

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE
THIRD SPECIAL SESSION
October 17, 1986

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

day of January. Every 2nd renewal shall be contingent upon evidence of participation in a continuing professional education course or program as approved by the board. Registration A license may be renewed up to 90 days after the date of expiration upon payment of a late fee of \$10 in addition to the renewal fee. Any person who submits an application for renewal more than 90 days after the renewal date shall be subject to all requirements governing new applicants under this chapter, except that the board may in its discretion, giving due consideration to the protection of the public, waive examination if the renewal application is made within 2 years from the date of the expiration.

The board shall provide by regulation that a person registered licensed under this chapter may, upon written request, be placed in an inactive status. Reasons for granting inactive status shall include, but not be limited to, changes in occupation, residence and health. The payment of fees shall be suspended during the term of inactive status. The board shall also adopt rules by which a person in an inactive status may be reinstated. A person may be reinstated to active status by notifying the commissioner and by paying the fees for the year of reinstatement if the requirements set by the board are met.

The board shall notify every person registered licensed under this chapter of the date of expiration of his license and the fee required for its renewal for a 2-year period. The notice shall be mailed to the person's last known address at least 30 days in advance of the expiration date of the registration license.

Sec. 20. 32 MRSA §7063 is enacted to read:

§7063. Application

All persons licensed, registered or certified on any level under the prior social work registration law shall be entitled to practice social work as previously authorized as long as licensure remains current.

Effective April 16, 1986.

CHAPTER 737

S.P. 965 - L.D. 2405

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

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

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

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

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

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

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

PART A

Sec. 1. 1 MRSA §123, as enacted by PL 1985, c. 21, and c. 41, §1, is repealed and the following enacted in its place:

§123. Seamen's Memorial Day

The 2nd Sunday in June shall be designated Seamen's Memorial Day and the Governor shall annually issue a proclamation inviting and urging the people of the State to observe the day with appropriate ceremonies and activities in honor of the women and men of the State who have been lost at sea.

Sec. 2. 1 MRSA §125 is enacted to read:

§125. Alcohol Awareness Week

The Governor shall annually issue a proclamation setting aside the first full week in December of each year as Alcohol Awareness Week. The proclamation shall invite and urge citizens, alcoholism service agencies, schools and other suitable organizations and groups to observe this week through appropriate activities. The Alcohol and Drug Abuse Planning Committee shall, through the departments represented on the committee, make appropriate information available

to citizens, organizations and groups within the limits of their budgets.

Sec. 3. 1 MRSA §216, as enacted by PL 1985, c. 22, and c. 73, is repealed and the following enacted in its place:

§216. State fossil

"Pertica quadrifaria" shall be designated as the official fossil of the State of Maine.

Sec. 4. 1 MRSA §217 is enacted to read:

§217. State cat

The state cat shall be the Maine coon cat.

Sec. 5. 2 MRSA §6-A, sub-§1-A, as reallocated by PL 1983, c. 862, §1, is repealed and the following enacted in its place:

1-A. Commission members. The salary of members of the commission shall be \$46,800.

Sec. 6. 2 MRSA §6-A, sub-§2, as amended by PL 1983, c. 863, Pt. B, §§2, 45, is repealed.

Sec. 7. 3 MRSA §2-A, sub-§1, as amended by PL 1983, c. 812, §2, and c. 853, Pt. D, §1, is repealed and the following enacted in its place:

1. State Compensation Commission established. The State Compensation Commission, established by Title 5, section 12004, subsection 10, shall consist of 5 members appointed in January of every odd-numbered year as follows: Two members shall be appointed by the President of the Senate; 2 members shall be appointed by the Speaker of the House of Representatives; and one member shall be appointed by a majority of the preceding 4 commissioners and shall serve as chairman of the commission. The 5 members shall be residents of the State, appointed from the public. No one may be appointed who is a Legislator at the time of his appointment.

All members shall be appointed for terms to coincide with the legislative biennium. Vacancies shall be filled in the same manner as the original appointments, for the balance of the unexpired term.

The commission may request staff support from the Legislative Council.

The members of the commission shall be compensated as authorized by Title 5, chapter 379.

Sec. 8. 3 MRSA §317, sub-§2, as repealed and replaced by PL 1979, c. 632, §2, is amended to read:

2. Annual report. By no later than 30 days On or before January 30th following the end of the year in which any person lobbied pursuant to section 313, the lobbyist and his employer shall file with the Secretary of State a joint report which shall contain the information required in subsection 1, except that the report shall summarize all lobbying activities for the calendar year and report in detail only those legislative actions not previously reported, as required by subsection 1, paragraphs H and I.

The reports required by subsection 1 shall be signed by the lobbyist. The reports required by this subsection shall be signed by both the lobbyist and employer.

If the date any report required by this section is due falls on a day other than a regular business day, the report shall be due on the first regular business day next following the due date.

Sec. 9. 3 MRSA §507-B, sub-§7, as enacted by PL 1985, c. 309, §2, and c. 481, Pt. A, §3, is repealed and the following enacted in its place:

7. Agencies scheduled for termination on June 30, 1985. The following agencies scheduled for termination on June 30, 1985, pursuant to section 507, subsection 6, paragraph B, shall continue, but shall terminate, not including the grace period, no later than June 30, 1989, unless continued or modified by law:

A. Advisory Commission on Radioactive Waste.

Sec. 10. 3 MRSA §507-B, sub-§8, as enacted by PL 1985, c. 481, Pt. A, §3, is repealed and the following enacted in its place:

8. Agencies scheduled for termination on June 30, 1985. The following agencies and those scheduled for termination on June 30, 1985, pursuant to section 507, subsection 6, paragraph B, shall continue, but shall terminate, not including the grace period, no later than June 30, 1986, unless continued or modified by law:

A. Maine Sardine Council;

B. Atlantic States Marine Fisheries Commission;

C. Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency;

- D. State Energy Resource Advisory Board;
- E. Lobster Advisory Council;
- F. Board of Environmental Protection; and
- G. State Board of Examiners of Psychologists.

Sec. 11. 3 MRSA §507-B, sub-§9 is enacted to read:

9. Agencies scheduled for termination, on June 30, 1985. Pursuant to section 507, subsection 6, paragraph B, the following agencies scheduled for termination on June 30, 1985, are continued or modified by an Act of the Legislature passed prior to June 30, 1985:

- A. Public Utilities Commission;
- B. State Development Office;
- C. Office of Energy Resources;
- D. Maine Development Foundation;
- E. Saco River Corridor Commission;
- F. State Soil and Water Conservation Commission; and
- G. Atlantic Sea Run Salmon Commission.

Sec. 12. 4 MRSA §161, as amended by PL 1981, c. 456, Pt. A, §128, is further amended to read:

§161. Complaint justice; appointment; duties; salary

The Chief Judge of the District Court may authorize any attorney-at-law, who is duly licensed to practice law in the State of Maine and who is also a notary public, to receive complaints and to issue process for the arrest of persons charged with offenses, to issue search warrants and to endorse certificates of commitment of the mentally ill, all in accordance with law, and to perform all other such acts and duties that are or may be authorized by law. ~~Such~~ That attorney shall be known as a complaint justice.

Any complaint so received or process so issued shall be in his capacity as a notary public.

~~Such complaint justice shall be authorized to act only in the district of his residence, except when~~

specifically directed to act in another and different district by the Chief Judge of the District Court.

Such The complaint justice shall serve at the pleasure of the Chief Judge of the District Court.

Such The complaint justice shall receive such salary as shall be determined by the Chief Judge and paid as an expense of the District Court.

Sec. 13. 4 MRSA §1051, as amended by PL 1985, c. 50, and c. 114, §1, is repealed and the following enacted in its place:

§1051. Legal holidays

No court may be held on Sunday or any day designated for the annual Thanksgiving; New Year's Day, January 1st; Washington's Birthday, the 3rd Monday in February; Patriot's Day, the 3rd Monday in April; Memorial Day, the last Monday in May, but if the United States Government designates May 30th as the date for observance of Memorial Day, the 30th of May; the 4th of July; Labor Day, the first Monday of September; Columbus Day, the 2nd Monday in October; Veterans' Day, November 11th; or on Christmas Day. The Chief Justice of the Supreme Judicial Court may order that court be held on a legal holiday when he finds that the interests of justice and judicial economy in any particular case will be served. The public offices in county buildings may be closed to business on the holidays set out in this section. When any one of the holidays set out in this section falls on Sunday, the Monday following shall be observed as a holiday, with all the privileges applying to any of the days set out in this section.

Sec. 14. 5 MRSA c. 1, sub-c. II, as enacted by PL 1985, c. 378, §2, is repealed.

Sec. 15. 5 MRSA c. 1, sub-c. II is enacted to read:

SUBCHAPTER II

STATE EMPLOYEES AND STATE PROPERTY

§20. Definitions

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

1. Employee of this State. "Employee of this State" means an employee in the classified or unclassified service as defined in chapters 57 and 71.

2. State property. "State property" means personal property, including, but not limited to, furnishings, supplies and equipment which are owned or leased by or in the control of the State or any department or agency of the State or independent state agency.

§20-A. Acquisition of state property

No employee of this State may take state property for personal use or for the use of others off the premises of the State. Within 3 months of leaving office or employment with the State, an employee of this State, in accordance with rules adopted by the Commissioner of Finance and Administration and this chapter, may purchase, at fair market value, state property that was assigned to the employee or state property of which the employee was the principal user at the time of his employment. The commissioner, by rule, shall determine state property that may be offered for sale under this chapter. No state property may be offered for sale under this chapter until the commissioner determines that the property is eligible for sale and that no state agency has any need of or use for the property. Nothing in this section may be interpreted to prohibit an employee of this State or any other person from purchasing state property at fair market value in accordance with this chapter, as a gift to an employee of this State upon his retirement or leaving office.

Any person who violates the provisions of this chapter shall be subject to the penalties set out in Title 17-A, section 362.

Sec. 16. 5 MRSA §1742, sub-§20, ¶F, as amended by PL 1985, c. 457, §4, and c. 501, Pt. B, §15, is repealed and the following enacted in its place:

F. To levy charges, according to a rate schedule approved by the Commissioner of Finance and Administration, against all units utilizing telecommunications services;

Sec. 17. 5 MRSA §3518-A is enacted to read:

§3518-A. Administration of the fuel assistance and energy conservation programs.

The Executive Department, Division of Community Services, shall administer fuel assistance and energy conservation programs as provided in this chapter.

1. Administration of fuel assistance. The division may select local program operators, except that,

in the case of the fuel assistance program, the municipalities that served as local program operators in 1984 shall be given the option to serve as local program operators of the fuel assistance program within their municipality, as long as they comply with the program operating standards established by the Division of Community Services by rule in accordance with the Maine Administrative Procedure Act, chapter 375.

The Division of Community Services, by rule, shall provide, at a minimum, the following standards that shall apply to local program operators and administrators:

A. Standards that require generally acceptable accounting and bookkeeping procedures that meet the requirements of the Federal Government and the State Auditor;

B. Standards that prohibit conflicts of interest by local program operators and administrators. These standards shall, at a minimum, meet the standards that apply to Legislators as defined in Title 1, section 1014;

C. Standards requiring the adherence of the local program operators to confidentiality with respect to program recipients;

D. Standards requiring local program operators and administrators to be available to the general public for a minimum specified period of time each week; and

E. Standards that will assure that qualified program recipients will be expeditiously provided with assistance by the local program operator or administrator.

Any municipality that the Division of Community Services finds to be in violation of the standards adopted by the division pursuant to this section, may be prohibited from acting as a local program operator or administrator of the fuel assistance program.

For the purpose of this section, "fuel assistance" means assistance paid to fuel vendors on behalf of an eligible household or directly to eligible tenants who pay heating costs as an undesignated portion of rent.

Sec. 18. 5 MRSA §8052, sub-§2, ¶B, as enacted by PL 1981, c. 524, §2, is amended to read:

B. In the case of a rule authorized to be adopted by a single agency member, either the agency member or a person in a major policy-influencing position, as listed in section ~~711~~ chapter 71, who has a policy-making responsibility over the subject matter to be discussed at the hearing, shall hold and conduct the hearing.

Sec. 19. 5 MRSA §12004, sub-§10, ¶A, sub-¶(80) as enacted by PL 1985, c. 295, §19, and c. 372, Pt. A, §4, is repealed and the following enacted in its place:

<u>(80) Workers' Compensation</u>	<u>Employment Rehabilitation Advisory Board</u>	<u>Expenses only</u>	<u>39 MRSA §89</u>
-----------------------------------	---	----------------------	--------------------

Sec. 20. 5 MRSA §12004, sub-§10, ¶A, sub-¶(80-A) is enacted to read:

<u>(80-A) Transportation: Highway</u>	<u>Maine Highway Safety Committee</u>	<u>Expenses Only</u>	<u>25 MRSA §2902</u>
---------------------------------------	---------------------------------------	----------------------	----------------------

Sec. 21. 10 MRSA §8001, as repealed and replaced by PL 1985, c. 233, §2; c. 288, §2; and c. 389, §6, is repealed and the following enacted in its place:

§8001. Department; agencies within department

There is created and established the Department of Business, Occupational and Professional Regulation, in this chapter referred to as the "department," to regulate financial institutions, insurance companies, commercial sports, grantors of consumer credit and to license and regulate professions and occupations. The department shall be composed of the following bureaus, boards and commissions:

Banking, Bureau of;

Consumer Credit Protection, Bureau of;

Insurance, Bureau of;

Athletic Commission, Maine;

Penobscot Bay and River Pilotage Commission;

Real Estate Commission;

Running Horse Racing Commission, State;

Arborist Examining Board;

Auctioneers Advisory Board;

Commercial Driver Education, Board of;
Dietetic Practice, Board of Registration of;
Electricians' Examining Board;
Foresters, State Board of Registration for Professional;
Funeral Service, State Board of;
Geologists and Soil Scientists, State Board of Certification for;
Hearing Aid Dealers and Fitters, Board of;
Manufactured Housing Board;
Nursing Home Administrators Licensing Board;
Occupational Therapy Practice, Board of;
Oil and Solid Fuel Board;
Physical Therapy, Board of Examiners in;
Plumbers' Examining Board;
Psychologists, State Board of Examiners of;
Respiratory Care Practitioners, Board of;
Social Worker Registration, State Board of;
Speech Pathology and Audiology, Board of Examiners on; and
Substance Abuse Counselors, Board of Registration of.

Sec. 22. 12 MRSA §684, first ¶, as amended by PL 1983, c. 812, §76, is further amended to read:

The commission shall elect annually, from its own membership, a secretary and such other officers it deems necessary. ~~The Commissioner of Conservation shall be chairman of the commission.~~ Meetings shall be held at the call of the chairman or at the call of more than 1/2 of the membership. ~~Such~~ These public meetings shall be held at least once a month. The commission, acting in accordance with the procedures set forth in Title 5, chapter 375, subchapter II, may adopt whatever rules it deems necessary for the conduct of its business. The secretary shall keep minutes of all proceedings of the commission, which minutes shall be a public record available and on file

in the office of the commission. Members of the commission, except state employees, shall be compensated as provided in Title 5, chapter 379. A quorum of the commission for the transaction of business shall be 4 members. No action may be taken by the commission unless upon approval by a vote of 4 members.

Sec. 23. 12 MRSA §4811, as amended by PL 1985, c. 60 and as repealed by PL 1985, c. 481, Pt. A, §23, is repealed.

Sec. 24. 12 MRSA §4812-C, as reallocated by PL 1985, c. 481, Pt. A, §29, and as amended by PL 1985, c. 488, §2, is repealed.

Sec. 25. 12 MRSA §4815, as amended by PL 1985, c. 206, §1, and as reallocated by PL 1985, c. 481, Pt. A, §32, is repealed.

Sec. 26. 12 MRSA §5103, as repealed and replaced by PL 1985, c. 488, §7, is repealed and the following enacted in its place:

§5103. Reports

The commissioner shall prepare a series of reports which provide:

1. Current and projected needs. An assessment of current and projected supply and demand for forest and related resources in the State.

A. Based on these projections, the assessment shall include goals for the supply of forest resources, including, but not limited to, timber, fiber, recreation, water and wildlife.

B. The assessment shall be prepared on a 10-year cycle with the first report due no later than January 1, 1988, and subsequent reports to coincide with the availability of inventory data from the decennial United States Forest Service survey of the State.

C. The United States Forest Service has conducted several decennial forest surveys in this State. The Department of Conservation is further directed to supplement these surveys with mid-cycle forest inventories in order to more accurately assess the changes and trends occurring in forests of this State. Initial emphasis should be given to a mid-cycle survey in the spruce-fir resource. The director shall delineate the area of the forest resource for which updated inventory information is critically needed

and shall be responsible for the conduct of the inventories;

2. Recommendations. Recommendations for state and private actions designed to address the needs identified in the assessment.

A. State action recommendations shall be defined in terms of necessary policies, programs, staff and budgetary requirements to achieve specific goals.

B. Recommendations for actions on privately held forest lands shall be developed separately for large, industrial ownerships and small, nonindustrial ownerships. These recommendations shall be defined in terms of actions needed to achieve specific goals.

C. This report shall be prepared on a 5-year cycle with the first report due no later than January 1, 1988; and

3. Annual progress report. An annual progress report on implementation of the program and its recommendations along with recommendations for administrative or legislative actions needed during the current 5-year cycle. The progress report shall be due on January 1st.

The commissioner shall obtain meaningful public input during the preparation of these reports by means of public hearings and other methods as appropriate. All reports prepared under this section shall be submitted for review to the joint standing committee of the Legislature having jurisdiction over natural resources by the dates specified in this section.

Sec. 27. 12 MRSA §6451, sub-§1, as amended by PL 1985, c. 237, §1, and c. 353, §1, is repealed and the following enacted in its place:

1. Allocation of license fees. Ten dollars of each \$33 fee and \$5 of each \$13 fee for each lobster and crab fishing license shall be allocated to the Lobster Fund, which shall be used for the purposes of lobster biology research, of propagation of lobsters by liberating seed and female lobsters in Maine coastal waters and of establishing and supporting lobster hatcheries.

Sec. 28. 12 MRSA §6671, sub-§3, as amended by PL 1985, c. 48, §1, and c. 259, is repealed and the following enacted in its place:

3. Shellfish conservation ordinance. Within any area of the municipality, a shellfish conservation ordinance may regulate or prohibit the possession of shellfish; may fix the amount of shellfish that may be taken; shall limit the size of soft-shell clams in accordance with subchapter I, article 5; may fix the qualifications for a license, including municipal residency; may fix license fees; and may authorize the municipal officers to open and close flats under specified conditions. A program or ordinance shall not regulate areas closed by regulation of the commissioner. An ordinance may also provide for enforcement, protection and evaluation of a green crab fencing program. No municipal commercial license may be issued unless the applicant has a current shellfish license, as provided in section 6601. The municipality shall provide and reserve a minimum number of commercial licenses for nonresidents which shall be a number not less than 10% of the number provided for residents. When the number of resident licenses is less than 10 but more than 5, at least one nonresident license shall be provided. When the number of resident licenses is 5 or less, nonresident licenses shall not be required. The fee for a nonresident license shall be not more than 10 times the fee for a resident license, provided that in no case may the fee for a nonresident license exceed \$150. Notice of the number and the procedure for application shall be published in a trade or industry publication, or in a newspaper or combination of newspapers with general circulation, which the municipal officers consider effective in reaching persons affected, not less than 10 days prior to the period of issuance and shall be posted in the municipal offices until the period concludes. The period of issuance for resident and nonresident licenses shall be the same. Subsequent to that period, the municipality shall make any resident or nonresident licenses not granted during the period available to residents or nonresidents.

Sec. 29. 12 MRSA §6671, sub-§9, as amended by PL 1983, c. 838, §5, is further amended to read:

9. Penalty. Notwithstanding the provisions of Title 17-A, section 4-A 4-B, whoever takes or possesses shellfish contrary to a municipal ordinance authorized by this section ~~shall be~~ is guilty of a crime punishable by a fine of not less than \$100 nor more than \$1,000, except that fines for violation of subchapter 1, article 5, shall be as provided in section 6681.

Sec. 30. 12 MRSA §6681, sub-§6, as repealed and replaced by PL 1985, c. 9, is amended to read:

6. Penalty. Notwithstanding the provisions of Title 17-A, section 4-A 4-B, whoever violates a provision of this article shall be guilty of a crime punishable by a fine of not less than \$100 nor more than \$1,000.

Sec. 31. 12 MRSA §7854, sub-§7, ¶A, as amended by PL 1985, c. 301, §2, and as repealed and replaced by PL 1985, c. 304, §24, is repealed and the following enacted in its place:

A. Whoever transfers the ownership or discontinues the use of a registered all-terrain vehicle shall, within 10 days, properly sign the registration certificate, indicating the disposition of the all-terrain vehicle, and return the certificate to the commissioner. Except as provided in paragraph B, the registration number plate shall be returned with the certificate.

Sec. 32. 12 MRSA §7901, sub-§5, as repealed and replaced by PL 1985, c. 177, §3, and c. 304, §30, is repealed and the following enacted in its place:

5. Habitual violators. Whenever a violation of any prohibited act in chapters 701 to 721 is committed by an habitual violator, as defined in section 7001, subsection 13-A, the penalty for that violation shall be a fine of not less than \$500 and a term of imprisonment of not less than 3 days. This fine and imprisonment are not to be suspended.

Sec. 33. 12 MRSA §7901, sub-§8, as enacted by PL 1985, c. 95, §2; c. 145; and c. 177, §4, is repealed and the following enacted in its place:

8. Wild turkey. A violation of section 7456, subsections 3, 4, 5 and 6, as they apply to turkeys, is a Class E crime. A convicted person shall be fined not less than \$200 and this fine is not to be suspended. In addition, a convicted person shall be fined \$200 for each turkey illegally possessed or killed and this fine is not to be suspended.

Sec. 34. 12 MRSA §7901, sub-§§9 and 10 are enacted to read:

9. Violation of section 7371, subsection 3. A violation of section 7371, subsection 3, as it applies to section 7203, subsection 1, in addition to being a Class E crime is a civil violation for which a forfeiture of not less than \$1,000 nor more than \$10,000 may be adjudged.

10. Excise tax decal. A violation of section 7801, subsection 28, is not a crime.

Sec. 35. 13-B MRSA §201, sub-§3, as amended by PL 1981, c. 698, §85, is further amended to read:

3. Corporations which may elect to be organized under this chapter. The following types of corporations may elect to be organized under and governed by applicable provisions of this chapter or under any other applicable statutory provisions:

B. Proprietors of lands and wharves, as that term is used in Title 13, ~~section 2691 et seq~~ chapter 91;

C. Fraternal beneficiary associations, as that term is used in Title 24-A, ~~section 4101 et seq~~ chapter 55;

D. Cemetery corporations which do not issue shares, as that term is used in Title 13, ~~section 1031 et seq~~ chapter 83;

E. County and local agricultural societies, as that term is used in Title 7, ~~section 61 et seq~~ chapter 3; and

F. Local development corporations, as that term is used in Title 10, ~~section 671, et seq~~ chapter 102; and

G. Volunteer fire associations, as that term is used in Title 30, chapter 228.

If any of the foregoing corporations are organized under applicable provisions of this Act, they shall be governed by the provisions of this chapter unless clearly inapplicable; provided further that if any of the foregoing corporations files a biennial report pursuant to section 1301 of this Act, the filing of the report shall be deemed an election by that corporation to be governed by all of the provisions of this chapter unless clearly inapplicable.

Sec. 36. 14 MRSA §1503-D, as enacted by PL 1985, c. 384, §4, is reallocated to be 14 MRSA §1502-D.

Sec. 37. 15 MRSA §3203-A, sub-§5, as enacted by PL 1985, c. 439, §9, is amended to read:

5. Detention hearing. Upon petition by a juvenile caseworker, the Juvenile Court shall ~~renew~~ review the decision to detain a juvenile.

A. A detention hearing shall precede and shall be separate from a bind-over or adjudicatory hearing.

B. Following a detention hearing, a court shall order a juvenile's release, in accordance with subsection 4, unless it finds, by a preponderance of the evidence, that continued detention is necessary to meet one of the purposes of detention provided in that subsection. The Juvenile Court shall ensure, by appropriate order, that any such continued detention is otherwise in accordance with the requirements of subsection 4.

C. No continued detention may be ordered, unless the Juvenile Court shall determine that there is probable cause to believe that the juvenile has committed a juvenile crime. That determination shall be made on the basis of evidence, including reliable hearsay evidence, presented in testimony or affidavits.

Sec. 38. 15 MRSA §3301, sub-§7, as amended by PL 1985, c. 439, §11, is further amended to read:

7. Nonapplication of section. The provisions of this section do not apply to a juvenile charged with the juvenile crime defined in section 3103, subsection 1, paragraph F, and a petition may be filed without recommendation by a juvenile caseworker. The provisions of section ~~3203~~ 3203-A apply in the case of a juvenile charged with the juvenile crime defined in section 3103, subsection 1, paragraph F.

Sec. 39. 17 MRSA §2003-A, sub-§4 is enacted to read:

4. Violation. Violation of this section is a Class E crime.

Sec. 40. 17-A MRSA §15, sub-§1, ¶A, as repealed and replaced by PL 1983, c. 862, §47, is amended to read:

A. Any person who he has probable cause to believe has committed or is committing:

- (1) Murder;
- (2) Any Class A, Class B or Class C crime;
- (3) Assault while hunting;
- (4) Any offense defined in chapter 45;
- (5) Assault, if the officer reasonably believes that the person may cause injury to others unless immediately arrested;

(5-A) Assault, criminal threatening, terrorizing or reckless conduct, if the officer reasonably believes that the person and the victim are family or household members, as defined in Title 15, section 301 321;

(6) Theft as defined in section 357, when the value of the services is \$1,000 or less, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(7) Forgery, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(8) Negotiating a worthless instrument, if the officer reasonably believes that the person will not be apprehended unless immediately arrested;

(9) A violation of a condition of his probation when requested by an official of the Division of Probation and Parole; or

(10) Violation of a condition of release in violation of Title 15, section 942, subsection 5; and

Sec. 41. 17-A MRSA §253, sub-§2, ¶¶E and F, as amended by PL 1985, c. 247, §2, and c. 495, §7, are repealed and the following enacted in their place:

E. The other person, not his spouse, is in official custody as a probationer or a parolee, or is detained in a hospital, prison or other institution, and the actor has supervisory or disciplinary authority over that other person;

F. The other person, not his spouse, has not in fact attained his 18th birthday and is a student enrolled in a private or public elementary, secondary or special education school, facility or institution and the actor is a teacher, employee or other official having instructional, supervisory or disciplinary authority over the student; or

Sec. 42. 20-A MRSA §11804, sub-§3, as amended by PL 1983, c. 806, §87, is repealed.

Sec. 43. 20-A MRSA §11804, sub-§4, as enacted by PL 1983, c. 422, §22, is repealed.

Sec. 44. 20-A MRSA §11804-A, sub-§2, as amended by PL 1985, c. 455, §§5 and 11, is further amended to read:

2. Forgiveness. Any student who, upon the conclusion of his or her professional education, including, if applicable, internship, residency, fellowship, obligated public health service and obligated national service, elects to serve as a practitioner of allopathic medicine, dentistry, optometry or veterinary medicine in a designated, underserved area in the State shall be forgiven 25% of the outstanding indebtedness for each year of that practice.

Sec. 45. 20-A MRSA §15603, sub-§22, ¶C, as amended by PL 1985, c. 463, §2, and c. 487, §4, is repealed and the following enacted in its place:

C. The cost of programs for gifted and talented students which have been approved by the commissioner. Federal and state grants used for gifted and talented programs approved by the commissioner may be included as allowable costs under this program; and

Sec. 46. 20-A MRSA §15904, sub-§1, as amended by PL 1985, c. 161, §4, and c. 248, §4, is repealed and the following enacted in its place:

1. Councils and town meetings. In a municipality where the responsibility for final adoption of the school budget is vested in a municipal council by municipal charter or in a town meeting, the vote shall be by referendum in accordance with the appropriate provisions set forth in Title 21-A and Title 30.

Sec. 47. 20-A MRSA §15905, sub-§1, ¶A, as amended by PL 1985, c. 248, §6, and c. 469, is repealed and the following enacted in its place:

A. The state board may approve projects so long as no project approval will cause debt service costs, as defined in section 15603, subsection 8, paragraphs A and D, to exceed \$35,000,000 in a subsequent fiscal year. The state board may increase the limit by 10% to take into account increased requests for projects deemed necessary by the state board because of the unusually heavy local demand for high priority school construction. This paragraph shall take effect on July 1, 1986.

Sec. 48. 22 MRSA §307, sub-§2-A, as amended by PL 1983, c. 722, and c. 812, §115, is repealed and the following enacted in its place:

2-A. Certificate of Need Advisory Committee. The Certificate of Need Advisory Committee, established by Title 5, section 12004, subsection 10, and created within the Department of Human Services, shall participate with the department in the public hearing process.

A. The committee shall be composed of 10 members, 9 of whom shall be appointed by the Governor. The Commissioner of Human Services shall name his designee to serve as an ex officio non-voting member of the committee. The 9 members appointed by the Governor shall be selected in accordance with the following requirements.

(1) Four members shall be appointed to represent the following.

(a) One member shall represent the hospitals.

(b) One member shall represent the nursing home industry.

(c) One member shall represent major 3rd-party payors.

(d) One member shall represent physicians.

In appointing these representatives, the Governor shall consider recommendations made by the Maine Hospital Association, the Maine Health Care Association, the Maine Medical Association, the Maine Osteopathic Association and other representative organizations.

(2) Five public members shall be appointed as consumers of health care. One of these members shall be designated on an annual basis by the Governor as chairman of the committee. Neither the public members nor their spouses or children may, within 12 months preceding the appointment, have been affiliated with, employed by, or have had any professional affiliation with any health care facility or institution, health product manufacturer or corporation or insurer providing coverage for hospital or medical care, and provided that neither membership in or subscription to a service plan maintained by a nonprofit hospital and medical service organization, nor enrollment in a health maintenance organization, nor membership as a policyholder in a mutual insurer

or coverage under such a policy, nor the purchase of or coverage under a policy issued by a stock insurer may disqualify a person from serving as a public member.

B. Appointed members of the committee shall serve for terms of 4 years. Members shall hold office until the appointment and confirmation of their successors. Of the members first appointed by the Governor, the member representing hospitals and 2 public members shall hold office for 4 years, the member from the nursing home industry and one public member shall hold office for 3 years, the member from the insurance field and one public member shall hold office for 2 years and the physician and one public member shall hold office for one year.

C. Vacancies among appointed members shall be filled by appointment by the Governor for the unexpired term. A vacancy in the office of the chairman shall be filled by the Governor, who shall designate a new chairman for the balance of the member's term as chairman. The Governor may remove any appointed member who becomes disqualified by virtue of the requirements of paragraph A, or for neglect of any duty required by law, or for incompetency or dishonorable conduct.

D. Each appointed member of the committee shall be compensated according to Title 5, chapter 379.

E. Five members of the committee shall constitute a quorum. Actions of the committee shall be by majority vote.

Sec. 49. 22 MRSA §307, sub-§3, as amended by PL 1985, c. 418, §7, and as enacted by PL 1985, c. 443, §1, is repealed and the following enacted in its place:

3. Reviews. To the extent practicable, a review shall be completed and the department shall make its decision within 90 days after the date of notification under subsection 1. The department shall establish criteria for determining when it is not practicable to complete a review within 90 days. Whenever it is not practicable to complete a review within 90 days, the department may extend the review period up to an additional 60 days.

Any review period may be extended with the written consent of the applicant. The request to extend the review period may be initiated by the applicant or the department. If the request is initiated by the department, it shall not be effective unless con-

sented to by the applicant in writing. If the request is initiated by the applicant, the department shall agree to the requested extension if it determines that the request is for good cause. The department shall acknowledge the extension of the review period in writing.

Sec. 50. 22 MRSA c. 265-A is enacted to read:

CHAPTER 265-A

SMOKING IN RETAIL STORES

§1621. Definitions

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

1. Smoking. "Smoking" includes being in possession of or responsible for a lighted cigar, cigarette, pipe or other lighted smoking equipment.

§1622. Smoking to be prohibited in retail stores

1. Prohibition. Smoking is prohibited in all sections of retail stores, except as provided in subsection 2.

2. Exceptions. A retail store is exempt from this chapter if the total area open to the public does not exceed 4,000 square feet. Except as otherwise provided by law, smoking may be permitted in all or parts of private offices or work areas not generally open to the public at the discretion of the employer or other person or persons who have been given that authority. Private offices or work areas not generally open to the public may be designated "no smoking," "smoking permitted" or sectioned into different areas at the discretion of the employer or responsible person or persons in charge.

§1623. Responsibility of proprietors, employers

1. Persons responsible. The person actually in charge of the operation of the establishment is responsible for implementation of this chapter.

2. Posting signs. There shall be posted, in conspicuous places, a sufficient number of signs prohibiting smoking. The letters in the sign shall be at least 1 1/2 inches high and proportionately wide.

§1624. Civil violation

Failure of an individual to comply with section 1623 is a civil violation for which a forfeiture of not more than \$50 may be adjudged.

Sec. 51. 22 MRSA c. 266-A is enacted to read:

CHAPTER 266-A

INFORMATION AND REFERRAL SERVICES

§1641. Parkinson's Syndrome

The Department of Human Services shall establish, maintain and operate an information and referral service for Parkinson's Syndrome to assist in promoting the general health and welfare of Maine's citizens, including, but not limited to, the following specific purposes:

1. Information. To provide educational materials to the medical community and other interested individuals relating to the nature and treatment of Parkinson's Syndrome; and

2. Referral. To maintain a referral service to make available, upon request, the names, addresses and phone numbers, when known, of:

A. Physicians who have an interest or expertise in Parkinson's Syndrome; and

B. Local or statewide support groups for Parkinson's Syndrome victims or their families and friends.

Sec. 52. 22 MRSA c. 269-A, as enacted by PL 1985, c. 115, is repealed.

Sec. 53. 22 MRSA c. 270, as enacted by PL 1985, c. 102, and c. 351, is repealed and the following enacted in its place:

CHAPTER 270

SHOPPING CENTERS

§1671. Definitions

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

1. Shopping center. "Shopping center" means any building or facility containing 6 or more separate retail establishments which are planned, developed,

owned or managed as a unit, with an off-street public parking area of not less than 2 acres.

§1672. Public rest room facilities required

In any building or facility constructed specifically as a shopping center after September 19, 1985, there shall be installed a minimum of 2 toilets for the use of the public. There shall be at least one separate toilet for each sex and the toilets provided shall be clearly marked, maintained in a sanitary condition and in good repair. Lavatory facilities shall be located within or immediately adjacent to all toilet rooms or vestibules. There shall be no charge for their use.

§1673. Rules

The Department of Human Services may adopt, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, rules to administer this chapter and thereby protect the public health.

§1674. Enforcement

This chapter shall be enforced by the Division of Health Engineering. Anyone violating this chapter or rules under this chapter commits a civil violation for which a forfeiture of not more than \$200. may be adjudged. Each date of violation shall be considered a separate offense.

Sec. 54. 22 MRSA §3773, sub-§1, as repealed and replaced by PL 1983, c. 730, §5 and as amended by PL 1983, c. 812, §128, is repealed and the following enacted in its place:

1. Committee established. The Maine Aid to Families with Dependent Children Coordinating Committee established by Title 5, section 12004, subsection 10, shall consist of the Commissioner of Human Services, the Commissioner of Labor and the Commissioner of Educational and Cultural Services or their designees.

Sec. 55. 22 MRSA §3773, sub-§3, ¶C, as repealed and replaced by PL 1983, c. 730, §5, is repealed and the following enacted in its place:

C. Establishment of an advisory council, authorized by Title 5, section 12004, subsection 10;

Sec. 56. 22 MRSA §3773, sub-§3, ¶G, as amended by PL 1983, c. 730, §5, and c. 812, §129, is repealed and the following enacted in its place:

G. Implementation of any other responsibilities and duties, in accordance with any pertinent federal and state law, any additions thereto and any regulations promulgated under that law.

Sec. 57. 22 MRSA §3774, sub-§1, as amended by PL 1983, c. 730, §6, and c. 812, §130, is repealed and the following enacted in its place:

1. Members. The advisory council referred to in section 3773, subsection 3, paragraph C shall include at least the following members:

A. Two recipients of benefits under the Aid to Families with Dependent Children Program;

B. One representative of employers within the State;

C. One representative of organized labor;

D. One member of the Maine Commission for Women; and

E. One or more representatives of organizations or agencies which have experience in addressing the training, education and job needs of low-income women.

Sec. 58. 22 MRSA §5203, sub-§1, as repealed and replaced by PL 1985, c. 613, is repealed.

Sec. 59. 24 MRSA §2511, as amended by PL 1985, c. 185, §4, and c. 193, is repealed and the following enacted in its place:

§2511. Immunity

Any person acting without malice, and any physician, health care provider, professional society, or member of a professional competence committee or of the board, in making any report or other information available to the board or to a professional review committee or a professional competence committee pursuant to law, or in assisting in the origination, investigation or preparation of such information, or in assisting the board or a professional review committee or a professional competence committee in carrying out any of its duties or functions provided by law, shall be immune from civil or criminal liability, except as provided in section 2510, subsection 4, for any such actions.

Sec. 60. 24 MRSA §2902-A, as enacted by PL 1985, c. 169, is reallocated to be 24-A MRSA §2902-B.

Sec. 61. 25 MRSA §2902, last ¶, as enacted by PL 1983, c. 489, §13, is amended to read:

Unless specified otherwise by statute, department personnel shall be appointed subject to the Personnel Law. Persons holding major policy-influencing positions under Title 5, section 711, subsection 2, paragraph A 948, shall be appointed by and serve at the pleasure of the commissioner, except as otherwise provided by law.

Sec. 62. 26 MRSA c. 6, first 2 lines are repealed and the following enacted in their place:

CHAPTER 6

OCCUPATIONAL SAFETY RULES AND REGULATIONS BOARD

SUBCHAPTER I

GENERAL PROVISIONS

Sec. 63. 26 MRSA §1023, as amended by PL 1985, c. 497, §8, and c. 506, Pt. B, §23, is repealed and the following enacted in its place:

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

No one may directly or indirectly interfere with, intimidate, restrain, coerce or discriminate against university, academy or vocational-technical institute employees or a group of university, academy or vocational-technical institute 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. 64. 26 MRSA §1024-A, sub-§5, as amended by PL 1985, c. 497, §9 and c. 506, Pt. B, §24, is repealed and the following enacted in its place:

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 may be appropriate in the future. 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 institute units. The executive director or his designee shall determine the appropriateness of those petitions, taking into considera-

tion 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 may administer oaths and 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.

Sec. 65. 26 MRSA §1026, sub-§1, ¶D, as amended by PL 1985, c. 6; c. 497, §11; and c. 506, Pt. B, §26, is repealed and the following enacted in its place:

D. To execute in writing any agreements arrived at, the term of any such agreement to be subject to negotiation, but not to exceed 3 years; and

Sec. 66. 26 MRSA §1026, sub-§4, ¶C, as amended by PL 1985, c. 497, §12, and c. 506, Pt. B, §27, is repealed and the following enacted in its place:

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 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 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 factors set out in subparagraphs (1) to (3), 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 for qualified employees;

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

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

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

Sec. 67. 26 MRSA §1027, sub-§1, ¶E, as amended by PL 1985, c. 497, §13, and c. 506, Pt. B, §28, is repealed and the following enacted in its place:

E. Refusing to bargain collectively with the bargaining agent of its employees as required by section 1026; or

Sec. 68. 26 MRSA §1029, sub-§2, as amended by PL 1985, c. 497, §16, and c. 506, Pt. B, §31, is repealed and the following enacted in its place:

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, 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 or any bargaining agent has engaged in or is engaging in an, 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 may 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. 69. 26 MRSA §1029, sub-§6, as amended by PL 1985, c. 497, §17, and c. 506, Pt. B, §32, is repealed and the following enacted in its place:

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 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 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. 70. 26 MRSA §1031, as amended by PL 1985, c. 497, §18 and c. 506, Pt. B, §33, is repealed and the following enacted in its place:

§1031. Scope of binding contract arbitration

A collective bargaining agreement between the university, the academy or the vocational-technical institutes 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 authority to add to, subtract from or modify the collective bargaining agreement.

Sec. 71. 26 MRSA §1191, sub-§3, as amended by PL 1983, c. 13, §4, and c. 305, section 3, is repealed and the following enacted in its place:

3. Weekly benefit for partial unemployment. Each eligible individual who is partially unemployed in any week shall be paid with respect to the week a partial benefit in an amount equal to this weekly benefit amount less that part of his earnings, paid or payable to him with respect to the week which is in excess of \$10, except that any amounts received from the Federal Government by members of the National Guard and organized reserve, including base pay and allowances or any amounts received as a volunteer fireman or as elected members of the Legislature, shall not be deemed wages for the purpose of this subsection.

On and after January 1, 1978, each eligible individual who, affirmatively terminated from his regular employment for a period in excess of 4 consecutive calendar weeks, is employed less than 40 hours for a period not exceeding 2 consecutive calendar weeks or performs odd jobs shall be paid an amount equal to his weekly benefit amount less:

A. 50% of his earnings paid or payable to him with respect to that week in excess of \$10 up to \$35; and

B. 100% of his earnings paid or payable to him with respect to that week in excess of \$35.

Sec. 72. 26 MRSA §1193, sub-§4, ¶C, as amended by PL 1985, c. 66, and c. 348, §6, is repealed and the following enacted in its place:

C. He has obtained employment subsequent to the beginning of the stoppage of work and has earned at least 8 times his weekly benefit amount in employment by an employer or has been in employment by an employer for 5 full weeks; or

Sec. 73. 26 MRSA §1452, as amended by PL 1985, c. 147, §1, and c. 295, §41, is repealed and the following enacted in its place:

§1452. Maine Occupational Information Coordinating Committee

The Maine Occupational Information Coordinating Committee, as authorized by Title 5, chapter 379, is established to support the development, maintenance and operation of a Comprehensive Career, Occupational and Economic Data-based System and to foster communication and coordination of education, employment and training programs through the use of the system. The committee shall consist of the Commissioner of Labor; the Commissioner of Human Services, the Commissioner of Educational and Cultural Services, the Director of the State Development Office, the Director of the State Planning Office and the chairmen of the Maine Job Training Council and the State Board of Education. The Commissioner of Labor and the Commissioner of Educational and Cultural Services may serve as the representatives of the chairmen of the Maine Job Training Council and the State Board of Education, respectively, upon the agreement of that designation by the Maine Job Training Council and State Board of Education. The Commissioner of Labor shall be the chairman of the committee with the Department of Labor serving as the fiscal agent for the committee.

Sec. 74. 28 MRSA §204, first ¶, as amended by PL 1985, c. 306, and c. 435, §§2 to 4, is repealed and the following enacted in its place:

All persons except public service corporations operating interstate, licensed to sell spirituous or vinous liquor, except table wine, shall purchase all such liquor from the commission. All licensees for on-premise consumption shall report all purchases of that liquor to the commission on forms provided by the commission.

Sec. 75. 28 MRSA §701-A, sub-§8, as enacted by PL 1985, c. 252, §6, and c. 319, §2, is repealed and the following enacted in its place:

8. Class X license: The following premises shall be eligible for a Class X license:

A. Class A lounges.

Sec. 76. 28 MRSA §701-A, sub-§9 is enacted to read:

9. Auxiliary license. The following premises shall be eligible for an auxiliary license -- spirituous, vinous and malt beverages:

A. Premises located at a ski area which are owned and operated by a Class A restaurant licensee located at that ski area; and

B. Premises located at a ski area which are owned and operated by a hotel licensee located at that ski area.

Sec. 77. 28 MRSA §809, as enacted by PL 1985, c. 132, §2, and c. 252, §8, is repealed and the following enacted in its place:

§809. Bottle clubs

1. Registration. Each bottle club as defined in section 2, subsection 1-A, shall register annually with the State Liquor Commission on forms provided by the commission. Registration shall consist of payment of the registration fee and submission of the information required in paragraph A.

A. The information each bottle club is required to submit consists of only the following:

(1) The name and address of each owner of the bottle club;

(2) The name and address of each operator of the bottle club; and

(3) The regular hours of operation.

B. The annual fee for registration of a bottle club is \$50. Each bottle club shall submit the registration fee with the required information.

C. Any bottle club which does not register with the commission commits a civil violation for which a forfeiture not to exceed \$500 may be adjudged.

2. Minors on the premises. No minor not employed by the bottle club or accompanied by his parent, legal guardian or custodian, as defined in Title 22, section 4002, may be permitted to remain on the premises except on special occasions when liquor is prohibited on the premises. A bottle club may employ minors only if an employee of legal drinking age or older is present in a supervisory capacity.

3. Consumption on premises. No bottle club may permit consumption of liquor on the bottle club premises by minors or persons visibly intoxicated.

4. Violation of state law. No bottle club may knowingly allow any violation of any state law on the bottle club premises.

5. Civil violations and jurisdiction. A bottle club which violates any provision of subsections 2, 3 or 4 commits a civil violation for which a forfeiture may be adjudged of not less than \$100 nor more than \$300 for the first offense; not less than \$200 nor more than \$500 for the 2nd offense; and \$500 for the 3rd and subsequent offenses. The District Court has jurisdiction over civil violations defined in this section pursuant to Title 17-A, section 9.

6. Right of access. Every bottle club shall allow liquor enforcement officers and other law enforcement officers to enter the premises at reasonable times for the purpose of investigating compliance with the liquor laws of this Title. The liquor enforcement officers and other law enforcement officers have the power to enforce all provisions of this Title. Entry into the premises under this subsection shall be conducted in a reasonable manner so as not to disrupt the operation of the bottle club. The investigation shall be limited to those areas involved in the actual operation of the bottle club, including storage areas.

Sec. 78. 28 MRSA §811 is enacted to read:

§811. Licenses for Class A lounges

1. Issue of licenses. The commission may issue licenses for the sale of spirituous and vinous liquor and malt liquor to be consumed on the premises to Class A lounges as defined in section 2, subsection 8, paragraph K-1.

2. Food availability. Food shall be for sale to the public at all times that liquor is for sale.

3. Sunset. The following provisions are repealed on September 30, 1987:

- A. Section 2, subsection 8, paragraph K-1;
- B. Section 701, subsection 1, paragraph F;
- C. Section 701, subsection 2, paragraph A;
- D. Section 701-A, subsection 8, paragraph A; and
- E. This section.

Prior to September 30, 1987, the State Liquor Commission shall evaluate the effectiveness of the Class A lounge license and shall make a written report to the 113th Legislature.

Sec. 79. 29 MRSA §252-C, as enacted by PL 1985, c. 205, c. 360, and c. 404, is repealed and the following enacted in its place:

§252-C. Temporary handicapped placards

Upon request from a person seeking a temporary handicapped placard, the physician may prepare a prescription request upon which shall appear the person's name and an assigned expiration date specified by the physician.

Persons granted prescription requests from their physicians may send or present in person this document to an office administered by the Division of Motor Vehicles for issuance of a temporary handicapped placard. The Division of Motor Vehicles shall give priority consideration to these requests. A \$1 fee shall be charged for each placard issued.

Temporary handicapped placards shall be of a design established by the Secretary of State and the placards shall show the expiration date specified by the physician who prepared the prescription request.

Any temporary placard issued under this section may be displayed in any motor vehicle which the handicapped person to whom the placard was provided is operating, in which he is a passenger, in which he is being transported or in which he is waiting for a service to be rendered. The temporary placard shall be so affixed that the information on the placard is clearly legible from outside the motor vehicle.

A person to whom a temporary placard has been issued under this section is entitled to the same rights and privileges as a person to whom a plate or placard is issued under section 252, during the term of that temporary placard.

Sec. 80. 29 MRSA §§252-D and 252-E are enacted to read:

§252-D. Firefighters; special license plates

On the application of an active firefighter whose active status is certified to by the fire chief, assistant fire chief or acting fire chief of the fire department of the active firefighter, the Secretary of State shall issue a special registration plate designating the vehicle as belonging to an active firefighter. The Secretary of State may design this special registration plate which shall be numerical with the letters "F F" as a suffix. The special registration plate for firefighters may be used only on

one motor vehicle which registered gross weight shall not exceed 9,000 pounds.

An additional one-time fee of \$5 shall be charged for a plate under this section, other than the annual registration fee.

If a firefighter ceases to be an active firefighter, the fire chief shall notify the Secretary of State, who shall recall the license plate.

§252-E. Former prisoners of war; special license plates

The Secretary of State, on application and upon evidence of payment of the excise tax required by Title 36, section 1482, shall issue a registration certificate and set of special designating plates to be used in lieu of regular registration plates to any person who served in the United States Armed Forces and who was a prisoner of war at any time during his tenure of service, when that application is accompanied by a copy of the appropriate military form certifying that the person is a former prisoner of war. This special license plate is issued specifically to former prisoners of war and the privilege of using the special plate is not transferable.

These special designating plates shall be of a design as determined by the Secretary of State.

Sec. 81. 29 MRSA §256, sub-§2, as amended by PL 1985, c. 405, and c. 429, §15, is repealed and the following enacted in its place:

2. Municipal vehicles. All county, municipal, school and water district vehicles shall be registered with the Secretary of State who shall furnish semipermanent plates for each vehicle which shall expire at the end of each 10-year semipermanent plate program. The vehicles shall be exempt from this Title as to payment of registration fees, but shall not be exempt from the inspection requirements of section 2502. The plate or plates shall be of a design determined by the Secretary of State.

A municipal fire department or an organized volunteer fire department may be exempt from this Title as to registration and payment of registration fees, but shall not be exempt from the inspection requirements of section 2502.

All vehicles owned or used by any municipal corporation and all vehicles loaned by automobile dealers to municipalities for use in driver education in second-

ary schools and all motor vehicles loaned by automobile dealers to private secondary schools for use in driver education in the schools, vehicles loaned to state universities used in organized programs and all motor vehicles used in volunteer ambulance and rescue squad services in such municipalities shall be registered, but shall be exempt from this Title as to the registration fees, except that when the vehicles are leased or rented for commercial purposes they shall be subject to payment of fees as provided in this Title. All such vehicles shall display registration plates as required by this Title or approved by the Secretary of State.

Sec. 82. 29 MRSA §343, sub-§1, as amended by PL 1985, c. 265, §4, and c. 401, §4, is repealed and the following enacted in its place:

1. Facilities and personnel. To qualify as a dealer under this subchapter, the applicant shall have and maintain at least the following facilities and personnel set forth in paragraphs A to E and make the following disclosures set forth in paragraph F:

A. Proper facilities for the display of the vehicles being handled;

B. Repair department for the repair of 2' vehicles simultaneously;

C. Sufficient tools and equipment for proper servicing of the vehicles handled;

D. A suitable office from which business is conducted and records of the business are kept;

E. At least one mechanic, who may be the owner, who has a thorough knowledge of the vehicles being handled; and

F. On all used motor vehicles being offered for sale, the written vehicle history statement required to be conspicuously affixed to the vehicle pursuant to Title 10, section 1475.

Each licensee shall maintain a current record of all full-time personnel employed at his established place of business. The record shall at all times be available for inspection by the Secretary of State or his duly authorized agents.

Sec. 83. 29 MRSA §354, sub-§1, ¶A, as amended by PL 1985, c. 262, §3, and c. 401, §11, is repealed and the following enacted in its place:

A. For purposes directly connected with the business of buying, selling, testing, adjusting, demonstrating or exchanging those vehicles;

Sec. 84. 29 MRSA §354, sub-§1, ¶G, as amended by PL 1985, c. 262, §4, and c. 401, §11, is repealed and the following enacted in its place:

G. A violation of paragraphs A to F is a traffic infraction for which a minimum forfeiture of \$200 shall be adjudged for each infraction, not to be suspended; or

Sec. 85. 30 MRSA c. 10, as enacted by PL 1985, c. 223; c. 367; and c. 428, is repealed and the following enacted in its place:

CHAPTER 10

WALDO COUNTY BUDGET COMMITTEE

§1401. Purpose

The purpose of this chapter is to establish in Waldo County a method of appropriating money for county expenditures, according to a budget, which shall first receive approval of a budget committee. This chapter amends the present statutory method in sections 252 and 253 by transferring the authority of the Waldo County legislative delegation and the Legislature to approve the Waldo County budget to a committee comprised of Waldo County and municipal officials. This chapter shall apply only to Waldo County.

§1402. Definitions

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

1. County commissioners. "County commissioners" means the elected county commissioners of Waldo County.

2. Municipal officers. "Municipal officers" means the mayor or councilors or selectman.

§1403. Waldo County Budget Committee

In Waldo County there shall be established a budget committee to carry out the purposes of this chapter.

1. Membership. The budget committee shall consist of 9 members, 3 members from each commissioner

district selected as provided for in this section and 3 county commissioners who shall serve on the committee in an advisory capacity only and shall not vote on any committee matters.

In 1985, and thereafter, at least 90 days prior to the end of every other fiscal year, the 9 members shall be elected by the following procedure.

A. The county commissioners shall notify all municipal officers in the county to caucus by county commissioner districts at a specified date, time and place for the purpose of nominating at least 3 municipal officers from each district as candidates for the county budget committee. The county commissioners shall serve as nonvoting moderators for their district caucuses. Nominations shall be received from the floor. The 3 nominees receiving the most votes shall be approved. Any other nominees who receive a majority vote of those present shall also be approved. The names of those duly approved shall be recorded and forwarded to the county commissioners to be placed on a written ballot.

B. The county commissioners shall have written ballots printed with the names of those candidates selected in their districts in accordance with paragraph A. The county commissioners shall distribute these ballots to each municipality. Each commissioner district shall require a separate ballot and each ballot shall specify each candidate's full name and municipality. The municipal officers shall vote as a board for 3 budget committee members from the candidates on the ballot and return the ballot to the county commissioners by a certain date. The ballots shall be counted at a regular meeting of the county commissioners. Each vote shall be weighed according to that municipality's population as a proportion of the district's total population, except that no municipality may have more than one budget committee member. The county commissioners shall notify each municipality, in writing, of the results of the election and shall certify the results to the Secretary of State.

2. Responsibilities. It is the responsibility of the county budget committee to review the budget estimates prepared by the county commissioners and to approve a final county budget.

3. Term of office. The term of office shall be 2 years, provided that a budget committee member remains a municipal officer in his municipality.

4. Vacancies. A vacancy occurring on the budget committee shall be filled by the committee for the balance of the unexpired term. The person appointed to fill the vacant office shall be a municipal officer from the same municipality as the person vacating the office.

5. Expenses. Members shall serve without compensation, but shall be reimbursed from the county treasury for expenses lawfully incurred by them in the performance of their duties.

§1404. Budget committee organization

The budget committee shall conduct its meetings in public at the county courthouse. The county commissioners shall direct the county clerk to call an organizational meeting of the budget committee no later than 60 days prior to the end of the county's fiscal year. The county commissioners shall provide the committee with necessary clerical assistance, office expenses and suitable meeting space, as well as access to county files and information. The budget committee shall adopt its own rules or procedures and bylaws.

§1405. Budget procedures

1. Proposed budget. The county commissioners shall submit an itemized budget estimate, as described in sections 252 and 253, to the budget committee in a timely fashion, no later than 60 days prior to the end of the county's fiscal year.

2. Budget review process. The budget committee shall review the proposed itemized budget prepared by the county commissioners, together with any supplementary material prepared by the head of each county department or provided by any independent board or institution or another governmental agency. The budget committee may increase, decrease, alter or revise the proposed budget, provided that:

A. The budget committee shall enter into its minutes a statement of the basis for any change in the estimated expenditures and revenues as initially presented by the county commissioners; and

B. The total estimated revenues, together with the amount of county tax to be levied, shall equal the total estimated expenditures.

3. Public hearing. The budget committee shall hold a public hearing in the county on the proposed budget prior to the end of the county's fiscal year

and before the final adoption of the budget. Notice of the hearing shall be given at least 10 days prior to the hearing in a newspaper of general circulation within the county. Written notice and a copy of the proposed budget shall be sent by registered or certified mail with return receipt requested, or delivered by hand in person, with proof received of the delivery, to the clerk of each municipality in the county. The municipal clerk shall notify the municipal officers of the proposed budget.

4. Adoption of budget. After completion of the public hearing, the budget committee may further increase, decrease, alter and revise the proposed itemized budget, subject to the conditions and restrictions imposed in subsection 2. The proposed itemized budget shall be finally adopted by a majority vote of the budget committee at a duly called meeting not later than the end of the county's fiscal year. The approved budget shall be the final authorization for the assessment of county taxes. The budget shall be transmitted to the county commissioners and the county tax authorized shall be apportioned and collected in accordance with section 254.

In the event the budget is not approved before the start of a fiscal year, the county shall, until a budget is finally adopted, operate on an interim budget which shall not exceed the previous year's budget.

The county commissioners may transfer funds as provided in section 252.

§1406. Budget amendments

The approved budget shall govern the expenditures of the county during the fiscal year. No expenses may be incurred in excess of those shown in the approved budget, but the budget may be revised from time to time by the preparation and submission of a proposed amended budget by the county commissioners to the budget committee. The budget committee shall, not less than 15 calendar days, except in emergencies, nor more than 30 days after the submission to it, render a decision on any such revised budget. An approved revised budget shall be transmitted to the State Auditor within 15 days of the budget committee's action.

§1407. Filing of county budget

A copy of the final budget and subsequent amendments, shall be filed on forms approved by the De-

partment of Audit, with the State Auditor, who shall retain them for a period of 3 years.

Sec. 85-A. 30 MRSA c. 10-A is enacted to read:

CHAPTER 10-A

KENNEBEC COUNTY BUDGET ADVISORY COMMITTEE

§1411. Definitions

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

1. County commissioners. "County commissioners" means the elected county commissioners of Kennebec County.

2. Municipal officers. "Municipal officers" means the mayor, aldermen or councilors of a city, the selectmen or councilors of a town and the assessors of a plantation located in Kennebec County.

§1412. Kennebec County Budget Advisory Committee

In Kennebec County, there is established the Kennebec County Budget Advisory Committee to carry out the purposes of this chapter. This chapter applies only to Kennebec County.

1. Membership. The budget advisory committee shall consist of 9 members, 3 members from each commissioner district to be appointed by the county commissioners. The term of each member of the budget advisory committee shall be for 2 years.

2. Responsibilities. It is the responsibility of the county budget advisory committee to review the budget estimates prepared by the county commissioners and to make recommendations to the county commissioners concerning a final county budget.

3. Vacancies. A vacancy occurring on the budget advisory committee shall be filled by appointment by the county commissioners for the balance of the unexpired term. The person appointed to fill the vacant office shall be a municipal officer from the same municipality as the person vacating the office.

4. Expenses. Members shall serve without compensation, but shall be reimbursed from the county treasury for expenses lawfully incurred by them in the performance of their duties.

§1413. Budget advisory committee organization

The budget advisory committee shall conduct its meetings in public at the county courthouse. The county commissioners shall direct the county clerk to call an organizational meeting of the budget advisory committee no later than 60 days prior to the end of the county's fiscal year. The county commissioners shall provide the committee with necessary clerical assistance, office expenses and suitable meeting space, as well as access to county files and information. The budget advisory committee shall select its own chairman, vice-chairman and secretary. The budget advisory committee shall adopt its own rules or procedures and bylaws.

§1414. Budget procedures

1. Proposed budget. The county commissioners shall submit an itemized budget estimate, as described in sections 252 and 253, to the budget advisory committee in a timely fashion, no later than 60 days prior to the end of the county's fiscal year.

2. Budget review process. The budget advisory committee shall review the proposed itemized budget prepared by the county commissioners, together with any supplementary material prepared by the head of each county department or provided by any independent board, institution or other governmental agency. The budget advisory committee may make recommendations concerning any increase, decrease, alteration or revision to the proposed budget.

3. Public hearing. The budget advisory committee shall hold a public hearing in the county on the proposed budget prior to the end of the county's fiscal year and before the final adoption of the budget. Notice of the hearing shall be given at least 10 days prior to the hearing in a newspaper of general circulation within the county. Written notice and a copy of the proposed budget shall be sent by registered or certified mail with return receipt requested, or delivered by hand in person, with proof received of the delivery, to the clerk of each municipality in the county. The municipal clerk shall notify the municipal officers of the proposed budget.

4. Adoption of budget. After completion of the public hearing, the county commissioners may further increase, decrease, alter and revise the proposed itemized budget, provided that:

A. The county commissioners shall enter into their minutes a statement of the basis for any

rejection of any recommendation of the budget advisory committee; and

B. The total estimated revenues, together with the amount of county tax to be levied, shall equal the total estimated expenditures.

The recommended budget shall then be transmitted by the county commissioners to the Legislature for its approval. The county tax authorized shall be apportioned and collected in accordance with section 254.

§1415. Budget amendments

The approved budget shall govern the expenditures of the county during the fiscal year. No expenses may be incurred in excess of those shown in the approved budget, but the budget may be from time to time revised by the commissioners with the advice of the budget advisory committee.

§1416. Filing of county budget

A copy of the final budget and subsequent amendments shall be filed, on forms approved by the Department of Audit, with the State Auditor, who shall retain them for a period of 3 years.

§1417. Repeal

This chapter is repealed on September 30, 1988.

Sec. 85-B. 30 MRSA c. 10-B is enacted to read:

CHAPTER 10-B

AROOSTOOK COUNTY BUDGET COMMITTEE

§1421. Purpose

The purpose of this chapter is to establish in Aroostook County a method of appropriating money for county expenditures, including expenditures for municipal services in the unorganized territory, according to a budget, which shall first be adopted by a budget committee and shall then be approved by the Legislature. This chapter amends the present statutory method in sections 252 and 253 by creating a committee elected by Aroostook County municipal officers with authority to adopt or amend the budget. The Legislature shall continue to have authority to approve, but not to amend, the budget. This chapter applies only to Aroostook County.

§1422. Definitions

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

1. County commissioners. "County commissioners" means the elected county commissioners of Aroostook County.

2. Municipal officials. "Municipal officials" means the mayor, aldermen, councillors or manager of a city, the selectmen, councillors or manager of a town and the assessors of a plantation located in Aroostook County. The municipal officer means elected mayor, aldermen or councillors of a city, the selectmen or councillors of a town and the assessors of a plantation located in Aroostook County.

§1423. Aroostook County Budget Committee

In Aroostook County there shall be established a budget committee to carry out the purposes of this chapter.

1. Membership. The budget committee shall consist of 10 members, 3 members from each commissioner district selected as provided for in this section and one member selected pursuant to paragraph C. The county commissioners shall serve on the committee in an advisory capacity only and shall not vote on any committee matters.

In 1985, and every 3rd year thereafter, at least 90 days prior to the end of the fiscal year, the 10 members shall be elected by the following procedure.

A. The county commissioners shall notify all municipal officers in the county to caucus by county commissioner districts at a specified date, time and place for the purpose of nominating at least 3 residents of the district of voting age as candidates for the county budget committee. A county commissioner shall serve as nonvoting moderator for his district caucus. Nominations shall be received from the floor and require a majority vote of those present to be approved. The names of those duly nominated shall be recorded and forwarded to the county commissioners to be placed on a written ballot.

B. The county commissioners shall have written ballots printed with the names of those candidates selected in his district in accordance with paragraph A. The county commissioners shall distribute these ballots to each municipality. Each

commissioner district shall require a separate ballot and each ballot shall specify each candidate's full name and municipality. The municipal officers shall vote, as a board, for 3 budget committee members from the candidates on the ballot and return the ballot to the county commissioners by a certain date. The ballots shall be counted at a regular meeting of the county commissioners. Each vote shall be weighted according to that municipality's population as a proportion of the district's total population. The county commissioners shall notify each municipality, in writing, of the results of the election and shall certify the results to the Secretary of State.

C. The county commissioners shall appoint one qualified budget committee member from the unorganized territory of Aroostook County to serve on the budget committee.

D. It is the responsibility of the county budget committee to review the budget and estimates, including the budget for municipal services in the unorganized territory prepared by the county commissioners, and to approve a final county and unorganized budget.

E. The term of office shall be 3 years.

F. A vacancy occurring on the budget committee shall be filled by the committee for the balance of the unexpired term. The person appointed to fill the vacant office shall be from the same municipality or unorganized territory as the person vacating the office.

G. Members shall serve without compensation.

§1424. Budget committee organization

The budget committee shall conduct its meetings in public at the county courthouse. The county commissioners shall direct the county clerk to call an organizational meeting of the budget committee no later than 60 days prior to the end of the county's fiscal year. The county commissioners shall provide the committee with necessary clerical assistance, office expenses and suitable meeting space, as well as access to county files and information. The budget committee shall select its own chairman, vice-chairman and secretary. The budget committee shall adopt its own rules or procedures and bylaws.

§1425. Budget procedures

1. Proposed budget. The county commissioners shall submit itemized budget estimates, as described in sections 252, 253 and 5903, to the budget committee in a timely fashion, no later than 60 days prior to the end of the county's fiscal year.

2. Budget review process. The budget committee shall review the proposed itemized budgets prepared by the county commissioners, together with any supplementary material prepared by the head of each county department or provided by any independent board or institution or another governmental agency. The budget committee may increase, decrease, alter or review the proposed budgets provided that:

A. The budget committee shall enter into its minutes a statement of the basis for any change in the estimated expenditures and revenues as initially presented by the county commissioners; and

B. The total estimated revenues, together with the amount of county tax to be levied, shall equal the total estimated expenditures.

3. Public hearing. The budget committee shall hold a public hearing in the county on the proposed budget prior to the end of the county's fiscal year and before the final adoption of the budget. Notice of the hearing shall be given at least 10 days prior to the hearing in all newspapers of general circulation within the county. Written notice and a copy of the proposed budget shall be sent by registered or certified mail with return receipt requested, or delivered by hand in person, with proof received of the delivery, to the clerk of each municipality in the county. The municipal clerk shall notify the municipal officials of the proposed budget.

4. Adoption of budget. After completion of the public hearing, the budget committee may further increase, decrease, alter and revise the proposed itemized budgets, subject to the conditions and restrictions imposed in subsection 2. The proposed itemized budget shall be finally adopted by a majority vote of the budget committee at a duly called meeting not later than the end of the county's fiscal year.

5. Final budget approval. Prior to January 15th of the fiscal year for which the budget is prepared, the budget committee shall submit the proposed budget to the Legislature. The Legislature shall approve or disapprove the budget as submitted prior to April 1st of each year.

If the Legislature disapproves of the budget, the budget committee shall submit within 15 calendar days, new budget proposals in accordance with subsection 1 and the provisions of this section shall be followed until a budget is finally approved.

The budget as approved by the Legislature shall be the final authorization for the assessment of county taxes. The budget shall be transmitted to the county commissioners and the county tax authorized shall be apportioned and collected in accordance with section 254. The budget for the unorganized territories will be transmitted to the State as provided by section 5903.

The county shall, until a budget is finally adopted, operate on an interim budget which shall not exceed the previous year's budget.

The county commissioners may transfer funds as provided in section 252.

§1426. Budget amendments

The approved budget shall govern the expenditures of the county during the fiscal year. No expenses may be incurred in excess of those shown in the approved budget, but the budget may be from time to time revised by the preparation and submission of a proposed amended budget by the county commissioners to the budget committee. The budget committee shall within 15 calendar days approve, disapprove or amend this revised budget. In the event that the proposed revised budget is approved or amended, the budget committee within this same time period shall forward the revised budget to the Legislature for final approval. The Legislature shall have 15 calendar days to render a decision on the revised budget. A report of approval of a revised budget shall be transmitted to the State Auditor within 15 days of an approval of a revised budget by the Legislature on the revised budget.

§1427. Filing of county budget

A copy of the final budget, and subsequent amendments, shall be filed on forms approved by the Department of Audit, with the State Auditor, who shall retain them for a period of 3 years.

§1428. Repeal

This chapter is repealed on September 30, 1988.

Sec. 86. 30 MRSA §3771, sub-§3, as enacted by PL 1973, c. 680, §5, is amended to read:

3. Volunteer fire association. A volunteer fire association shall mean an organized firefighting unit incorporated pursuant to Title 13, chapter 81, or Title 13-B, and which is officially recognized by the municipality. Any volunteer fire association incorporated under either Title 13-B or Title 13, chapter 81, on or after January 1, 1978, shall be considered incorporated for the purposes of this section. An appropriation of money by the municipality toward the support of a volunteer fire association is sufficient evidence of official recognition.

Sec. 87. 30 MRSA §4751, 5th ¶, as enacted by PL 1983, c. 589, is amended to read:

Seventy-five percent of the aggregate amount of qualified mortgage bonds that may be issued during any calendar year in accordance with the ~~United~~ United States Internal Revenue Code of 1954, Section 103A(g), as amended, is allocated to the state authority. For calendar year 1986, the allocation provisions of Title 10, chapter 9, shall supersede this allocation.

Sec. 88. 30 MRSA §4751, 6th ¶, as amended by PL 1985, c. 594, §11, is further amended to read:

In case any of the commissioners or officers of the authority whose signatures appear on any bonds or coupons shall cease to be such commissioners or officers before the delivery of such bonds, such signatures shall, nevertheless, be valid and sufficient for all purposes, the same as if such commissioners or officers had remained in office until such delivery. ~~For calendar year 1986, the allocation provisions of Title 10, chapter 9 shall supersede this allocation.~~

Sec. 89. 32 MRSA §4151, sub-§3 is amended to read:

3. Sardine. "Sardine" shall be held to include any canned, small size, clupeoid fish, ~~being the fish commonly called herring, particularly the clupea harengus.~~

Sec. 90. 34-A MRSA §3003, sub-§1, as amended by PL 1985, c. 59, and c. 266, §2, is repealed and the following enacted in its place:

1. Limited disclosure. All orders of commitment, medical and administrative records, applications and reports, and facts contained in them, pertaining to any person receiving services from the department, shall be kept confidential and may not be

disclosed by any person, except that criminal history record information may be disseminated in accordance with Title 16, chapter 3, subchapter VIII, and documents, other than those documents pertaining to information obtained by the department for the purpose of evaluating a committed offender's ability to participate in a community-based program or from informants in a correctional facility for the purpose of determining whether prison rules have been violated, or a victim's request for notice of release, may be disclosed:

A. To any person, if the person receiving services, his legal guardian, if any, or, if he is a minor, his parent or legal guardian, gives his informed written consent to the disclosure of the documents referred to in this subsection after being given the opportunity to review the documents sought to be disclosed;

B. To any state agency if necessary to carry out the statutory functions of that agency; and

C. If ordered by a court of record, subject to any limitation in the Maine Rules of Evidence, Rule 503.

Sec. 91. 35 MRSA §15, sub-§13, as amended by PL 1985, c. 481, Pt. A, §71, and Pt. C, §3, is repealed and the following enacted in its place:

13. Public utility. "Public utility" includes every gas company, natural gas pipeline company, electrical company, telephone company, telegraph company, water company, public heating company and water carrier, as those terms are defined in this section, and each of those utilities is declared to be a public utility and to be subject to the jurisdiction, control and regulation of the commission, and to this Title. "Public utility" does not include the operation of a radio paging service, as that term is defined in this section. Nothing in this subsection precludes the jurisdiction, control and regulation by the commission pursuant to private and special act of the Legislature.

Sec. 92. 35 MRSA c. 5, first 2 lines are repealed and the following enacted in their place:

CHAPTER 5

REGULATION AND CONTROL OF PUBLIC UTILITIES

SUBCHAPTER I

GENERAL PROVISIONS

Sec. 93. 35 MRSA §171, sub-§1, as amended by PL 1985, c. 241, §1, and c. 481, Pt. C, §12, is repealed and the following enacted in its place:

1. Conditions precedent to issuance generally. Any public utility, now organized and existing or hereafter incorporated under and by virtue of the laws of this State and doing business in this State, may issue stocks, bonds which may be secured by mortgages on its property, franchises or otherwise, notes or other evidences of indebtedness, payable at periods of more than 12 months after the date of issuance, when necessary for the acquisition of property to be used for the purpose of carrying out its corporate powers, the construction, completion, extension or improvement of its facilities, or for the improvement or maintenance of its service, or for the discharge or lawful refunding of its obligations, including capital stock, or to reimburse its treasury for money used for the acquisition of property, the construction, completion, extension or improvement of its facilities, for the discharge or lawful refunding of its obligations, and which actually were expended from income or from other money in the treasury of the corporation not secured by or obtained from the issue of stocks, bonds, notes or other evidences of indebtedness of that corporation, or for any other lawful purposes, provided, and not otherwise, that upon written application, setting forth such information as the commission may require, there shall have been secured from the commission an order authorizing the issue and the amount of the issue and stating that in the opinion of the commission the sum of the capital to be secured by the issue of the stocks, bonds, notes or other evidences of indebtedness is required in good faith for purposes enumerated in this section.

In determining whether to grant its authorization, the commission may consider the reasonableness of the purpose or purposes for which the proceeds of the issue shall be applied, other resources which the utility has available or may have available for those purposes, the justness and reasonableness of the estimated cost to the utility of the issue and the effect of the issue upon the utility's capital structure. The commission's decision shall be in writing and shall contain findings setting forth the reasons for the decision. Every such order authorizing the issue of stock shall, if authorized to be sold at less than its par value, specify a minimum price at which the shares so authorized are to be sold, and any and all shares of stock, issued in accordance with such an order, shall be fully paid stock and not liable to any further call or payment, notwithstanding it may have been authorized for sale at less than

its par value. The commission may at the request of any public utility approve the issue of any stocks, bonds, notes or other evidences of indebtedness authorized but not issued. For the purpose of enabling the commission to determine whether it shall issue such an order, the commission shall make such inquiries for investigation, hold such hearings and examine such witnesses, books, papers, documents or contracts as it may deem of importance in enabling it to reach a determination. The commission may determine whether and in what manner notice of the application shall be given and whether a hearing should be held. In view of the public interest in the prompt resolution of questions affecting the issuance of securities by public utilities, in cases in which a hearing is held or the application is contested, the commission shall issue its final order within 60 days of the filing of the application or 30 days of the close of the hearing on the application, whichever first occurs, unless the commission makes an affirmative determination that additional time is necessary for a proper resolution of issues concerning the application and, notwithstanding any other provisions of law, shall establish such accelerated notice periods, schedules and limitations on hearings as may be necessary in furtherance of the resolution of those issues. No order of the commission authorizing the issue of any stocks, bonds, notes or other evidences of indebtedness may limit or restrict the powers of the commission in determining and fixing any rate, fare, toll, charge, classification, schedule or joint rate as provided in this Title.

No public utility may be required to apply to the commission for authority to issue stocks, bonds, notes or other evidences of indebtedness for the acquisition of property, for the purposes of carrying out its corporate powers, the construction, completion, extension or improvement of its facilities, or the improvement or maintenance of its service outside the State, and this proviso shall apply to section 172.

Sec. 94. 36 MRSA §1760, sub-§48, as enacted by PL 1985, c. 477, §1, is repealed.

Sec. 95. 36 MRSA §1760, sub-§51, as enacted by PL 1985, c. 417, and c. 473, is repealed and the following enacted in its place:

51. Veterans' Memorial Cemetery Associations. Sales to incorporated nonprofit Veterans' Memorial Cemetery Associations;

Sec. 96. 36 MRSA §1760, sub-§52 is enacted to read:

52. Railroad track materials. Railroad track materials purchased and installed on railroad lines located within the boundaries of the State. The track materials shall include rail, ties, ballast, joint bars and associated materials, such as bolts, nuts, tie plates, spikes, culverts, steel, concrete or stone, switch stands, switch points, frogs, switch ties, bridge ties and bridge steel.

In order for a taxpayer to qualify for an exemption under this subsection, the taxpayer may not require any landowner to pay any fee or charge for maintenance or repair or to assume liability for crossings or rights-of-way if the landowner was not required to do so prior to July 1, 1981, and the taxpayer must continue to maintain crossings and rights-of-way which it was required to maintain on that date and may not remove the crossings if there is any objection to their being removed; and

Sec. 97. 36 MRSA §1760, sub-§53 is enacted to read:

53. Nonprofit volunteer search and rescue organizations. Sales to incorporated, nonprofit volunteer search and rescue organizations.

Sec. 98. 36 MRSA §2013, sub-§1, ¶C, as amended by PL 1985, c. 411, §1, and c. 447, §1, is repealed and the following enacted in its place:

C. "Depreciable machinery and equipment" means that part of the following machinery and equipment for which depreciation is allowable under the United States Internal Revenue Code:

(1) New or used machinery and equipment for use directly and primarily in commercial agricultural production, including self-propelled vehicles, but excluding motor vehicles as defined in section 1752, subsection 7, attachments and equipment for the production of field and orchard crops; new or used machinery and equipment used in production of milk and in animal husbandry and production of livestock, including poultry; or

(2) New or used watercraft used directly and primarily for commercial fishing; and nets, traps, cables, tackle and related equipment necessary to the operation of a commercial fishing venture, but excluding motor vehicles as defined in section 1752, subsection 7.

Sec. 99. 36 MRSA §4312, first ¶, as amended by PL 1985, c. 75, and c. 295, §55, is repealed and the following enacted in its place:

A Blueberry Advisory Committee, as authorized by Title 5, chapter 379, shall be appointed by the Maine Blueberry Commission. The committee shall consist of 7 members who are active in and representative of the blueberry industry. The duty of the committee shall be to advise and work with the University of Maine to develop and approve a plan of work and budgets for research and extension programs related to the production and marketing of blueberries.

Sec. 100. 36 MRSA §4312-B, as amended by PL 1983, c. 812, §272, and as repealed and replaced by PL 1983, c. 836, §10, is repealed and the following enacted in its place:

§4312-B. Maine Blueberry Commission

The Maine Blueberry Commission, as established by Title 5, section 12004, subsection 9, shall be reorganized as follows.

1. Appointment. Appointments shall be made by the Commissioner of Agriculture, Food and Rural Resources.

2. Membership. The commission shall consist of 8 members who are active in and representative of the blueberry industry. Three members shall be grower representatives. Five members shall be processor representatives.

3. Term of appointments. Members of the Maine Blueberry Commission with current appointments shall continue to serve for the duration of their appointments. The term of office for each new appointment or reappointment shall commence on September 1st of the year appointed and continue for a term of 4 years or until a successor is duly appointed and qualified, except that, when making the 3 additional appointments in 1984, 2 appointments shall be for terms of 3 years and one for 4 years. To fill any vacancy, however caused, the commissioner shall appoint a successor for the duration of the unexpired term.

4. Organization. Members of the commission shall elect annually by majority vote one member of the commission who shall serve as chairman. The chairman may appoint an executive director or such personnel as he deems necessary to administer policies and programs established by the commission. These officers or personnel shall not be subject to the Personnel Laws of the State.

5. Compensation of commissioners. Members of the commission shall be compensated in accordance with Title 5, chapter 379.

6. Function of commission. It is the responsibility of the commission to utilize and allocate such funds as may be available from the funds collected under section 4307 and the commission may make contracts or enter into contracts with any local, state, federal or private agency, department, firm, corporation or association as may be necessary to carry out the purposes of this chapter.

Sec. 101. 36 MRSA §4692, sub-§3 is amended to read:

3. Sardine. "Sardine" shall be held to include any canned, small size, clupeoid fish, being the fish commonly called herring, particularly the clupea harengus.

Sec. 102. 36 MRSA §5122, sub-§2, ¶A, as amended by PL 1985, c. 344, §97, and c. 506, Pt. A. §78, is repealed and the following enacted in its place:

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 110, 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, provided 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;

Sec. 103. 37-A MRSA §124, sub-§1, as amended by PL 1983, c. 812, §283, and as repealed by PL 1983, c. 816, Pt. B, §11, is repealed.

Sec. 104. 37-A MRSA §124, sub-§5, as repealed and replaced by PL 1983, c. 812, §284, and c. 460, §2; and as reallocated by PL 1983, c. 816, Pt. B, §13, is repealed.

Sec. 105. 37-A MRSA §56-A, sub-§1, as amended by PL 1983, c. 812, §282, and as reallocated by PL 1983, c. 816, Pt. B, §9, is repealed.

Sec. 106. 37-B MRSA §706, sub-§1, as reallocated by PL 1983, c. 816, Pt. B, §9, is amended to read:

1. Commission. The Citizens' Civil Emergency Commission is, established by Title 5, section 12004, subsection 10, shall serve as follows.

A. The commission shall consist of 9 members who shall serve 2-year terms. Seven members shall be appointed by the Governor. One member shall be appointed by the President of the Senate and one member shall be appointed by the Speaker of the House of Representatives. The member appointed by the President of the Senate shall be a member of the Senate. The member appointed by the Speaker of the House of Representatives shall be a member of the House of Representatives. Each member shall be a Maine resident. Members of the commission shall select a chairman from among themselves by a majority vote.

B. Commission members shall be compensated ~~for travel expenses to and from all commission meetings and hearings at the same rate as state employees according to the provisions of Title 5, chapter 379.~~

C. The commission shall review civil protection plans designated to deal with nuclear weapons hazards, hold public hearings as required by subsection 2, monitor the development and implementation of nuclear civil protection plans, encourage public discussion of the plans and report its findings and recommendations to the Governor, the Legislature, appropriate counties and municipalities and other interested parties.

Sec. 107. 37-B MRSA §954, sub-§1, as amended by PL 1983, c. 812, §287, and c. 816, Pt. B, §19, is repealed and the following enacted in its place:

1. Created. There is created a Radiological Emergency Preparedness Committee, as established by Title 5, section 12004, subsection 10, shall be composed of 7 voting members as listed in this subsection. The duties of the committee shall be purely advisory. Members from state agencies shall serve ex officio. The committee shall consist of:

A. The Director of Civil Emergency Preparedness, or his designee, who shall act as chairman;

B. The Director of Health Engineering, or his designee;

C. The Commissioner of Public Safety, or his designee;

D. Three public members, one designated by the Governor, one designated by the President of the Senate and one designated by the Speaker of the House of Representatives; and

E. The license holder for a particular nuclear power plant, or his designee, who shall serve on the committee for matters relating to emergency planning for that plant.

Sec. 108. 37-B MRSA §954, sub-§5, as reallocated by PL 1983, c. 816, Pt. B, §13, is repealed and the following enacted in its place:

5. Compensation. Members shall be compensated according to Title 5, chapter 379.

Sec. 109. 38 MRSA c. 2, first 2 lines are repealed and the following enacted in their place:

CHAPTER 2

DEPARTMENT OF ENVIRONMENTAL PROTECTION

SUBCHAPTER I

ORGANIZATION AND POWERS

Sec. 110. 38 MRSA §435, as enacted by PL 1985, c. 481, Pt. A, §89, is amended by adding at the end a new paragraph to read:

Notwithstanding the definition of shoreland areas in this section, the jurisdiction of municipal shoreland zoning ordinances may include any structure built on, over or abutting a dock, wharf, pier or other structure extending beyond the normal high water mark of a water body. Municipalities may enact restrictions on that structure. Nothing in this paragraph may be construed to permit a municipality to regulate, under this chapter, a structure which is located more than 250 feet above the normal high water mark.

Sec. 111. 38 MRSA §441, sub-§3, ¶C, as reallocated by PL 1985, c. 481, Pt. A, §29, is amended to read:

C. Keep a complete record of all essential transactions of the office, including applications submitted, permits granted or denied, variances granted or denied, revocation actions, revocation of permits, appeals, court actions, violations investigated, violations found and fees collected. On an annual basis, a summary of this record shall be submitted to the Director of the

Bureau of Land Quality Control and the Department
of Environmental Protection; and

Sec. 112. 38 MRSA §444, last ¶, as reallocated by PL 1985, c. 481, Pt. A, §32, is amended to read:

No public utility, water district, sanitary district or any utility company of any kind may install services to any new structure located in a shoreland area, as defined by section ~~481~~ 435, unless written authorization attesting to the validity and currency of all local permits required under this chapter has been issued by the appropriate municipal officials. Following installation of service, the company or district shall forward the written authorization to the municipal officials indicating that installation has been completed.

Sec. 113. 38 MRSA §1305-A, sub-§2, as amended by PL 1981, c. 653, §§1 to 3, is further amended to read:

2. Site review. All persons who make application for a license to construct, operate or substantially expand a commercial hazardous waste facility shall, at the same time, give written notice to the municipal officers of the municipality in which the proposed facility will be located. The municipality through its municipal officers shall be granted intervenor status in any proceeding for site review of a commercial hazardous waste facility. The department shall reimburse the municipalities' direct costs, not to exceed \$5,000, for participation in the proceedings.

The Governor may appoint a person to facilitate communications between the applicant and the municipality and between the department and the municipality.

The State may accept public and private funds from any source for the purpose of carrying out responsibilities under this section.

The board shall hold at least one public hearing within the municipality in which the facility will be located.

During any proceeding for site review of a commercial hazardous waste facility, the ~~municipal~~ legislative body of the municipality in which the facility is to be located may appoint 4 representatives to the board. If the facility is proposed to be located within an unorganized township, the county commissioners of that county may appoint 4 representatives. These representatives may vote on board decisions related to the proposed commercial hazardous waste fa-

cility. All representatives appointed under this subsection shall participate on the board only for that site review, until final disposition of the application, including any administrative or judicial appeals. The municipal members shall receive the same pay for each day and expenses as regular board members during the period of their service, to be paid by the department.

Sec. 114. 38 MRSA §1451, sub-§3-A, as enacted by PL 1985, c. 309, §5, is amended to read:

3-A. Commission. "Commission" means the Advisory Commission on Radioactive Waste established by section ~~1454~~ 1453.

Sec. 115. 38 MRSA §1453, sub-§2, as amended by PL 1985, c. 522, §1, and c. 525, is repealed and the following enacted in its place:

2. Membership; appointment. The commission shall consist of 14 members, who shall be appointed as follows. The Governor may appoint a person from the Executive Department, Office of the Governor; the Commissioner of Environmental Protection; the Commissioner of Human Services; and the State Geologist, or their designees shall be members of the commission. The President of the Senate shall appoint 3 Senators, 2 from the majority party and one from the minority party; one person from an organization that holds a license for the use of radioactive material; and one person from the general public. The Speaker of the House of Representatives shall appoint 3 Representatives, 2 from the majority party and one from the minority party; one person from an organization that holds a license for the use of radioactive material; and one person from the general public. The terms of legislative members of the commission shall expire the first Wednesday in December 1986, and in even-numbered years. The terms of the public member appointed by the President of the Senate and the licensee member appointed by the Speaker of the House of Representatives shall expire December 31, 1986, and every 2 years thereafter; and the terms of the public member appointed by the Speaker of the House of Representatives and the licensee member appointed by the President of the Senate shall expire December 31, 1987, and every 2 years thereafter. Notwithstanding this subsection, any public member or licensee member may be removed by the appointing authority, at the pleasure of the appointing authority and a new member may be appointed to complete the term of the preceding appointee. Members may continue to serve until their replacements are designated. Vacancies shall be filled by the appointing authority to complete the term of the preceding appointee.

The commission shall elect a chairman from its legislative membership. The Commissioner of Environmental Protection shall serve as vice-chairman.

Sec. 116. 39 MRSA §2, sub-§5, ¶A, as amended by PL 1983, c. 402, and c. 554, is repealed and the following enacted in its place:

A. "Employee" includes officials of the State, counties, cities, towns, water districts and all other quasi-public corporations of a similar character, every duly elected or appointed executive officer of a private corporation, other than a charitable, religious, educational or other nonprofit corporation, and every person in the service of another under any contract of hire, express or implied, oral or written, except that:

(1) Persons engaged in maritime employment or in interstate or foreign commerce, who are within the exclusive jurisdiction of admiralty law or the laws of the United States; and persons operating as sternmen as defined in Title 36, section 5102, subsection 8-A;

(2) Firefighters, including volunteer firefighters who are active members of a volunteer fire fighters' association, as defined in Title 30, section 3771; volunteer emergency medical services' persons, as defined in Title 32, section 83, subsection 12; and policemen shall be deemed employees within the meaning of this Act. In computing the average weekly wage of an injured volunteer firefighter or volunteer emergency services' person, the average weekly wage shall be taken to be the earning capacity of the injured employee in the occupation in which he is regularly engaged. Employers who hire workmen within this State to work outside the State may agree with such workmen that the remedies under this Act shall be exclusive as regards injuries received outside this State arising out of and in the course of that employment; and all contracts of hiring in this State, unless otherwise specified, shall be presumed to include such an agreement. Any reference to an employee who has been injured shall, when the employee is dead, include his legal representatives, dependents and other persons to whom compensation may be payable;

(3) Notwithstanding any other provisions of this Act any charitable, religious, educa-

tional or other nonprofit corporation that may be or may become an assenting employer under this Act may cause any duly elected or appointed executive officer to be an employee of the corporation by specifically including the executive officer among those to whom the corporation secures payment of compensation in conformity with subchapter II; and the executive officer shall remain an employee of the corporation under this Act while such payment is so secured. With respect to any corporation that secures compensation by making a contract of workers' compensation insurance, specific inclusion of the executive officer in the contract shall cause the officer to be an employee of the corporation under this Act;

(4) Any person who states in writing to the commission that he waives all the benefits and privileges provided by the workers' compensation laws, provided that the commission shall have found that person to be a bona fide owner of at least 20% of the outstanding voting stock of the corporation by which he is employed and that this waiver was not a prerequisite condition to employment.

Any person may revoke or rescind his waiver upon 30 days' written notice to the commission and his employer. The parent, spouse or child of a person who has made a waiver under the previous sentence may state, in writing, that he waives all the benefits and privileges provided by the workers' compensation laws if the commissioner finds that the waiver is not a prerequisite condition to employment and if the parent, spouse or child is employed by the same corporation which employs the person who has made the first waiver;

(5) The parent, spouse or child of a sole proprietor who is employed by that sole proprietor or the parent, spouse or child of a partner who is employed by the partnership of that partner may state, in writing, that he waives all the benefits and privileges provided by the workers' compensation laws if the commission finds that the waiver is not a prerequisite condition to employment;

(6) Employees of an agricultural employer when harvesting 150 cords of wood or less each year from farm wood lots, provided that

the employer is covered under an employer's liability insurance policy as required in subsection 1-A; or

(7) An independent contractor.

Sec. 117. 39 MRSA §4, as repealed and replaced by PL 1985, c. 249, §2, is amended to read:

§4. Applicability to certain actions and employers; exemptions

An employer who has secured the payment of compensation in conformity with sections 21-A to 27 is exempt from civil actions, either at common law or under sections 141 to 148, Title 14, sections ~~101~~ 8101 to 8118, and Title 18-A, section 2-804, involving personal injuries sustained by an employee arising out of and in the course of his employment, or for death resulting from those injuries. This exemption from liability applies to all employees, supervisors, officers and directors of the employer for any personal injuries arising out of and in the course of employment, or for death resulting from those injuries. These exemptions also apply to occupational diseases sustained by an employee or for death resulting from those diseases.

Sec. 118. PL 1985, c. 506, Pt. A, §38, first 3 lines are repealed and the following enacted in their place:

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 and 5, is repealed.

Sec. 119. PL 1985, c. 506, Pt. A, §43, first 2 lines are repealed and the following enacted in their place:

Sec. 43. 22 MRSA §4008, sub-§3, ¶D, as amended by PL 1983, c. 327, §4, and c. 470, §12, is further amended to read:

Sec. 120. PL 1985, c. 506, Pt. A, §44, first 4 lines are repealed and the following enacted in their place:

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

PART B

Sec. 1. 1 MRSA §74, as enacted by PL 1977, c. 78, §1, is amended to read:

§74. Revision authorized

The following revisions to the laws of Maine are authorized:

1. References to Executive Council in public laws. Notwithstanding any other provision of law, after January 4, 1977, wherever in any public law, whether allocated to the Maine Revised Statutes or not, the words "Executive Council" and "council" used as an abbreviation for Executive Council, or any other reference to the Executive Council appear, the public laws shall read as if those words were not contained in that public law. This section shall not affect any application of any public law prior to January 4, 1977. The Director of Legislative Research Revisor of Statutes may assist any republication of any public law after January 4, 1977, to ensure deletion of any reference in that public law to the Executive Council.

2. References to Executive Council in private and special laws. Notwithstanding any other provision of law, after January 4, 1977, wherever in any private and special law the words "Executive Council" and "council" used as an abbreviation for Executive Council, or any other reference to the Executive Council appear the private and special law shall read as if those words were not contained in that law. This section shall not affect any application of any private and special law prior to January 4, 1977. The Director of Legislative Research Revisor of Statutes may assist any republication of any private and special law after January 4, 1977, to ensure deletion of any reference to the Executive Council.

Sec. 2. 3 MRSA §273, as amended by PL 1969, c. 238, is further amended to read:

§273. Organization and procedure

The commission shall organize by the choice of one of its members to be its chairman. The ~~office of the Legislative Finance Officer~~ Office of Fiscal and Program Review shall serve as the secretariat of the commission. The commission may enact such rules governing its procedure and the conduct of its affairs not inconsistent with law as it may see fit.

Sec. 3. 3 MRSA §504, sub-§3, as repealed and replaced by PL 1979, c. 654, §1, is amended to read:

3. Submittal of justification reports. Departments and independent agencies designated in section 507 shall submit their justification reports to the

Legislature, through the Legislative Administrative Director Office of Executive Director of the Legislative Council, according to the following schedule:

- Group A-1 no later than October 31, 1978;
- Group A-2 no later than October 31, 1979;
- Group B-1 no later than October 31, 1980;
- Group B-2 no later than October 31, 1981;
- Group C-1 no later than October 31, 1982;
- Group C-2 no later than October 31, 1983;
- Group D-1 no later than October 31, 1984;
- Group D-2 no later than October 31, 1985;
- Group E-1 no later than October 31, 1986; and
- Group E-2 no later than October 31, 1987.

Sec. 4. 3 MRSA §801, sub-§2, as enacted by PL 1985, c. 507, §1, is amended to read:

2. Reports from Executive Director of the Legislative Council. The Legislative Administrative Director Executive Director of the Legislative Council shall submit to the board a statement showing the name, title, compensation, sex, date of birth and length of service of each member and any other information as the board may require at such times as the board may require.

Sec. 5. 5 MRSA §21, sub-§2, as enacted by PL 1985, c. 167, is amended to read:

2. Nonpartisan staff. "Nonpartisan staff" means the directors and staffs of the Office of Legislative Assistants Policy and Legal Analysis, the Legislative Finance Office Office of Fiscal and Program Review, the Legislative Research Office of Revisor of Statutes, the Legislative Information Office and the Office of the Legislative Administrative Director Executive Director of the Legislative Council.

Sec. 6. 5 MRSA §1507, sub-§7, as enacted by PL 1975, c. 771, §67, is amended to read:

7. Procedure. All allocations from the State Contingent Account shall be supported by a statement of facts setting forth the necessity for the allocation. A copy of each order for an allocation, together with the statement of facts, shall be provided

to the Legislative Finance Officer Office of Fiscal and Program Review, to the President of the Senate and to the Speaker of the House of Representatives when the allocation is made.

Sec. 7. 5 MRSA §1585, sub-§1, as amended by PL 1983, c. 477, Pt. E, sub-pt. 11, is further amended to read:

1. Transfer procedures. Any balance of any appropriation or subdivision of an appropriation made by the Legislature for any state department or agency, which at any time may not be required for the purpose named in such appropriations or subdivision, may be transferred at any time prior to the closing of the books to any other appropriation or subdivision of an appropriation made by the Legislature for the use of the same department or agency for the same fiscal year, subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs. Financial orders describing such transfers shall be submitted by the Bureau of the Budget to the Legislative Finance Office of Fiscal and Program Review 30 days before the transfer is to be implemented. In case of extraordinary emergency transfers, the 30-day prior submission requirement may be waived by vote of the committee.

Sec. 8. 5 MRSA §1662, sub-§6, as enacted by PL 1985, c. 174, Pt. J. §2, is amended to read:

6. Necessary data. To require all departments and other agencies in the Executive, Legislative and Judicial Departments of State Government to prepare and submit for review such data, information or records as may be deemed necessary by the State Budget Officer to facilitate the Bureau of the Budget's efforts regarding this section. Copies of these materials shall be made available to the Legislative Finance Office of Fiscal and Program Review by the Bureau of the Budget upon request of the Legislative Finance Officer Director of Fiscal and Program Review.

Sec. 9. 5 MRSA §1669, as amended by PL 1983, c. 824, Pt. L, is further amended to read:

§1669. Federal funds

No state department or agency may make expenditures of any federal funds or expenditures in anticipation of receipt of federal funds for any new or expanded programs, unless such federal funds are approved by the Legislature. The Governor may authorize the expenditure of such federal funds for a period

not to exceed 12 calendar months and shall notify the Legislative Finance Office of Fiscal and Program Review of such action.

Sec. 10. 5 MRSA §1705, as enacted by PL 1977, c. 378, is amended to read:

§1705. Legislative review of federal grant applications

The director of a state agency shall submit, at the same time that a federal grant application is submitted to the Federal Government, a copy of each such application to the Legislative Finance Office Director of Fiscal and Program Review.

Sec. 11. 5 MRSA §1817 is amended to read:

§1817. Printing of laws

When the ~~Director of Legislative Research~~ Revisor of Statutes shall have prepared material for a revision of the statutes or for a volume containing the laws passed at a session of the Legislature with accompanying material, he shall deliver the same prepared for printing to the State Purchasing Agent who shall contract for the printing, binding and delivery to the State of a sufficient number of volumes to meet the needs of the State and for sale as provided.

Sec. 12. 5 MRSA §3354, as repealed and replaced by PL 1977, c. 406, §3, is amended to read:

§3354. Grants to other agencies

The agency shall be authorized to make grants for planning and for improvement of criminal justice consistent with the intent of the applicable state and federal legislation, as amended, to any agency or organization in law enforcement, criminal justice administration and delinquency prevention activities. When the board approves such grants to departments and agencies of State Government, the executive director shall forward a copy of the approved grant application to the Joint Standing Committee on Appropriations and Financial Affairs through the Legislative Finance Office of Fiscal and Program Review. Such information will include expected length of funding of such programs and restrictions or limitations placed on the grant application.

Sec. 13. 5 MRSA §8053-A, as enacted by PL 1985, c. 270, is amended to read:

§8053-A. Notice to legislative committees

At least 20 days prior to the adoption of any rule, the agency shall provide copies of the rule to the Legislative Administrative Director of the Legislature Office of Executive Director of the Legislative Council. The Legislative Administrative executive director, or his designee, shall refer the rule to the appropriate joint standing committee or committees of the Legislature for review.

1. Additional information to be submitted. In addition to providing the Legislative Administrative executive director with a sufficient number of copies of a proposed rule for each member of the appropriate committee or committees, the agency shall also provide to the Legislative Administrative Director sufficient copies of a fact sheet providing:

- A. A citation of the statutory authority for the adoption of the rule;
- B. A concise statement of the principal reasons for the rule;
- C. An analysis of the rule; and
- D. An estimated fiscal impact of the rule.

2. Approval. Nothing in this section may be construed to require legislative approval of a rule prior to an agency's adoption of the rule.

Sec. 14. 5 MRSA §11111, sub-§3, as enacted by PL 1981, c. 524, §15, is amended to read:

3. Director. "Director" means the Legislative Administrative Executive Director of the Legislative Council.

Sec. 15. 5 MRSA §11112, first ¶, as enacted by PL 1981, c. 524, §15, is amended to read:

Any group of 100 or more registered voters, who have a substantial interest in a rule, or any person who may be directly, substantially and adversely affected by the application of a rule, may file an application for review with the Legislative Administrative executive director. The applicant shall state with specificity on a form prepared by the director, the following:

Sec. 16. 5 MRSA §11113, first ¶, as enacted by PL 1981, c. 524, §15, is amended to read:

The Legislative Administrative executive director shall, upon receipt of an application for review, determine the appropriate joint standing committee of the Legislature responsible for review of the rule in question and send the application and a copy of the rule in question to each member of the committee. Each member of the committee shall individually review the application to determine whether the applicant is qualified and whether the public interest would be served by a review of the rule in question by the full committee. If a committee member decides that the review should be made, he shall notify the director within 15 days after notice was sent. If 1/3 or more of the full committee notify the director that a review of the rule should be made, the director shall advise the chairman of the committee, who shall schedule a meeting of the committee to review the rule. If the committee votes not to review the rule, a report to that effect shall be prepared by the director and sent to the applicant and the Legislative Council.

Sec. 17. 5 MRSA §11115, first ¶, as enacted by PL 1981, c. 524, §15, is amended to read:

If the committee determines that any of the criteria for review have not been met, it may discuss their findings with the agency. No agency may, on the basis of these discussions or any subsequent report of the committee, terminate a rule that is required by law. If the committee determines that the rule in question is inappropriate or unnecessary, it shall notify the applicant of its decision and may direct the Office of Legislative Assistants Policy and Legal Analysis to draft legislation to amend the law to provide that the authority of the agency to adopt the rule is clarified, modified or limited. Only by a majority vote of the committee shall legislation be introduced to amend or enact legislation pursuant to this section. No legislation may be introduced to implement a decision of a minority of the committee.

Sec. 18. 12 MRSA §7034, sub-§6, as enacted by PL 1979, c. 420, §1, is amended to read:

6. Biennial revision of fish and wildlife laws. As soon as practicable after the adjournment of the Legislature, the Director of Legislative Research Revisor of Statutes, with the assistance of the commissioner, shall issue a revision of all the public laws relating to inland fisheries and wildlife. The revision shall be printed in a pamphlet of the same size pages as the Maine Revised Statutes Annotated, and

its printing and distribution shall be the same as that of the biennial laws, except that the commissioner may issue as many extra copies of chapters 701 to 721 in whatever size pamphlet seems best to inform the people about the fish and wildlife laws.

Sec. 19. 22 MRSA §2387, sub-§5, as amended by PL 1985, c. 481, Pt. A, §51, is further amended to read:

5. Records. Any officer, department or agency having custody or property subject to forfeiture under subsection 1, paragraph A, B or C, or having disposed of the property shall keep and maintain full and complete records showing from whom it received the property, under what authority it held or received or disposed of the property, to whom it delivered the property, the date and manner of destruction or disposition of the property and the exact kinds, quantities and forms of the property. ~~Said~~ The records shall be open to inspection by all federal and state officers charged with enforcement of federal and state drug control laws. Persons making final disposition or destruction of ~~said~~ the property under court order shall report, under oath, to the court the exact circumstances of ~~said~~ the disposition or destruction.

The Department of Public Safety shall be responsible for maintaining a centralized record of property seized, held by and ordered to the department. A report of the disposition of property previously held by the department and ordered by the court to any governmental entity shall be provided at least quarterly to the Commissioner of Finance and Administration and the Legislative Finance Office of Fiscal and Program Review for review. These records shall include an estimate as to the fair market value of items seized.

Sec. 20. 23 MRSA §1652, 2nd ¶, as repealed and replaced by PL 1983, c. 457, §2, is amended to read:

Any balance of any allocation or subdivision of an allocation from the Highway Fund made by the Legislature for any department or agency, which at any time may not be required for the purposes named in that allocation or subdivision, may be transferred at any time prior to the closing of the books, to any other allocation or subdivision of an allocation from the Highway Fund made by the Legislature for the same fiscal year subject to review by the joint standing committee of the Legislature having jurisdiction over transportation. Financial orders describing these transfers shall be submitted by the Bureau of the

Budget to the Legislative Finance Office of Fiscal and Program Review 30 days before the transfer is to be implemented.

Sec. 21. 23 MRSA §1654, 3rd ¶, as enacted by PL 1983, c. 457, §3, is amended to read:

All such allocations from the highway fund surplus account shall be supported by a statement of facts setting forth the necessity for the allocation. A copy of each order for an allocation, together with the statement of facts, shall be provided to the Legislative Finance Office of Fiscal and Program Review, President of the Senate and Speaker of the House of Representatives when the allocation is made.

PART C

Sec. 1. 1 MRSA §71, sub-§7 is amended to read:

7. Gender. Words of the masculine gender may include the feminine. Whenever reasonable, as determined by the Revisor of Statutes, nouns rather than pronouns shall be used to refer to persons in order to avoid gender identification.

Sec. 2. 3 MRSA §2, first ¶, as amended by PL 1985, c. 693, §5, is further amended to read:

Each member of the Senate and House of Representatives, beginning with the first Wednesday of December, 1984 1986 and thereafter, shall receive \$9,000 in the first year and \$6,000 in the 2nd year of each biennium, and shall be paid for travel at each legislative session once each week at the same rate per mile to and from his place of abode as state employees receive, the mileage to be determined by the most reasonable direct route, except that Legislators may be reimbursed for tolls paid for travel on the Maine Turnpike provided they have a receipt for payment of the tolls, such tolls to be reimbursed where Legislators use the Maine Turnpike in traveling to and from sessions of the Legislature or in performance of duly authorized committee assignments. Each Legislator is entitled to mileage on the first day of the session, and such amounts of his salary and expenses at such times as the Legislature may determine during the session, and the balance at the end thereof.

Sec. 3. 4 MRSA §1352, sub-§4, as repealed and replaced by PL 1985, c. 693, §10, is amended to read:

4. Minimum benefit. Each judge in service on December 1, 1984, who is 50 years of age or older on that date shall be entitled to a minimum benefit equal to 75% of the salary as of June 30, 1984, for

the position from which the judge retired, increases by 6% compounded annually, for each year or part of a year served subsequent to June 30, 1984, up to and including June 30, 1989. The total For each year or part of a year served after June 30, 1989, the allowance shall be increased by an amount equal to the cost-of-living factor granted the previous September, as determined pursuant to section 1358, compounded annually.

Sec. 4. 20-A MRSA §4, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

Sec. 5. PL 1985, c. 693, §14 is repealed and the following enacted in its place:

Sec. 14. Effective date. Sections 2, 3 and 4 of this Act shall be applied retroactive to July 1, 1986.

Sec. 6. Effective date. The portion of this part amending the Maine Revised Statutes, Title 3, section 2, and Title 4, section 1352, subsection 4, shall take effect 90 days after the Legislature adjourns.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved, except for section 64 which shall take effect on July 1, 1986.

Effective April 18, 1986, unless otherwise indicated.

CHAPTER 738

S.P. 937 - L.D. 2350 -

AN ACT Concerning Nursing Staffs in Nursing Homes, Staff Ratios, Reimbursement, Policies and Delegation of Duties.

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

Sec. 1. 22 MRSA §1812-C is enacted to read:

§1812-C. Nursing staff in nursing homes; reimbursement; delegation of duties; and policies

1. Reimbursement of nursing assistants. Nursing homes shall be entitled to receive reimbursement under the department's principles of reimbursement, in