

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

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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

CHAPTER 583

S.P. 638 - L.D. 1802

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Sec. 1. 4 MRSA §152, sub-§4, as repealed and replaced by PL 1983, c. 447, §1, is amended to read:

4. Exclusive jurisdiction. Original jurisdiction, not concurrent with that of the Superior Court, of mental health commitment hearings under Title 34, chapter 229 191, mental retardation certification hearings under Title 34, chapter 229 and small claims actions under Title 14, chapter 738; and

Sec. 2. 5 MRSA §1124, sub-§1, ¶B, as repealed and replaced by PL 1983, c. 146, §2, and as amended by PL 1983, c. 480, Pt. A, §7, is repealed and the following enacted in its place:

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 in subparagraph (1). The des-

ignated 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. Benefits shall be as follows.

(a) A spouse, alive at the time of the death of the member or former member, shall be paid \$150 a month, commencing the first month after that death occurs, and continuing until the date of his death, providing 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 to be permanently mentally incompetent or permanently physically incapacitated and determined by the executive director to be unable to engage in any substantially gainful employment. This spouse shall not receive this benefit simultaneously with that provided by division (b).

(b) A spouse, alive at the time of the death of the member or former member who has the care of the child or children, as defined by section 1001, subsection 6, of the deceased member or former member, shall be paid \$150 a month, commencing the first month after the death occurs and continuing during his lifetime for such time as these children are in his care.

(c) The child or children, as defined by section 1001, subsection 6, of the deceased 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, in accordance with Title 18-A, Article V, so long as he meets the definition of "child" as set forth in section 1001, subsection 6. When any child becomes ineligible to receive benefits under this subparagraph, the other children, if any, shall continue to receive benefits in accordance with the foregoing schedule.

(d) A spouse, living at the time of death of the member or former 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. This spouse shall not receive this benefit simultaneously with that provided by division (a) or (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.

The 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 division (a), (b), (c) or (d).

(2) Transfer of accumulated contributions. If benefits are paid under 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.

(3) Death of beneficiary before payment. 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 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. 3. 5 MRSA §1671, as enacted by PL 1983, c. 477, Pt. E, Sub-pt. 19, is reallocated to be Title 5, §1672.

Sec. 4. 7 MRSA §1029, as enacted by PL 1983, c. 582, §3, is amended to read:

§1029. Purpose

The maintenance of an orderly system for marketing potatoes is essential to the survival of the potato industry. The purpose of this Article is to require the licensing of first handlers who pack truckload quantities of potatoes in order to facilitate improvements in the current market structure. The Legislature finds that the improvement of the Maine potato industry is of substantial and unique significance to the economy and ~~well being~~ well-being of the people of northern Maine and the State as a whole.

Sec. 5. 7 MRSA §1029-C, sub-§1, as enacted by PL 1983, c. 582, §3, is amended to read:

1. Prohibition. Notwithstanding any other licensing requirements, no person may pack, or cause to be packed, potatoes in truckload quantities in this State unless duly licensed as a first handler, as provided in this Article. Every person before acting as a packer shall file an application with the commissioner for a license to be accompanied by the license fee provided in this Article.

Sec. 6. 13-B MRSA §301, sub-§1, ¶B, as amended by PL 1983, c. 50, §2 and as amended by PL 1983, c. 86, §3, is repealed and the following enacted in its place:

B. Shall not be the same as, or deceptively similar to, the name of any domestic business or

nonprofit corporation existing under the laws of this State or any foreign corporation authorized to transact business or nonprofit corporation authorized to carry on activities in this State, or a name the exclusive right to which is, at the time, reserved in the manner provided in this Act, or in Title 13-A, section 302, or the name of a business or nonprofit corporation which has in effect a registration of its corporate name, or the assumed name of a business corporation as provided for in Title 13-A, section 307, or of a nonprofit corporation as provided in section 308, unless the other corporation executes and files with the Secretary of State proof of a resolution of its board of directors authorizing the use of a similar name by the corporation seeking to use that similar name; and

Sec. 7. 14 MRSA §1602, sub-§1, as repealed and replaced by PL 1983, c. 427, §1, is amended to read:

1. Prejudgment interest; rate; avoidance. In all civil actions, except those actions involving a contract or note which contains a provision relating to interest, prejudgment interest shall be assessed at the rate of 8% per year.

Prejudgment interest shall accrue from the time of notice of claim setting forth under oath the cause of action, served personally or by registered or certified mail upon the defendant until the date on which an order of judgment is entered. If no notice of claim has been given to the defendant, prejudgment interest shall accrue from the date on which the complaint is filed. If the prevailing party at any time requests and obtains a continuance for a period in excess of 30 days, interest shall be suspended for the duration of the continuance. On petition of the nonprevailing party and on a showing of good cause, the trial court may order that interest awarded by this section shall be fully or partially waived.

Sec. 8. 17-A MRSA §602, sub-§1, ¶B, as amended by PL 1981, c. 349, §1, is further amended to read:

B. Being a public servant, party official, candidate for electoral office or voter, he solicits, accepts or agrees to accept any pecuniary benefit from another knowing or believing the other's purpose to be as described in ~~subsection~~ §7 paragraph A, or fails to report to a law enforcement ~~office~~ officer that he has been offered or promised a pecuniary benefit in violation of ~~subsection~~ §7 paragraph A; or

Sec. 9. 18-A MRSA §3-711, as enacted by PL 1979,

c. 540, §1, is repealed and the following enacted in its place:

§3-711. Powers of personal representatives; in general

Until termination of his appointment, a personal representative has the same power over the title to property of the estate that an absolute owner would have, in trust however, for the benefit of the creditors and others interested in the estate. This power may be exercised without notice, hearing or order of court, except as limited by this section. The personal representative shall not sell or transfer any interest in real property of the estate without giving notice at least 10 days prior to that sale or transfer to any person succeeding to an interest in that property, unless the personal representative is authorized under the will to sell or transfer real estate without this notice.

Sec. 10. 21 MRSA §103, sub-§2, as enacted by PL 1983, c. 425, §4, is repealed.

Sec. 11. 21 MRSA §103-A, sub-§2 is enacted to read:

2. Absentee ballot request. If a person residing outside the United States uses a federal postcard application to register to vote, that application may also be used to request an absentee ballot.

Sec. 12. 21 MRSA §1571-B, sub-§5, House of Representatives Districts Number 14, 23, 33, 35, 42, 84, 88, 93, 99, 100, 104, 105, 115, 123, 127, 128, 129, 132, 137, 139, 145, 148, 150 and 151, as enacted by PL 1983, c. 93, §5, are amended to read:

District Number 14, in the County of York, consisting of the municipality of Dayton and that portion of the City of Biddeford west of a line described as follows: Beginning at the Biddeford-Saco boundary and its intersection with Main Street; thence west on Main Street to South Street; thence south on South Street to Crescent Street; thence south on Crescent Street to Elm Street; thence south on Elm Street to the Alfred Road; thence west on the Alfred Road to the Boston and Maine Railroad; thence south on the Boston and Maine Railroad on the Biddeford-Arundel boundary; and that portion of the Town of Hollis southeast of a line described as follows: Beginning at the northermost intersection of the Hollis-Buxton boundary and the Saco River; thence south along the Saco River to

the Route 112 bridge between Hollis and West Buxton; thence west on Route 112 to Route 35; thence south on Route 35 to Tylers Corners; thence west on the Saco Road to the Haley Road; thence southwest on the Haley Road to the intersection of Route 117; thence west on the Pleasant Hill Road from its intersection with Route 117 to its intersection with the Waterboro-Hollis boundary.

District Number 23, in the County of Cumberland consisting of that portion of the City of South Portland enclosed by a line described as follows: Beginning at the South Portland-Scarborough boundary and its intersection with Main Street; thence north on Maine Main Street, U.S. Route 1, to Broadway; thence east on Broadway to Elm Street; thence north on Elm Street on a direct line to the Fore River; thence east along the Fore River to a point due north of Pine Street's northernmost end; thence south on a line due south to Pine Street; thence east on Pleasant Street to Sawyer Street; thence south on Sawyer Street to Cottage Road; thence west on Cottage Road to Hillside Avenue; thence southwest on Hillside Avenue to Pitt Street; thence west on Pitt Street to Providence Avenue; thence south on Providence Avenue to Mount Vernon Street, Lawrence Lano Street; thence west on Mount Vernon Street, across Trout Brook, so-called, to the continuation of Mount Vernon Street; thence due west to Ocean Street; thence north on Ocean Street to Highland Avenue; thence southwest on Highland Avenue to Stillman Street; thence south on Stillman Street to the South Portland-Cape Elizabeth boundary; thence west along the South Portland-Cape Elizabeth boundary to the South Portland-Scarborough boundary; thence west along the South Portland-Scarborough boundary to the starting point.

District Number 33, in the County of Cumberland, consisting of that portion of the City of Westbrook to the south and east of a line described as follows: Beginning at the Scarborough-Westbrook boundary and its intersection with Saco Street; thence north on Saco Street to Bernadette Street; thence west on Bernadette Street to Alphonse Street Avenue; thence north on Alphonse Street Avenue to Huntress Street Avenue; thence north on Huntress Street Avenue to Arlington Avenue; thence west and north on Arlington Avenue to Longfellow Street; thence east on Longfellow Street to the westernmost unnamed road which connects Longfellow Street and the New Gorham Road; thence

north on the unnamed road to the New Gorham Road; thence east on the New Gorham Road to the point where it becomes Main Street; thence east on Main Street to Saco Street; thence south on Saco Street to West Valentine Street; thence east on West Valentine Street to West Pleasant Street; thence north on West Pleasant Street to Quimby Avenue; thence east on Quimby Avenue to the point where it becomes Cross Street; thence east on Cross Street to Brackett Street; thence north on Brackett Street to Wayside Drive; thence east on Wayside Drive to Stroudwater Street; thence north on Stroudwater Street to Main Street; thence west on Main Street to Foster Street; thence on Foster Street to the Presumpscot River; thence north and east along the Presumpscot River to that point where the municipalities of Portland-Falmouth-Westbrook come together; and that portion of the City of Portland enclosed by a line described as follows: Beginning at the Westbrook-Portland boundary and its intersection with the Boston and Maine Railroad; thence east on the Boston and Maine Railroad to the point nearest the intersection of Holm Avenue and Birchwood Drive; thence south on Holm Avenue to Robin Street; thence east on Robin Street to Taft Avenue; thence south on Taft Avenue to Godfrey Street; thence east on Godfrey Street to Purchase Street; thence west and south on Purchase Street to Popham Street; thence west on Popham Street to Cabot Street; thence south on Cabot Street to Brighton Avenue; thence west on Brighton Avenue to the Portland-Westbrook boundary.

District Number 35, in the County of Cumberland, consisting of portions of the municipalities of Gorham, Windham and Westbrook, described in this district: Being that portion of the Town of Gorham south and east of a line described as follows: Beginning at the Buxton-Gorham town line at its intersection with Route 202/4; thence northeast on Route 202/4 to the Gorham High School access road; thence east on the access road to School Drive; thence south on School Drive to Morrill Avenue; thence east on Morrill Avenue to South Street; thence south on South Street to Robie Avenue; thence east on Robie Avenue to Robie Street; thence north on Robie Street to Railroad Avenue; thence east on Railroad Avenue to Mechanic Street; thence north on Mechanic Street to the New Portland Road; thence east on the New Portland Road to Libby Avenue; thence north on Libby Avenue to State Highway 25; thence east on State Highway 25 to the Mosher Road; thence north on the Mosher Road to the Little River; thence east and north to the Presumpscot

River; and also ~~contained~~ containing that portion of the City of Westbrook enclosed by a line described as follows: Beginning at the Scarborough-Westbrook boundary at its intersection with Saco Street; thence north on Saco Street to Bernadette Street; thence west on Bernadette Street to Alphonse ~~Street~~ Avenue; thence north on Alphonse ~~Street~~ Avenue to Huntress ~~Street~~ Avenue; thence north on Huntress ~~Street~~ Avenue to Arlington Avenue; thence west and north on Arlington Avenue to Longfellow Street; thence east on Longfellow Street to an unnamed road which connects Longfellow Street and the New Gorham Road at a point between Canal and Fairlawn Streets; thence north on the unnamed road to the New Gorham Road; thence east on the New Gorham Road to the point where it becomes Main Street; thence east on Main Street to the bridge connecting Main Street and Bridge Street; thence north on the bridge to the Presumpscot River; thence northwest along the Presumpscot River to the Gorham-Westbrook boundary; thence south on the Gorham-Westbrook boundary to the Gorham-Scarborough-Westbrook boundary; thence east on the Scarborough-Westbrook boundary to the beginning point; and that portion of Windham to the south and east of a line described as follows: Beginning at the Windham-Falmouth boundary at its intersection with Falmouth Road; thence northwest on Falmouth Road to Albion Road; thence southwest along Albion Road to Pope Road; thence southeast on Pope Road to Chute Street; thence south on Chute Street to Webb Road; thence northwest on Webb Road to Black Brook; thence south on Black Brook to River Road; thence northwest along River Road to Route 202; thence north along Route 202 to Wood Road; thence southwest along Wood Road to River Road; thence northwest along River Road to Newhall Road; thence southwest along Newhall/Gumbo Road to the Gorham-Windham boundary.

District Number 42, in the County of Cumberland, consisting of that portion of the municipality of Brunswick south and east of a line described as follows: Beginning at the Freeport-Brunswick boundary at its intersection with Church Road; thence north on Church Road to Pleasant Street; thence east on Pleasant Street to Stanwood Street; thence south on Stanwood Street to McKeen Street; thence west on McKeen Street to Baribeau ~~Street~~ Drive; thence south on Baribeau ~~Street~~ Drive to McMillan Drive; thence east on McMillan Drive to Richards Drive; thence east on Richards Drive to Maine Street; thence north on Maine Street to Longfellow Avenue; thence east on

Longfellow Avenue to Coffin Street; thence south on Coffin Street to Grove Street; thence east on Grove Street to Harpswell Road; thence south on Harpswell Road to Hambleton Avenue; thence east on Hambleton Avenue to the boundary of the Brunswick Naval Air Station; thence north on the western boundary of the Brunswick Naval Air Station to Bath Road; thence east on the Bath Road to the Brunswick-West Bath boundary.

District Number 52, in Oxford County, consisting of the municipalities of Hartford, Mexico, Milton Township, Roxbury, Sumner, Woodstock and that portion of the municipality of Rumford south and east west of a line described as follows: Beginning at the confluence of the Swift River and the Androscoggin River Rumford-Mexico Bridge over the Androscoggin River thence southwest along Railroad Street to the intersection with Route 108; thence westward along Route 108 to the junction of the Boise Cascade private road; thence in a southern direction along the Boise Cascade private road to the junction of the South Rumford Road near the High Bridge; thence westward along the South Rumford Road to the Androscoggin River at the High Bridge; thence south along the Androscoggin River to the nearest point of the river to the intersection of Route 2 and the East Andover Road; thence on a straight line through the intersection to the East Andover Road; thence northwest on the East Andover Road to the Andover-Rumford boundary.

District Number 53, in Oxford County, consisting of the municipality of Andover and that portion of the municipality of Rumford north and west east of a line described as follows: Beginning at the confluence of the Swift River and the Androscoggin River Rumford-Mexico Bridge over the Androscoggin River thence southwest along Railroad Street to the intersection with Route 108; thence westward along Route 108 to the junction of the Boise Cascade private road; thence in a southern direction along the Boise Cascade private road to the junction of the South Rumford Road near the High Bridge; thence westward along the South Rumford Road to the Androscoggin River at the High Bridge; thence south along the Androscoggin River to the nearest point of the river to the intersection of Route 2 and the East Andover Road; thence on a straight line through the intersection; thence northwest on the East Andover Road to the Andover-Rumford boundary.

District Number 70, consisting of the municipality of Durham, in Androscoggin County, and that

portion of Brunswick in Cumberland County, to the west and north of a line described as follows: Beginning at the Topsham-Brunswick bridge; thence south on Maine Street to Mill Street; thence west on Mill Street to Union Street; thence south on Union Street to Pleasant Street; thence east on Pleasant Street to Maine Street; thence south on Maine Street to Noble Street; thence west on Noble Street to Union Street; thence south on Union Street to Weymouth Street; thence west on Weymouth Street to Spring Street; thence north on Spring Street to Hennessey Avenue; thence west on Hennessey Avenue to Stanwood Street; thence north on Stanwood Street to Pleasant Street; thence west on Pleasant Street to Church Road; thence south on Church Road to the Freeport-Brunswick boundary; and that portion of the City of Auburn, in Androscoggin County, enclosed by a line described as follows: Beginning at the ~~Durham-New Gloucester~~ Auburn-New Gloucester boundary at its intersection with the Trapp Road; thence north on Trapp Road to the Pownal Road; thence north on the Pownal Road to the Harmon's Corner Road; thence east on the Harmon's Corner Road to the South Witham Road; thence south on the South Witham Road to the Soper's Mill Road; thence north on the Soper's Mill Road to Soper's Mill Brook; thence east on Soper's Mill Brook to State Highway 136; thence south on State Highway 136 to the Durham-Auburn boundary; thence south along the Durham-Auburn boundary to the Auburn-Durham-New Gloucester boundary; thence north along the Auburn-New Gloucester boundary to the starting point; and that portion of the Town of Lisbon, in Androscoggin County, enclosed by a line described as follows: Beginning at the Topsham-Lisbon boundary and its intersection at Lisbon Street; thence west on Lisbon Street to Summer Street; thence north on Summer Street to Tarr Street; thence east on Tarr Street to Jack Lane; thence north on Jack Lane to Libby Street; thence west on Libby Street to Summer Street; thence north on Summer Street to Edgecomb Street; thence west on Edgecomb Street to Main Street; thence south on Main Street to Hewey Street; thence east on Hewey Street to Crossman Street; thence south on Crossman Street to North Street; thence west on North Street to Free Street; thence south on Free Street to Earle Street; thence west on Earle Street to Main Street; thence north on Main Street to North Street; thence west on North Street to Vining Street; thence north on Vining Street to North Street; thence west on North Street to Pleasant Street; thence south on Pleasant Street to Lisbon Street; thence east and south on Lisbon Street to Main

Street; thence south on Main Street to the intersection of Route 9; thence south on Route 9 to the Lisbon-Durham boundary; thence east along the Lisbon-Durham boundary to the Lisbon-Topsham boundary.

District Number 84, consisting of the municipalities of Jefferson and Somerville, and the unorganized territory of Hibberts Gore, in Lincoln County, and the municipalities of Appleton, Hope, Union and Washington in Knox County and the municipalities of Liberty and Palermo in Waldo County, ~~Union and Washington in Knox County.~~

District Number 88, in Kennebec County, consisting of that portion of the City of Augusta, north and east of a line described as follows: Beginning at the Vassalboro-Augusta border, at its intersection with the Kennebec River, thence proceeding south along the Kennebec River to Memorial Bridge; thence proceeding east across Memorial Bridge to Howard Street; thence south and east on Howard Street to Arsenal Street; thence south on Arsenal Street to Eastern Avenue; thence east on Eastern Avenue to Hospital Street; thence south on Hospital Street to First Avenue; thence east on First Avenue to the intersection of Mayflower Road; thence east on Mayflower Road to Porter Street; thence north on Porter Street to Route 17; thence east on Route 17 to Cony Road; thence north on Cony Road to Cony Street Extension; thence east at the intersection of Cony Road and Cony Street Extension to Riggs Brook; thence north on Riggs Brook to South Belfast Avenue, Route 105; thence east on Route 105 to the Windsor town boundary.

District Number 93, in Kennebec County, consisting of the municipalities of Farmingdale, Litchfield, West Gardiner and that portion of Randolph south of a line described as follows: Beginning at the Kennebec River; thence east at the site of the former Gardiner-Randolph bridge to the intersection of Bridge Street, Water Street and Route 226, also known as Windsor Street; thence east on Route 226 to the Randolph-Chelsea boundary.

District Number 99, in ~~Kennebec~~ Somerset County, consisting of the municipalities of Fairfield and Smithfield, and that portion of the municipality of Skowhegan enclosed by a line described as follows: Beginning at the Fairfield-Skowhegan boundary at its intersection with Middle Road; thence north on Middle Road to Bigelow Street; thence north and east on Bigelow Street to Route

201; thence east on Route 201 a distance of .8 (eight-tenths) mile; thence on a direct line northeast across an abandoned railroad track to the Kennebec River; thence southeast to a point south of where Wesserunsett Stream enters the Kennebec; thence north along Wesserunsett Stream to Route 2; thence east on Route 2 to the East River Road; thence south on East River Road to the Skowhegan-Clinton boundary; thence west along the boundary to the Fairfield-Skowhegan boundary; thence west along the Fairfield-Skowhegan boundary to the starting point, the area to correspond to Enumeration District 522 of the 1980 Census, State of Maine.

District Number 100, in Kennebec Somerset County, consisting of that portion of the municipality of Skowhegan north of a line described as follows: Beginning at the westernmost junction of the Skowhegan-Fairfield boundary; thence east along the boundary to the Middle Road; thence north on Middle Road to Bigelow Street; thence north and east on Bigelow Street to Route 201; thence east on Route 201 a distance of .8 (eight-tenths) mile; thence on a direct line northeast across an abandoned railroad track to the Kennebec River; thence southeast to a point south of where Wesserunsett ~~Street~~ Stream enters the Kennebec River; thence north along Wesserunsett Stream to Route 2; thence east on Route 2 to the East River Road; thence south on East River Road to the Skowhegan-Clinton boundary; thence east on the boundary to the southeasternmost boundary of Skowhegan and Clinton.

District Number 104, consisting of the municipalities of Cambridge, Harmony and Ripley in Somerset County, and the municipalities of Abbot, Beaver Cove, Blanchard Plantation, Cambridge, Elliottsville Plantation, Greenville, Kingsbury Plantation, Monson, Parkman, Ripley, Sangerville, Shirley and Wellington in Piscataquis County, and the municipality of Harmony in Somerset County, and the unorganized territory of Elliottsville Plantation, northwest Piscataquis Unorganized Territory, consisting of Big Squaw Township, Cove Point Township, Hartford's Point Township and Little Squaw Township; and that portion of the northeast Piscataquis Unorganized Territory north of a line described as follows: Beginning at the intersection of the Golden Road and the northern boundary of Beaver Cove; thence north on the Golden Road to the point where Roach River flows from First Roach Pond; thence east on a line passing through Rowell Brook; thence east along the south shore of Second Road Roach Pond; thence

north on unnamed logging road to Penobscot Pond; thence east on same unnamed road along the north shore of Penobscot Pond; thence south along a branch of the same road to Little Penobscot Pond; thence east along a flowage including the following landmarks: Sing-Sing Pond, Hedgehog Pond, Rabbit Pond, Leavitt Pond, Pratt Brook, Mud Pond, Mud Brook and Middle Jo-Mary Lake, north shore, to the Penobscot County-Piscataquis County boundary, the line to correspond to the northern line of Enumeration District 104, 1980 Census, State of Maine.

District Number 105, consisting of the municipalities of Barnard Plantation, Bowerbank, Brownville, Lake View Plantation, Medford, Milo and Willimantic, the unorganized territory of Barnard Plantation, the southeast unorganized territory of Piscataquis County and that portion of the northeast Piscataquis Unorganized Territory enclosed by a line described as follows: Beginning at the intersection of the Golden Road and the northern boundary of Beaver Cove; thence north on the Golden Road to the point where Roach River flows from First Roach Pond; thence east on a line passing through Rowell Brook; thence east along the south shore of Second Road Roach Pond; thence north on unnamed logging road to Penobscot Pond; thence east on same unnamed road along the north shore of Penobscot Pond; thence south along a branch of same road to Little Penobscot Pond; thence east along a flowage including the following landmarks: Sing-Sing Pond, Hedgehog Pond, Rabbit Pond, Leavitt Pond, Pratt Brook, Mud Pond, Mud Brook to Middle Jo-Mary Lake, north shore, to the Penobscot County-Piscataquis County boundary; thence south along that boundary to the northern boundary of Lake View Plantation; west along the boundary to Brownville's northern boundary; thence west along the boundary to Brownville's western boundary; thence south along the boundary to the northern boundary of Sebec; thence west along that boundary to the eastern boundary of Barnard Plantation; thence north along the boundary to the northern boundary of the plantation; thence west along the boundary to the northern boundary of Bowerbank; thence west along the boundary to the eastern boundary of Elliotsville Plantation; thence north along the boundary to the northern boundary of the plantation; thence west along the boundary to the eastern boundary of Greenville; thence north along the eastern boundary of Greenville to the southern boundary of Beaver Cove; thence east along the plantation's southern boundary to its eastern boundary; north along its eastern boundary to its northern boundary; thence west along its northern

boundary to the starting point; the area enclosed by the line to correspond to the area of Enumeration District 104, 1980 Census, State of Maine; and the municipalities of Bradford, Charleston and Hudson in Penobscot County.

District Number 115, in Penobscot County, consisting of the municipalities of Glenburn and Hermon and that portion of the City of Bangor south and west of a line described as follows: Beginning at the Hampden-Bangor boundary at its intersection with the Maine Central Railroad; thence northwest on the Maine Central Railroad tracks to Remy Perry Road; thence east on Perry Road to Webster Avenue; thence northeast on Webster Avenue to the northern boundary of the municipal golf course; thence southeast along the boundary to the western boundary of Bass Park; thence northeast along the Bass Park boundary to its intersection with a direct line from the end of Silver Road to Bass Park; thence northwest along the line to Silver Road; thence northwest on Silver Road to 7th Street; thence northeast on 7th Street to Buck Street; thence northwest on Buck Street to West Broadway; thence northeast on West Broadway to Hammond Street; thence west on Hammond Street to Allen Street; thence northwest on Allen Street to 14th Street; thence southwest on 14th Street to Hammond Street; thence west on Hammond Street to the eastern boundary of Bangor Municipal Airport; thence following the airport boundary south and then west to the Hermon-Bangor boundary.

District Number 123, consisting of the municipalities of Brooklin, Brooksville, Castine, Deer Isle, Penobscot, Sedgwick and Stonington in Hancock County; and the ~~Township~~ municipality of Isle au Haut in Knox County.

District Number 127, in Hancock County, consisting of the municipalities of Blue Hill, Ellsworth and Surry.

District Number 128, in ~~Penobscot~~ Penobscot County, consisting of the municipalities of Amherst, Aurora, Eastbrook, Great Pond, Mariaville, ~~Osborne~~ Osborn, Otis, Waltham and Township 8, S.D., in Hancock County; and the municipalities of Alton, Bradley, Greenfield, Milford and that portion of the City of Old Town west of a line described as follows, in Penobscot County: Beginning at the northernmost boundary of Old Town and Milford; thence proceeding south and west along the boundary, following the Penobscot River to the Stillwater River; thence south along the Stillwater

River to State Highway 43; thence southeast on State Highway 43 to College Road, Route 2-A; thence south on College Road to the Old Town-Orono boundary.

District Number 129, in Penobscot County, consisting of the municipalities of Clifton, Eddington, Veazie and that portion of the Town of Orono west and south of a line described as follows: Beginning at the Old Town-Orono boundary at its intersection with Stillwater Avenue; thence south on Stillwater Avenue, U.S. Highway 2-A, to Forest Avenue; thence east on Forest Avenue to Main Street; thence north on Main Street to the Stillwater River; thence east along the Stillwater River to the Penobscot River.

District Number 132, consisting of the municipalities of Argyle, Burlington, Carroll Plantation, Edinburg, Enfield, Grand Falls Plantation, Greenbush, Howland, Lagrange, Lakeville Plantation, Lee, Lowell, Passadumkeag, Springfield and, Argyle Township, Summit Plantation Township and the unorganized territory of Grand Falls Plantation in Penobscot County.

District Number 137, consisting of the municipalities of Cutler, Eastport, Lubec, Machiasport, Marshfield, Pleasant ~~Point~~ Point-Passamaquoddy Indian Reservation, Whiting and the unorganized east central portion in Washington County.

District Number 139, consisting of the municipalities of Beddington, Charlotte, Codyville Plantation, Cooper, Crawford, Danforth, Deblois, Dennysville, Grand Lake Stream Plantation, Indian Township, Northfield, Number 21 Plantation, Number 14 Plantation, Pembroke, Perry, Princeton, Robbinston, Talmadge, Topsfield, Vanceboro, Waite, Wesley, the unorganized territory of Number 21 Plantation and the unorganized portion of North Washington County, in Washington County; and the municipalities of Bancroft, Haynesville, Orient, Reed Plantation and Weston in Aroostook County.

District Number 145, in Aroostook County, consisting of all of Limestone, except that portion of Limestone Loring Air Force Base included in District Number 148.

District Number 148, in Aroostook County, consisting of the municipalities of Caswell Plantation, Connor Plantation, Cyr Plantation, Hamlin, New Sweden, Stockholm, Van Buren and a portion of the Limestone Loring Air Force Base.

containing 1,142 persons, the portion to be designated by the commanding officer of Limestone Air Force Base, and to be contiguous with Caswell Plantation and Goner Township enclosed by a line described as follows: Beginning at the intersection of Caswell Plantation and Sawyer Road; thence south on Sawyer Road to Cobb Drive; thence east on Cobb Drive to Dickman Drive to include all housing west of Dickman Drive and north of Cobb Drive, including Foullois Drive, Wells Drive, Duncan Court, Brookley Court and Andrews Court; thence north to the Caswell Plantation boundary.

District Number 150, consisting of the municipalities of Fort Kent, Frenchville and ~~St.~~ Saint Agatha in Aroostook County.

District Number 151, consisting of the municipalities of Allagash, Ashland, Castle Hill, Chapman, Eagle Lake, Garfield Plantation, Masardis, Nashville Plantation, New Canada, Oxbow Plantation, Portage Lake, St. Francis, St. John Plantation, Wallagrass Plantation and Winterville Plantation, and the unorganized central and northwest portions in Aroostook County.

Sec. 13. 21 MRSA §1571-B, sub-§6, Senate Districts Number 1, 3, 4, 5, 6, 7, 12, 17 and 21, as enacted by PL 1983, c. 93, §5, are amended to read:

Senate District Number 1, consisting of the municipalities of Caswell Plantation, Connor, Cyr Plantation, Fort Kent, Frenchville, Grand Isle, Hamlin, Limestone, Madawaska, New Canada, New Sweden, ~~St.~~ Saint Agatha, Stockholm, Van Buren, Wallagrass Plantation and Woodland in Aroostook County.

Senate District Number 3, consisting of the municipalities of Amity, Bancroft, Benedicta, Blaine, Bridgewater, Cary Plantation, Crystal, Dyer Brook, E Plantation, Easton, Fort Fairfield, Garfield Plantation, Glenwood Plantation, Hammond, Haynesville, Hersey, Hodgdon, Houlton, Island Falls, Linneus, Littleton, Ludlow, Macwahoc Plantation, Mars Hill, Masardis, Merrill, Monticello, Moro Plantation, New Limerick, Oakfield, Orient, Oxbow Plantation, Reed Plantation, Sherman, Smyrna, Westfield, Weston and the unorganized territories of central Aroostook and south Aroostook in Aroostook County; and the municipalities of Drew Plantation, Mattawamkeag, Prentiss Plantation and the unorganized territory of Kingman in Penobscot County; and the municipalities of Codyville Plantation, Danforth, Grand Lake Stream

Plantation, Passamaquoddy Indian Reservation, Talmadge, Topsfield, Vanceboro, Waite and the unorganized territory of North Washington in Washington County.

Senate District Number 4, consisting of the municipalities of Anson, Athens, Bingham, Brighton Plantation, Caratunk, Dennistown Plantation, Embden, Highland Plantation, Jackman, Madison, Mercer, Moose River, Moscow, New Portland, Norridgewock, Pleasant Ridge Plantation, ~~Sebeemek~~ Seboomook Township, Smithfield, Solon, Starks, The Forks Plantation, West Forks Plantation, Central Somerset and the unorganized territories of northeast Somerset and northwest Somerset in Somerset County; and the municipalities of Carrabassett Valley, Chesterville, Coplin Plantation, Eustis, Farmington, Industry, Kingfield, Madrid, New Sharon, New Vineyard, Phillips, Strong and the unorganized territories of East Franklin and Wyman in Franklin County; and the municipality of Rome in Kennebec County.

Senate District Number 5, consisting of the municipalities of Abbot, Atkinson, ~~Barnard Plantation~~, Beaver Cove, Blanchard Plantation, Bowerbank, Brownville, Dover-Foxcroft, ~~Elliottsville Plantation~~, Greenville, Guilford, Kingsbury Plantation, Lakeview Plantation, Medford, Milo, Monson, Parkman, Sangerville, Sebec, Shirley, Wellington, Willimantic, the unorganized territories of Barnard Plantation and Elliottsville Plantation and the unorganized territories of northeast Piscataquis, northwest Piscataquis and southeast Piscataquis in Piscataquis County; and the municipalities of Chester, East Millinocket, Maxfield, Medway, Millinocket, ~~Mc~~ Mount Chase, Patten, Seboeis Plantation, Stacyville, Woodville and the unorganized territory of north Penobscot in Penobscot County.

Senate District Number 6, consisting of the municipalities of Alton, Bradford, Burlington, Carroll Plantation, Charleston, Corinth, Edinburg, Enfield, Exeter, Garland, Glenburn, ~~Grand Falls Plantation~~, Greenbush, Howland, Hudson, Kenduskeag, LaGrange, Lakeville Plantation, Lee, Levant, Lincoln, Lowell, Old Town, Passadumkeag, Penobscot Indian Reservation, Springfield, Webster Plantation, Winn and the unorganized territories of Argyle and Township, Summit Township and Grand Falls Plantation in Penobscot County.

Senate District Number 7, consisting of the

municipalities of Addison, Alexander, Baileyville, Baring Plantation, Beals, Beddington, Calais, Centerville, Charlotte, Cherryfield, Columbia, Columbia Falls, Cooper, Crawford, Cutler, Deblois, Dennysville, East Machias, Eastport, Harrington, Jonesboro, Jonesport, Lubec, Machias, Machiasport, Marshfield, Meddybemps, Milbridge, Northfield, Passamaquoddy Pleasant Point Point-Passamaquoddy Indian Reservation, Pembroke, Perry, Plantation 14, ~~Plantation 21~~, Princeton, Robbinston, Roque Bluffs, Steuben, Wesley, Whiting, Whitneyville and the unorganized ~~territory~~ territories of Plantation 21 and east central Washington in Washington County.

Senate District Number 12, consisting of the municipalities of Amherst, Aurora, Bar Harbor, Blue Hill, Brooklin, Brooksville, Cranberry Isles, Dedham, Deer Isle, Eastbrook, Ellsworth, Franklin, Frenchboro, Gouldsboro, Great Pond, Hancock, Lamaine, Mariaville, ~~Mount~~ Mount Desert, Osborn, Otis, Sedgwick, Sorrento, Southwest Harbor, Stonington, Sullivan, Surry, Swans Island, Tremont, Trenton, Waltham, Winter Harbor and the unorganized territories of central Hancock and east Hancock in Hancock County; and the municipality of Isle Au Haut in Knox County.

Senate District Number 17, consisting of the municipalities of Belgrade, Fayette, ~~Mount~~ Mount Vernon, Oakland, Sidney, Vienna and Waterville in Kennebec County; and the municipality of Livermore Falls in Androscoggin County.

Senate District Number 21, consisting of the municipalities of Appleton, Camden, Criehaven ~~Plantation~~ Township, Hope, Matinicus Isle Plantation, North Haven, Owls Head, Rockland, Rockport, St. George, South Thomaston, Thomaston and Vinalhaven in Knox County; and the municipalities of Belmont, Liberty, Lincolnville, Montville, Morrill, Palermo and Searsmont in Waldo County.

Sec. 14. 26 MRSA c. 7, sub-c. V-A, as enacted by PL 1983, c. 452, is reallocated to be Title 26, c. 7, sub-c. V-B.

Sec. 15. 26 MRSA §§821 to 830, as enacted by PL 1983, c. 452, are reallocated to be Title 26, §§831 to 840.

Sec. 16. 29 MRSA §2301, as amended by PL 1983, c. 480, Pt. A, §34, is 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 the officer in like cases may accept the personal recognizance of 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 ~~\$20~~ \$25 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. 17. 29 MRSA §2301-A, last ¶, as amended by PL 1983, c. 480, Pt. A, §35, 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 \$20 \$25 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. 18. 30 MRSA §1903, sub-§2 is amended to read:

2. Deposited or invested. The municipal officers shall either deposit or invest trust funds according to section ~~505~~ 5051-A.

A. Unless the instrument or order creating the trust prohibits, a municipality may treat any 2 or more trust funds as a single fund solely for the purpose of investment.

B. After deduction of management expenses, any interest earned or capital gains realized shall be prorated among the various trust funds:

C. Any property or securities included in the corpus of a trust fund shall be retained where the trust instrument so provides.

D. Unless otherwise specified in the trust instrument, only the annual income from the trust fund may be spent.

Sec. 19. 30 MRSA §1904, sub-3 is amended to read:

3. Deposited or invested. Unless otherwise specified by its terms, a conditional gift of money may be deposited or invested according to section ~~505~~ 5051-A.

Sec. 20. 33 MRSA c. 10, sub-c. I, first 2 lines, as repealed and replaced by PL 1983, c. 248, §1, are repealed as follows:

SUBCHAPTER I

UNIT OWNERSHIP

Sec. 21. 33 MRSA c. 10, sub-c. II, first 2 lines as enacted by PL 1983, c. 407, §1, are repealed.

Sec. 22. 35 MRSA §15, sub-§13-A, as enacted by PL 1983, c. 304, §2, is amended to read:

13-A. Radio paging service. "Radio paging service" is a service provided by a communication common carrier engaged in rendering signaling communica-

tions. Signaling communication is one-way communication from a base station to a mobile or fixed receiver, or to multipoint mobile or fixed receivers by audible or subaudible means, for the purpose of activating a signaling device in the receiver or communicating information to the receiver, whether or not the information is to be retained in record form. It is limited to the following types of communications.

A. An optical readout paging service consists of a communication of a message to a receiver which displays the message on an optical or tactile readout, either in a permanent form or a temporary form.

B. A tone only paging service is designed to activate an aural, visual or tactile signaling device when received.

C. A tone/voice paging service is one on which a tone is transmitted to activate a signaling device and audio circuit in the addressed receiver, following which a voice-grade signal is transmitted, to be amplified by the audio circuitry.

Any public utility which operates a radio paging service shall either maintain a separate set of accounting records with respect to that service or establish a separate subsidiary, the creation of which shall be subject to commission approval and conditions under section 104, subsection 3-A. The ~~commissioner~~ commission may exempt a public utility from this requirement for good cause shown.

Sec. 23. 36 MRSA §1760, sub-§42, as enacted by PL 1983, c. 562, is reallocated to Title 36, §1760, sub-§44.

Sec. 24. 36 MRSA §1760, sub-§42, as enacted by PL 1983, c. 571, §2, is reallocated to Title 36, §1760, sub-§45.

Sec. 25. 38 MRSA §1479, first ¶, as enacted by PL 1983, c. 500, §5, is amended to read:

No low-level radioactive waste disposal or storage facility may be established in the State, unless the Legislature has, by statute Private and Special Act, approved the establishment of that facility pursuant to the provisions of this subchapter. The Legislature shall act expeditiously on any recommendation of the board under section 1478, but shall not act until after the conclusion of any judicial review of the recommendation and any resulting admin-

istrative proceedings.

Sec. 26. PL 1979, c. 578, §7, as amended by PL 1979, c. 677, §18, is repealed.

Sec. 27. PL 1983, c. 93, §2 is amended to read:

Sec. 2. Replace the apportionment of the House of Representatives. This Act replaces the apportionment of the House of Representatives as ordered by the Supreme Judicial Court of Maine on February 14, 1974, and amended by the Supreme Judicial Court on March 5, 1977 March 5, 1974 and as further amended by Resolve 1977, chapter 10 and Public Law 1977, c. 564, sections 147 to 150.

Sec. 28. PL 1983, c. 480, Pt. B, §25 is amended to read:

Sec. 25. Effective date. ~~Section~~ Sections 23 and 24 of this Part shall take effect 90 days after adjournment of the Legislature.

Sec. 29. PL 1983, c. 560, §6 is amended to read:

Sec. 6. Effective date. Sections 1 and 4 of this Act shall take effect on July 1, 1984. Section 2 of this Act and Title 36, section 1760, subsection 43 shall take effect on October 1, 1984 1983. Title 36, section 1760, subsection 42 shall take effect on January 1, 1984.

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

Effective September 8, 1983, unless otherwise indicated.

CHAPTER 584

H.P. 1363 - L.D. 1796

AN ACT to Empower the Legislative Council to
Establish Benefit Schedules for Legislative
Employees.

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

Whereas, the Legislative Council voted at its meeting of March 28, 1983, to extend the same benefits to legislative employees as those granted to