

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 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED
and
FIRST SPECIAL SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

provided in the year prior to the year of allocation, whichever is greater.

The amount of the teacher recognition grants authorized in section 13503-A which are paid or deemed eligible to be paid on August 15, 1986, shall be added to the actual local operating costs expended by local units in 1986-87. The minimum amount of the cost of the total allocation from General Fund revenue sources for 1988-89 shall be increased by the total amount expended by the State in 1986-87 for teacher recognition grants in accordance with section 13503-A and block grants in accordance with section 13509. The resulting percentage shall be used to define the minimum percentage contribution from General Fund revenue sources in 1988-89 and subsequent years.

Sec. 13. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	<u>1985-86</u>	<u>1986-87</u>
<u>EDUCATIONAL AND CULTURAL SERVICES,</u>		
<u>DEPARTMENT OF</u>		
Teacher recognition grants		
All Other	\$650,000	\$500,000
Effective September 19, 1985.		

CHAPTER 506

S.P. 627 - L.D. 1646

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 un-

certainties 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. 2 MRSA §6, sub-§5, as repealed and replaced by PL 1983, c. 349, §1; and as amended by PL 1983, c. 351, §§1 and 41, is repealed and the following enacted in its place:

5. Range 86. The salaries of the following state officials and employees shall be within salary range 86:

Director of Labor Standards;

Deputy Chief of the State Police;

Director of State Lotteries;

State Archivist;

Director of Maine Geological Survey;

Executive Director, Maine Land Use Regulation Commission;

Director of the Risk Management Division; and

Chairman, Maine Unemployment Insurance Commission.

Sec. 1-A. 4 MRSA §451, as amended by PL 1983, c. 631 and c. 812, §10, is repealed and the following enacted in its place:

§451. Establishment

A Judicial Council, as established by Title 5, section 12004, subsection 10, shall make a continuous study of the organization, rules and methods of procedure and practice of the judicial system of the State, the work accomplished and the results produced

by that system and its various parts. The council shall be composed of the Chief Justice of the Supreme Judicial Court, who shall also serve as chairman, the Attorney General, the Chief Justice of the Superior Court, the Chief Judge of the District Court, and the Dean of the University of Maine School of Law, each to serve ex officio, and an Active or Retired Justice of the Supreme Judicial Court, one Justice of the Superior Court, one Judge of the District Court, one Judge of a Probate Court, one clerk of the judicial courts, 2 members of the bar and 6 laymen, to be appointed by the Governor. The appointments by the Governor shall be for such periods, not exceeding 4 years, as he shall determine.

Sec. 2. 5 MRSA §8052, sub-§7, as amended by PL 1985, c. 39, §1, is further amended to read:

7. Adoption of rule. The agency shall, in adopting rules, be consistent with the terms of the proposed rule, except to the extent it determines necessary to address concerns raised in comments and makes specific findings supporting such changes. No rule may become effective unless:

A. The agency adopts it within 120 days of the final date by which data, views or arguments may be submitted to the agency for consideration in adopting the rule; and

B. This adopted rule is approved by the Attorney General as to form and legality, as required by section 8056, within 150 days of the final date by which those comments may be submitted.

The final date for comments may be extended if notice of doing so is published before that final date, in the consolidated notice referred to in section 8053.

Sec. 3. Effective date. Section 2 shall take effect 91 days after adjournment of the Legislature.

Sec. 4. 5 MRSA §8055, sub-§3, as amended by PL 1981, c. 280, §§1 and 2, is further amended to read:

3. Receipt of petition. Within 60 days after receipt of a petition, the agency shall either notify the petitioner in writing of its denial, stating the reasons therefor, or initiate appropriate rule-making proceedings. Whenever a petition to adopt or modify a rule is submitted by 150 or more registered voters of the State, the agency shall initiate appropriate rulemaking proceedings within 60 days after receipt of the petition. The petition must be verified and

certified in the same manner provided in Title 21 21-A, section 494 354, subsection 7, prior to its presentation to the agency.

Sec. 5. 5 MRSA §9055, sub-§1, as amended by PL 1979, c. 425, §11, is further amended to read:

1. Communication prohibited. In any adjudicatory proceeding, no agency members authorized to take final action or presiding officers designated by the agency to make findings of fact and conclusions of law ~~shall~~ may communicate directly or indirectly in connection with any issue of fact, law ~~of~~ or procedure, with any party or other persons legally interested in the outcome of the proceeding, except upon notice and opportunity for all parties to participate.

Sec. 6. 7 MRSA §606, sub-§2, ¶G, as repealed by PL 1983, c. 761, §1 and as repealed and replaced by PL 1983, c. 761, §2, is repealed and the following enacted in its place:

G. For any person to apply pesticides in a manner inconsistent with rules for pesticide application adopted by the board, which rules are designed to minimize pesticide drift to the maximum extent practicable under currently available technology. Without limitation, these rules may prescribe procedures to be used for the application of pesticides, including the time, place, manner and method of that application, may restrict or prohibit use of pesticides in designated areas or during specified periods of time and may prescribe tolerance levels for pesticide residues in off-target areas. The board shall propose the rules by June 15, 1985.

Sec. 7. 7 MRSA §1022, sub-§1, as amended by PL 1983, c. 336, §3 and c. 465, §2, is repealed and the following enacted in its place:

1. Broker and dealer records. Every dealer and broker to be licensed under this Article, upon having negotiated a sale of potatoes for others or upon having purchased potatoes from the producer, shall cause a record of that transaction to be made, and deliver a copy to the seller by depositing a record of transaction in the United States mail, postage paid, within 2 working days of negotiation of the sale, setting forth the following with reference to the handling, sale and storage of those potatoes:

A. Date of sale;

- B. Name and address of producer;
- C. Name and address of seller;
- D. Name and address of buyer;
- E. Name and address of broker, if any;
- F. Name and address of handler, if any;
- G. Name and address of any person designated as a secured party on a financing statement naming the seller as debtor filed in accordance with Title 11, section 9-401, covering the potatoes, if any;
- H. Mode of transportation of shipment, if known; if unknown, this information shall be provided to the seller prior to shipment;
- I. Name of carrier, if known; if unknown, this information shall be provided to the seller prior to shipment;
- J. If there is a broker or a retailer involved in a transaction, point of final destination;
- K. Date of shipment;
- L. If there is a broker or a retailer involved in the transaction, contemplated date of arrival at final destination;
- M. Grade, size, weight and amount and other specifications;
- N. Price for the potatoes, per unit and total;
- O. Any deductions to be made from the proceeds for expenses to be borne by the seller or handler;
- P. All other essential details of the purchase or sale; and
- Q. If there is a broker involved in the transaction, an itemized accounting which separately sets forth all charges in connection with the sale, including the brokerage fee, if any.

Sec. 8. 10 MRSA §151-A, sub-§3, as amended by PL 1983, c. 88, §1 and repealed by PL 1983, c. 345, §§8 and 14 is repealed.

Sec. 9. 10 MRSA §952, sub-§5, as amended by PL 1983, c. 700, §3, is further amended to read:

5. Amount of common stock held. No person, firm or corporation may subscribe for, own or hold directly or indirectly more than 20% of the common stock of the corporation at any time. For the purposes of determining ownership hereunder, the attribution rules of the United States Internal Revenue Code, Section 318, in effect as of the effective date of this Act April 6, 1984, shall apply;

Sec. 10. 10 MRSA §1458, as enacted by PL 1981, c. 3, is repealed.

Sec. 11. 12 MRSA §557, sub-§3, as amended by PL 1983, c. 819, Pt. A, §8 and c. 833, §1, is repealed and the following enacted in its place:

3. Compensation to municipalities. Notwithstanding the other provisions of this section, 25% of the net revenues from any public lands, excluding submerged lands, public reserved lands and lands held under section 560, and excluding proceeds from the sale of land, located in municipalities and managed by the Bureau of Public Lands, shall be returned by the Treasurer of State to the municipality wherein the land generating the income is located, to be used for municipal purposes. With respect to those public reserved lands which were located in townships or tracts organized into plantations as of March 1, 1974, when any such plantation, subsequent to that date, becomes incorporated into a town, 75% of any income from residential leasehold camps, excluding any income or proceeds from the sale, exchange or relocation of any of these camps under Title 30, section 4169, and 25% of any other income from such public reserved land shall be returned by the Treasurer of State to the municipality wherein such public reserved land is located, to be used for municipal purposes. With respect to stumpage income from timber located on public reserved lands and leased pursuant to Title 30, section 4162, subsection 4, paragraph L, 50% of the income shall be returned by the Treasurer of State to the lessee for its own purposes. The director may approve the handling of income from sales or permits for up to \$500 by the lessees. The lessees shall submit a semiannual accounting of this income and payment for the State's share of the income.

Sec. 12. 12 MRSA §685-A, sub-§4, as amended by PL 1983, c. 862, §34, is repealed and the following enacted in its place:

4. Land use standards considered as minimum requirements. Land use standards shall be interpreted and applied by the commission as minimum requirements, adopted to reasonably and effectively promote health, safety and general welfare and insure compliance with state plans and policies.

Whenever the requirements of the adopted land use standards are at variance with the requirements of any other lawfully adopted rules, regulations, standards, ordinances, deed restrictions or covenants, the more protective of existing natural, recreation and historic resources shall govern.

Any portion of a land use district which subsequently becomes an organized municipality or part of an organized municipality or any plantation which adopts planning, zoning and subdivision control as provided in Title 30, section 5621, shall continue to be regulated by the Maine Land Use Regulation Commission pursuant to this chapter until such time as the municipality or plantation of which the regulated district is then a part shall adopt land use plans and regulations not less protective of the existing natural, recreational or historic resources than those adopted by the commission.

A. Any municipality organized after September 23, 1971, or any plantation which adopts planning, zoning and subdivision control as provided in Title 30, section 5621, may submit to the commission and receive the approval of the commission of the following:

(1) A comprehensive land use plan for that plantation or proposed city or town;

(2) Standards for determining land use district boundaries and uses permitted within the districts in that plantation or proposed city or town;

(3) A land use district boundary map for that plantation or proposed city or town; and

(4) Such other proposed regulations or standards as the commission deems to be necessary to achieve the purpose, intent and provisions of this chapter.

Upon request of the municipality or plantation, the commission shall prepare such plans, maps, regulations and standards as it may deem neces-

sary to meet minimum planning and zoning standards for its approval of those standards.

Upon obtaining approval, the plantation, city or town shall thereafter adopt, administer and enforce the approved plans, maps, regulations and standards.

B. From time to time, the commission may review the administration and enforcement of local land use plans and regulations by plantations and municipalities which have adopted land use plans, maps, regulations and standards approved by the commission. If, following the review, the commission finds that any of the following have occurred, the commission may reestablish its jurisdiction over that plantation or municipality:

(1) A plantation or municipality has repealed the land use plan, maps, standards or regulations necessary to satisfy the requirements of this subsection or has substantially modified the land use plan, maps, standards or regulations so that the resources of the plantation or municipality are not reasonably protected;

(2) A plantation or municipality has abolished or does not have functioning the administrative bodies and officers necessary to implement the land use program as approved by the commission, normally a planning board, board of appeals and code enforcement officer are included, but this may vary depending on the local program; or

(3) A plantation or municipality has not administered or enforced its land use plan, maps, standards or regulations in a manner which reasonably protects the resources in the plantation or municipality involved.

The action by the commission shall conform with the provisions for rulemaking of the Maine Administrative Procedure Act, Title 5, chapter 375.

Action taken by the commission to reestablish its jurisdiction over a plantation or municipality shall be effective immediately, but shall be submitted to the current or next regular session of the Legislature for approval. If the Legislature fails to act, the action shall continue in effect.

c. 480, Pt. A, §8 and repealed by PL 1983, c. 556, §4, is repealed.

Sec. 14. 12 MRSA §6553, sub-§7, as enacted by PL 1981, c. 662, §2, is repealed.

Sec. 14-A. 12 MRSA §7107, as enacted by PL 1981, c. 461, §2, is repealed.

Sec. 15. 12 MRSA §7377, sub-§2, ¶¶B and C, as enacted by PL 1979, c. 420, §1, are amended to read:

B. On which they are actually domiciled; and

C. Which is used exclusively for agricultural purposes; and.

Sec. 16. 12 MRSA §7468, sub-§10, ¶A, as enacted by PL 1985, c. 95, §1, is amended to read:

A. Each wild turkey legally presented for registration shall be tagged in the manner directed by and the with materials furnished by the commissioner. A \$1 fee may be assessed for registration.

Sec. 17. 12 MRSA §8906, sub-§2, as amended by PL 1983, c. 556, §7, and c. 819, Pt. A, §39, is repealed and the following enacted in its place:

2. Equipment. The director may establish lookout stations connected by telephone and radio, and construct, equip and maintain office-storehouse headquarters for necessary supplies, tools and equipment and provide for any other facilities essential for forest fire control. All fire lookout towers shall be staffed during periods of fire danger. The director shall notify the joint standing committees of the Legislature having jurisdiction over energy and natural resources and appropriations and financial affairs in writing prior to implementing any major policy changes in the operation and staffing of the fire lookout tower system. Within the unorganized territory, the director may, in addition to this subsection, construct and maintain roads and trails. In the event the director determines that any currently active fire tower should not be reopened for the subsequent fire season, he shall provide notice to the Legislature of his intended action by January 15th. This notice shall include the location of the fire towers affected and the justifications for the closures. Notice of closures shall be reviewed by the joint standing committee of the Legislature having jurisdiction over natural resources. Unless the Leg-

islature determines otherwise, the director may close towers so indicated.

Sec. 18. 15 MRSA §2716, as amended by PL 1983, c. 176, Pt. A, §5 and as repealed by PL 1983, c. 459, §1, is repealed.

Sec. 19. 18-A MRSA §2-402, as amended by PL 1983, c. 441, §3 and c. 480, Pt. A, §14, is repealed and the following enacted in its place:

§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, chapter 507, subchapter II, Article 7, 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.

Sec. 20. 20 MRSA §161, as repealed by PL 1981, c. 693, §§1 and 8 and as amended by PL 1983, c. 147, §1 and c. 485, §1, is repealed.

Sec. 21. 20 MRSA §226-A, as repealed by PL 1981, c. 693, §§1 and 8 and as amended by PL 1983, c. 485, §2, is repealed.

Sec. 22. 20 MRSA §379, as repealed by PL 1981, c. 693, §§1 and 8 and as amended by PL 1983, c. 485, §3, is repealed.

Sec. 23. 20 MRSA §807, as repealed by PL 1981, c. 693, §§1 and 8 and as amended by PL 1983, c. 470, §1, is repealed.

Sec. 24. 20 MRSA §1751, as repealed by PL 1981, c. 693, §§3 and 8 and as amended by PL 1983, c. 470, §2, is repealed.

Sec. 25. 20 MRSA §1752, as repealed by PL 1981, c. 693, §§3 and 8 and as amended by PL 1983, c. 470, §3, is repealed.

Sec. 26. 20 MRSA §3122, as repealed by PL 1981, c. 693, §§3 and 8 and as amended by PL 1983, c. 316, §1, is repealed.

Sec. 27. 20 MRSA §3130, as repealed by PL 1981, c. 693, §§3 and 8 and as amended by PL 1983, c. 278, §1, is repealed.

Sec. 28. 20 MRSA §4751, as repealed by PL 1981, c. 693, §§4 and 8 and as amended by PL 1981, c. 702, Pt. D, §6 and PL 1983, c. 485, §4, is repealed.

Sec. 29. 20-A MRSA §2301, as amended by PL 1983, c. 315, and as repealed by PL 1983, c. 816, Pt. A, §12 is repealed and the following enacted in its place:

§2301. Applicability of provisions to certain towns or cities

Sections 2302, 2303 and 2305 do not apply to municipalities whose charters specify the methods of selection, recall and term of office of a school committee, nor to municipalities who revise their charters or adopt new charters under the "home rule" provisions of Title 30, chapter 201-A, with specifications for method of selection, recall and term of office of a school committee, nor to municipalities authorized by private and special laws to otherwise choose a school committee.

Sec. 30. 20-A MRSA §4204, as repealed by PL 1983, c. 859, Pt. A, §14 and as amended by PL 1983, c. 862, §53, is repealed.

Sec. 31. Effective date. Section 30 shall take effect on August 1, 1985.

Sec. 32. 20-A MRSA §4406, as repealed by PL 1983, c. 859, Pt. A, §§19 and 25 and as amended by PL 1983, c. 862, §54, is repealed.

Sec. 33. Effective date. Section 32 shall take effect August 1, 1985.

Sec. 34. 20-A MRSA §4601, sub-§6, as repealed by

PL 1983, c. 859, Pt. A, §§4 and 7 and as amended by PL 1983, c. 862, §55, is repealed.

Sec. 35. Effective date. Section 34 shall take effect August 1, 1985.

Sec. 36. 20-A MRSA §5201, sub-§1, as repealed and replaced by PL 1983, c. 704, §1 and as amended by PL 1983, c. 806, §55, is repealed and the following enacted in its place:

1. Eligibility to enroll; school year. A person meeting the minimum age requirements of subsection 2 or section 7001, subsection 2, paragraph A, and who has not reached 20 years of age before the start of the school year may enroll as a full-time or, with the consent of the school board, as a part-time student, in the public elementary and secondary schools where the student resides as defined in section 5202. The school year, for the purpose of this subsection, is defined as starting on July 1st and ending on the following June 30th.

Sec. 37. 20-A MRSA §6101, sub-§3, as amended by PL 1983, c. 862, §58 is further amended to read:

3. Commissioner's review. The commissioner shall have access to any of the records or documents designated as confidential in this section ~~in~~ for carrying out the commissioner's duties pursuant to sections 13001 to 13003 and chapter 502.

Sec. 38. 20-A MRSA §15509, as repealed by PL 1983, c. 859, Pt. G, §§1 and 4 and as amended by PL 1983, c. 859, Pt. K, §4, is repealed.

Sec. 39. Effective date. Section 38 shall take effect July 1, 1985.

Sec. 40. 21-A MRSA §1201, sub-§5, District Number 38, District Number 116 and District Number 117, as enacted by PL 1983, c. 161, §6 is amended to read:

District Number 38, in the County of Cumberland, consisting of portions of the municipalities of Cumberland, Windham and Yarmouth: Being that portion of the Town of Windham north and east of a line described as follows: Beginning at the Windham-Falmouth boundary; thence northwest on Falmouth Road to Albion Road; thence south on Albion Road to Windham Center Road; thence northwest on the Windham Center Road to the Pleasant River; thence northwest on the Falmouth Road to the Varney's Mill Road; thence north on Varney's

Mill Road to Route 115; thence north on Route 115 to the Gray-Windham boundary; and that portion of the Town of Yarmouth enclosed by a line described as follows: Beginning at the Yarmouth-Cumberland line at its intersection with Hillside Street; thence northeast on Hillside Street to Route 115, Main Street; thence southeast on Route 115, Main Street, to Interstate 95; thence north on Interstate 95 to the intersection of U.S. Route 1; thence southwest on Route 1 to the Royal River; thence west along the Royal River to Maine Central Railroad; thence southwest along the ~~Maine~~ Maine Central Railroad to Route 115; thence west on Route 115 to the North Yarmouth-Yarmouth boundary; thence southwest along the North Yarmouth-Yarmouth boundary to the Yarmouth-Cumberland boundary; thence south and east along the Yarmouth-Cumberland boundary to Hillside Street; and that part of Cumberland described as follows: Beginning at the easternmost boundary of the Town of Cumberland and the Town of Falmouth; thence northwest along the Cumberland-Falmouth boundary to Route 88; thence north along Route 88 to Heritage Lane; thence west on Heritage Lane to Carriage Road; thence north on Carriage Road; thence east on Carriage Road to Route 88; thence north on Route 88 to King's Highway; thence west on King's Highway to Tuttle Road; thence west on Tuttle Road to Interstate 95; thence south on Interstate 95 to the Falmouth-Cumberland boundary; thence west along the Falmouth-Cumberland boundary to its westernmost point; and including Chebeague Island.

District Number 116, in Penobscot County, consisting of that portion of the City of Bangor to the south and east 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 Interstate 95; thence northeast on Interstate 95 to 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 13th Street; thence northeast on 13th Street to Union Street; thence northwest on Union Street to 14th Street; thence north on 14th Street to Ohio Street; thence east and south on Ohio Street to Bower Street; thence southeast on Bower Street to Everett Street; thence northeast on Everett Street to Nelson Street; thence north on Nelson Street to Valley Avenue; ~~thence north on Nelson Street to Valley Avenue~~; thence southeast across Kenduskeag Stream on Valley Avenue, which becomes Harlow Street; thence southeast on Harlow Street to Spring Street; thence northeast on Spring Street to Center Street; thence southeast on Center Street to Somerset Street; thence east on Somerset Street to Park Street; thence southeast on Park Street to Exchange Street; thence southeast on Exchange Street to Washington Street; thence west on Washington Street to Kenduskeag Stream; thence south on Kenduskeag Stream to the Penobscot River.

District Number 117, in Penobscot County, consisting of that portion of the City of Bangor north of a line described as follows: Beginning at the Bangor-Glenburn boundary and its intersection with Hudson Road; thence southeast on Hudson Road, Route 221, to Broadway, State Road 15; thence east and south on Broadway to the north boundary of Husson College; thence east, southwest and then west along the boundary to its intersection with Hillman Avenue and Husson Avenue; thence southwest along Hillman Avenue to Kenduskeag Avenue; thence southeast on Kenduskeag Avenue to Interstate 95; thence southwest on Interstate 95 to Union Street; thence southeast on Union Street to 14th Street; thence north on 14th Street to Ohio Street; thence east and south on Ohio Street to Bower Street; thence southeast on Bower Street to Everett Street; thence northeast on Everett Street to Nelson Street; thence north on Nelson Street to Valley Avenue; ~~thence north on Nelson Street to Valley Avenue~~; thence southeast across Kenduskeag Stream on Valley Avenue, which becomes Harlow Street; thence southeast on Harlow Street to Spring Street; thence northeast on Spring Street to Center Street; thence southeast on Center Street to Somerset Street; thence east on Somerset Street to French Street; thence north on French Street to Garland Street; thence east on Garland Street to Essex Street; thence north on Essex Street to Stillwater Avenue; thence north and east on Stillwater Avenue to In-

terstate 95; thence east and north on Interstate 95 to the Bangor-Veazie boundary.

Sec. 41. 22 MRSA §4007, sub-§4, as enacted by PL 1983, c. 783, §3 and c. 772, §4, is repealed and the following enacted in its place:

4. Interstate Compact on Placement of Children. The provisions of the Interstate Compact on Placement of Children, sections 4191 to 4247, shall apply to proceedings under this chapter. Any report submitted pursuant to the compact shall be admissible in evidence for purposes of indicating compliance with the compact and the court may rely on evidence to the extent of its probative value.

Sec. 42. 22 MRSA §4007, sub-§5 is enacted to read:

5. Records. Records released by the department pursuant to section 4008 shall be used only for the purposes for which that release was intended.

Sec. 43. 22 MRSA §4008, sub-§3, ¶D, as amended by PL 1983, c. 470, §12, is further amended to read:

D. An appropriate state executive or legislative official with responsibility for child protection services in carrying out his official functions, provided that no personally identifying information may be made available unless necessary to his functions; and

Sec. 44. 22 MRSA §4008, sub-§3, ¶E, as amended by PL 1983, c. 327, §§4 and 5 and as enacted by PL 1983, c. 470, §13, is repealed and the following enacted in its place:

E. The Protection and Advocacy Agency for the Developmentally Disabled in Maine in connection with investigations conducted in accordance with chapter 961. The determination of what information and records are relevant to the investigation shall be made by agreement between the department and the agency; and

Sec. 45. 22 MRSA §4008, sub-§3, ¶F is enacted to read:

F. Where the information concerns teachers and other professional personnel issued certificates under Title 20-A, the information shall be disclosed to the Commissioner of Educational and Cultural Services.

Sec. 46. 23 MRSA §1201, sub-§35, as enacted by PL 1983, c. 26, c. 71, and c. 506, is repealed and the following enacted in its place:

35. Southern Maine Vocational-Technical Institute. A sign shall be provided by the Southern Maine Vocational-Technical Institute and installed and maintained by the Maine Turnpike Authority at Exit 7 which will conform with standards established by the Maine Turnpike Authority and shall read as follows:

EXIT FOR:

SOUTHERN MAINE VOCATIONAL-TECHNICAL INSTITUTE

Sec. 47. 23 MRSA §1201, sub-§§37 and 38 are enacted to read:

37. Norway, South Paris and the Oxford Hills Region. Such sign shall be constructed and maintained on the Maine Turnpike no more than 7 miles southerly from exit 11 and shall be worded as follows:

EXIT FOR NORWAY, SOUTH PARIS
AND THE OXFORD HILLS REGION

38. Bates College. The signs shall be provided by Bates College. The Maine Turnpike shall erect one sign on the side of the northbound lanes between exits 12 and 13 and one sign on the side of the southbound lanes north of exit 13. The Maine Turnpike Authority shall be responsible for the maintenance of the signs.

Sec. 48. 23 MRSA §4206, sub-§1, ¶L, as amended by PL 1983, c. 310, §3 and as repealed by PL 1983, c. 477, Pt. E, sub-Pt. 26, §8, is repealed.

Sec. 49. 25 MRSA §2807, as enacted by PL 1983, c. 67, §6 and c. 544, §1, is repealed and the following enacted in its place:

§2807. Municipal reports of dismissed law enforcement officers

In the event that a law enforcement officer has resigned from or been dismissed from his position in a municipality or county for having been convicted of a Class A, Class B, Class C or Class D crime, the municipal officers or their designee or the county commissioners or their designee shall expeditiously notify the Director of the Maine Criminal Justice Academy with the name of the convicted law enforcement officer, the class of crime committed, the date the

offense was committed and a brief description of the crime.

For the purpose of this section, law enforcement officer means a full-time or part-time police officer, special police officer, constable, sheriff or deputy sheriff.

The Director of the Maine Criminal Justice Academy shall maintain a list of all the persons reported under this section which shall be made available to any municipality or county or to the State for the purpose of hiring law enforcement officers.

Sec. 50. 25 MRSA §2808 is enacted to read:

§2808. Sharing of training costs

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Governmental entity" means the State or any city, town, plantation or county.

B. "Training" means the initial basic training provided to part-time or full-time law enforcement officers by the Maine Criminal Justice Academy, as described in section 2805, subsection 1, and section 2805-A.

C. "Training costs" means the full cost of the salary paid to the officer while in training, the full cost of the tuition charged by the Maine Criminal Justice Academy, plus any overtime paid to others to provide police protection during the officer's absence. In determining training costs, charges for overtime, when they are applicable, shall always be calculated as 25% of the salary paid to the officer while in training.

2. Reimbursement for training costs. Whenever a law enforcement officer, trained at the Maine Criminal Justice Academy on or after September 1, 1983, while on the payroll of a particular governmental entity, is subsequently hired by another governmental entity within 3 years of his graduation from the academy, the governmental entity shall reimburse the first governmental entity according to the following formula.

A. If the officer is hired by the other governmental entity during the first year after his graduation, that governmental entity shall reim-

burse the first governmental entity the full cost of the training costs.

B. If the officer is hired by the other governmental entity during the 2nd year after his graduation, that governmental entity shall reimburse the first governmental entity 2/3 of the training costs.

C. If the officer is hired by the other governmental entity during the 3rd year after his graduation, that governmental entity shall reimburse the first governmental entity 1/3 of the training costs.

D. If the officer graduated more than 3 years before subsequently being hired by the other governmental entity, the governmental entity shall not be obligated to reimburse the first governmental entity.

If the officer is subsequently hired by additional governmental entities within 3 years of his graduation from the academy, each of those governmental entities shall be liable to the governmental employer immediately preceding it for the training costs paid by that governmental entity under this subsection. The extent of financial liability shall be determined according to the formula established by this subsection.

Reimbursement shall not be required when the trained officer hired by a governmental entity had his employment with a prior governmental entity terminated at the discretion of the governmental entity.

Sec. 51. 26 MRSA §1193, sub-§5, as amended by PL 1983, c. 13, §8, and c. 305, §4, is repealed and the following enacted in its place:

5. Receiving remuneration. For any week with respect to which he is receiving, is entitled to receive or has received remuneration in the form of:

A. Dismissal wages, wages in lieu of notice, terminal pay, vacation pay or holiday pay; or

B. Benefits under the unemployment compensation or employment security law of any state or similar law of the United States.

If the remuneration under paragraph A is less than the benefits which would otherwise be due under this chapter, he shall be entitled to receive for that

week, if otherwise eligible, benefits reduced by the amount of the remuneration, rounded to the nearest lower full dollar amount;

Sec. 52. 28 MRSA §59, as repealed and replaced by PL 1977, c. 86, is amended to read:

§59. Bureau of Liquor Enforcement

1. Bureau of Liquor Enforcement. The enforcement division of the State Liquor Commission shall be the Bureau of Liquor Enforcement within the Department of Public Safety, as heretofore created. The Commissioner of Public Safety shall appoint as Director of the Bureau of Liquor Enforcement a person experienced in law enforcement or enforcement of liquor laws, who may be removed for cause by the commissioner. The director, subject to the Personnel Law, may appoint as many inspecters liquor enforcement officers as may be found necessary. The inspectors liquor enforcement officers shall be under the direct supervision and control of the director.

Notwithstanding any other provisions of law, the Department of Public Safety shall be responsible for the enforcement of the liquor laws and the rules and regulations of the commission.

All business and financial records of licensees shall be confidential.

2. Enforcement powers. An inspector A liquor enforcement officer appointed under this section shall have the duty and authority to enforce the provisions of this Title, of Title 17, chapter 69, and of Title 29, section 2182. For the purpose of enforcing these provisions, he shall have the same powers throughout the several counties of the State as sheriffs have in their respective counties to investigate and prosecute violations, to execute warrants, to serve process and to arrest offenders.

3. Other enforcement powers. In addition to the authority in subsection 2, a liquor inspector enforcement officer shall have the authority to arrest without a warrant any person who has committed or is committing any other crime in his presence. An arrest made pursuant to this authority shall be made at the time of the criminal conduct, or some part thereof, or within a reasonable time thereafter. This authority shall be exercised only by a liquor inspector enforcement officer who has completed the basic training course for liquor inspecters enforcement officers at the Maine Criminal Justice Academy or for

whom that basic training course or a portion thereof has been waived by the board of trustees of the academy because of successful completion of equivalent training.

Sec. 53. 29 MRSA §246, 3rd ¶, as amended by PL 1983, c. 30, §1 and c. 94, Pt. C, §6, is repealed and the following enacted in its place:

The annual fee for registration of farm motor trucks, having 2 or 3 axles other than so-called dolly axles falling under section 1652, subsection 4, paragraph A, subparagraph (6), or farm motor trucks having 2 or 3 axles towing a trailer or semitrailer when those trucks are used primarily for transportation of agricultural commodities, supplies or equipment to be used in connection with the operation of a farm or farms owned, operated or occupied by the registrant, shall be as follows:

From 0 pounds gross weight to 6,000 pounds gross weight \$ 16

From 6,001 pounds gross weight to 9,000 pounds gross weight \$ 19

From 9,001 pounds gross weight to 11,000 pounds gross weight \$ 22

From 11,001 pounds gross weight to 14,000 pounds gross weight \$ 34

From 14,001 pounds gross weight to 16,000 pounds gross weight \$ 45

From 16,001 pounds gross weight to 18,000 pounds gross weight \$ 67

From 18,001 pounds gross weight to 20,000 pounds gross weight \$ 79

From 20,001 pounds gross weight to 23,000 pounds gross weight \$ 96

From 23,001 pounds gross weight to 26,000 pounds gross weight \$114

From 26,001 pounds gross weight to 29,000 pounds gross weight \$139

From 29,001 pounds gross weight to 32,000 pounds gross weight \$159

From 32,001 pounds gross weight to 35,000 pounds
gross weight \$235

From 35,001 pounds gross weight to 38,000 pounds
gross weight \$258

From 38,001 pounds gross weight to 42,000 pounds
gross weight \$281

From 42,001 pounds gross weight to 46,000 pounds
gross weight \$304

From 46,001 pounds gross weight to 50,000 pounds
gross weight \$327

From 50,001 pounds gross weight to 54,000 pounds
gross weight \$350

Sec. 54. 29 MRSA §246-A, sub-§9, as amended by PL 1983, c. 817, §4, is further amended to read:

9. Suspension. On certification by the State Tax Assessor to the Secretary of State that a vehicle owner is not in compliance with Title 36, chapter 453, 457, 459 or 463 463-A, the Secretary of State shall suspend all fuel use identification decals issued to that owner. Until the State Tax Assessor certifies to the Secretary of State that an owner is in full compliance, an owner who has had his fuel use identification decals revoked shall not operate or cause operation of vehicles registered to him which require decals to operate on Maine highways.

Reinstatement of the fuel use decal requires, in addition to meeting the requirements of this law, the payment of a fee of \$25 to the Secretary of State, section 2241-D.

The Secretary of State shall promptly notify the Department of Public Safety of any suspension, revocation and reinstatement under provisions of this section. Every owner transferring ownership of a vehicle bearing a valid fuel use identification decal shall disfigure any such decal and no person acquiring a vehicle with an unexpired fuel use identification decal may operate or cause operation of such vehicle without a valid trip permit or bearing a decal issued to him.

Sec. 55. 29 MRSA §247 is amended to read:

§247. -- antique motor vehicles

The annual fees for the registration of antique motor vehicles shall be in accordance with this section and shall accompany the application for registration.

Antique motor vehicles ~~\$7.50~~ \$10 each.

Sec. 56. 29 MRSA §1362, as amended by PL 1985, c. 82 and c. 108, §10, is repealed and the following enacted in its place:

§1362. Brakes; signals; unnecessary noise; bells and sirens; exceptions

Every motor vehicle shall be provided with adequate brakes in good working order and sufficient to control the vehicle at all times when the vehicle is in use, and a suitable and adequate horn or other device for signaling. Every such motor vehicle shall have brakes adjusted so as to stop 2-wheel brake vehicles at a speed of 20 miles per hour within a distance of 45 feet and 4-wheel brake vehicles within 30 feet, excepting motorcycles and motor driven cycles, which, at all times and under all conditions of loading, shall have brakes adjusted so as to stop the vehicles within a distance of 30 feet from a speed of 20 miles per hour. Every such vehicle and combination of vehicles, except 2-wheel motorcycles and 2-wheel motor driven cycles, shall be equipped with parking brakes adequate to hold the vehicle on any grade on which it is operated, under all conditions of loading, on a surface free from snow, ice or loose material. The parking brakes shall be capable of being applied in conformance with the requirements of this section by the driver's muscular effort or by spring action or by equivalent means. Their operation may be assisted by the service brakes or other source of power, provided that failure of the service brake actuation system or other power assisting mechanism will not prevent the parking brakes from being applied in conformance with the requirements of this section. The parking brakes shall be so designed that when once applied they shall remain applied with the required effectiveness despite exhaustion of any source of energy or leakage of any kind. The same brake drums, brake shoes and lining assemblies, brake shoe anchors and mechanical brake shoe actuation mechanism normally associated with the wheel brake assemblies may be used for both the service brakes and the parking brakes. If the means of applying the parking brakes and the service brakes are connected in any way, they shall be so constructed that failure of any one part shall not leave the vehicle without operative brakes. No signaling device may be unnec-

essarily sounded nor any braking or acceleration unnecessarily made so as to cause a harsh, objectionable or unreasonable noise, and no bell or siren may be installed or used on any motor vehicle, except that fire and police department vehicles and ambulances, and vehicles operated by state, city and town fire inspectors, city and town fire chiefs, assistant fire chiefs, police chiefs and assistant police chiefs may be so equipped for use only when responding to emergency calls, such motor vehicles used by forest rangers or personnel engaged in forest fire control as may be designated by the Department of Conservation, and such motor vehicles used by sheriffs and deputy sheriffs, and such motor vehicles used by inland fisheries and game wardens as may be designated by the Department of Inland Fisheries and Wildlife and such motor vehicles used by coastal wardens as may be designated by the Department of Marine Resources, and such motor vehicles used by United States Government law enforcement officials, and such motor vehicles used by a state or municipal department which controls or supervises electrical alarm and communication systems.

Sec. 57. 29 MRSA §2241, sub-§1, ¶L, as repealed by PL 1983, c. 334, §1 and as amended by PL 1983, c. 455, §28, is repealed.

Sec. 58. 29 MRSA §2713, sub-§1, as amended by PL 1983, c. 234, §6 and c. 480, Pt. A, §36, is repealed and the following enacted in its place:

1. Deposit of funds. All revenues derived from fees and fines authorized by this chapter shall be deposited with the Treasurer of State in a separate account to be known as the Transportation Safety Fund.

Sec. 59. 30 MRSA §254-B, as repealed by PL 1983, c. 435, §2 and as amended by PL 1983, c. 439, is repealed.

Sec. 60. 30 MRSA §853, sub-§3, as amended by PL 1977, c. 650, §3, is further amended to read:

3. Part-time deputy. "Part-time deputy" means a deputy who is compensated on an hourly or per diem basis under section 958, subsection 2, and who does not receive more than \$4,000 \$6,000 in any one calendar or fiscal year for performing county law enforcement duties. "County law enforcement duties" under this subsection does not include acting as a court officer, and any compensation for acting as a court

officer shall not be included in the \$4,000 \$6,000 limit of this subsection.

Sec. 61. 30 MRSA §2252 is amended to read:

§2252. Title to municipal office

A person who claims to have been elected to any municipal office may proceed against another who claims title to the office within 15 days after election day by following the procedure outlined in Title ~~21~~ 21-A, section ~~2212~~ 746.

Sec. 62. 30 MRSA §2352, sub-§3, ¶A-1 is enacted to read:

A-1. Certificate of birth, marriage or death, \$5 for the first copy and \$2 for each additional copy;

Sec. 63. Effective date. Section 62 shall take effect 90 days after adjournment of the Legislature.

Sec. 64. 30 MRSA § 4761, next to last ¶, as enacted by PL 1979, c. 473, §2, is amended to read:

For any Capital Reserve Fund to which, under the resolution establishing the Capital Reserve Fund, ~~the 3rd paragraph from the end of this section~~ subsection 4 is not stated to apply, there shall be no certification by the director to the Governor or appropriation and payment by the Legislature for deposit in the fund to restore the fund to an amount equal to its required minimum reserve.

Sec. 65. 30 MRSA §4761, last ¶, as amended by PL 1981, c. 620, §18, is further amended to read:

For purposes of valuation of the Housing Reserve Fund or a Capital Reserve Fund to which ~~the 3rd paragraph from the end of this section~~ subsection 4 applies, securities acquired as an investment for any such fund shall be valued at par or actual cost to the state authority, whichever value is less.

Sec. 66. 30 MRSA §4864, sub-§1, as amended by PL 1985, c. 163, §5, is further amended to read:

1. Captured assessed value. The municipality may retain all or part of the tax increment of a tax increment financing district for the purpose of financing the development program. The amount of tax increment to be retained shall be determined by designating the amount of ~~capture~~ captured assessed value to

be retained. At the time of adoption of a development program for a tax increment financing district, the governing body shall adopt a statement of the percentage of captured assessed value to be retained in accordance with the development program. Once adopted, the percentage may only be decreased in subsequent years, unless a new development program is adopted, or the present plan is amended or altered under section 4863. The municipal assessor shall certify the amount of the captured assessed value to the municipality each year.

Sec. 67. 32 MRSA §1552, sub-§2, ¶C, as enacted by PL 1977, c. 398, §10, is amended to read:

C. Upon inmates or residents of institutions of the Department of Mental Health and Mental Retardation and the Department of Corrections;

Sec. 68. 32 MRSA §2351, first ¶, as amended by PL 1983, c. 553, §36 and c. 812, §218, is repealed and the following enacted in its place:

An Oil and Solid Fuel Board, as established by Title 5, section 12004, subsection 1, and in this chapter called the "board," shall consist of the Commissioner of Business, Occupational and Professional Regulation or a representative appointed by the commissioner, the Commissioner of Public Safety or a representative and 5 other members, called in this chapter the "appointive members," who shall be appointed by the Governor.

Sec. 69. 32 MRSA §3282, sub-§5, ¶N, as amended by PL 1983, c. 176, Pt. A, §17 and as repealed by PL 1983, c. 378, §52, is repealed.

Sec. 70. 34-B MRSA §1001, sub-§9, as enacted by PL 1983, c. 459, §7, is amended to read:

9. Written political material. "Written political material" means flyers, handbills or other nonperiodical publications which are subject to the restrictions of Title 21 21-A, chapter 35 13.

Sec. 71. 34-B MRSA §1410, sub-§4, as enacted by PL 1983, c. 459, §7, is amended to read:

4. Violation. The posting of written political material under this section is not a violation of Title 21 21-A, section 1575-A 31, subsection 3 or section 1579 674, subsection 7 1, paragraph C.

Sec. 72. 35 MRSA §19, as enacted by PL 1983, c.

815, §1 and as reallocated by PL 1983, c. 862, §78, is repealed and the following enacted in its place:

§19. Reimbursement fund

All money collected by the Public Utilities Commission in the form of filing fees or expense reimbursements ordered by the commission shall be deposited with the Treasurer of State in an account to be known as the Public Utilities Commission Reimbursement Fund, which shall be a continuous carrying account for reimbursement of commission expenses incurred in processing the associated matters which generated the filing fee or expense reimbursement and so much thereof as may be required is appropriated for these purposes and for refund of the unexpended portion of the filing fee. All such payments shall be made to the commission after approval of the State Controller and in no event may the payments exceed the amounts received by the Treasurer of State from the Public Utilities Commission.

Fines collected by the Public Utilities Commission which do not constitute a reimbursement of commission expenses shall be deposited in the General Fund of the State Treasury. Upon certification by the secretary of the commission that certain amounts in the Public Utilities Commission Reimbursement Fund are not required by the commission, the Treasurer of State shall transfer the amounts to the General Fund.

The commission shall report annually, before February 1st, to the joint standing committee of the Legislature having jurisdiction over public utilities, on a case by case basis, on the waiver, exemption, receipt and expenditure of any filing fees, expense reimbursements or fines collected under this Title.

Sec. 73. 35 MRSA §20 is enacted to read:

§20. Funding of intervenors by the commission

Notwithstanding sections 3, 4 and 313, the commission shall not order compensation of intervenors by any utility except as authorized by this section. Compensation of intervenors may be ordered only to the extent that compensation is specifically required by the Public Utilities Regulatory Policies Act of 1978, United States Code, Title 16, Section 2601, et seq.

Sec. 74. Effective date. The Maine Revised Statutes, Title 35, section 20, shall not apply to

cases pending before the commission on April 1, 1984. In those cases, intervenor funding shall be paid in accordance with the final order of the commission in the case in question.

Sec. 75. 36 MRSA §1752, sub-§14-A, as amended by PL 1981, c. 706, Pt. R, §1, is repealed.

Sec. 76. 36 MRSA §3461, sub-§2, as amended by PL 1983, c. 480, Pt. A, §44 and c. 571, §11, is repealed and the following enacted in its place:

2. Life insurance. All proceeds of life insurance policies upon the life of a decedent payable to his estate or to his personal representatives except, if testate, such part thereof as is bequeathed to a widow or widower, or issue, or, if intestate, such part thereof as descends to a surviving widow, widower or issue.

Sec. 77. 36 MRSA §4569, as amended by PL 1983, c. 766, §2, is further amended to read:

§4569. Records and reports

Every shipper shall, on or before the 15th day of each month, report to the State Tax Assessor the quantity of potatoes received, sold or shipped by him during the preceding calendar month and any additional information which the State Tax Assessor deems pertinent, on forms furnished by the State Tax Assessor. At the time of filing the report, each shipper shall pay to the State Tax Assessor a tax at the rate of \$.05 per hundredweight upon all potatoes so reported as purchased, sold or shipped. The State Tax Assessor shall pay over all receipts from such tax to the Treasurer of State daily.

Sec. 78. 36 MRSA §5122, sub-§2, as amended by PL 1983, c. 798, c. 828, §22 and c. 855, §17, is repealed and the following enacted in its place:

2. Subtractions. For tax years beginning on or after January 1, 1977, federal adjusted gross income shall be reduced by:

A. Interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission or instrumentality of the United States or on a seller-sponsored loan, as defined by Title 10, chapter 10, to the extent includable in gross income for federal income tax purposes, but exempt from state income taxes under the laws of the United States, pro-

vided that the amount subtracted shall be decreased by any expenses incurred in the production of the interest or dividend income to the extent that these expenses, including amortizable bond premiums, are deductible in determining federal adjusted gross income;

B. An amount equal to the taxpayer's federal new jobs credit as determined under the laws of the United States;

C. Social security benefits and tier 1 railroad retirement benefits paid by the United States, to the extent included in federal adjusted gross income; and

D. For each of the taxable years ending in 1985 through 1987, 1/3 of the amount by which federal adjusted gross income was increased for the taxable year ending in 1984 under subsection 1, paragraph F.

Sec. 79. 38 MRSA §418, sub-§1, as amended by PL 1983, c. 375, §1 and c. 566, §20, is repealed and the following enacted in its place:

1. Prohibitions. No person, firm, corporation or other legal entity may place logs or pulpwood into the inland waters of this State for the purpose of driving the logs or pulpwood to pulp mills, lumber mills or any other destination, except to transport logs or pulpwood from islands to the mainland.

No person, firm, corporation or other legal entity may place logs or pulpwood on the ice of any inland waters of this State, except to transport logs or pulpwood from islands to the mainland.

No person, firm, corporation or other legal entity may place logs or pulpwood into the inland waters of this State for the purpose of storage or curing the logs or pulpwood, or for other purposes incidental to the processing of forest products, or to transport logs or pulpwood from islands to the mainland, without a permit from the board as described in subsection 2.

Sec. 80. 38 MRSA §625, as amended by PL 1983, c. 453, §7 and as repealed by PL 1983, c. 458, §16, is repealed.

Sec. 81. 38 MRSA §1303-A, sub-§1, as repealed and replaced by PL 1983, c. 816, Pt. B, §21 and as amended by PL 1983, c. 666, is repealed and the following enacted in its place:

1. Identification of hazardous waste. The board may adopt and amend rules identifying hazardous waste. It is the intent of the Legislature that the board shall identify as hazardous waste those substances which are so identified by the United States Environmental Protection Agency in proposed or final regulations. The Legislature also intends that the board may identify as hazardous waste, in accordance with paragraph B, other substances in addition to those identified by the United States Environmental Protection Agency. Further, the Legislature intends that a substance which has been identified as a hazardous waste by the board shall be removed from identification only by further rulemaking by the board.

Hazardous waste may be identified as follows.

A. The board may identify any substance as a hazardous waste if that substance is identified as hazardous by particular substance, by characteristic, by chemical class or as a waste product of a specific industrial activity in proposed or final rules of the United States Environmental Protection Agency.

B. The board may identify any substance as a hazardous waste if the board, after evaluation based on existing data or data reasonably extrapolated from previously conducted studies using similar classes of substances or compounds under similar circumstances, has determined that the substance is an acute or chronic toxin causing significant potential adverse public health or environmental effects. An acute or chronic toxin may include the characteristics of:

- (1) Carcinogenicity;
- (2) Mutagenicity;
- (3) Teratogenicity; or
- (4) Infectiousness.

Rules adopted under this paragraph shall be submitted to the joint standing committee of the Legislature having jurisdiction over natural resources for review. These rules shall remain in effect until 90 days after adjournment of the next regular session of the Legislature unless adopted by legislative enactment.

C. Whenever the board proposes to adopt or amend rules identifying hazardous waste or removing

hazardous waste from identification, it shall hold a public hearing.

D. In addition to hazardous waste identified under paragraphs A and B, the Legislature identifies the following chemicals, materials, substances or waste as being hazardous waste:

(1) Polychlorinated biphenyls and any substance containing polychlorinated biphenyls.

Sec. 82. 39 MRSA §97, 2nd ¶, as amended by PL 1983, c. 38 and c. 479, §20, is repealed and the following enacted in its place:

Except that, for good cause shown, a single commissioner may permit the late filing of any pleading permissible under this Act. If the subject of the petition has been considered in an informal conference under section 94-B, the period for filing and mailing of answers shall be 7 days.

Sec. 83. PL 1983, c. 859, Pt. K, §1, first 2 lines are repealed and the following enacted in their place:

Sec. 1. 5 MRSA §12004, sub-§10, ¶A, as enacted by PL 1983, c. 812, §39, is amended to read:

Sec. 84. Resolves 1983, c. 85, first ¶, last sentence is amended to read:

The Governor shall appoint the nonlegislative committee members in the following manner: The Members representing the Paper Industry Information Office, the Maine Chapter of the Society of American Foresters and the Small Woodlot Owners Association of Maine shall be chosen from lists of 3 individuals submitted by the respective organizations, and the members representing woodcutters and the public shall be chosen by the Governor in such manner as the Governor deems proper; and be it further

Sec. 85. Resolves 1983, c. 85, 2nd ¶, last sentence is amended to read:

The committee may request staff support from the Legislative Council; and be it further

PART B

Sec. 1. 4 MRSA §157, sub-§1, ¶B, as repealed and replaced by PL 1983, c. 863, Pt. B, §§7 and 45, is amended to read:

B. The Chief Justice of the Supreme Judicial Court shall designate one of the judges as Chief Judge. The Chief Judge, with the advice and consent of the Chief Justice of the Supreme Judicial Court, shall designate one of the District Court Judges as Deputy Chief Judge who shall have all the duties, powers and responsibilities of the Chief Judge when the Chief Judge is unable to perform them because of illness, absence or disability.

Sec. 2. 4 MRSA §164, sub-§1-A is enacted to read:

1-A. Appoint bail commissioners. Appoint bail commissioners pursuant to Title 14, section 5541, for any district when the resident judge for that district, because of illness, absence or disability, is unable to appoint.

Sec. 3. 5 MRSA §1001, sub-§19-A as enacted by PL 1985, c. 62, §1, is amended to read:

19-A. Restoration to service. "Restoration to service" means that a retired state employee or teacher has accepted employment as either a state employee or teacher, ~~or that a retired participating local district employee has accepted employment as either a state employee or teacher,~~ or that a retired participating local district employee has accepted employment with the participating district from which he had retired. Election to the Legislature is not considered restoration to service.

Sec. 4. Effective date. Section 3 shall take effect 91 days after adjournment of the Legislature.

Sec. 5. 7 MRSA §3153, sub-§3, as enacted by PL 1983, c. 573, §4, is amended to read:

3. Additional collections for promotion. Effective June 1, 1984, each producer-dealer shall on a monthly basis pay to the Maine Milk Pool a promotion fee equal to .6 of 1% for a period of one year ending May 31, 1985, and .8 of 1% thereafter ~~of the average Class I price per hundredweight for milk of 3.5% butterfat content,~~ as established by the Maine Milk Commission during the preceding calendar year, rounded to the nearest 1/10 of 1¢ thereafter shall, on a monthly basis, pay a promotion fee at the rate of 10¢ per hundredweight applied to all milk produced by the producer-dealer. This promotion fee shall be credited to the Maine Dairy Promotion Board, except that 1.5¢ per hundredweight for the first year and 2¢ per

hundredweight thereafter shall be paid by the board to the Maine Dairy and Nutrition Council. This promotion fee shall also be paid to the Maine Milk Pool by Maine market dealers on all milk imported for sale within the State and such sums shall be credited in the same manner.

Sec. 6. 7 MRSA §3154, sub-§2, ¶B, as enacted by PL 1983, c. 573, §4, is amended to read:

B. Amounts paid to the Maine Dairy Promotion Board for the purposes authorized by Title 36, section 4501, equal to .6 of 1% for one year beginning June 1, 1984, and ending May 31, 1985, and .8 of 1% thereafter of the average Class I price per hundredweight for milk of 3.5% butterfat content, as established by the Maine Milk Commission during the preceding calendar year, rounded to the nearest 1/10 of 1¢, thereafter equal to the rate of 10¢ per hundredweight applied to all milk produced, purchased or imported for sale within the State, excluding milk consumed on the farm where produced. Of the amount credited to the Maine Dairy Promotion Board, 1.5¢ per hundredweight for the first year after the establishment of the pools and 2¢ per hundredweight thereafter shall be paid by the board to the Maine Dairy and Nutrition Council; and

Sec. 7. 8 MRSA §230, as enacted by PL 1985, c. 23, §2, is amended to read:

§230. Appeals

Any person aggrieved by a any decision of the Commissioner of Public Safety may appeal the decision to the Superior Court within 30 days. The court shall immediately, after notice and hearing, affirm or reverse the commissioner's decision. The finding of the court shall be final. Superior Court may be reviewed by appeal to the Supreme Judicial Court sitting as the Law Court.

Sec. 8. Effective date. Section 7 shall take effect 91 days after adjournment of the Legislature.

Sec. 9. 10 MRSA §1005, sub-§6-A, as enacted by PL 1983, c. 499, §1 and as repealed by PL 1983, c. 519, §6, is repealed.

Sec. 10. 12 MRSA §6504, as repealed by PL 1983, c. 680, §4, is repealed.

Sec. 10-A. 12 MRSA §7152, as repealed by PL 1983, c. 680, §6, is repealed.

Sec. 11. 14 MRSA §3126, as enacted by PL 1971, c. 408, §1, is amended to read:

§3126. Fees and costs

The subpoena and return of service shall be filed with the clerk, together with a filing fee of \$5 as established by the Supreme Judicial Court pursuant to Title 4, section 175. ~~Said~~ The fee and actual costs of service shall be added to the judgment, unless the judgment creditor or his attorney fails to appear in accordance with section 3125.

Sec. 12. 17-A MRSA §17, sub-§1, as amended by PL 1975, c. 770, §81, is further amended to read:

1. A law enforcement officer who has probable cause to believe that a civil violation has been committed shall deliver a citation to such person directing him to appear in the District Court to answer the allegation that he has committed the violation. The citation shall include the signature of the officer, a brief description of the alleged violation, the time and place of the alleged violation and the time, place and date the person is to appear in court. As soon as practicable after service of the citation, the officer shall cause a copy thereof to be filed with the court. Upon a failure to appear, the court may issue a warrant of arrest.

Sec. 13. 17-A MRSA §17, sub-§4, as enacted by PL 1975, c. 740, §22, is amended to read:

4. Any person who fails to appear in court, as directed by a citation served on him pursuant to subsection 1, is guilty of a Class E crime. ~~Upon a failure to appear, the court may issue a warrant of arrest.~~ It is an affirmative defense to prosecution under this subsection that the failure to appear was neither intentional nor knowing.

Sec. 14. 20-A MRSA §1352, sub-§2, ¶A, as amended by PL 1983, c. 485, §15, is further amended to read:

A. When a referendum is called for the purpose of authorizing the issuance of bonds or notes for capital outlay purposes, the articles shall be substantially as follows.

(1) "Shall the school directors of School Administrative District No.....be authorized to issue bonds or notes in the name of this district for school construction purposes in an amount not to exceed \$.....

to construct a
 (elementary or secondary school)
 to be located at
 (specifically defined lot where school is to
 be erected)

Yes No "

(2) "Shall the school director of School
 Administrative District No.....be autho-
 rized to issue bonds or notes in the name of
 this district for school construction or mi-
 nor capital projects in an amount not to ex-
 ceed \$.....for the purpose of.....
 (here state purpose of school construction
 project)

Yes No "

(3) "Shall the school directors of School
 Administrative District No..... be au-
 thorized to use the bond issue or notes in
 an amount not to exceed \$..... which was
 voted by the district on

.....
 (date)

to construct a
 (elementary or secondary school)
 to be located at?
 (specifically define lot where school is to
 be located)

Yes No "

(4) "Shall the school directors of School
 Administrative District No. be au-
 thorized to construct a

.....
 (elementary or secondary school)
 to be located at

 (specifically defined lot where school is to
 be located)

with the total project cost not to exceed
 \$..... and to issue bonds or notes in
 the name of this district for school con-
 struction purposes in an amount not to ex-
 ceed \$..... with the balance of the to-
 tal project costs to be derived from

.....
 (description of other sources of funds such
 as initial state share where approved for
 current fiscal year funding, proceeds from

insured losses, money from federal sources,
other noneducational funds, etc.)

<u>Yes</u>	<u>No</u>	<u>"</u>
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Sec. 15. 20-A MRSA §15904, sub-§3, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

3. Community school districts. In a community school district, the vote shall be conducted in accordance with Title 30, sections 2061 to 2065. The return and counting of votes shall be conducted in accordance with the procedures established in section 1353, subsection 3. The district school committee shall:

A. Issue a warrant ordering the municipalities within the district to place the school construction article on the ballot; and

B. Prepare and furnish the required number of ballots for carrying out the vote.

Sec. 16. 20-A MRSA §15904, sub-§4, ¶E, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

E. The local share of debt service allocation to be calculated in accordance with the School Finance Act of 1985.

Sec. 17. 20-A MRSA §15909, sub-§2, ¶A, as amended by PL 1983, c. 426, §6, is further amended to read:

A. The amount to be bonded shall be determined as follows. The total cost of the project shall be reduced by:

(1) The initial local share;

(1-A) The initial state share as defined in section 15914, subsection 3, when the initial state share has been approved for current fiscal year funding;

(2) Proceeds from insured losses;

(3) Money from federal sources; and

(4) Other noneducational funds, except gifts and moneys from federal revenue sharing sources.

Sec. 18. Effective date. Sections 14, 15, 16, and 17 shall take effect July 1, 1985.

Sec. 18-A. 22 MRSA §3273, sub-§1, ¶B, as repealed by PL 1983, c. 749, §2, is reenacted to read:

B. For an individual who resides in an adult foster home, boarding home or nursing home, as defined in section 1812-A, in addition to the benefits provided herein under paragraphs A and C, provide sufficient income to allow the individual for personal needs an amount equal to at least \$30 a month, plus an amount sufficient to meet the monthly per resident payment rate as established by the department of the adult foster home or boarding home in which the individual resides; and

Sec. 19. 23 MRSA §1351, 4th ¶, as amended by PL 1971, c. 593, §22, is further amended to read:

On any highway or street constructed with federal aid in any town, the location, form and character of informational, directional, regulatory and warning signs, curb and pavement or other markings, and traffic signals, installed or placed by any public authority or other agency, shall be subject to the approval of the department with the concurrence of the Public Roads Federal Highway Administration.

Sec. 20. 26 MRSA §1021, as amended by PL 1977, c. 581, §1, is further amended to read:

§1021. Purpose

It is declared to be the public policy of this State and it is the purpose of this chapter to promote the improvement of the relationship between public employers and their employees by providing a uniform basis for recognizing the right of the University of Maine employees, Maine Maritime Academy employees, and vocational-technical institute employees and state schools for practical nursing employees to join labor organizations of their own choosing and to be represented by such organizations in collective bargaining for terms and conditions of employment.

Sec. 21. 26 MRSA §1022, sub-§1-C, as amended by PL 1979, c. 602, §5, is further amended to read:

1-C. Vocational-technical institute.
"Vocational-technical institute" ~~shall mean~~ means the Maine state vocational-technical institutes ~~and state schools for practical nursing~~ and its activities and

functions supervised by the State Board of Education or ~~their~~ its designee. In furtherance of this chapter, the ~~vocational-technical institutes and state schools for practical nursing~~ shall be considered as a single employer, and ~~The~~ employment relations, policies and practices throughout the vocational-technical institutes shall be as consistent as possible. It is the responsibility of the State Board of Education or its designee to negotiate collective bargaining agreements and administer these agreements. The State Board of Education or its designee is responsible for employer functions of the vocational-technical institutes and state schools for practical nursing under this chapter; and shall coordinate its collective bargaining activities with campuses or units on matters of vocational-technical institute concern. In addition to its responsibilities to the public generally, the vocational-technical institutes shall have the specific responsibility of considering and representing the interests and welfare of the students in any negotiations under this chapter. The State Board of Education may utilize the Office of State Employee Relations for the purposes of this chapter.

Sec. 22. 26 MRSA §1022, sub-§11, as amended by PL 1977, c. 581, §3, is further amended to read:

11. University, academy or vocational-technical institute employee. "University, academy, or vocational-technical institute ~~or state schools for practical nursing~~ employee" means any regular employee of the University of Maine, the Maine Maritime Academy, ~~or vocational-technical institutes or state schools for practical nursing~~ performing services within a campus or unit, except any person:

- A. Appointed to office pursuant to statute;
- B. Appointed by the Board of Trustees as a vice-president, dean, director or member of the chancellor's or superintendent's immediate staff;
- C. Whose duties necessarily imply a confidential relationship with respect to matters subject to collective bargaining as between such person and the university or the academy; or
- D. Employed in his initial 6 months of employment.

Sec. 23. 26 MRSA §1023, as repealed and replaced by PL 1977, c. 581, §4, is amended to read:

§1023. Right of university, academy or
vocational-technical institute employees to
join labor organizations

No one shall ~~may~~ directly or indirectly interfere with, intimidate, restrain, coerce or discriminate against university, academy, or vocational-technical institute ~~or state schools for practical nursing~~ employees or a group of university, academy, or vocational-technical institute ~~or state schools for practical nursing~~ employees in the free exercise of their rights, hereby given, voluntarily to join, form and participate in the activities of organizations of their own choosing for the purposes of representation and collective bargaining, or in the free exercise of any other right under this chapter.

Sec. 24. 26 MRSA §1024-A, sub-§§1, 3 and 5 as enacted by PL 1979, c. 541, Pt. B, §31, are amended to read:

1. Legislative intent. It is the express ~~legislative~~ legislative intent that, in order to foster meaningful collective bargaining, units shall be structured in such a way as to avoid excessive fragmentation whenever possible. In accordance with this policy, bargaining units shall be structured on a university system-wide basis with one unit for each of the following occupational groups:

- A. Faculty;
- B. Professional and administrative staff;
- C. Clerical, office, laboratory and technical;
- D. Service and maintenance;
- E. Supervisory classified; and
- F. Police.

It is intended that Cooperative Extension Service employees be included in appropriate units.

3. Vocational-technical institutes. It is the express ~~legislative~~ legislative intent to foster meaningful collective bargaining for employees of the vocational-technical institutes and ~~state schools for practical nursing~~. Therefore, in accordance with this policy, the bargaining units shall be structured with one unit in each of the following occupational groups:

- A. Faculty and instructors; and
- B. Administrative staff.

5. Additional bargaining units. Notwithstanding subsection 1, 2 or 3, the Legislature recognizes that additional or modified university system-wide units, academy units, or vocational-technical institute units ~~or state schools for practical nursing units~~ may be appropriate in the future. Therefore, the employer or employee organizations may petition the executive director for the establishment of additional or modified university system-wide units, academy units, or vocational-technical ~~insitute~~ institute ~~units or state schools for practical nursing units.~~ The executive director or his designee shall determine the appropriateness of such petitions, taking into consideration the community of interest and the declared legislative intent to avoid fragmentation whenever possible and to insure employees the fullest freedom in exercising the rights guaranteed by this chapter. The executive director or his designee conducting unit determination proceedings shall have the power to administer oaths and to require by subpoena the attendance and testimony of witnesses, the production of books, records and other evidence relative or pertinent to the issues represented to them. To warrant modification in the composition of that bargaining unit, any public employer or any recognized or certified bargaining agent may file a petition for a unit clarification, provided that the parties are unable to agree on appropriate modifications and there is no question concerning representation.

Sec. 25. 26 MRSA §1025, as amended by PL 1977, c. 581, §§8 and 9, is further amended to read:

§1025. Determination of bargaining agent

1. Voluntary recognition. Any employee organization may file a request with the university, academy, or vocational-technical institutes ~~or state schools for practical nursing~~ alleging that a majority of the university, academy, or vocational-technical institute ~~or state schools for practical nursing~~ employees in an appropriate bargaining unit as established in section 1024, wish to be represented for the purpose of collective bargaining between the university, academy, or vocational-technical institutes ~~or state schools for practical nursing~~ and the employees' organization. Such request shall describe the grouping of jobs or positions which constitute the unit claimed to be appropriate and shall include a demonstration of majority support. Such request for rec-

ognition shall be granted by the university, academy, or vocational-technical institutes ~~or~~ state schools for practical nursing unless the university, academy, or vocational-technical institutes ~~or~~ state schools for practical nursing desires desire that an election determine whether the organization represents a majority of the members in the bargaining unit. In the event that the request for recognition is granted by the university, academy, or vocational-technical institutes ~~or~~ state schools for practical nursing, the executive director shall certify the organization so recognized as the bargaining agent.

2. Elections.

A. The executive director of the board, upon signed request of the university, academy, or vocational-technical institutes ~~or~~ state schools for practical nursing alleging that one or more university, academy, or vocational-technical institutes ~~or~~ state schools for practical nursing employees or employee organizations have presented to it a claim to be recognized as the representative of a bargaining unit of university, academy, or vocational-technical institute ~~or~~ state schools for practical nursing employees, or upon signed petition of at least 30% of a bargaining unit of university, academy, or vocational-technical institutes' ~~or~~ state schools for practical nursing employees that they desire to be represented by an organization, shall conduct a secret ballot election to determine whether the organization represents a majority of the members of the bargaining unit.

B. The ballot shall contain the name of such organization and that of any other organization showing written proof of at least 10% representation of the university, academy, or vocational-technical institute ~~or~~ state schools for practical nursing employees within the unit, together with a choice for any university, academy, or vocational-technical institutes ~~or~~ state schools for practical nursing employee to designate that he does not desire to be represented by any bargaining agent. Where more than one organization is on the ballot, and no one of the 3 or more choices receives a majority vote of the university, academy, or vocational-technical institute ~~or~~ state schools for practical nursing employees voting, a run-off election shall be held. The run-off ballot shall contain the 2 choices which received the largest and 2nd largest number of votes. When an organization receives the ma-

jority of votes of those voting, the executive director shall certify it as the bargaining agent. The bargaining agent certified as representing a bargaining unit shall be recognized by the university, academy, or vocational-technical institutes or state schools for practical nursing as the sole and exclusive bargaining agent for all of the employees in the bargaining unit unless and until a decertification election by secret ballot shall be held and the bargaining agent declared by the executive director as not representing a majority of the unit.

C. Whenever 30% of the employees in a bargaining unit petition for a bargaining agent to be decertified, the procedures for conducting an election on the question shall be the same as for representation as bargaining agent hereinbefore set forth.

D. No question concerning representation may be raised within one year of a certification or attempted certification. Where there is a valid collective bargaining agreement in effect, no question concerning unit or representation may be raised except during the period not more than 90 nor less than 60 days prior to the expiration date of the agreement.

Sec. 26. 26 MRSA §1026, sub-§1, as amended by PL 1983, c. 127, is further amended to read:

1. Negotiations. It shall be the obligation of the university, academy, or vocational-technical institutes or state schools for practical nursing and the bargaining agent to bargain collectively. "Collective bargaining" means, for the purpose of this chapter, their mutual obligation:

A. To meet at reasonable times;

B. To meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, provided the parties have not otherwise agreed in a prior written contract;

C. To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession;

D. To execute in writing any agreements arrived at, the term of any such agreement to be subject to negotiation, but not to exceed 2 years; and

E. To participate in good faith in the mediation, fact finding and arbitration procedures required by this section.

Cost items in any collective bargaining agreement of vocational-technical institutes ~~or state schools for practical nursing~~ employees shall be submitted for inclusion in the Governor's next operating budget within 10 days after the date on which the agreement is ratified by the parties. If the Legislature rejects any of the cost items submitted to it, all cost items submitted shall be returned to the parties for further bargaining. Cost items shall include salaries, pensions and insurance.

Sec. 27. 26 MRSA §1026, sub-§4, ¶C, as amended by PL 1977, c. 581, §§12 and 13, is further amended to read:

C. In reaching a decision under this section, the arbitrators shall consider the following factors:

(1) The interests and welfare of the students and the public and the financial ability of the university, academy, or vocational-technical institutes ~~or state schools for practical nursing~~ to finance the cost items proposed by each party to the impasse;

(2) Comparison of the wages, hours and working conditions of the employees involved in the arbitration proceeding with the wages, hours and working conditions of other employees performing similar services in public and private employment competing in the same labor market;

(3) The ~~ever-all~~ overall compensation presently received by the employees, including direct salary and wage compensation, vacation, holidays, life and health insurance, retirement and all other benefits received;

(4) Such other factors not confined to the foregoing, which are normally and traditionally taken into consideration in the resolution of disputes involving similar

subjects of collective bargaining in public higher education;

(5) The need of the university, academy, or vocational-technical institutes or state schools for practical nursing for qualified employees;

(6) Conditions of employment in similar occupations outside the university, academy, or vocational-technical institutes or state schools for practical nursing;

(7) The need to maintain appropriate relationships between different occupations in the university, academy, or vocational-technical institutes or state schools for practical nursing; and

(8) The need to establish fair and reasonable conditions in relation to job qualifications and responsibilities.

Sec. 28. 26 MRSA §1027, sub-§1, as amended by PL 1977, c. 581, §14, is further amended to read:

1. University, academy and vocational-technical institutes prohibitions. The university, its representatives and agents, the academy, its representatives and agents, and the vocational-technical institutes, their representatives and agents and the state schools for practical nursing, their representatives and agents are prohibited from:

A. Interfering with, restraining or coercing employees in the exercise of the rights guaranteed in section 1023;

B. Encouraging or discouraging membership in any employee organization by discrimination in regard to hire or tenure of employment or any term or condition of employment;

C. Dominating or interfering with the formation, existence or administration of any employee organization;

D. Discharging or otherwise discriminating against an employee because he has signed or filed any affidavit, petition or complaint or given any information or testimony under this chapter;

E. Refusing to bargain collectively with the

bargaining agent of its employees as required by section 1026; and

F. Blacklisting of any employee organization or its members for the purpose of denying them employment.

Sec. 29. 26 MRSA §1027, sub-§2, as repealed and replaced by PL 1977, c. 581, §15, is amended to read:

2. University, academy and vocational-technical institutes prohibitions. University employees, university employee organizations, their agents, members and bargaining agents; academy employees, academy employee organizations, their agents, members and bargaining agents; and vocational-technical institute employees, vocational-technical institute employee organizations, their agents, members and bargaining agents; and ~~state schools for practical nursing employees; state schools for practical nursing employee organizations; their agents; members and bargaining agents~~ are prohibited from:

A. Interfering with, restraining or coercing employees in the exercise of the rights guaranteed in section 1023 or the university, academy, and vocational-technical institutes ~~and state schools for practical nursing~~ in the selection of their representatives for the purposes of collective bargaining or the adjustment of grievances;

B. Refusing to bargain collectively with the university, academy, and vocational-technical institutes ~~and state schools for practical nursing~~ as required by section 1026; and

C. Engaging in:

(1) A work stoppage, slowdown or strike; and

(2) The blacklisting of the university, academy, or vocational-technical institutes ~~or the state schools for practical nursing~~ for the purpose of preventing them from filling employee vacancies.

Sec. 30. 26 MRSA §1029, sub-§1, as amended by PL 1977, c. 581, §16, is further amended to read:

1. Board power to prevent prohibited acts. The board is empowered, as provided, to prevent any person, the university, any university employee, any university employee organizations, the academy, any

academy employees, any academy employee organizations, the vocational - technical institutes, any vocational - technical institute employee, any vocational - technical institute employee organizations; the state schools for practical nursing, any state schools for practical nursing employee, any state schools for practical nursing employee organizations or any bargaining agent from engaging in any of the prohibited acts enumerated in section 1027. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law or otherwise.

Sec. 31. 26 MRSA §1029, sub-§2, as amended by PL 1977, c. 581, §17, is further amended to read:

2. Complaints. The university, any university employee, any university employee organization, the academy, any academy employee, any academy employee organization, the vocational-technical institutes, any vocational-technical institute employee, any vocational-technical institute employee organization, the state schools for practical nursing, any state school for practical nursing employee, any state school for practical nursing employee organization or any bargaining agent which believes that any person, the university, any university employee, any university employee organization, the academy, any academy employee, any academy employee organization, the vocational - technical institutes, any vocational - technical institute employee, any vocational-technical institute employee organization, the state schools for practical nursing, any state school for practical nursing employee, any state school for practical nursing employee organization or any bargaining agent has engaged in or is engaging in any such prohibited practice may file a complaint with the executive director of the board stating the charges in that regard. No such complaint shall be filed with the executive director until the complaining party shall have served a copy thereof upon the party named in the complaint. Upon receipt of such complaint, the executive director or his designee shall review the charge to determine whether the facts as alleged may constitute a prohibited act. If it is determined that the facts do not, as a matter of law, constitute a violation, the charge shall be dismissed by the executive director, subject to review by the board. If a formal hearing is deemed necessary by the executive director or by the board, the executive director shall serve upon the parties to the complaint a notice of the prehearing conference and of the hearing for the prehearing conference or the hearing, as appropriate, provided that no hearing

shall be held based upon any alleged prohibited practice occurring more than 6 months prior to the filing of the complaint with the executive director. The party complained of shall have the right to file a written answer to the complaint and to appear in person or otherwise and give testimony at the place and time fixed for the hearing. In the discretion of the board, any other person or organization may be allowed to intervene in that proceeding and to present testimony. Nothing in this subsection shall restrict the right of the board to require the executive director or his designee to hold a prehearing conference on any prohibited practice complaint prior to the hearing before the board and taking whatever action, including dismissal, attempting to resolve disagreements between the parties or recommending an order to the board, as he may deem appropriate, subject to review by the board.

Sec. 32. 26 MRSA §1029, sub-§6, as repealed and replaced by PL 1977, c. 581, §18, is amended to read:

6. Simultaneous injunctive relief. Whenever a complaint is filed with the executive director of the board alleging that the university, academy, or vocational-technical institutes ~~or state schools for practical nursing~~ have violated section 1027, subsection 1, paragraph F, or alleging that an employee, employee organization or bargaining agent of the university, academy, or vocational-technical institutes ~~or state schools for practical nursing~~ have violated section 1027, subsection 2, paragraph C, the party making the complaint may simultaneously seek injunctive relief from the Superior Court in the county in which the prohibited practice is alleged to have occurred pending the final adjudication of the board with respect to such matter.

Sec. 33. 26 MRSA §1031, as amended by PL 1977, c. 581, §19, is further amended to read:

§1031. Scope of binding contract arbitration

A collective bargaining agreement between the university, the academy, or the vocational-technical institutes ~~or the state schools for practical nursing~~ and a bargaining agent may provide for binding arbitration as the final step of a grievance procedure but the only grievances which may be taken to such binding arbitration shall be disputes between the parties as to the meaning or application of the specific terms of collective bargaining agreement. An arbitrator with the power to make binding decisions pursuant to any such provisions shall have no author-

ity to add to, subtract from or modify the collective bargaining agreement.

Sec. 34. 26 MRSA §1034, sub-§2, as amended by PL 1977, c. 581, §20, is further amended to read:

2. No restriction on eligibility for federal grant-in-aid or assistance programs. Nothing in this chapter or any contract negotiated pursuant to this chapter ~~shall~~ may in any way be interpreted or allowed to restrict or impair the eligibility of the university, any of its campuses or units, academy, or vocational-technical institutes ~~or state schools for practical nursing~~ in obtaining the benefits under any federal grant-in-aid or assistance programs.

Sec. 34-A. 36 MRSA §1760, sub-§38, as reallocated by PL 1977, c. 696, §273-A, is repealed.

Sec. 35. 38 MRSA §1201, sub-§1, as amended by PL 1981, c. 466, §§10 and 14, is further amended to read:

1. Authorization of bonds. Any sanitary district formed under this chapter may provide, ~~subject to the limit on total indebtedness as established by section 1201-A,~~ by resolution of its board of trustees, without district vote, except as provided in subsection 10, for the borrowing of money and the issuance from time to time of bonds for any of its corporate purposes, including, but not limited to:

A. Paying and refunding its indebtedness;

B. Paying any necessary expenses and liabilities incurred under this chapter, including organizational and other necessary expenses and liabilities, whether incurred by the district or any municipality therein or any person residing in unorganized territory encompassed by the district, the district being authorized to reimburse any municipality therein or any person residing in unorganized territory encompassed by the district for any such expenses incurred or paid by it or him;

C. Paying costs directly or indirectly associated with acquiring properties, paying damages, laying sewers, drains and ~~conducts~~ conduits, constructing, maintaining and operating sewage and treatment plants, or systems, and making renewals, additions, extensions and improvements to the same, and to cover interest payments during

the period of construction and for such period thereafter as the trustees may determine;

D. Providing such reserves for debt service, repairs and replacements or other capital or current expenses as may be required by a trust agreement or resolution securing bonds; and

E. Any combination of these purposes.

Bonds may be issued under this chapter as general obligations of the district or as special obligations payable solely from particular funds. The principal of, premium, if any, and interest on all bonds shall be payable solely from the funds provided for that purpose from revenues. For purposes of this chapter, the term "revenues" means and includes the proceeds of bonds, all revenues, rates, fees, entrance charges, assessments, rents and other receipts derived by the district from the operation of its sewer system and other properties, including, but not limited to, investment earnings and the proceeds of insurance, condemnation, sale or other disposition of properties. All bonds issued by a district under this chapter shall be legal obligations of the district, and all districts formed under this chapter are declared to be quasi-municipal corporations within the meaning of Title 30, section 5053. Bonds may be issued under this chapter without obtaining the consent of any commission, board, bureau or agency of the State or of any municipality encompassed by the district, and without any other proceedings or the happening of other conditions or things other than those proceedings, conditions or things which are specifically required by this chapter. Bonds issued under this chapter do not constitute a debt or liability of the State or of any municipality encompassed by the district or a pledge of the faith and credit of the State or any such municipality, but the bonds shall be payable solely from the funds provided for that purpose, and a statement to that effect shall be recited on the face of the bonds.

Sec. 36. 38 MRSA §1252, sub-§4, as enacted by PL 1981, c. 466, §13, is amended to read:

4. Expansion of district boundaries. Amendments to ~~expand~~ extend the boundaries of a sewer district must be approved by the voters of the district prior to consideration by the Legislature.

Sec. 37. 38 MRSA §1252, sub-§5, as amended by PL 1983, c. 480, Pt. A, §69, is further amended to read:

5. Trustees' compensation. The trustees shall receive compensation as recommended by them and approved by majority vote of the municipal ~~officer~~ officers 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.

Sec. 38. 38 MRSA §1304-B, sub-§6, as enacted by PL 1985, c. 337, §4 is amended to read:

6. Relationship to other laws. The obligation of a municipality to pay any fees, assessments or other payments in accordance with any agreement entered into pursuant to subsection 4 or any interlocal agreement referred to in subsection 5 shall not constitute a "debt" or "indebtedness" of the municipality within the meaning of any statutory, charter or ordinance provision limiting the incurrence or the amount of municipal indebtedness nor shall the authorization or incurrence of the obligation or any municipal action to raise funds to meet the obligation by any means set forth in subsection 4, paragraph C, require or be subject to any voter referendum or approval under any law or any charter or ordinance provision. A municipality may agree to make payments in accordance with subsection 4, paragraph B, subparagraph (1), or in accordance with the provisions of any interlocal agreement referred to in subsection 5 with respect to long-term financing obtained by the owner of one or more waste facilities, provided that the total principal balance of the long-term financing does not exceed 3% of its last full state valuation. Notwithstanding this subsection, 2 or more municipalities may separately agree with the owner of one or more waste facilities to make payments in accordance with subsection 4, paragraph B, subparagraph (1), or any interlocal agreement referred to in subsection 5 with respect to the long-term financing obtained by the owner of the facilities, provided that the total principal balance of the long-term financing does not exceed 3% of the sum of the last full state valuation of all municipalities in question.

The obligation of the municipality to pay fees, as-

sessments and other payments in accordance with subsection 4 or any interlocal agreement referred to in subsection 5 shall be binding upon and enforceable against the municipality without regard to whether all or any one or more of the waste facilities referred to in subsection 4, paragraph B, subparagraph (1), becomes operational or was or will be in operation during the period for which the fees, assessments or other payments are so charged.

No contract entered into in accordance with subsection 4 nor any ordinance adopted under the authority of subsection 2 shall be deemed a contract in restraint of trade or otherwise unlawful under Title 10, chapter 201.

Notwithstanding any law, charter or ordinance provisions to the contrary, the powers conferred upon a municipality pursuant to subsections 4 and 5 and this subsection shall may be exercised by the municipal officers, as defined in Title 30, section 1901, only when authorized, in the case of a municipality with a city or town council, by action of the council and, in the case of a municipality without such a council, by action of the town meeting. This paragraph shall apply whether or not the action of the city council, town council or town meeting was taken before or after the effective date of this subsection.

Nothing in this section may be construed to be a limitation on the Home Rule powers granted to municipalities under Title 30, section 1917, or on the ability of communities to jointly exercise their powers as is recognized in Title 30, section 1951. This section provides an additional and alternative method for carrying out this subchapter.

Effective July 2, 1985.

CHAPTER 507

H.P. 703 - L.D. 1013

AN ACT Relating to Retirement Options for Legislators.

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

Sec. 1. 3 MRSA c. 29 is enacted to read: