

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

**FIRST REGULAR SESSION**

December 5, 1984 to June 20, 1985

Chapters 1-384

PUBLISHED BY THE REVISOR OF STATUTES IN ACCORDANCE WITH  
MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 163-A,  
SUBSECTION 4.

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J.S. McCarthy Co., Inc.  
Augusta, Maine  
1986

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**PUBLIC LAWS**  
OF THE  
**STATE OF MAINE**

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shall be funded by donations, bequests, grants, gifts and proceeds from the sale of Maine rivers protection promotion items. The fund shall not lapse.

Pursuant to the authority established in section 5012, the commissioner may administer a state grant-in-aid program and may promulgate rules therefor under Title 5, chapter 375, subchapter II. The purpose of the program is to assist local governments, river conservation or management groups and landowners in activities that may include the acquisition, establishment and maintenance of access sites, parking areas, picnic areas, campsites and sanitary facilities; encouraging and securing shoreland gifts and conservation easements; financial support for river runners, litter control, signs and educational materials; the restoration and enhancement of anadromous fisheries; improving the natural productivity of inland fisheries; and supervision of recreational use and other similar or associated activities involving the protection of and public access to the State's rivers.

All funds of the Maine Rivers Protection Fund shall be subject to allocation by the Legislature.

Rules adopted under this section shall become effective immediately, but shall be submitted to the Legislature no later than the next regular session for approval or modification. If the Legislature fails to act, those rules shall continue in full force and effect.

**Sec. 2. Allocation.** The following funds are allocated from the Maine Rivers Protection Fund to carry out the purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
<u>CONSERVATION, DEPARTMENT OF</u>		
Maine Rivers Protection Program		
All Other	\$30,000	\$30,000

Effective September 19, 1985.

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## CHAPTER 106

H.P. 333 - L.D. 448

AN ACT Relating to the Membership of and the Payment of Per Diem to Boards.

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

Sec. 1. 5 MRSA §12004, sub-§1, ¶A, as amended by PL 1983, c. 862, §§17 to 19, is further amended to read:

A. This classification includes the following boards:

	NAME OF ORGANIZATION	RATE OF COMPENSATION	STATUTORY REFERENCE
(1)	Board of Accountancy	<del>\$35/Day</del> <u>Legislative Per Diem</u>	32 MRSA §3971
(2)	Arborist Examining Board	\$25/Day	32 MRSA §2001
(3)	Maine State Board for Registration of Architects and Landscape Architects	\$35/Day	32 MRSA §211
(4)	Board of Examiners of Applicants for Admission to the Bar	Legislative Per Diem	4 MRSA §801
(5)	State Board of Barbers	\$35/Day	32 MRSA §351
(6)	Board of Boiler Rules	Expenses Only	26 MRSA §171
(7)	Board of Chiropractic Examination and Registration	\$25/Day	32 MRSA §501
(8)	State Board of Cosmetology	\$35/Day	32 MRSA §1601
(9)	Board of Dental Examiners	\$35/Day	32 MRSA §1071
(10)	Board of Commercial Driver Education	\$35/Day Public Member	32 MRSA §9552
(11)	Electricians' Examining Board	\$30/Day	32 MRSA §1151

(12)	Board of Elevator and Tramway Safety	Expenses Only	26 MRSA §475
(13)	State Board of Registration for Professional Engi- neers	Expenses Only	32 MRSA §1301
(14)	State Board of Registration for Professional Foresters	Expenses Only	32 MRSA §5004
(15)	State Board of Funeral Service	\$20/Day	32 MRSA §1451
(16)	State Board of Certification for Geologists and Soil Scientists	Expenses Only	32 MRSA §4907
(17)	Board of Examiners for the Licensing of Guides	Expenses Only	12 MRSA §7301
(18)	Junior Maine Guides and Trip Leaders' Curriculum Board	Expenses Only	12 MRSA §7302
(19)	Board of Hearing Aid Dealers and Fitters	\$35/Day	32 MRSA §1658
(20)	State Board of Registration for Land Surveyors	Expenses Only	32 MRSA §1671
(21)	Manufactured Housing Board	\$35/Day	10 MRSA §9003
(22)	State Board of Licensure of Administrators of Medical Care Facilities other than Hospitals	\$30/Day	32 MRSA §63
(23)	Board of Registration in Medicine	\$1,250/Year- Member \$1,500/Year- Chairman \$7,500/Year- Secretary	32 MRSA §3263
(24)	State Board of Nursing	Legislative Per Diem	32 MRSA §2151

(24-A)	Board of Occupational Therapy Practice	Expenses Only	32	MRSA §2273
(25)	Oil and Solid Fuel Board	\$30/Day	32	MRSA §2351
(26)	State Board of Optometry	\$25/Day	32	MRSA §2415
(27)	Board of Osteopathic Examination and Registration	Legislative Per Diem	32	MRSA §2561
(28)	Board of Commissioners of the Profession of Pharmacy	\$25/Day	32	MRSA §2851
(29)	Board of Examiners in Physical Therapy	\$25/Day	32	MRSA §3112
(30)	Plumbers' Examining Board	\$35/Day	32	MRSA §3401
(31)	Board of Examiners of Podiatrists	\$25/Day	32	MRSA §3601
(32)	State Board of Examiners of Psychologists	\$35/Day	32	MRSA §3821
(33)	Real Estate Commission	\$35/Day	32	MRSA §4051-A
(34)	State Board of Social Worker Registration	Expenses Only	32	MRSA §7026
(35)	Board of Examiners on Speech Pathology and Audiology	\$25/Day	32	MRSA §6010
(36)	Board of Registration of Substance Abuse Counselors	Not Authorized	32	MRSA §6201
(37)	State Board of Veterinary Medicine	Legislative Per Diem	32	MRSA §4854
(38)	Penobscot Bay and River Pilotage Commission	Not Authorized	38	MRSA §89
(39)	Maine Athletic Commission		8	MRSA §141

(a) The total per diem compensation for each member shall not exceed \$1,000 per year.

Sec. 2. 32 MRSA §3971, as amended by PL 1983, c. 812, §235, is further amended to read:

§3971. Appointment

The Board of Accountancy, as established by Title 5, section 12004, subsection 1, shall consist of 7 <sup>5</sup> members appointed by the Governor. Each member of the board shall be a citizen of the United States and a resident of this State. Three members shall be persons registered in accordance with subchapter III and whose principal occupation has been in active practice as a certified public accountant for at least the 5 preceding years. ~~Three members~~ One member shall be ~~persons~~ a person registered in accordance with subchapter IV and whose principal occupation has been in active practice as a noncertified public accountant for at least the 5 preceding years. One member of the board shall be a representative of the public. Appointments shall be for 3-year terms, except that the terms of 2 members other than the public member shall expire each calendar year and appointments of less than 3 years may be made in order to comply with this limitation. Any vacancy occurring during a term shall be filled by appointment for the unexpired term. Upon the expiration of his term of office, a member shall continue to serve until his successor shall have been appointed and shall have qualified, and the successor's term shall be 3 years from the date of the expiration, regardless of the date of his appointment. No person may be eligible to serve more than 3 full consecutive terms, provided that for this purpose only a period actually served which exceeds 1/2 of the 3-year term shall be deemed a full term. The Governor shall remove from the board any member whose permit to practice has become void, revoked or suspended, and may, after hearing, remove any member of the board for cause.

Sec. 3. 32 MRSA §3972, first ¶, as amended by PL 1983, c. 812, §236, is further amended to read:

The board shall meet at least once a year to conduct its business and elect its officers. Additional meetings shall be held as necessary to conduct the business of the board, and may be convened at the call of the chairman or a majority of the board members. Annually, the members shall elect from their number a chairman, a secretary who shall be a certified public accountant and a treasurer. The offices



of secretary and treasurer may be held by the same person. The board may adopt a seal. ~~Four~~ Three members shall constitute a quorum for the transaction of business. All fees and other moneys collected by the board shall be promptly transmitted by the treasurer of the board to the Treasurer of State, together with an account of these receipts. The moneys are to be used only for expenses of the board upon requisition drawn on the State Controller. Each member of the board shall be compensated according to Title 5, chapter 379. If receipts of the board are not sufficient to cover all expenses and compensation of the board, the board may reduce equitably the compensation of its individual members.

Effective September 19, 1985.

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## CHAPTER 107

H.P. 340 - L.D. 457

AN ACT to Transfer from the Bureau of Public  
Lands to the Baxter State Park  
Authority the Designation as the  
Agency of the State to Receive Funds  
Donated by Governor Percival P.  
Baxter.

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

Sec. 1. 12 MRSA §560, as enacted by PL 1983, c. 819, Pt. A, §11, is repealed.

Sec. 2. 12 MRSA §901, 2nd ¶, as enacted by PL 1969, c. 557, §3, is amended to read:

The authority is further designated the agency of the State to receive such sums as are, from time to time, paid to the State by the trustee under clause THIRD of a certain inter vivos trust dated July 6, 1927, as from time to time amended, created by said Baxter for the purchase or other acquisition of additional land for said Baxter State Park, and for the purchase of other lands for recreational or reforestation purposes, and the authority is authorized to