PL 1981, c. 708, §§1 to 3, is further amended to read:

A. The following positions in the following departments are major policy-influencing positions. These positions and their successor positions shall be subject to this subsection, notwithstanding any other provision of law:

(1) Department of the Attorney General:

(a) Deputy Attorneys General; and

(b) Assistant Attorneys General;

(1-A) Department of Agriculture, Food and Rural Resources:

(a) Deputy Commissioners;

(b) Associate Commissioner for Policy Development;

(c) Director, Bureau of Agricultural Productions;

(d) Director, Bureau of Agricultural Marketing;

(e) Director, Bureau of Agricultural and Rural Resources; and

(f) Director, Bureau of Public Services; i

(2) Department of Business Regulation:

(a) Superintendent, Bureau of Banking;

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

(c) Superintendent, Bureau of Insurance; i

(3) Department of Conservation:

(a) Director, Administrative Services;

(b) Director, Planning and Program Services;

(c) Director, Bureau of Forestry;

(d) Director, Maine Geological Survey;

(e) Executive Director, Maine Land Use Regulation Commission;

(f) Director, Bureau of Parks and Recreation;

(g) Director, Bureau of Public Lands; and

(h) Forest Insect Manager, Bureau of Forestry; i

(4) Department of Educational and Cultural Services:

(a) Assistant to the Commissioner;

(b) Deputy Commissioner;

(c) Associate Commissioner, Bureau of School Management;

(d) Associate Commissioner, Bureau of Instruction; and

(e) Associate Commissioner, Bureau of

Vocational Education;_

(5) Department of Finance and Administration:

- (a) State Controller;
- (b) State Purchasing Agent;
- (c) State Tax Assessor;
- (d) Director, Bureau of Public Improvements;
- (e) Director, Bureau of Alcoholic Beverages; and
- (f) State Budget Officer;_

(6) Department of Human Services:

- (a) Deputy Commissioners;
- (b) Director, Bureau of Maine's Elderly;
- (c) Director, Bureau of Resource Development;
- (d) Director, Bureau of Health;
- (e) Director, Bureau of Rehabilitation;
- (f) Director, Bureau of Income Maintenance;
- (g) Director, State Health Planning and Development Agency; and
- (h) Director, Bureau of Medical Services;_

(7) Maine Human Rights Commission:

- (a) Executive Director; and
- (b) Chief Compliance Officer;_

(8) ~~Department of Indian Affairs;~~

- ~~(a) Deputy Commissioner;~~

(9) Department of Inland Fisheries and Wildlife:

- (a) Deputy Commissioner; i
- (10) Maine State Lottery Commission:
 - (a) Deputy Director; i
- (11) Department of Labor:
 - (a) Director, Manpower Training Division;
 - (b) Director, Bureau of Labor Standards; and
 - (c) Executive Director, Maine Labor Relations Board; i
- (12) Department of Marine Resources:
 - (a) Deputy Commissioner; i
- (13) Department of Mental Health and Corrections:
 - (a) Associate Commissioner;
 - (b) Director, Bureau of Mental Health;
 - (c) Superintendent, Augusta Mental Health Institute;
 - (d) Superintendent, Bangor Mental Health Institute;
 - (e) Director, Bureau of Mental Retardation;
 - (f) Superintendent, Pineland Center; and
 - (g) Director, Bureau of Corrections; i
- (14) Department of Defense and Veterans Services:
 - (a) Deputy Adjutant General;
 - (b) Director, Bureau of Civil Emergency Preparedness; and
 - (c) Director, Bureau of Veterans Services; i
- (15) Department of Public Safety:
 - (a) Chief, Bureau of State Police;

(b) Director, Bureau of Liquor Enforcement;

(c) Director, Office of State Fire Marshal; and

(d) Director, Maine Criminal Justice Academy;

(16) Department of Secretary of State:

(a) Deputy Secretaries of State; and

(b) State Archivist; and

(17) Department of Transportation:

(a) Deputy Commissioners; and

(b) Chief Counsel, Bureau of Legal Services.

Sec. 4. 5 MRSA §1092, sub-§15, as enacted by PL 1977, c. 580, §3, is amended to read:

15. Mandatory retirement age prohibited. Any ~~participating~~ participating local district shall be governed by section 1006, the provisions of which prohibit the use of a mandatory retirement age.

Sec. 5. 5 MRSA §1121, sub-§1, ¶A, as amended by PL 1981, c. 146, is repealed and the following enacted in its place:

A. Any member, who at the attainment of age 60 years is in service, may retire at any time then or thereafter on a service retirement allowance, provided that the member has been in service for a minimum of one year immediately prior to retirement or has at least 10 years of creditable service, upon written application to the board of trustees setting forth at what time he desires to be retired. Any member not in service may retire at the age of 60 years or thereafter on a service retirement allowance upon written application to the board of trustees setting forth at what time he desires to be retired, provided that he has at least 10 years of creditable service or 5 full terms as a Legislator, any part of which service must have been rendered when he was, or could have been under then existing law, a contributing member to any publicly supported contributory retirement system sponsored by the State and provided that, at the effective date of the retirement allowance, his contributions are on deposit in the Members' Contribution Fund.

Sec. 6. 5 MRSA §1121, sub-§4, ¶D, as amended by PL 1977, c. 580, §10, is further amended to read:

D. Any member who is a liquor inspector, including the chief inspector and who has completed at least 25 years of creditable service in his respective capacity, may retire at age 55 on a service retirement allowance, which shall be equal to 1/2 of his average final compensation and an additional 2% of his average final compensation for each year of membership service not included in the age and service conditions for retirement under this paragraph. Notwithstanding the foregoing, the service of a chief inspector who has attained the age of 65, and who desires to remain in service, may be continued for periods of one year, but not beyond the attainment of age 70, if approved by the Governor. Requests for extensions of service for state employees shall be filed with the appointing authority, who shall send it to the Commissioner of Personnel for review and comment, who shall then forward it to the Governor. In no instance shall the power to extend the service of the chief inspector be extended beyond the attained age of 70. Notwithstanding the provisions of this paragraph, any person employed as a liquor inspector on or before September 3, 1965 who has been employed continuously as such and who will not attain the 25 years of creditable service at age 65, shall be permitted to continue in his employment as a liquor inspector in order to obtain the 25 years of creditable service necessary, at which time such liquor inspector must be retired.

Sec. 7. 5 MRSA §1124, sub-§1, ¶B, as amended by PL 1981, c. 519, §1, is further amended to read:

B. In lieu of accepting the payment provided in paragraph A, the first of certain designated beneficiaries, if living at the death of the member or former member, may elect to substitute the benefits described below in this paragraph. Such The designated beneficiary shall be a spouse, child or children of the member or former member, mother or father, mother and father, or if no designation was made, the first of the following listed persons, if any, alive at the death of the member or former member, spouse, child or children, parents or parent of the deceased.

(1) Benefits shall be as follows:

(a) A spouse alive and who has not become the dependent of another person

at the time of the death of the member or former member, shall be paid \$150 a month, commencing the first month after ~~such~~ that death occurs, and continuing until the date of his death or until he becomes the dependent of another person, whichever happens first, ~~pre-~~
~~viding~~ provided that either the deceased member or former member had 10 years of creditable service at the time of his death or that the surviving spouse is certified by the medical board, after a medical examination, to be mentally or physically incapacitated and that ~~such~~ the incapacity is likely to be permanent. ~~Such~~ The spouse may qualify for this benefit in addition to any payments received as provided by division (b), but shall not receive this benefit simultaneously with that provided by division (b).

(b) A spouse, alive and who has not become the dependent of another person at the time of the death of the member or former member who has the care of unmarried children of the deceased member or former member under 18 years of age, or unmarried children of the deceased member under 22 years of age and a full-time student, or any other progeny of the deceased who is considered to be mentally incompetent under the general statutes pertaining thereto, or who is certified to be mentally incompetent by the medical board or who is certified by the medical board to be physically and permanently incapacitated, shall be paid \$150 a month, commencing the first month after ~~such~~ that death occurs and continuing during his lifetime for such time as ~~such~~ those children or progeny are in his care and he has not become the dependent of another person.

(c) The unmarried child or children under 18 years, or unmarried children of the deceased member or former member under 22 years of age and a full-time student, or any other progeny of the deceased who is adjudged mentally incompetent by a Probate Court in the State of ~~Maine~~ or who is certified by the medical board to be physically and permanently incapacitated at the time

of the death of the member or former member, shall receive benefits as follows:—

One child shall be paid \$150 per month.

Two children shall be paid \$225 per month, which shall be divided equally between them.

Three children or more shall be paid \$300 per month, which shall be divided equally among them.

The benefits shall commence the first month after the death of the member or former member and be payable to each child until he reaches his 18th birthday, or until he reaches his 22nd birthday if a full-time student, or ~~prior death until he dies~~, whichever occurs first. In the event of the marriage or death of any such child prior to his 18th birthday, or to his 22nd birthday if a full-time student, subsequent benefits to the other children, if any, shall be payable as if he had never lived. The board of trustees shall adopt such rules as are found necessary for a beneficiary to qualify as a full-time student.

(d) A spouse living at the time of death of the member or former member and who has not become the dependent of another person subsequent to the death of the member shall be paid \$150 a month, commencing the first month after the attainment of 60 years of age and continuing until the date of his death. ~~Such~~ The spouse may qualify for this benefit in addition to any payments received as provided by division (b) but shall not receive this benefit simultaneously with that provided by division (a) or division (b).

(e) A parent, if living at the time of the death of the member or former member, and at least 60 years of age or when that age is attained shall be paid \$150 per month. If both parents are eligible to benefits under this section, and the older parent elects benefits under this subsection, the younger parent shall receive \$105 per

month if at least 60 years of age or when that age is attained. Upon the death of either parent, the survivor shall receive \$150 per month.

~~Such~~ These payments to any parent shall commence the first month after the death of the member or former member occurs and continue until death. Benefits are only payable under this provision in the event no other benefits have been received in accordance with ~~divisions~~ division (a), (b), (c) or (d).

(f) Any recipient of benefits under this section who, on or after attaining age 60, becomes the dependent of another person, shall be entitled to continuation of benefits under this section until his death.

(3) If benefits are paid under this paragraph B, the amount of deceased member's accumulated contributions in the Members' Contribution Fund shall be transferred to the Survivors' Benefits Fund, and the amount of former member's accumulated contributions in the Retirement Allowance Fund shall be transferred to the Survivors' Benefits Fund.

(4) In the event that any person becomes entitled to the payment of benefits under this section and dies before either the refund check or the initial survivor benefit check shall be endorsed and presented to a holder in due course then it shall be considered as if ~~such~~ that person had predeceased the member or former member. Any beneficiary of this section shall have the right to change his choice of payment at any time up to the point of endorsement and presentation to a holder in due course of either the refund check or the initial survivor benefit payment.

Sec. 8. 12 MRSA §1201, 4th ¶, as amended by PL 1981, c. 435, §§1 and 2, is further amended to read:

Hancock County. Townships N.D.: 3 and Strip North; 4 and Strip North. Townships S.D.: 7, 8, 9, 10. Townships M.D.: 16, 22, 28, 32, 34, 35, 39, 40, 41. Islands: Beach, Bear, Bradbury's, Butter or Dirigo, Eagle, Hog, Little Spruce, Marshall's, Pickering's, Pond, Resolution, Spruce Head, Western. Municipality:

Sec. 9. 14 MRSA §4423, as enacted by PL 1981, c. 431, §2, is amended to read:

§4423. Exempt property acquired within 90 days

Notwithstanding section 4402 ~~4424~~, if within 90 days of the attachment, or, in a proceeding under the United States Code, Title 11, the date of the filing of the petition, the debtor transfers his nonexempt property and as a result acquires, improves, or increases in value property otherwise exempt under section 4422, his interest shall not be exempt to the extent that the acquisition, improvement or increase in value exceeds the reasonable needs of the debtor or his dependents.

Sec. 10. 14 MRSA §6024, as enacted by PL 1981, c. 400, is reallocated to 14 MRSA §6027.

Sec. 11. 15 MRSA §3309-A, first ¶, as enacted by PL 1981, c. 619, §4, is amended to read:

The court shall not order a juvenile to undergo a diagnostic evaluation, as defined in section 3303 ~~3003~~, subsection 4-A, except as follows:

Sec. 12. 17 MRSA §1093, as amended by PL 1975, c. 497, §3, is further amended to read:

§1093. Shooting of pigeons and other birds; wild game excepted

Whoever keeps or uses any live pigeon, fowl or other bird for a target or to be shot at, either for amusement or as a test of skill in marksmanship, and whoever shoots at any such bird or is present as a party, umpire or judge at such shooting, and whoever rents any building, shed, room, yard, field or premises, or knowingly suffers the use of the same for such purpose, shall be punished by a fine of not more than \$50 or by imprisonment for not more than 30 days. Nothing in this section prohibits the shooting of wild game in its wild state or the shooting of birds at field trials under the supervision of the Department of Inland Fisheries and Wildlife in accordance with Title 7, ~~section 3554~~ 12, chapter 707, subchapter IX.

Sec. 13. 17 MRSA §3204, 2nd ¶, as amended by PL 1981, c. 352, §5, is further amended to read:

This section shall not apply to: The operation or maintenance of common, contract and private carriers; taxicabs; airplanes; newspapers; radio and television stations; hotels, motels, rooming houses, tourist and trailer camps; restaurants; garages and motor vehicle

service stations; retail monument dealers; automatic laundries; machines that vend anything of value, including, but not limited to, a product, money or service; a satellite facility approved by the Superintendent of the Bureau of Banking under Title 9-B; or comparable facility approved by the appropriate federal authority; pharmacies; greenhouses; seasonal stands engaged in sale of farm produce, dairy products, sea food or Christmas trees; public utilities; industries normally kept in continuous operations, including, but not limited to, pulp and paper plants and textile plants; processing plants handling agricultural produce or products of the sea; ship chandleries; marinas; establishments primarily selling boats, boating equipment, sporting equipment, souvenirs and novelties; motion picture theatres; public dancing; sports and athletic events; bowling alleys; displaying or exploding fireworks, under Title 8, chapter 9; musical concerts; religious, educational, scientific or philosophical lectures; scenic, historic, recreational and amusement facilities; real estate brokers and real estate salesmen; mobile home brokers and mobile home salesmen; provided that this section shall not exempt the businesses or facilities specified in sections 3205, 3206 and 3207 from closing in any municipality until the requirements of those sections have been met; stores wherein no more than 5 persons, including the proprietor, are employed in the usual and regular conduct of business; stores which have no more than 5,000 square feet of interior customer selling space, excluding back room storage, office and processing space.

Sec. 14. 18-A MRSA §§2-402 and 2-405, as enacted by PL 1979, c. 540, §1, are amended to read:

§2-402. Exempt property

In addition to the homestead allowance, the surviving spouse of a decedent who was domiciled in this State is entitled from the estate to value not exceeding \$3,500 in excess of any security interests therein in property exempt under Title 14, section ~~4401~~ 4421 on the date of death of the decedent. If there is no surviving spouse, children of the decedent are entitled jointly to the same value. If encumbered chattels are selected and if the value in excess of security interests, plus that of other exempt property, is less than \$3,500, or if there is not \$3,500 worth of exempt property in the estate, the spouse or children are entitled to other assets of the estate, if any, to the extent necessary to make up the \$3,500 value. Rights to exempt property and assets needed to make up a deficiency of exempt property have priority over all claims against the

estate, except that the right to any assets to make up a deficiency of exempt property shall abate as necessary to permit prior payment of homestead allowance and family allowance. These rights are in addition to any benefit or share passing to the surviving spouse or children by the will of the decedent unless otherwise provided, by intestate succession, or by way of elective share.

§2-405. Estate property exempt

Notwithstanding any provisions to the contrary, any part of the decedent's estate which shall be exempt under Title 14, section 4401: 4421, on the date of decedent's death, shall not be liable for payment of debts of the decedent or claims against his estate; provided, ~~however,~~ that nothing in this section ~~shall~~ may be deemed to affect the provisions of sections 2-401 through 2-404.

Sec. 15. 19 MRSA §752, first ¶, as amended by PL 1981, c. 174, §2, is further amended to read:

The court making an order of nullity or of divorce may make an order concerning the care, custody and support of the minor children of the parties and may decree which parent shall have exclusive care and custody of any of the minor children, may apportion the care and custody of any of the minor children between the parents, may decree that the parents shall have joint custody of any of the minor children, or may grant the care and custody of those children to a 3rd person or to some suitable society or institution for the care and protection of children or to the Department of Human Services. The court shall not consider abandonment of the family residence as a factor in determining custodial rights when the abandoning party has been physically harmed or seriously threatened with physical harm by his spouse, when that harm or threat of harm by his spouse was causally related to the abandonment. An order for child support under this section may include an order for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the children or an order to provide a policy or contract for coverage of ~~such~~ those expenses. Availability of public welfare benefits to the family shall not affect the decision of the court as to the responsibility of a parent to provide child support. It may alter its order concerning the care, custody and support of the minor children from time to time as circumstances require, whether or not either parent be then living, upon motion of either party, such society or institution as aforesaid, the Department of Human Services, any 3rd person to whom care or custody has been granted, any blood relative or any person standing in loco parentis to ~~said~~ those minor children; change the

name of the wife, at her request; and in execution of the powers given it under this Title may employ any compulsory process which it deems proper, by execution, attachment or other effectual form, on which costs shall be taxed as in other actions. The court may enforce an order as provided under chapter ~~14~~ 14-A.

Sec. 16. 20-A MRSA §1205, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

3. Transfer of school accounts. Notwithstanding section ~~10004~~ 15004 or any charter of a community school district or coterminous district, the balance remaining in the school accounts of the municipalities, community school district or coterminous school districts within the school administrative district shall be paid to the treasurer of the district in equal monthly installments over the remainder of the fiscal year in which the district is formed.

Sec. 17. 20-A MRSA §1253, sub-§1, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

1. Initial meeting on district formation. On the election of the school directors, the clerk of each municipality within the school administrative district shall forward the names of the directors elected for that municipality to the state board with other data with regard to their election as the state board may require. On receipt of the names of all of the directors, the state board shall set a time, place and date for the first meeting of the directors and give notice to the directors in the manner set forth in section ~~1203~~ 1202, subsection 3, paragraph A.

Sec. 18. 20-A MRSA Pt. 4, sub-pt. 3, first 4 lines, as enacted by PL 1981, c. 693, §§5 and 8, are repealed and the following enacted in their place:

SUBPART 3

OTHER PROGRAMS

CHAPTER 315

ADULT EDUCATION

Sec. 18-A. Effective date. Sections 16 to 18 of this Part shall take effect on July 1, 1983.

Sec. 19. 21 MRSA §102-A, sub-§1, ¶A, as repealed and replaced by PL 1975, c. 761, §9, is amended to read:

A. First name, middle name or initial, and ~~sur-~~
~~name~~ last name, or first name or initial and mid-
dle name, and ~~sur~~name last name;

Sec. 20. 21 MRSA §171, sub-§1, as amended by PL 1973, c. 414, §5-A, is further amended to read:

1. List prepared. He shall prepare a printed or typewritten list, alphabetically by ~~sur~~name last name, of all the voters of the municipality. He shall add the street address of each voter beside his name and mailing address and proper zip code number. In a municipality which has voting districts, he shall make a separate list for each district.

Sec. 21. 21 MRSA §201, sub-§1, as amended by PL 1977, c. 564, §96-A, is further amended to read:

1. Content of general register. The general register must contain the following information concerning each person on the voting list on index cards filed alphabetically by ~~sur~~name last name:

A. First name, middle name or initial, and ~~sur-~~
~~name~~ last name or first name or initial, middle
name and ~~sur~~name last name;

B. Legal address, including street, street
number, apartment number, town, county and zip
code;

C. Mailing address;

D. Date of birth;

E. Sex;

F. Most recent prior residence where registered
to vote, to include name under which registered,
if changed, legal address and mailing address;

G. Whether a citizen by birth or naturalization:
If by naturalization, the date, place and court
of naturalization;

H. Remarks concerning registration or enroll-
ment; ~~and~~

I. Date of registration; and

J. Signature of registrant.

Sec. 22. 21 MRSA §701, sub-§2, ¶B, as amended by PL 1973, c. 414, §30, is further amended to read:

B. The ballot must contain the name, without any

title, and place of residence of each candidate arranged under the proper office designation alphabetically with the surname last name first. The name of each candidate may be printed on the ballot in only one space.

Sec. 23. 21 MRSA §701, sub-§2, ¶D, as amended by PL 1973, c. 414, §31, is further amended to read:

D. At the end of the list of candidates for nomination to each office, there must be left as many blank spaces as there are vacancies to be filled, in which a voter may write or paste the name, with the surname last name first or last, without any title, of any person for whom he desires to vote, in which event he shall write in or paste in the residence of the person whose name is written in, before his vote shall be counted.

Sec. 24. 21 MRSA §701, sub-§2, ¶H, as repealed and replaced by PL 1975, c. 761, §29, is amended to read:

H. The name of each nominee shall appear on the ballot as follows: Surname Last name first, in block capital letters, followed by the first name and middle name or initial; or surname last name first in block capital letters, followed by the first name or the first initial and the middle name.

Sec. 25. 21 MRSA §702, sub-§1, as repealed and replaced by PL 1973, c. 414, §32, is amended to read:

1. Arrangement. The ballot must contain the name, without any title, and municipality of residence of each nominee, arranged under the proper office designation alphabetically with the surname last name first.

A. The names of Presidential Electors must not appear on the ballot.

Sec. 26. 21 MRSA §702, sub-§2, ¶A, as repealed and replaced by PL 1973, c. 414, §33, is amended to read:

A. The names of all nominees for office shall as far as possible be placed in one vertical column. When the names to be printed on the ballot are over 25, another column or columns may be added in which the names of the additional nominees shall be printed. When 2 or more columns are used, the same number of names, so far as possible, shall be printed in each column. ~~However,~~

~~the~~ The names of candidates for any one office shall not be split into more than one column regardless of number. The initial letter of the ~~surname~~ last name of the several candidates in each column shall be printed directly beneath each other in a vertical line and the initial letter of the respective party designations of each nominee shall be printed directly beneath each other in a vertical line.

Sec. 27. 21 MRSA §702, sub-§2, ¶F, as amended by PL 1973, c. 414, §34, is further amended to read:

F. At the end of the list of nominees to each office, there must be left as many blank spaces as there are vacancies to be filled, in which a voter may write the name, with the ~~surname~~ last name first or last, without any title, of any person for whom he desires to vote, in which event he shall write in the residence of the person whose name is written in before his vote shall be counted.

Sec. 28. 21 MRSA §702, sub-§2, ¶I, as repealed and replaced by PL 1975, c. 761, §30, is amended to read:

I. The name of each nominee shall appear on the ballot as follows: ~~Surname~~ Last name first, in block capital letters, followed by the first name and middle name or initial; or ~~surname~~ last name first, in block capital letters, followed by the first name or first initial and the middle name.

Sec. 29. 21 MRSA §921, sub-§2, as amended PL 1973, c. 414, §39, is further amended to read:

2. Write-in vote. If he wishes to vote for a person whose name is not on the ballot, he shall write the name and municipality of residence or paste a sticker containing the name and municipality of residence in the blank space provided at the end of the list of candidates for nomination to the office in question, with the ~~surname~~ last name first or last. He shall then place the mark in the square at the left of it.

Sec. 30. 21 MRSA §922, sub-§2, as amended by PL 1973, c. 414, §40, is further amended to read:

2. Write-in vote. If he wishes to vote for a person whose name is not on the ballot, he shall write the name and municipality of residence in the blank space provided at the end of the list of nominees for the office in question, with the ~~surname~~

last name first or last. He shall then place the mark in the square at the left of it.

A. A sticker may not be used to vote for a write-in candidate.

Sec. 31. 22 MRSA §2802, as amended by PL 1981, c. 456, Pt. A, §70, is further amended to read:

§2802. Copy of record of marriages

Every person authorized to unite persons in marriage shall make and keep a record of every marriage solemnized by him in conformity with the forms and instructions prescribed by the State Registrar of Vital Statistics. That person shall return each original certificate or certificates to the clerk who issued the same within 7 working days following the date on which a marriage is solemnized by him. If the marriage was solemnized in a town other than the place or places where the parties to the marriage reside, that person shall return a copy of the certificate or of either certificate if 2 were issued, to the clerk of the town where the marriage was solemnized. Each certificate and copy so returned shall contain a statement giving the names of the parties united in marriage, place and date of the marriage, the signature of the person by whom the same was solemnized and the names of the 2 witnesses. The person who solemnized the marriage shall add the title of the office by virtue of which marriage was solemnized and the date ordained or authorized by a religious faith to perform marriages, the date a notary public's commission expires or the date a lawyer was admitted to the Maine Bar and his residence. All certificates or copies so returned shall be recorded by the clerk receiving them.

Sec. 32. 29 MRSA §1, sub-§7, as amended by PL 1969, c. 414, §2, is further amended to read:

7. Motor vehicle. "Motor vehicle" shall mean any self-propelled vehicle not operated exclusively on tracks, including motorcycles, but not including snowmobiles as defined in Title 12, section ~~1971~~ 7821.

Sec. 33. 29 MRSA §2241, sub-§1, ¶I, as repealed and replaced by PL 1981, c. 689, §2 and as amended by PL 1981, c. 698, §133, is repealed and the following enacted in its place:

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, chapter 91 or 97;

Sec. 34. 29 MRSA §2301, as amended by PL 1981,

c. 468, §20, is further amended to read:

§2301. Arrested persons given immediate trial;
exceptions; bail

Whoever is arrested for violation of any provisions of this Title, except those of sections 1312-A, 1312-B, 2181 and 2185, shall be given an immediate trial if he shall so demand of the officer making the arrest, but if for any reason it is impracticable to do so, the officer making the arrest shall immediately take the prisoner before some bail commissioner, who before admitting him to bail, shall require him to give his name, his place of residence, the number of his license to operate a motor vehicle and the registration number of the motor vehicle operated at the time of his arrest, and shall make a record thereof on the bail bond, and may take his personal recognizance for his appearance in court on a specified day, not less than 2 days thereafter if requested by the person arrested; or ~~such~~ the officer in like cases may accept the personal recognizance of ~~such~~ that person for his appearance. If an individual fails to appear in court on the day specified, the court may immediately suspend his license or suspend his right to operate motor vehicles in this State. If a person who is not an individual fails to appear, the court may suspend the registration of the motor vehicle involved in the offense or that person's right to operate that vehicle in the State. On receipt of a copy of a court order suspending a person's license, registration or right to operate in this State, the Secretary of State shall immediately notify that person of the suspension by regular mail or personal service. A court ordered suspension shall have the same force and effect as a suspension by the Secretary of State. A suspension shall remain in effect until the person appears, either in person or by counsel. On appearance and on the condition of payment of a ~~\$10~~ \$20 reinstatement fee to the Secretary of State, the court shall rescind the suspension and order the Secretary of State to delete any record of the suspension from that person's driving record.

Sec. 35. 29 MRSA §2301-A, last ¶, as amended by PL 1979, c. 620, §6, is further amended to read:

On receipt of a copy of a court order suspending a person's license or right to operate in this State, the Secretary of State shall immediately notify that person of the suspension by regular mail or personal service. A court ordered suspension shall have the same force and effect as a suspension by the Secretary of State. A suspension shall remain in effect until the person appears, either in person or by counsel, or pays the fine. On appearances or payment

of the fine, whichever was the basis for the suspension, and on the condition of payment of a ~~\$10~~ \$20 reinstatement fee to the Secretary of State, the court shall rescind the suspension and order the Secretary of State to delete any record of the suspension from that person's driving record.

Sec. 36. 29 MRSA §2713, sub-§1, as enacted by PL 1981, c. 469, §2, is amended to read:

1. Deposit of funds. All revenues derived from fees and fines, authorized by this chapter, and, for carriers of passengers, by Title 35, chapters 91 and 97, shall be deposited with the Treasurer of State in a separate account to be known as the Transportation Safety Fund.

Sec. 37. 30 MRSA §2225, sub-§4, as enacted by PL 1973, c. 64, is amended to read:

4. Postaudit report. It shall contain the statement that the complete postaudit report for the ~~latest~~ last municipal year is on file at the municipal office and the following excerpts from the report:

- A. Name and address of the auditor;
- B. Auditor's comments and suggestions for improving the financial administration;
- C. Comparative balance sheet; and
- D. Statement of departmental operations.

Sec. 38. 33 MRSA §1603-116, sub-§(b), as enacted by PL 1981, c. 699, is amended to read:

(b) A lien under this section is prior to all other liens and encumbrances on a unit except: (1) Liens and encumbrances recorded before the recordation of the declaration; (2) A first mortgage recorded before or after the date on which the assessment sought to be enforced becomes delinquent; and (3) Liens for real estate taxes and other governmental assessments or charges against the unit. This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association. The lien under this section is not subject to the provisions of Title 14, section 4561 and Title 18-A, ~~section 2-201 et seq.~~ Part 2, as they or their equivalents may be amended or modified from time to time.

Sec. 39. 36 MRSA §112, sub-§8, ¶C, as enacted by PL 1981, c. 364, §7, is amended to read:

C. Administration of the spruce budworm excise tax in accordance with Title 12, section ~~8406~~ 8427.

Sec. 40. 36 MRSA §505, sub-§4, as amended by PL 1979, c. 541, Pt. A, §218, is further amended to read:

4. When interest collected. The date or dates from and after which interest shall accrue, which shall also be the date or dates on which taxes shall become delinquent. The rate of interest shall be specified in the vote and shall apply to delinquent taxes committed during the taxable year until those taxes are paid in full. The rate of interest shall not exceed the highest conventional rate of interest charged for commercial unsecured loans by Maine banking institutions on the first business day of the calendar year the vote is taken. The highest conventional rate of interest charged for commercial unsecured loans by Maine banking institutions on the first business day of each calendar year shall be determined in his best judgment by the Treasurer of State, who shall send a written notice of such rate of interest on or before January 20th of each year to the chief municipal officer of each municipality. ~~Such~~ The interest shall be added to and become part of the taxes.

Sec. 41. 36 MRSA §1962, first ¶, as repealed and replaced by PL 1977, c. 165, §5, is amended to read:

The warrant shall have the force and effect of an execution issued upon a judgment in a civil action for taxes and may be directed to the sheriffs of the respective counties, their deputies or to any agent of the State Tax Assessor authorized ~~pursuant to section 1902~~ to collect any tax imposed under the sales and use tax law.

Sec. 42. 36 MRSA §3038, as amended by PL 1981, c. 689, §6, is further amended to read:

§3038. Failure to file statement; false statement

Any person who shall refuse or neglect to make any statement, report, payment or return required by this chapter, or who shall knowingly make, or shall aid or assist any other person in making a false statement in a return or report to the State Tax Assessor, or in connection with an application for refund of any tax, or who shall knowingly collect or attempt to collect, or cause to be paid to him or to any other person, either directly or indirectly, any refund of that tax without being entitled to the same, shall be is guilty of a Class E crime. Any

finances collected pursuant to this section are to be credited to the Highway Fund.

Sec. 43. 36 MRSA §3039, as amended by PL 1981, c. 689, §7, is further amended to read:

§3039. Additional violations

Any user, or any agent or employee of any user, who shall consume any fuel in a motor vehicle on a public highway or on a turnpike operated and maintained by the Maine Turnpike Authority, when that user is not the holder of an uncanceled license as required by this chapter, or when that user has failed to file any report or pay tax, penalty or interest as required by this chapter and chapter 7, commits a Class E crime. Each day or part thereof during which any person shall consume any fuel in a motor vehicle on a public highway or on a turnpike owned and maintained by the Maine Turnpike Authority, when that user is not the holder of an uncanceled license as required by this chapter, or when that user has failed to file any report or pay tax, interest or penalty as required by this chapter and chapter 7, shall constitute a separate violation within the meaning of this section. Any fines collected pursuant to this section are to be credited to the Highway Fund.

Sec. 44. 36 MRSA §3461, sub-§§2 and 3 are amended to read:

2. Life insurance. All proceeds of life insurance policies upon the life of a decedent payable to his estate or to his ~~executors or administrators~~ personal representative except, if testate, such part thereof as is bequeathed to a widow or widower, or issue, or, if intestate, such part thereof as descends under Title 18, section 853.

3. Proceeds of pension and profit sharing plans. All proceeds of a trust forming a part of a stock bonus, pension or profit sharing plan, or of a nontrusterd annuity plan purchased from an insurance company, which constitutes a "qualified plan" or "qualified trust" under the Internal Revenue Code, or which plan was in existence on or before January 1, 1963, which become payable by reason of the death of the decedent, except for such part thereof as is payable to the widow or widower or issue of the decedent, and except for such part thereof as is payable to his estate or to his ~~executor or administrator~~ personal representative to the extent such that part, if testate, is bequeathed to the widow, widower or issue, or, if intestate, descends to the widow, widower or issue. As used in this subsection, the term

"proceeds" shall not be deemed or construed to include or apply to the proceeds of any life insurance policy payable upon the death of the person insured thereunder.

Sec. 45. 36 MRSA §3467, sub-§5 is amended to read:

5. Compensation of personal representative. Reasonable compensation of ~~executors and administrators~~ personal representatives and their statutory agents qualifying as such in the Maine Probate Court and reasonable fees for Maine attorneys;

Sec. 46. 36 MRSA §3469, as amended by PL 1979, c. 540, §46, is further amended to read:

§3469. Bequests to personal representatives or trustees

Whenever a testator gives, bequeaths or devises to his ~~executors~~ personal representatives or trustees any property otherwise liable to the tax imposed by chapters 551 to 567, in lieu of their compensation, the value thereof in excess of reasonable compensation shall be subject to the tax imposed by chapters 551 to 567.

Sec. 47. 36 MRSA §3522, first ¶ is amended to read:

The State Tax Assessor shall collect all taxes, interest and penalties provided by chapters 551 to 567 and is given authority to institute proceedings of any nature necessary or desirable for that purpose, including such proceedings as may be necessary or desirable for the removal of ~~executors, administrators~~ personal representatives and trustees who have failed to pay the taxes due from estates in their hands.

Sec. 48. 36 MRSA §3523, as repealed and replaced by PL 1977, c. 694, §709-A, is amended to read:

§3523. Value of property determined; appeal

The value of the property upon which the tax is computed shall be determined by the State Tax Assessor and certified by him to the persons by whom the tax is payable. Any party interested in the succession or the ~~executor, administrator~~ personal representative or trustee may appeal from the decision of the State Tax Assessor in accordance with section 151.

Sec. 49. 36 MRSA §3524 is amended to read:

§3524. Amount of tax determined

The State Tax Assessor shall determine the amount of tax due and payable upon any estate or part thereof and shall certify the amount so due and payable to the persons by whom the tax is payable. ~~Such~~ The determination and certification may be made upon account of the tax payable upon the estate generally or upon account or in full for any part thereof or any interest therein. Payment of the amount so certified upon account shall be a discharge of the tax to the extent of ~~said~~ the certification and upon subsequent determination and certification of the full amount of the tax payable upon the estate generally or upon any interest therein or part thereof, payment of the full amount of ~~said~~ the tax shall, except as otherwise provided, be a discharge of the tax. In determining the amount of any tax payable under chapters 551 to 567, the State Tax Assessor shall not be required to consider any payments on account of debts, funeral expenses or expenses of administration which have not been allowed by the Probate Court having jurisdiction of ~~said~~ the estate. The amount paid on account of federal estate taxes shall be allowed as a deduction in resident estates. If after determination and certification of the full amount of the tax upon an estate or any interest therein or part thereof the estate shall receive or become entitled to property in addition to that shown in the inventory or disclosed to the State Tax Assessor, the ~~executor, administrator~~ personal representative, trustee or other fiduciary shall forthwith notify the State Tax Assessor who shall upon being thus or otherwise informed determine the amount of additional tax, if any, due and payable thereon and shall certify the ~~said~~ the amount to the person by whom ~~such~~ that tax is payable, which amount shall be due and payable 30 days from the date of the certification. A fiduciary shall be personally liable to pay only so much of ~~said~~ the additional tax as is computed on the additional property actually received by him and a beneficiary receiving any part of ~~such~~ that additional property shall be liable to pay so much of the tax thereon as is not chargeable as ~~aforsaid~~ to a fiduciary.

Sec. 50. 36 MRSa §3527 is amended to read:

§3527. Appointment of personal representative on probate delay

If, upon the decease of a person leaving an estate which may be liable to pay an inheritance tax, a will is not offered for probate or an application for administration is not made within 6 months after the date of death, or if the ~~executor or administra-~~

~~ter~~ personal representative does not qualify within ~~said~~ that period, the Probate Court, upon application by the State Tax Assessor, may appoint an ~~administra-~~ ter a personal representative. ~~Nothing shall prevent~~ Notwithstanding this section, the State Tax Assessor ~~from petitioning~~ may petition for appointment within 6 months after the date of death, if in the opinion of the State Tax Assessor ~~such~~ that action is necessary.

Sec. 51. 36 MRSA §3584, first ¶ is amended to read:

Except as otherwise provided, no account of an ~~executor,~~ administrator a personal representative or trustee showing any payment except debts, funeral expenses, expenses of administration and legacies or distributive shares wholly exempt from inheritance taxes ~~shall~~ may be allowed by the Probate Court, unless with the consent of the State Tax Assessor or unless ~~such~~ that account shows, and the judge of ~~said~~ that court finds, that all inheritance taxes already payable have been paid and that all taxes which may become due have been secured as provided. The certificate of the State Tax Assessor and his receipt for the amount of the tax therein certified shall be conclusive as to the payment of the tax, to the extent of ~~said~~ that certification.

Sec. 52. 36 MRSA §3635 is amended to read:

§3635. Settlement where computation impossible or persons unknown

In case it is impossible either to determine the persons entitled to an interest or to compute the present value of any interest, the State Tax Assessor may and to promote the early settlement of taxes shall endeavor to, with the approval of the Attorney General, effect such settlement of the tax as he shall deem reasonable in the best interests of the State, and payment of the sum so agreed upon shall be full satisfaction of ~~such~~ that tax. ~~Executors, admin-~~ istrators Personal representatives and trustees are authorized and empowered to compromise the amount of tax with the State Tax Assessor.

Sec. 53. 36 MRSA §3636 is amended to read:

§3636. Lack of settlement

In case it is impossible to compute the present value of any interest, and the tax thereon is not compromised as provided in section 3635, ~~said~~ the tax shall be assessed on the value of the property or interest therein coming to the beneficiary at the

time when he becomes entitled to the same in possession or enjoyment and ~~said the~~ tax shall be due and payable by the ~~executor, administrator~~ personal representative or trustee in office when the right of possession to ~~such that~~ interest accrues or, if there is no ~~such executor, administrator~~ personal representative or trustee, by the person so entitled thereto at the expiration of 6 months ~~from~~ from the date when the right of possession accrued to the person so entitled.

In every ~~such~~ case the ~~executor, administrator~~ personal representative, trustee or grantee or any person interested in the devise, bequest or grant shall give to the judge of the Probate Court having jurisdiction of the estate of the decedent a bond payable to him or his successor, sufficient to secure the payment of all taxes which may become due and interest thereon conditioned in substance that he will notify the State Tax Assessor when ~~said those~~ taxes become due and payable and will pay the same with interest to the State. Upon notification by the State Tax Assessor that a deposit has been made with the Treasurer of State in accordance with section 3682 the judge of probate may, if the deposit is sufficient, cancel or omit to require the bond which this section otherwise requires, or may reduce the amount thereof by the amount of ~~such that~~ deposit.

Sec. 54. 36 MRSA §3684 is amended to read:

§3684. Persons liable

~~Administrators, executors~~ Personal representa-
tives, trustees or grantees or donees under conveyances or gifts made during the life of the grantor or donor, and persons to whom beneficial interests shall accrue by survivorship shall be liable for the taxes imposed by chapters 551 to 567 with interest, as provided, until the same have been paid.

Sec. 55. 36 MRSA §3685 is amended to read:

§3685. Legacies chargeable to realty

If a legacy subject to ~~said~~ tax is charged upon or payable out of real estate, the heir or devisee, before paying ~~said the~~ legacy, shall deduct ~~said the~~ tax therefrom and pay it to the ~~executor, administrator~~ personal representative or trustee, and the tax on ~~said the~~ legacy shall remain a lien upon ~~said the~~ real estate until it is paid. Payment thereof from the heir or devisee may be enforced by the ~~executor, administrator~~ personal representative or trustee in the same manner as the payment of the legacy itself could be enforced.

Sec. 56. 36 MRSA §3742, as amended by PL 1981, c. 364, §43, is further amended to read:

§3742. Due date

Said ~~The~~ estate tax shall become payable at the expiration of 12 months from the date of death of the decedent, and ~~executors, administrators~~ personal representatives, trustees, grantees, donees, beneficiaries and surviving joint owners shall be and remain liable for the tax until it is paid. The State Tax Assessor may, for cause, extend the time of payment.

Sec. 57. 36 MRSA §3802 is amended to read:

§3802. Refunds

Whenever a devisee, legatee or heir refunds any portion of the property on which a tax has been paid by him or it is judicially determined that the whole or any part of ~~such~~ that tax ought not to have been paid, ~~said that~~ tax, or the due proportional part thereof, shall be refunded to him by the ~~executor, administrator~~ personal representative or trustee.

Sec. 58. 36 MRSA §3852, as amended by PL 1979, c. 127, §197, is further amended to read:

§3852. Registers of probate report to State Tax Assessor

The registers of probate in the several counties shall send to the State Tax Assessor, on forms to be prescribed and furnished by him, a record of every appointment of an ~~executor, administrator~~ a personal representative or trustee made in his court, immediately following any ~~such~~ appointment. For failure to make any ~~such~~ report any register of probate shall be liable for a forfeiture of not more than \$50.

Sec. 59. 36 MRSA §3914 is amended to read:

§3914. Arbitration agreement

When the State Tax Assessor claims that a decedent was domiciled in this State at the time of his death and the taxing authorities of another state or states make a like claim on behalf of their state or states, the State Tax Assessor may with the approval of the Attorney General make a written agreement with the other taxing authorities and with the ~~executor or administrator~~ personal representative to submit the controversy to the decision of a board consisting of one or any uneven number of arbitrators. The ~~executor or administrator~~ is authorized to personal repre-

sentative may make the agreement. The parties to the agreement shall select the arbitrator or arbitrators.

Sec. 60. 36 MRSa §3919 is amended to read:

§3919. Filing of determination of domicile and other documents

The State Tax Assessor, the board or the ~~executor or administrator~~ personal representative shall file the determination of the board as to domicile, the record of the board's proceedings and the agreement, or a duplicate, made pursuant to section 3914, with the authority having jurisdiction to assess the death taxes in the state determined to be the domicile and shall file copies of all such those documents with the authorities that would have been empowered to assess the death taxes in each of the other states involved.

Sec. 61. 36 MRSa §3922 is amended to read:

§3922. Compensation and expenses

The compensation and expenses of the members of the board and its employees may be agreed upon among such the members and the ~~executor or administrator~~ personal representative and if they cannot agree shall be fixed by the Probate Court of the state determined by the board to be the domicile of the decedent. The amounts so agreed upon or fixed shall be deemed an administration expense and shall be payable by the ~~executor or administrator~~ personal representative.

Sec. 62. 36 MRSa §3984 is amended to read:

§3984. Filing of compromise agreement; interest or penalty for nonpayment

When the State Tax Assessor claims that a decedent was domiciled in this State at the time of his death and the taxing authorities of another state or states make a like claim on behalf of their state or states, the State Tax Assessor may, with the approval of the Attorney General, make a written agreement of compromise with the other taxing authorities and the ~~executor or administrator~~ personal representative that a certain sum shall be accepted in full satisfaction of any and all death taxes imposed by this State, including any interest or penalties to the date of filing the agreement. The agreement shall fix the amount to be accepted by the other states in full satisfaction of death taxes. The ~~executor or administrator~~ is authorized to personal representa-

tive may make such that agreement. Either the State Tax Assessor or the ~~executor or administrator~~ personal representative shall file the agreement or a duplicate with the authority that would be empowered to assess death taxes for this State if there had been no agreement, and thereupon the tax shall be deemed conclusively fixed as therein provided. Unless the tax is paid within 30 days after filing the agreement, interest shall thereafter accrue upon the amount fixed in the agreement, but the time between the decedent's death and the filing shall not be included in computing the interest.

Sec. 63. 36 MRS §4042 is amended to read:

§4042. Proof of payment filed in Probate Court

At any time before the expiration of 15 months after the qualification in any Probate Court in this State of an ~~executor~~ a personal representative of the will of or ~~administrator~~ personal representative of the estate of a nonresident decedent, the ~~executor or administrator~~ personal representative shall file with the court proof that all death taxes, together with interest or penalties thereon, due to the state of domicile of such the decedent or to any political subdivision thereof, have been paid or secured or that no such taxes, interest or penalties are due, as the case may be.

Sec. 64. 36 MRS §4043 is amended to read:

§4043. Form of proof; failure to file

The proof required by section 4042 may be in the form of a certificate issued by the official charged with the administration of the death tax laws of the state of domicile. If such proof is not filed as therein provided, the register of probate shall forthwith notify by mail the official of the state of domicile so far as is known to him:

1. Name, date of death and domicile. The name, date of death and last domicile of the decedent;
2. Name and address of representative. The name and address of each ~~executor or administrator~~ personal representative;
3. Value of estate. An estimate of the value of all the property of the estate; and
4. Fact proof not filed. The fact that the ~~executor or administrator~~ personal representative has not filed the proof required in section 4042.

The register shall attach to ~~such that~~ notice a plain copy of the will and codicils of ~~such the~~ decedent, if he died testate, or if he died intestate, a list of his heirs and next of kin so far as is known to ~~such the~~ register. Within 60 days after the mailing of ~~such the~~ notice, the official of the state of domicile may file with the Probate Court in this State a petition for an accounting in ~~such the~~ estate. ~~Said The~~ official shall, for the purposes of this chapter, be a party interested for the purpose of petitioning for ~~such the~~ accounting. If a petition is filed within ~~said the~~ period of 60 days, the Probate Court shall decree an accounting, and upon ~~such that~~ accounting being filed and approved shall decree the remission to the fiduciary appointed by the Probate Court of the state of domicile of the balance of the intangible personalty after the payment of creditors and expenses of administration in this State.

Sec. 65. 36 MRSA §4044 is amended to read:

§4044. Violations

Unless either section 4042 or 4043 shall have been complied with, no ~~executor or administrator~~ shall personal representative may be entitled to a final accounting or discharge in any Probate Court in this State.

Sec. 66. 36 MRSA §5206-A, as enacted by PL 1981, c. 704, §8, is amended to read:

§5206-A. Depreciation option

For its taxable year ending in 1982, a corporation or association subject to tax under section 5206 may elect, in lieu of the accelerated cost recovery deduction provided by the United States Internal Revenue Code, Section 168, and the 18% add-back and 6% recovery of add-back provided by section 5206, subsection 1 ~~or~~ 2, to depreciate property placed in service during that taxable year in accordance with the United States Internal Revenue Code, Section 167, in effect on December 31, 1980, provided that this election is made with regard to all such property and that the State Tax Assessor may refuse to allow any such deduction if he deems the information provided in substantiation of that deduction to be unsatisfactory in relation to generally accepted accounting procedures.

Sec. 67. 36 MRSA §5202-B, as enacted by PL 1981, c. 704, §5, is amended to read:

§5202-B. Depreciation option

For its taxable year ending in 1982, a corporation may elect, in lieu of the accelerated cost recovery deduction provided by the United States Internal Revenue Code, Section 168, and the state modifications provided by section 5200-A, subsection 1, paragraph D or E, and subsection 2, paragraph D, to depreciate property placed in service during that taxable year in accordance with the United States Revenue Code, Section 167, in effect on December 31, 1980, provided that this election is made with regard to all such property and that the State Tax Assessor may refuse to allow any such deduction if he deems the information provided in substantiation of that deduction to be unsatisfactory in relation to generally accepted accounting procedures.

Sec. 68. 36 MRSA §5331, as repealed and replaced by PL 1977, c. 696, §295, is amended to read:

§5331. Failure to collect or pay over

Any person required under this Part to collect, truthfully account for and pay over any tax imposed by this Part, who intentionally fails to collect or truthfully account for any and pay over that tax ~~shall~~ is, in addition to other penalties provided by law, be guilty of a Class C crime.

Sec. 69. 38 MRSA §1252, sub-§5, as enacted by PL 1981, c. 466, §13, is amended to read:

5. Trustees' compensation. The trustees shall receive compensation as recommended by them and approved by majority vote of the municipal officer in municipalities representing a majority of the population within the district, including compensation for any duties they perform as officers as well as for their duties as trustees. Certification thereof shall be recorded with the Secretary of State and recorded in the bylaws. Their compensation for duties as trustees shall be on the basis of such specified amount as may be specified in the bylaws, for each meeting actually attended and reimbursement for travel and expenses, with the total not to exceed such specific amount as may be specified in the bylaws. Compensation schedules in effect on January 1, 1982, shall continue in effect until changed.

PART B

Sec. 1. 5 MRSA §1751, as enacted by PL 1983, c. 187, is amended to read:

§1751. Employment of a clerk-of-the-works

A clerk-of-the-works shall be employed to assist in the inspection of the construction of a public improvement when directed by the director. The clerk shall report directly to the professional architect-engineer of record for the project. The budget for the public improvement shall include funding for the clerk. The clerk shall be hired through an open advertising and interview process by the architect-engineer. The clerk candidate recommended by the architect-engineer shall be approved subject to approval by both the owner and director before being hired. The clerk shall possess qualifications of education and experience in construction technology and administration compatible with the needs of the public improvement. The director may promulgate rules relative to this section.

Sec. 2. Effective date. Section 1 of this Part shall take effect 90 days after adjournment of the Legislature.

Sec. 3. 5 MRSA §3516, as enacted by PL 1983, c. 176, §3, is amended to read:

§3516. Rules

With ~~input~~ and advice from the Community Services Advisory Board, the division shall promulgate rules to carry out all the programs it administers.

Sec. 4. 5 MRSA §3518, sub-§1, as enacted by PL 1983, c. 176, §3, is amended to read:

1. Federal funds. Through plans and contracts developed with ~~input~~ and advice from the board, the division shall obtain, distribute and administer federal community services' funds, including block grants, energy assistance, weatherization and other federal funds as may become available.

Sec. 5. 5 MRSA §3520, sub-§2, ¶A, as enacted by PL 1983, c. 176, §3, is amended to read:

A. Overall ~~director~~ direction, oversight and policies of the agency;

Sec. 6. 5 MRSA §3522, sub-§2, ¶B, as enacted by PL 1983, c. 176, §3, is amended to read:

B. The balance of these funds shall be distributed according to rules as promulgated by the division with ~~input~~ and advice from the board.

Sec. 7. 5 MRSA §3522, sub-§3, as enacted by PL 1983, c. 176, §3, is amended to read:

3. Block grant proposals. Proposals for community services block grant funds submitted to the Legislature by the division in accordance with Title 57, section 1670, shall be developed with input and advice from the board and shall:

A. Include a description of current usages of community services block grant funds and how the plan proposes to change that distribution;

B. Retain the absolute minimum necessary for state administrative costs; and

C. Provide for maximum flexibility within community action agencies for the usage of community services block grant funds.

Sec. 8. Effective date. Sections 3 to 7 of this Part shall be effective July 1, 1983.

Sec. 9. 9-B MRSA §316, sub-§2, ¶A, as repealed and replaced by PL 1983, c. 63, §1, is repealed and the following enacted in its place:

A. All corporate powers shall be exercised by the board.

Sec. 10. Effective date. Section 9 of this Part shall take effect 90 days after the adjournment of the Legislature.

Sec. 11. 9-B MRSA §316, sub-§2, ¶B, as amended by PL 1979, c. 663, §36, is repealed and the following enacted in its place:

B. The directors shall hold at least 6 monthly meetings each year, once at least quarterly, at a time fixed in the bylaws. In any month in which the directors do not meet, the executive committee shall meet and a record of the meeting of the executive committee shall be ratified at the next board meeting.

Sec. 12. 9-B MRSA §554, sub-§1, ¶A, as enacted by PL 1975, c. 500, §1, is amended to read:

A. The debentures and certificates of deposit of any financial institution authorized to do business within this State, incorporated under the laws of this State or the United States and of any financial institution holding company; provided that such holding company is registered under the Bank Holding Company Act of 1956, as amended, or section 408 of the National Housing Act, as amended. Stock in a financial institution described in this subsection shall only be owned

or acquired pursuant to section ~~463~~ 417 or chapters 35 and 101.

Sec. 13. Effective date. Section 12 of this Part shall take effect 90 days after adjournment of the Legislature.

Sec. 14. 10 MRSA §1070, as enacted by PL 1981, c. 476, §2, is amended to read:

§1070. Leasehold or other interests of lessee taxable

The interest of the lessee of any project is subject to taxation in the manner provided for fee interests in real estate and personal property in Title 36, sections ~~563~~ 551 and 602, subject to the provisions of Title 36, sections 655 and 656.

Sec. 15. 15 MRSA §3308, sub-§4, as enacted by PL 1977, c. 520, §1, is amended to read:

4. Other persons. With the consent of the court, records of court proceedings excluding the names of the juvenile, his parents, guardian, legal custodian, his attorney or any other parties may be inspected by persons having a legitimate interest in the proceedings or by persons conducting pertinent research studies.

Sec. 16. 15 MRSA §3311, sub-§3, as enacted by PL 1977, c. 520, §1, is amended to read:

3. Requirement for dispositional hearing. Unless waived by the court, the Department of ~~Mental Health and Corrections~~ shall make a social study and prepare a written report on every juvenile adjudicated as having committed a juvenile crime and shall present that report to the juvenile court prior to that juvenile's dispositional hearing. The person who prepared the report may be ordered to appear, as provided in subsection 1.

Sec. 17. 15 MRSA §3314, sub-§1, ¶C, as amended by PL 1981, c. 379, §1, is further amended to read:

C. The court may commit a juvenile to the Department of ~~Mental Health and Corrections~~ for placement in a group home or residential facility or to the Department of Human Services for placement in a foster home, group care home or residential facility, or to either department for the provision of services to a juvenile in his own home or for any other placement the department

deems appropriate.

Sec. 18. 15 MRSA §3314, sub-§1, ¶D, as amended by PL 1981, c. 379, §2, is further amended to read:

D. The court may commit a person over the age of 18 years to the Department of Mental Health and Corrections if he is adjudicated as having committed a juvenile crime prior to attaining 18 years of age or upon revocation of probation for placement in a group home or residential facility, or for the provision of services to that person in his own home.

Sec. 19. 15 MRSA §3314, sub-§1, ¶H, as amended by PL 1979, c. 681, §31, is further amended to read:

H. The court may commit the juvenile to the Maine Youth Center and order that the sentence be suspended except for a period of detention which shall not exceed 30 days, which may be served intermittently as the court may order and which shall be ordered served in a county jail designated by the Department of Mental Health and Corrections as a place for the secure detention of juveniles, or in a nonsecure group care home or halfway house. The court may order such a sentence to be served as a part of and with a period of probation, which shall be subject to such provisions of Title 17-A, section 1204 as the court may order and which shall be administered pursuant to Title 34, chapter 121, subchapter V-A. Revocation of probation shall be governed by the procedure contained in subsection 2.

Sec. 20. 15 MRSA §3315, sub-§1, as amended by PL 1977, c. 664, §40, is further amended to read:

1. Right to review. Every disposition pursuant to section 3314, other than unconditional discharge, and every disposition made pursuant to the law in effect prior to July 1, 1978 shall be reviewed not less than once in every 12 months until the juvenile is discharged. The review shall be made by a representative of the Department of Mental Health and Corrections unless the juvenile was committed to the Department of Human Services, in which case such review shall be made by a representative of the Department of Human Services. A report of the review shall be made in writing to the juvenile's parents, guardian or legal custodian. A copy of the report shall be forwarded to the program or programs which were reviewed, and the department whose personnel made the review shall retain a copy of the report in their files. The written report shall be prepared in accordance with subsection 2.

Sec. 21. 15 MRSA §3316, as amended by PL 1979, c. 512, §7, is further amended to read:

§3316. Commitment to the Department of Corrections or the Department of Human Services

1. Sharing of information about a committed juvenile.

A. When a juvenile is committed to the Department of ~~Mental Health and~~ Corrections or the Department of Human Services, the court shall transmit, with the commitment order, a copy of the petition, the order of adjudication, copies of the social study, any clinical or educational reports and other information pertinent to the care and treatment of the juvenile;

B. The Department of ~~Mental Health and~~ Corrections or the Department of Human Services shall provide the court with any information concerning a juvenile committed to its care which the court at any time may require.

2. Indeterminate sentence.

A. A commitment of a juvenile to the Department of ~~Mental Health and~~ Corrections, including a commitment to the Maine Youth Center, pursuant to section 3314, shall be for an ~~in determinate~~ indeterminate period not to extend beyond the juvenile's 18th birthday unless the court expressly further limits or extends the indeterminate commitment, provided that the court shall not limit the commitment to less than one year nor extend the commitment beyond a juvenile's 21st birthday. Nothing in this Part ~~shall~~ may be construed to prohibit the provision to a juvenile following the expiration of his term of commitment of services voluntarily accepted by the juvenile and his parents, guardian or legal custodian if the juvenile is not emancipated; except that these services shall not be extended beyond the juvenile's 21st birthday.

B. A commitment of a juvenile to the Department of Human Services pursuant to section 3314 shall be for an indeterminate period not to extend beyond the juvenile's 18th birthday unless the court expressly further limits the commitment.

3. Provision of services. Nothing in this chapter ~~shall~~ may prevent juveniles in the custody of the Department of ~~Mental Health and~~ Corrections from receiving services from the Department of Human Services.

Sec. 22. 15 MRSA §3317, as amended by PL 1981, c. 379, §3, is further amended to read:

§3317. Disposition after return to juvenile court

In instances of commitment of a juvenile to the Department of Mental Health and Corrections, the Department of Human Services or the Maine Youth Center, the commissioner of either department or the superintendent of the youth center following the commitment may for good cause petition the juvenile court having original jurisdiction in the case for a judicial review of the disposition, including extension of the period of commitment. In all cases in which a juvenile is returned to a juvenile court, the juvenile court may make any of the dispositions otherwise provided in section 3314.

Sec. 23. 17-A MRSA §203, sub-§2, as repealed and replaced by PL 1977, c. 510, §40, is repealed.

Sec. 24. 17-A MRSA §1151, sub-§8, as amended by PL 1983, c. 152, is repealed and the following enacted in its place:

8. To permit sentences which do not diminish the gravity of offenses, with reference to the factor, among others, of the age of the victim.

Sec. 25. Effective date. Section 24 of this Part shall take effect 90 days after adjournment of the Legislature.

Sec. 26. 19 MRSA §516, as enacted by PL 1975, c. 532, §3, is amended to read:

§516. Judicial review

Any person who is aggrieved by any final action of the commissioner under this subchapter may file an action under Rule 80B 80C of the Maine Rules of Civil Procedure seeking review of that action. Administrative remedies shall be exhausted prior to such review.

Sec. 27. 22 MRSA §4036, sub-§1, ¶E, as enacted by PL 1979, c. 733, §18, is amended to read:

E. Emancipation of the child, if the requirements of Title 15, section 3506 3506-A are met;

Sec. 28. 26 MRSA §2002, sub-§1, ¶A, as enacted by PL 1983, c. 258, §1, is amended to read:

A. The fund shall consist of all moneys received

from the United States pursuant to the Federal Job Training Partnership Act, except for allotments provided for state public employment services programs under the United States Code, Title 29, Section 49e, and any moneys appropriated by this State.

Sec. 29. 29 MRSA §1652, sub-§2, ¶B, as amended by PL 1983, c. 94, Pt. B, §13 and PL 1983, c. 264, is repealed and the following enacted in its place:

B. No vehicle may be operated, or cause to be operated, with a gross weight exceeding 22,400 pounds on a single axle unit, 38,000 pounds on a tandem axle unit or 48,000 pounds on a tri-axle unit, specifically excepting the Interstate Highway System as defined in the Federal Aid Highway Act of 1956, where the gross weight on a single axle unit shall not exceed 22,000 pounds when the gross weight of the vehicle is 73,280 pounds or less nor 20,000 pounds when the gross weight of the vehicle is in excess of 73,280 pounds, the gross weight on a tandem axle unit shall not exceed 34,000 pounds and the gross weight on a tri-axle unit shall not exceed the gross weight as determined by the formula set out in subsection 1, paragraph A; and provided that:

(1) Nothing contained in section 1655 may permit an axle or tandem axle weight on the Interstate Highway System as defined in the Federal Aid Highway Act of 1956 in excess of the limits established for the system in this section;

(2) No single axle of a tandem axle unit may support more than 60% of the total weight supported by that tandem axle unit. It shall not be deemed a violation of this subparagraph if neither axle of a tandem axle unit exceeds the weight legally allowed on a single axle unit of that vehicle;

(3) No single axle of a tri-axle unit may support more than 40% of the total weight supported by that tri-axle unit; and

(4) The gross weight of a vehicle shall not be increased by the addition of a trailing axle, so called, unless that axle supports at least 50% of the added weight permitted by the addition of that trailing axle.

Sec. 30. 33 MRSA §1209, last ¶, as repealed and replaced by PL 1975, c. 509, §8, is amended to read:

Appeals from the final determination of the director under this section shall be taken in accordance with Rule 80B 80C of the Maine Rules of Civil Procedure.

Sec. 31. 34 MRSA §41, as amended by PL 1977, c. 564, §127, is further amended to read:

§41. Membership; rights and recommendations

A board of 5 visitors, as ~~heretofore~~ established, shall be appointed by the Governor, in connection with each state institution under the department and the Governor Baxter School for the Deaf within the Department of Educational and Cultural Services. These visitors shall be appointed for a term of one year and shall be eligible for reappointment. No member of the Legislature shall ~~may~~ serve on any Board of Visitors. The members of the Boards of Visitors shall receive no compensation. Each Board of Visitors shall have the right to inspect the institution to which it is assigned and to make recommendations relative to the management of ~~said~~ the institution to the commissioner. Copies of all recommendations shall be sent to the members of the joint standing committee of the Legislature having jurisdiction over health and institutional services Committee of the Legislature and each Board of Visitors shall appear before the joint standing committee of the Legislature having jurisdiction over health and institutional services upon request. This section shall not apply to the Military and Naval Children's Home.

Sec. 32. PL 1983, c. 94, Pt. B, §21 is amended to read:

Sec. 21. Report required. The Commissioner of Transportation shall report to the ~~First~~ Second Regular Session of the ~~112th~~ 111th Legislature such activities and progress as may have occurred in the formation of registration, operating authority and fuel use compacts with other states and provinces.

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

Effective June 24, 1983.
