

# MAINE STATE LEGISLATURE

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**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.

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

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

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

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E. The filing of corporate plans under subsection 2, paragraph C.

Sec. 6. 22 MRSA §396-P, sub-§5 is enacted to read:

5. Participation in rulemaking. The chairman of each of the 3 advisory committees or another committee member designated by the chairman shall be entitled to participate, in the manner of an ex officio nonvoting member, solely with respect to deliberations and actions of the commission directly related to the formulation and adoption of rules, but including neither deliberations and actions which are properly conducted in executive session nor deliberations and actions with respect to which the commission determines that one or more of the advisory committee chairmen has a conflict of interest. This section may not be construed to authorize participation in deliberations and actions of the commission related to the application or enforcement of rules.

Sec. 7. 22 MRSA §398, sub-§4 is enacted to read:

4. Informal participation in commission deliberations on rulemaking. The commission, in its discretion, shall permit informal participation of members of the public and representatives of affected groups in its deliberations relating to rulemaking. This participation is limited solely to matters which clarify the deliberations.

Effective July 16, 1986.

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## CHAPTER 779

H.P. 1694 - L.D. 2385

AN ACT to Change the Name of the University  
of Maine.

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

Sec. 1. 1 MRSA §402, sub-§2, ¶B, as amended by PL 1977, c. 164, §1, is further amended to read:

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees

and subcommittees, the administrative council of the University of Maine System, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees; and

Sec. 2. 1 MRSA §402, sub-§3, ¶E, as amended by PL 1977, c. 164, §2, is further amended to read:

E. Records, working papers, interoffice and intraoffice memoranda used by or prepared for faculty and administrative committees of the Maine Maritime Academy and the University of Maine System. The provisions of this paragraph do not apply to the boards of trustees, the committees and subcommittees of those boards, and the administrative council of the University of Maine System, which are referred to in section 402, subsection 2, paragraph B.

Sec. 3. 1 MRSA §501-A, as amended by PL 1975, c. 746, §1, is further amended to read:

§501-A. Publications of state agencies

The publications of all agencies and the University of Maine System and the Maine Maritime Academy may be printed, bound and distributed, subject to Title 5, sections 43 through 46. The State Purchasing Agent may determine the style in which such publications may be printed and bound, with the approval of the Governor. At least 55 copies of any annual or biennial report not included in the Maine State Government Annual Report provided for in Title 5, sections 43 through 46, shall be delivered to the State Librarian, immediately upon receipt by the State Purchasing Agent for exchange and library use; the balance of the number of each such report shall be delivered by the State Purchasing Agent to the agency preparing the report. At least 18 copies of all other publications, including periodicals, bulletins, pamphlets, leaflets and special reports issued by any agency or by any legislative committee shall be delivered to the State Librarian. The agency or committee preparing a publication shall have the authority to determine the date on which a publication may be released, except as may be otherwise provided by law.

Sec. 4. 3 MRSA §312-A, sub-§12, as enacted by PL 1983, c. 160, §1, is amended to read:

12. Person. "Person" means an individual, business, corporation, association, professional association, labor union, firm, partnership, club or other

organization, whether profit or nonprofit, or any municipality or quasi-municipality, but does not include this State, any agency of this State, the University of Maine System or the Maine Maritime Academy.

Sec. 5. 3 MRSA §507, sub-§7, ¶B, as amended by PL 1985, c. 481, Pt. A, §2, is further amended to read:

B. The evaluations and analyses of the justification reports for the programs of the following Group D-2 departments shall be reviewed by the Legislature no later than June 30, 1987:

(1) Board of Trustees of the University of Maine System;

(2) Board of Trustees of the Maine Maritime Academy; and

(3) Department of Educational and Cultural Services, except for the cultural bureaus, Management Information Division, higher education services and the Bryant Pond Conservation School.

Sec. 6. 4 MRSA §451, as repealed and replaced by PL 1985, c. 506, Pt. A, §1-A, is amended to read:

§451. Establishment

A Judicial Council, as established by Title 5, section 12004, subsection 10, shall make a continuous study of the organization, rules and methods of procedure and practice of the judicial system of the State, the work accomplished and the results produced by that system and its various parts. The council shall be composed of the Chief Justice of the Supreme Judicial Court, who shall also serve as chairman, the Attorney General, the Chief Justice of the Superior Court, the Chief Judge of the District Court, and the Dean of the University of Maine System School of Law, each to serve ex officio, and an Active or Retired Justice of the Supreme Judicial Court, one Justice of the Superior Court, one Judge of the District Court, one Judge of a Probate Court, one clerk of the judicial courts, 2 members of the bar and 6 laymen, to be appointed by the Governor. The appointments by the Governor shall be for such periods, not exceeding 4 years, as he shall determine.

Sec. 7. 5 MRSA §18, sub-§1, ¶B, as enacted by PL 1979, c. 734, §2, is amended to read:

B. "Executive employee" means the constitutional officers, the State Auditor and compensated members of the classified or unclassified service employed by the Executive Branch, but it shall not include:

- (1) The Governor;
- (2) Employees of and members serving with the National Guard;
- (3) Employees of the University of Maine System, the Maine Maritime Academy and State vocational-technical institutes; and
- (4) Employees who are employees solely by their appointment to an advisory body.

**Sec. 8. 5 MRSA §43, 2nd and 3rd ¶¶, as repealed and replaced by PL 1975, c. 436, §3, are amended to read:**

The administrative head or body of each agency shall, on or before September 1st, annually, deliver to the Governor a report of such agency during the preceding fiscal year ending June 30th. An agency using a fiscal year other than that used by the State may report on the basis of its preceding fiscal year. The Legislative branch, through the Legislative Council, and the Judicial branch, through the Chief Justice of the Supreme Judicial Court, the University of Maine System and the Maine Maritime Academy, may also submit reports of these branches of State Government for the previous fiscal year.

The Governor shall immediately cause such reports to be edited with regard to content, arrangement and brevity, except that the constitutional officers elected by the Legislature, the Legislative Council and the Chief Justice and the University of Maine System and the Maine Maritime Academy shall approve any editing of their respective reports.

**Sec. 9. 5 MRSA §45, as amended by PL 1977, c. 370, is further amended to read:**

§45. Discontinuation of duplicate reports

Notwithstanding any other provision of law, the Governor may discontinue the publication of any other annual or biennial report which duplicates the report material provided for in section 43, except for reports of the constitutional officers elected by the

Legislature, and reports of the legislative and judicial branches of government, the University of Maine System and the Maine Maritime Academy. He may order the publication of an expanded departmental report, in standard format, in a limited quantity for record purposes.

Notwithstanding any other provision of law, every annual or biennial report required by statute to be made by any agency other than constitutional officers elected by the Legislature, the legislative and judicial branches of government, the University of Maine System and the Maine Maritime Academy, to the Governor and the Legislature shall be made by inclusion of that report in the Maine State Government Annual Report. The Governor may authorize the publication of special expanded department reports in a limited quantity when justified.

Sec. 10. 5 MRSA §291, as enacted by PL 1967, c. 493, is amended to read:

§291. Creation

There is established a State Government Internship Program for attracting and placing qualified undergraduate and graduate college students temporarily within the State Government, to be administered by the Bureau of Public Administration, University of Maine System.

Sec. 11. 5 MRSA §294, first ¶, as enacted by PL 1967, c. 493, is amended to read:

The State Government Internship Program shall be administered by the Bureau of Public Administration, University of Maine System, whose duties shall include the following:

Sec. 12. 5 MRSA §555, first ¶, as amended by PL 1973, c. 633, §21, is further amended to read:

Whenever any employee, regularly employed in other than a temporary position for a period of at least 6 months by the State or by any department, bureau, commission or office thereof, or by the University of Maine System, ~~Vocational--Technical--Institutes~~ vocational-technical institutes, Maine School Building Authority, Maine Turnpike Authority, Maine Guarantee Authority or any other state or quasi-state agency, or by any county, municipality, township or school district within the State shall in time of war, contemplated war, emergency or limited emergency, en-



list, enroll, be called or ordered, or be drafted into the Armed Forces of the United States or any branch or unit thereof, or shall be regularly drafted under federal manpower regulations, he shall not be deemed or held to have thereby resigned from or abandoned his said employment, nor shall he be removable therefrom during the period of his service. Temporary for the purpose of this section shall be defined to mean employment based on a seasonal or on-call basis or employment based on a contract of less than 6 months' duration.

Sec. 13. 5 MRSA §674, last ¶, as amended by PL 1975, c. 497, §3, is further amended to read:

This section shall apply to all examinations for original positions in the State Police, the Department of Inland Fisheries and Wildlife, the Department of Marine Resources, the University of Maine System, ~~Vocational-Technical-Institutes~~ vocational-technical institutes, Maine School Building Authority, Maine Turnpike Authority, Maine Guarantee Authority or any other state or quasi-state agency.

Sec. 14. 5 MRSA §1222, sub-§6 is amended to read:

6. Political subdivision. The term "political subdivision" includes an instrumentality of the State of Maine, of one or more of its political subdivisions, the University of Maine System, academies, water, sewer and school districts and associations of municipalities, or an instrumentality of the State and one or more of its political subdivisions, but only if such instrumentality is a juristic entity which is legally separate and distinct from the State or subdivision and only if its employees are not by virtue of their relation to such juristic entity employees of the State or subdivision.

Sec. 15. 5 MRSA §1552, sub-§6, as enacted by PL 1983, c. 655, is amended to read:

6. State agency. "State agency" means any body of State Government authorized by law to adopt rules, to issue licenses or to take final action in adjudicatory proceedings, including, but not limited to, every authority, board, bureau, commission, department or officer of the State Government so authorized; but the term does not include the Governor, courts, University of Maine System, Maine Maritime Academy, school districts, special purpose districts

or municipalities, counties or other political subdivisions of the State.

Sec. 16. 5 MRSA §1706, sub-§2, as enacted by PL 1977, c. 378, is amended to read:

2. State agency. "State agency" shall mean each department and agency of State Government required to comply with chapter 149, except that the term "state agency" shall not include the University of Maine System or the Maine Maritime Academy.

Sec. 17. 5 MRSA §1812, 2nd ¶, as amended by PL 1969, c. 300, §1, is further amended to read:

The trustees of the University of Maine System may authorize the Department of Finance and Administration to act for them in any purchases.

Sec. 18. 5 MRSA §1853, as enacted by PL 1975, c. 322, §3, is amended to read:

§1853. Intergovernmental cooperation and assistance

The director, with the approval of the commissioner, is authorized and empowered to enter into such agreements with the Federal Government, the University of Maine System and other agencies and organizations as will promote the objectives of this chapter, and to accept funds from the Federal Government, municipal and county agencies, or from any individual or corporation to be expended for purposes consistent with this chapter.

Sec. 19. 5 MRSA §1855, as amended by PL 1983, c. 812, §27, is further amended to read:

§1855. Computer Services Advisory Board

The Computer Services Advisory Board, established by section 12004, subsection 10, shall consist of 15 members. The Governor shall appoint 2 members from the private sector who shall be knowledgeable in the science and administration of data processing services, but who shall not be vendors of data processing services to the State or vendors of data processing equipment and supplies. The members from the private sector shall be appointed to serve 4-year terms; however, of these first members appointed, one shall be appointed to serve for a 2-year term only. The Chancellor of the University of Maine System shall designate an employee of the university who shall be knowledgeable in the science and administra-

tion of data processing to be a member of the board. The commissioners of the Departments of Human Services, Transportation, Labor, Finance and Administration, Educational and Cultural Services, Public Safety, Mental Health and Mental Retardation and Corrections and the Secretary of State shall each designate a member of his department to serve on the board, except that no member of the Bureau of Central Computer Services may be a member of the board. The Director of the State Planning Office or his designee shall be a member of the board. At the beginning of each bien-nium, the Governor shall designate 3 agencies from those state agencies not already represented on the board whose heads shall each designate a member of their agencies to serve on the board.

The members of the board who are state employees or employees of the University of Maine System and the members appointed from the private sector shall be compensated as provided in chapter 379 from funds of the bureau.

Sec. 20. 5 MRSA §1903, last ¶, as amended by PL 1983, c. 580, §1, is further amended to read:

The restrictions regarding full-time employment and payment at minimum wage shall not apply to the cooperative education support program between the Department of Mental Health and Mental Retardation and the University of Maine System for the training of psychologists.

Sec. 21. 5 MRSA §7002, sub-§2, ¶B, as enacted by PL 1975, c. 481, §3, is amended to read:

B. The director may employ or engage such outside technical or professional consultants as may be necessary or appropriate to assist the office in carrying out its functions; and may enter into contracts with other boards, commissions, departments and divisions of the State or with the University of Maine System to assist him in carrying out his duties under this chapter;

Sec. 22. 5 MRSA §8002, sub-§2, as amended by PL 1985, c. 490, §1, is further amended to read:

2. Agency. "Agency" means any body of State Government authorized by law to adopt rules, to issue licenses or to take final action in adjudicatory proceedings, including, but not limited to, every authority, board, bureau, commission, department or officer of the State Government so authorized; but the

term shall not include the Legislature, Governor, courts, University of Maine System, Maine Maritime Academy, vocational-technical institutes, the Commissioner of Educational and Cultural Services for schools of the unorganized territory, school administrative units, special purpose districts or municipalities, counties or other political subdivisions of the State.

Sec. 23. 5 MRSA §12004, sub-§8, ¶A, sub-¶(4) is amended to read:

(4)	Education Board of Trustees - University of Maine <u>System</u>	Expenses Only	P&SL 1865 c. 532
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Sec. 24. 5 MRSA §12004, sub-§9, ¶A, sub-¶(15) is amended to read:

(15)	University of Maine <u>System</u>	Blueberry Advisory Committee	Expenses Only	36 MRSA \$4312
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Sec. 25. 7 MRSA §121 is amended to read:

§121. Agricultural Experiment Station

The department of the University of Maine System known and designated as the Maine Agricultural Experiment Station, heretofore established at ~~said~~ the university in connection therewith and under its direction, for the purpose of carrying into effect an Act of the Congress of the United States, approved March 2, 1887, to establish agricultural experiment stations in connection with the colleges established in the several states under an Act approved July 2, 1862, and of the Acts supplementary thereto, shall be maintained in accordance with the purposes for which it was originally established.

Sec. 26. 7 MRSA §191, as amended by PL 1985, c. 283, §1, is further amended to read:

§191. Purpose

In order to aid in diffusing among the people of this State useful and practical information on subjects relating to agriculture and natural resources, youth development, and home economics and community life and to encourage the application of the same, there may be inaugurated in each of the several counties of the State extension work which shall be car-

ried on in cooperation with the Trustees of the University of Maine System and the University of Maine at-Orono.

Sec. 27. 7 MRSA §192, as amended by PL 1985, c. 283, §2, is further amended to read:

§192. Demonstrations and information

Cooperative extension work shall consist of the giving of practical demonstrations in agriculture and natural resources, youth development, and home economics and community life and imparting information on those subjects through field demonstrations, publications and otherwise. This work shall be carried on in each county in such manner as may be mutually agreed upon by the executive committee of the county extension association provided for in section 193, and the trustees of the University of Maine System, the University of Maine at-Orono, or their duly appointed representatives.

Sec. 28. 7 MRSA §193, as amended by PL 1985, c. 283, §3, is further amended to read:

§193. County extension associations

For the purpose of carrying out this chapter, there may be created in each county or combination of 2 counties within the State an organization to be known as a "county extension association," and its services available to all residents of a county. Such county extension association shall have adopted a constitution and set of bylaws acceptable to the University of Maine at-Orono and they shall be recognized as the official body within that county or counties for carrying on extension work in agriculture and natural resources, youth development, and home economics and community life within that county or counties in cooperation with the University of Maine at-Orono. The county extension is viewed as a unique and important educational program of county government. The county extension association may make such regulations and bylaws for its government and the carrying on of its work as are not inconsistent with that chapter, provided that one such organization shall be formed in each county.

Sec. 29. 7 MRSA §195, as amended by PL 1985, c. 283, §5, is further amended to read:

§195. Annual reports

It shall be the duty of the county extension association, annually, as required, to present its plan of extension work for the ensuing year and to render to both the trustees of the University of Maine at Orono and the county commissioners a full detailed report of its extension activities for the preceding fiscal year, including a detailed report of its receipts and expenditures from all sources. The financial report of such county extension association shall be on such forms as may be prescribed by the University of Maine at Orono and the county commissioners.

Sec. 30. 7 MRSA §316, sub-§1, as enacted by PL 1985, c. 482, §2, is amended to read:

1. Other state agencies. The State Planning Office, the State Soil and Water Conservation Commission, the Finance Authority of Maine and the University of Maine System shall cooperate with and assist the commissioner in his efforts to assess regional agricultural opportunities and constraints pursuant to this chapter.

Sec. 31. 7 MRSA §321, sub-§3, as enacted by PL 1985, c. 438, is amended to read:

3. Role of the State University of Maine. All agricultural research and demonstration activities within the State should take advantage of the technical expertise resident in the land grant college system. Testing and field demonstrations of new technologies should utilize the research and educational expertise at the University of Maine System.

Sec. 32. 7 MRSA §322, sub-§2, as enacted by PL 1985, c. 438, is amended to read:

2. Program operation. The commissioner may establish a challenge grant program to test and demonstrate new technologies related to the production, storage and processing of Maine agricultural commodities. Applications may be submitted by commodity groups, associations or individuals. Each proposed new technology testing or demonstration project shall include an appropriate role for the Maine Agricultural Experiment Station, the Cooperative Extension Service or other University of Maine System personnel to assure the validity of test results and that demonstration information is appropriately distributed. Criteria for grant awards, including specific techno-

logical problems and commodities to be addressed, shall be established by rule in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375 and shall be guided by the following criteria:

A. In the case of research on new technologies, awards shall be based on the technology's apparent applicability, the quality of the research design, impact of the proposed technology on regional agricultural needs when defined under section 314 and such other criteria as the commissioner may establish;

B. In the case of technology demonstration projects, awards shall be based on the technology's potential economic benefit, especially in terms of any regional needs or opportunities defined under section 314, the number of producers involved in the demonstration project, planned mechanisms for outreach and education and such other criteria as the commissioner may establish; and

C. No more than \$5,000 may be awarded in any fiscal year for a specific challenge grant program and for each program for which an award is made the grantee shall contribute in cash or in kind an amount equal to at least 50% of the cost of the program for the fiscal year for which the award is made.

**Sec. 33. 7 MRSA §412, first ¶, as enacted by PL 1977, c. 505, is amended to read:**

The commissioner shall research and prepare information designed to develop and promote direct-marketing. The commissioner shall consult with the farm community, the faculty of the College of Agriculture of the University of Maine System, and with the various county extension agents in compiling information under this section. The information shall include, but not be limited to, the following:

**Sec. 34. 7 MRSA §414, sub-§3, as enacted by PL 1977, c. 505, is amended to read:**

3. Referral. Referring farmers to other appropriate sources of assistance, such as the University of Maine System, College of Agriculture, the county extension offices and the United States Department of Agriculture.

**Sec. 35. 7 MRSA §972, as amended by PL 1983, c. 812, §45, is further amended to read:**

§972. Potato Marketing Improvement Committee

The commissioner shall appoint an advisory committee, as authorized by Title 5, section 12004, subsection 9, of 8 members to be known as the Potato Marketing Improvement Committee. The Potato Marketing Improvement Committee shall advise the commissioner on the development and implementation of improved potato marketing systems, including the modernization, construction and operation of storage and central packing facilities. The Potato Marketing Improvement Committee shall also advise the commissioner concerning the funding and expenditures of the Potato Marketing Improvement Fund created pursuant to section 973. The Potato Marketing Improvement Committee shall include one member representing the University of Maine System, one member representing the Maine Potato Council, one member representing the Maine Potato Commission, one member representing the Maine Potato Sales Association, one member representing the Farmers Home Administration, one member representing the Farm Credit Service, one member representing the State Development Office and one member representing the public. Where the commissioner finds it appropriate, the members representing the Farmers Home Administration and the Farm Credit Service may serve as a loan review committee and advise him, on a confidential basis, on applications for funding.

Sec. 36. 7 MRSA §2103-B, as enacted by PL 1983, c. 565, §1, is amended to read:

§2103-B. Foundation seed potato production areas

The commissioner may, upon the request of potato growers in a specified area and in a manner consistent with the Maine Administrative Procedure Act, Title 5, chapter 375, designate "foundation seed potato production areas" and, in consultation with the Seed Potato Board, Cooperative Extensive Service, University of Maine System Agricultural Experiment Station and appropriate industry organizations, establish within these areas such certified seed production practices as he deems beneficial to the industry.

Sec. 37. 7 MRSA §2154, first ¶, as amended by PL 1983, c. 565, §6, is further amended to read:

The Seed Potato Board shall have the power and authority to produce, or cause to be produced through contract or otherwise, such acreages of foundation



seed potatoes of various varieties as it may from time to time determine for distribution and sale to the potato growers of this State. The commitments of the board shall not exceed in the aggregate the amount of funds which may be made available to it. In addition, the board shall be advisory to and shall have authority to work with and through the Maine Agricultural Experiment Station of the University of Maine System and other public and private agencies, in conducting and carrying on a program of production of foundation seed potatoes annually. The board shall have authority to purchase, own or otherwise acquire farm real estate and farm equipment if necessary for the purpose of producing acreages of foundation seed potatoes or providing for the testing thereof, and any salable material resulting from the ownership or operation may be sold to the best advantage of the board. The board shall have authority to sell or otherwise convey farm real estate and farm equipment no longer required for the purposes of this chapter. Proceeds from the sale shall be credited to the operating account of the board.

Sec. 38. 10 MRSA §918, sub-§3, as amended by PL 1983, c. 636, is further amended to read:

3. Ex officio corporators. Ex officio corporators shall consist of the heads of the major state departments and agencies and the Chancellor of the University of Maine System. State department and agency heads shall include the following:

Treasurer of State;

Director of the State Planning Office;

Director of the State Development Office;

Commissioner of Agriculture, Food and Rural Resources;

Commissioner of Business, Occupational and Professional Regulation;

Commissioner of Conservation;

Commissioner of Educational and Cultural Services;

Commissioner of Environmental Protection;

Commissioner of Finance and Administration;

Commissioner of Human Services;

Commissioner of Inland Fisheries and Wildlife;  
Commissioner of Labor;  
Commissioner of Marine Resources;  
Commissioner of Mental Health and Mental Retardation;  
Commissioner of Transportation;  
Chief Executive Officer of the Finance Authority of Maine;  
Executive Director of the Maine Municipal Bond Bank; and  
Executive Director of the Maine State Housing Authority.

Sec. 39. 10 MRSA §920, sub-§11, as enacted by PL 1977, c. 548, §1, is amended to read:

11. Cooperation with agencies and organizations. Cooperate with and avail itself of the services of governmental agencies and the University of Maine System; and cooperate and assist and otherwise encourage organizations, local or regional, private or public, in the various communities of the State in the promotion, assistance and development of the business prosperity and economic welfare of such communities and the State; and

Sec. 40. 10 MRSA §984, sub-§2, ¶A, as amended by PL 1985, c. 344, §29, is further amended to read:

A. In cooperation with the University of Maine System and other state, local and federal agencies or instrumentalities, conduct studies, including studies concerning land use and availability, financial management and marketing, to analyze the situation and needs of those persons in the State engaged in or wishing to enter natural resource enterprises. The authority may develop plans and recommendations as to its role and the role of the State generally in facilitating the development of natural resource enterprises;

Sec. 41. 17 MRSA §3956, first ¶, is amended to read:

No person or individual ~~shall~~ may sell, utilize, install or have installed within this State equip-

ment, devices or methods whereby fence wires may be energized with electricity unless a standard type of controller is used, which has the approval of the Underwriter's Laboratories and carries such label thereon or has the approved listing of the Department of Industrial Cooperation at the University of Maine System.

**Sec. 42. 20-A MRSA §801, sub-§2, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:**

2. Membership. The committee shall consist of 7 members to be appointed by the Governor for a full term of 5 years. One member shall be a representative of the department. One member shall be a representative of the University of Maine System and the remaining members shall be citizens of the State. A vacancy in the membership shall be filled for the unexpired term by appointment by the Governor.

**Sec. 43. 20-A MRSA §803, sub-§§1 and 2, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:**

1. Recommendations. To recommend to the trustees of the University of Maine System relating to the appointment of professional, clerical or other assistants, location of public broadcasting stations and construction and equipment of those stations necessary to carry out the purposes of this chapter; and

2. Programs. To advise the trustees of the University of Maine System for the public broadcasting programs to be transmitted by the network.

**Sec. 44. 20-A MRSA §852, sub-§§1 and 2, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:**

1. Authority. The University of Maine System may acquire real estate, construct, operate, manage and equip radio, transmission and microwave television facilities and interconnect with any other radio or television network or station within or without this State for the purpose of providing a statewide public broadcasting network for the transmission of public broadcasting to pupils in the schools, colleges, university and adult audiences throughout the State.

2. Contracts. The University of Maine System may enter into contracts for the construction of those facilities, contracts for personal services

necessary for the management and operation of those facilities and any other contracts deemed necessary to carry out the purposes of this chapter.

Sec. 45. 20-A MRSA c. 411, first 2 lines are repealed and the following enacted in its place:

CHAPTER 411

UNIVERSITY OF MAINE SYSTEM

Sec. 46. 20-A MRSA §10901, sub-§§1 and 2, as enacted by PL 1981, c. 693, §§5 and 8, are amended to read:

1. Trustees. "Trustees" means the Trustees of the University of Maine System.

2. University. "University" means the University of Maine System.

Sec. 47. 20-A MRSA §10902, sub-§15, as enacted by PL 1983, c. 97, §2, is amended to read:

15. Transfer of credits. To provide for a uniform system of transferring credits for equivalent courses between the various units of the University of Maine System;

Sec. 48. 20-A MRSA §10902, sub-§§16 and 17, as amended by PL 1983, c. 806, §79, are further amended to read:

16. Uniform course numbering. To provide for a uniform system of the numbering of courses for equivalent courses between the various units of the University of Maine System;

17. Uniform course descriptions. To provide for a uniform system of course descriptions for equivalent courses between the various units of the University of Maine System; and goal of enabling recipients of Aid to Families with Dependent Children to achieve educational and skill levels that will assist them to compete for employment which can eliminate their dependency on public assistance.

Sec. 49. 20-A MRSA §10902-A, first ¶, as enacted by PL 1983, c. 799, §2, is amended to read:

The trustees, or their board representative, shall appear annually, in January, before the Joint Standing Committee on Education to report on efforts

by the ~~university-system~~ University of Maine System to comply with the state public policy on higher education established by section 10902. That report shall include, but need not be limited to, the following:

Sec. 50. 20-A MRSA §10902-B, as enacted by PL 1983, c. 799, §3, is amended to read:

§10902-B. Report by chancellor

The Chancellor of the University of Maine System shall be invited by the Speaker of the House of Representatives and the President of the Senate annually, in January, to appear before a joint session of the Legislature to address the Legislature on the state of the university system and such other matters as the chancellor desires to bring to the Legislature's attention.

Sec. 51. 20-A MRSA §10907, as enacted by PL 1983, c. 97, §3, is amended to read:

§10907. Transfer of credits; uniform course numbering; uniform course description; committee

1. Formation. The Chancellor of the University of Maine System shall form a committee composed of:

A. The Dean of Academic Affairs or designee from each campus of the University of Maine System;

B. One faculty member selected by the faculty from each campus of the University of Maine System;

C. One student representative selected by the student body of each campus of the University of Maine System;

D. The Vice-Chancellor of Academic Affairs of the University of Maine System to serve as an ex officio member; and

E. One member of the joint standing committee of the Legislature having jurisdiction over education to serve as an ex officio member and to be selected by the chairmen of the joint standing committee of the Legislature having jurisdiction over education.

2. Chairman. The committee shall elect one of its members as chairman.

3. Meetings. The committee shall be selected as soon as reasonably possible after the effective date of this section. The Vice-Chancellor of Academic Affairs shall notify all members of the time and place of the first meeting. At that time, the committee shall organize and adopt rules as to the administration of its affairs. The members shall serve without compensation, but shall be reimbursed by the chancellor for travel expenses.

4. Duties. The committee shall establish:

A. A uniform system to facilitate the transfer of credits for equivalent courses between the various units of the University of Maine System;

B. Development of a uniform course numbering system; and

C. Development of uniform course descriptions to provide an easy comparison of courses offered between the various units of the University of Maine System.

5. Report and implementation. The committee shall report the results of its deliberations and its recommendations to the Board of Trustees of the University of Maine System no later than one year from the effective date of this subsection, as amended. The trustees shall implement the recommendations no later than the beginning of the fall semester of 1985.

Sec. 52. 20-A MRSA §10908, first ¶, as enacted by PL 1983, c. 806, §82, is amended to read:

In conjunction with the Maine Aid to Families with Dependent Children Coordinating Committee operating pursuant to Title 22, chapter 1054, the University of Maine System:

Sec. 53. 20-A MRSA §11053, sub-§1, ¶A, as enacted by PL 1981, c. 693, §5 and 8, is amended to read:

A. One shall be the current Chancellor of the University of Maine System, ex officio;

Sec. 54. 20-A MRSA §11502, sub-§2, as enacted by PL 1983, c. 422, §21, is amended to read:

2. Institution for higher education. "Institution for higher education" means any institution for

post-secondary or higher education, as defined in Title 22, section 2053, subsection 4-B, the University of Maine System and, in addition, means any institution which awards an undergraduate or advanced degree.

Sec. 55. 20-A MRSA §11514, as enacted by PL 1983, c. 422, §21, is amended to read:

§11514. University of Maine System

Notwithstanding any inconsistent provisions of this chapter, and in addition to the option of providing low-cost financial assistance to qualified students enrolled at the university through the Maine Health and Higher Educational Facilities Authority and a student loan corporation, the following provisions shall apply to the University of Maine System.

1. Issuance of bonds. The ~~board--of--trustees~~ Board of Trustees of the University of Maine System may provide, by resolution, at one time or from time to time, for the issuance of revenue bonds and other obligations and to loan the proceeds thereof to one or more student loan corporations formed by the board for the purposes of this chapter. Revenue bonds and other obligations issued by the board of trustees shall be issued in the name of the University of Maine System, shall be issued in accordance with this chapter and shall be subject to the same limitations and have the same exemptions as other bonds or obligations issued under this chapter.

2. Powers. In addition to any other powers granted by private and special legislation or general law, the board of trustees shall have the same powers as the Maine Health and Higher Educational Facilities Authority, to the extent those powers are necessary to meet the purposes of this chapter.

3. Security. Revenue bonds and other obligations issued under this chapter may be secured in such fashion as the board of trustees, in its discretion, deems appropriate. Revenue bonds and other obligations issued by the board of trustees under this chapter shall not constitute a debt or liability of the State, of any municipality or political subdivision of the State or a pledge of the faith and credit of the State or of any municipality or political subdivision, and shall contain on their face a statement to that effect.

Sec. 56. 20-A MRSA §11608, sub-§3, as amended by PL 1985, c. 228, is further amended to read:

3. State University of Maine System; grant allocation. The department may allocate up to 25% of the state student incentive scholarship grants to eligible students attending the University of Maine System, up to 2 1/2% to eligible students attending the Maine Maritime Academy and up to 2 1/2% to eligible students attending the vocational-technical institutes. If administration of the scholarship program does not result in use of all the funds allocated for Maine Maritime Academy or vocational-technical institute students by October 1st of any school year, the department shall reallocate the unused funds for use by eligible students attending the University of Maine System. If the funds are reallocated, the total amount of funds allocated for use by students attending the University of Maine System may exceed the percentage provided in this subsection. The balance of funds shall be granted to eligible students attending other eligible institutions of higher education.

Sec. 57. 20-A MRSA §12552, sub-§3, as enacted by PL 1985, c. 472, is amended to read:

3. State post-secondary educational institution. "Post-secondary educational institution" means the University of Maine System, the Maine Maritime Academy and the vocational-technical institutes.

Sec. 58. 20-A MRSA §12553, sub-§1, ¶D, as enacted by PL 1985, c. 497, §5, is amended to read:

D. One from the Board of Trustees of the University of Maine System;

Sec. 59. 20-A MRSA §12555, sub-§7, as enacted by PL 1985, c. 497, §5, is amended to read:

7. Promote cooperation and communication. To promote cooperation and communication with the University of Maine ~~system~~ System;

Sec. 60. 22 MRSA §1471-B, sub-§1, as amended by PL 1983, c. 812, §119, is further amended to read:

1. Board established. The Board of Pesticides Control is established by Title 5, section 12004, subsection 5, within the Department of Agriculture, Food and Rural Resources. The board shall be composed of 7 members, appointed by the Governor, subject to approval by the joint standing committee of the Legislature having jurisdiction over the subject of agriculture and confirmation by the Legislature. To



provide the knowledge and experience necessary for carrying out the duties of the board, one person shall be appointed who has practical experience and knowledge in chemical use in the field of agriculture, one who has practical experience and knowledge in chemical use in the field of forest management, a commercial applicator, a person from the medical community, a scientist from the University of Maine System specializing in agronomy or entomology having practical experience and knowledge of integrated pest management and 2 persons appointed to represent the public. The public members shall be selected to represent different economic or geographic areas of the State. The term shall be for 4 years, except that of the initial appointees, 2 shall serve 4-year terms, 2 shall serve 3-year terms, 2 shall serve 2-year terms and one shall serve a one-year term. Any vacancy shall be filled by an appointment for the remainder of the unexpired term.

Sec. 61. 22 MRSA §1578, sub-§3, ¶B, as enacted by PL 1981, c. 333, is amended to read:

B. Any board or commission of any state agency or authority, the Board of Trustees of the University of Maine System and any of its committees and subcommittees, the Administrative Council of the University of Maine System, the Board of Trustees of the Maine Maritime Academy and any of its committees and subcommittees; and

Sec. 62. 22 MRSA §2884 is amended to read:

§2884. Distribution of bodies

The board or its duly authorized agent may take and receive such bodies, so delivered, and shall upon receiving them after 7 days from the date of decease distribute and deliver them to or among the schools, physicians and surgeons in the following manner: Those schools needing bodies for lectures and demonstrations shall first be supplied as fast as practicable, the number assigned to each to be based upon the number of students in actual attendance, which number shall be returned to the board at such times as it shall direct. The board of distribution may from time to time designate physicians or surgeons who shall receive said bodies, applications to be considered in the order of their receipt by said board. Subject to this chapter, it shall be lawful for the University of Maine System, Colby College, Bates College and Bowdoin College or any recognized medical school in New England to receive such bodies

for the promotion of medical education, which shall be construed to include nursing training and premedical education.

Sec. 63. 22 MRSA §3775, sub-§§1 and 2, as enacted by PL 1981, c. 512, §16, are amended to read:

1. Services. Encourage the development and ensure coordination of training, education and pre-apprenticeship programs, supportive services and remedial and preparatory programs at the University of Maine System, the vocational-technical institutes, the Apprenticeship and Training Council and other institutions and programs;

2. Placement. Encourage the University of Maine System, the vocational-technical institutes and other institutions and programs to promote opportunities for educational placement for recipients who meet admission requirements; and

Sec. 64. 24-A MRSA c. 30, first 2 lines are repealed and the following enacted in their place:

#### CHAPTER 30

#### ANNUITY AGREEMENTS WITH THE UNIVERSITY OF MAINE SYSTEM

Sec. 65. 24-A MRSA §2571, as enacted by PL 1977, c. 261, §2, is amended to read:

##### §2571. Eligibility

The University of Maine System may receive transfers of property, conditioned upon its agreement to pay an annuity to the transferor or his nominee, after obtaining from the superintendent a certificate of authority to do so.

Sec. 66. 24-A MRSA §2572, first ¶, as enacted by PL 1977, c. 261, §2, is amended to read:

The University of Maine System, hereafter in this chapter called the "university," shall not transact in this State the business described in this chapter without first procuring a certificate of authority from the superintendent for that purpose. Application for this certificate shall be made on a form prescribed by the commissioner accompanied by a filing fee of \$25. This certificate shall not be granted until the university conforms to the requirements of this chapter and the laws of this State prerequisite to its issue. After its issue the university shall

continue to comply with the requirements of this chapter and the laws of this State. Where a hearing is held under this section the proceedings shall be conducted in accordance with chapter 3 and the superintendent shall have all of the powers granted in that chapter.

**Sec. 67. 25 MRSA §1544, first ¶, as repealed and replaced by PL 1975, c. 763, §7, is amended to read:**

It shall be the duty of all state, county and municipal law enforcement agencies, including those employees of the University of Maine System appointed to act as policemen, to submit to the State Bureau of Identification uniform crime reports, to include such information as is necessary to establish a Criminal Justice Information System and to enable the commanding officer to comply with section 1541, subsection 3. It shall be the duty of the bureau to prescribe the form, general content, time and manner of submission of such uniform crime reports. The bureau shall correlate the reports submitted to it and shall compile and submit to the Governor and Legislature annual reports based on such reports. A copy of such annual reports shall be furnished to all law enforcement agencies.

**Sec. 68. 25 MRSA §2447-A, sub-§1, as enacted by PL 1977, c. 639, §1, is amended to read:**

**1. Prohibition.** No individual, partnership or corporation ~~shall~~ may sell or offer for sale in this State, in person, by mail or otherwise, any type of cellulose fiber insulation unless that product is either:

A. Certified by a nationally recognized testing laboratory as meeting ASTM E-84, Class I requirements; or

B. Certified by the Department of Industrial Cooperation, University of Maine System, as meeting requirements comparable to ASTM E-84, Class I requirements.

No individual, partnership or corporation ~~shall~~ may sell or offer for sale in this State, in person, by mail or otherwise, any cellulose fiber insulation which does not conform to any rule established by the State Fire Marshal under subsection 2. The Department of Industrial Cooperation of the University of Maine System shall not be liable as a result of any damage or injury caused by or arising out of the in-

stallation or use of insulation certified by the department.

Sec. 69. 26 MRSA §663, sub-§10, as enacted by PL 1979, c. 516, §2, is amended to read:

10. Public employees. "Public employees" are considered employees within the meaning of this section and include any person whose wages are paid by a state or local public employer, including the State, a county, a municipality, the University of Maine System, a school administrative unit and any other political body or its political or administrative subdivision. "Public employee" does not include any officer or official elected by popular vote or appointed to office pursuant to law for a specified term or any person defined in subsection 7.

Sec. 70. 26 MRSA c. 12, first 2 lines, are repealed and the following enacted in their place:

#### CHAPTER 12

#### UNIVERSITY OF MAINE SYSTEM LABOR RELATIONS ACT

Sec. 71. 26 MRSA §1021, as amended by PL 1985, c. 506, Pt. B, §20, is further amended to read:

##### §1021. Purpose

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

Sec. 72. 26 MRSA §1022, sub-§3, as amended by PL 1975, c. 671, §4, is further amended to read:

3. Board of Trustees. "Board of Trustees" means the Board of Trustees of the University of Maine System or the Board of Trustees of the Maine Maritime Academy.

Sec. 73. 26 MRSA §1022, sub-§11, as amended by PL 1985, c. 506, Pt. B, §22, is further amended to read:

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

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

Sec. 74. 27 MRSA §377, as enacted by PL 1981, c. 55, §7, is amended to read:

§377. Protection of site location information

In order to protect the site from unlawful excavation or harm, any information on the location or other attributes of any site in the possession of the Maine Historic Preservation Commission, the State Museum Bureau, the Bureau of Parks and Recreation, other state agencies or the University of Maine System may be deemed by the Maine Historic Preservation Commission or State Museum Bureau to be confidential and exempt from Title 1, chapter 13. Such data shall be made available for the purpose of archaeological research. The directors of the Maine Historic Preservation Commission and the State Museum Bureau shall jointly adopt rules establishing standards and procedures for obtaining the data, and may impose reasonable requirements on its use, including requirements of confidentiality.

Sec. 75. 29 MRSA §256, sub-§4, as enacted by PL 1977, c. 142, is amended to read:

4. University of Maine System vehicles. The Secretary of State is authorized to register vehicles owned by the University of Maine System without the payment of registration fees prescribed by this Title. Such vehicles shall display registration plates of a design determined by the Secretary of State.

Sec. 76. 30 MRSA §5057, sub-§1, ¶A, as enacted by PL 1983, c. 477, Pt. E, sub-Pt. 27, is amended to read:

A. On or before September 30, 1984, and for each succeeding year, the Commissioner of Finance and Administration shall provide to the Treasurer of State a list of state-owned buildings in each municipality, along with the total floor space of state-owned buildings in each municipality and the share of floor space of all state-owned buildings accounted for by the state-owned buildings in each municipality.

(1) The following state buildings shall not be included in the calculation provided by this section:

(a) Buildings in which the State holds only a leasehold interest;

(b) Buildings owned by the Bureau of Parks and Recreation and for which payments are made under Title 12, section 602, subsection 4;

(c) Buildings owned by the University of Maine System;

(d) Buildings owned by the Maine Maritime Academy; and

(e) Buildings owned by the vocational-technical institutes established by Title 20-A, section 10103.

Sec. 77. 32 MRSA §2001, first ¶, as amended by PL 1983, c. 812, §214, is further amended to read:

The Arborist Examining Board, as established by Title 5, section 12004, subsection 1, within the Department of Business, Occupational and Professional Regulation and called "the board," shall administer this chapter and shall consist of 6 members. The Governor shall appoint 4 members as follows: Two members shall be licensed commercial arborists, each of whom shall have been continuously engaged in practice as licensed commercial arborists for a period of 10 years prior to his appointment; one member shall be a plant pathologist who is either on the state or University of Maine System staff and part of whose work is concerned with trees; and one member shall be a representative of the public. The remaining 2 members shall be selected by the Director of the Bureau

of Forestry from the Bureau of Forestry and shall be ex officio members.

**Sec. 78.** 32 MRSA §4101-A, first ¶, as amended by PL 1979, c. 221, §1, is further amended to read:

The commission shall prescribe curricula and standards for educational programs to prepare entry level students for the real estate profession, and shall issue a certificate of approval to such educational programs within the State of Maine as meet the requirements of this chapter and of the commission. At least every 2 years, the commission shall thoroughly review each approved educational program prior to reissuing a certificate of approval for such program. Nothing in this section ~~shall~~ may be construed to grant the commission any authority over any such programs conducted by the University of Maine System, any other public higher educational institution or any institution authorized by law to grant a degree.

**Sec. 79.** 36 MRSA §318, first ¶ is amended to read:

The State Tax Assessor may establish, either on his own initiative or in conjunction with professional or educational agencies, or both, a program of training to meet the needs of the State of Maine for a sufficient supply of competently trained assessors. Where possible, such training shall be conducted by the Bureau of Public Administration of the University of Maine System or an institution of higher education. For such purposes, the State Tax Assessor may designate what programs either within or outside the State are acceptable for these training purposes.

**Sec. 80.** 36 MRSA §576-B, 4th ¶, as enacted by PL 1977, c. 549, §5, is amended to read:

The State Tax Assessor shall be authorized to procure assistance in making his determinations from the University of Maine System and such state agencies as he may arrange.

**Sec. 81.** 36 MRSA §4311-A, sub-§3, as enacted by PL 1983, c. 836, §8, is amended to read:

3. Research and extension educational programs. Thirty percent of the funds collected, but not to exceed \$85,000, shall be dedicated to the University of Maine System for the purpose of supplementing its research and extension programs related to improved methods of growing, harvesting, processing and mar-

keting of blueberries. The Maine Blueberry Commission may allocate additional funds to the University of Maine System or other organizations for research and extension programs as may be appropriate to implement the purposes of this section; and

**Sec. 82. 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 System to develop and approve a plan of work and budgets for research and extension programs related to the production and marketing of blueberries.

**Sec. 83. 36 MRSA §5276-A, sub-§1, as enacted by PL 1981, c. 504, §4, is amended to read:**

1. Generally. Any agency of the State, including the University of Maine System, which is authorized to collect from any individual or corporation a liquidated debt greater than \$25 shall notify in writing the State Tax Assessor and supply information necessary to identify the debtor whose refund is sought to be set off. The State Tax Assessor, upon any such notification, shall assist the requesting agency by setting off that debt, pursuant to rules promulgated by the State Tax Assessor, against any refund to which that individual or corporation is entitled under this Part.

**Sec. 84. 38 MRSA §603-B, sub-§3, as enacted by PL 1985, c. 498, §1, is amended to read:**

3. Acid rain impact study. The department shall complete a study covering the following areas:

A. A resampling and measuring of the response of the State's lakes located in sensitive geologic areas;

B. An identification of sensitive receptor areas throughout the State based on, but not limited to, the following criteria: Geology; elevation; lake size; watershed area; and aquatic and terrestrial flora;



C. An assessment of the impact of acid deposition on the growth and productivity of the State's forest resources; and

D. A determination through long-range modeling techniques of the contribution of both in-state sources and out-of-state sources to acid rain deposition in the State.

In preparing this study, the department shall coordinate with and utilize as fully as possible the research being conducted at the University of Maine at Orono and research conducted by the United States Environmental Protection Agency regarding the acid rain problem. Results of this study shall be reported to the Legislature, together with recommendations for further actions, no later than January 31, 1987.

**Sec. 85.** 39 MRSA §23, sub-§2, as amended by PL 1985, c. 446, §4, is further amended to read:

2. By furnishing satisfactory proof to the Superintendent of Insurance of his solvency and financial ability to pay the compensation and benefits, and deposit cash, satisfactory securities or a security bond, with the Workers' Compensation Commission, in such sum as the superintendent may determine pursuant to subsection 6; such bond to run to the Treasurer of State and his successor in office, and to be conditional upon the faithful performance of this Act relating to the payment of compensation and benefits to any injured employee. In case of cash being deposited, it shall be placed at interest by the Treasurer of State, and the accumulation of interest on said cash or securities so deposited shall be paid to the employer depositing the same. The superintendent may at any time, upon not less than 3 days notice and following hearing, for cause deny to an employer the right to continue in the exercise of the option granted by this section.

As an alternative to the method described in the first paragraph of this subsection, an eligible employer may establish an actuarially funded trust, funded at a level sufficient to discharge those obligations incurred by the employer pursuant to this Act as they become due and payable from time to time, provided that the value of trust assets shall be at least equal to the present value of such incurred claims. The trust asset shall consist of cash or marketable securities of a type and risk character as specified in subsection 7, and shall have a situs in the United States. In all other respects, the trust

instrument, including terms for certification, funding, designation of trustee and pay out shall be as approved by the superintendent; provided, that the value of the trust account shall be actuarially calculated at least annually and adjusted to the required level of funding. For purposes of this paragraph, an "eligible employer" is one who is found by the superintendent to be capable of paying compensation and benefits required by this Act and:

A. Has positive net earnings; or

B. Can demonstrate a level of working capital adequate to its operating needs.

Notwithstanding any provision of this section or chapter, any bond or security deposit required of a public employer which is a self-insurer shall not exceed \$50,000, provided that such public employer has a net worth equal to or in excess of \$25,000,000 and a state-assessed valuation equal to or in excess of \$300,000,000. "Public employer" includes the State, the University of Maine System, counties, cities and towns.

In his consideration of a self-insuring entity's application for authorization to operate a plan of self-insurance, the superintendent may require or permit an applicant to employ valid risk transfer by the utilization of primary excess insurance. Standards respecting the application of primary excess insurance shall be contained in a regulation promulgated by the superintendent pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375. Primary excess insurance shall be defined as insurance covering workers' compensation exposures in excess of risk retained by a self-insurer.

**Sec. 86.** 39 MRSA §29, sub-§9, as enacted by PL 1985, c. 446, §5, is amended to read:

9. Exclusions. This section does not apply to the State or the University of Maine System.

**Sec. 87.** P&SL 1865, c. 532, §1, first sentence, as amended by P&SL 1897, c. 551, is further amended to read:

Samuel F. Perley, N. T. Hill, Bradford Cummings, Thomas S. Lang, Dennis Moore, William D. Dana, S. L. Goodale, Robert Martin, Alfred S. Perkins, Joseph Farwell, Seward Dill, Joseph Day, Ebenezer Knowlton,

Hannibal Hamlin, Charles A. Everett and William Wirt Virgin, are hereby constituted a body politic and corporate, by the name of the University of Maine System, having succession as hereinafter provided, with power to establish and maintain, subject to the provisions and limitations of this ~~act~~ Act, such a college as is authorized and provided for, by the ~~act~~ Act of the Congress Congress of the United States, passed on the second day of July, in the year eighteen hundred and sixty-two, entitled "an act donating lands to the several states and territories, which may provide colleges, for the benefit of agriculture and the mechanic arts."

Sec. 88. P&SL 1865, c. 532, §1-A, as amended by P&SL 1969, c. 238, §2, is further amended by adding at the end a new sentence to read:

As used in this Act, unless the context otherwise indicates, "university" means the University of Maine System.

Sec. 89. P&SL 1865, c. 532, §4, first sentence, as repealed and replaced by P&SL 1983, c. 33, is amended to read:

The Board of Trustees of the University of Maine System shall consist of 16 members.

Sec. 90. P&SL 1865, c. 532, §4, sub-§3, first sentence, as enacted by P&SL 1983, c. 33, is amended to read:

One of the members shall be a full-time student at one of the campuses of the University of Maine System at the time of appointment and shall be a permanent resident of the State.

Sec. 91. P&SL 1865, c. 532, §4, sub-§3, 4th sentence, as enacted by P&SL 1983, c. 33, is amended to read:

The Governor shall nominate the student member from a list of 5 eligible students submitted by the University of Maine System organization of student governments.

Sec. 92. P&SL 1865, c. 532, §4, sub-§4, as enacted by P&SL 1983, c. 33, is amended to read:

4. Meetings of the Board of Trustees. The Board of Trustees shall meet from time to time at each of the various campuses of the University of Maine System, whenever reasonably practical.

Sec. 93. P&SL 1865, c. 532, §4-C, last ¶, first sentence, as amended by PL 1979, c. 541, Pt. B, §71, is further amended to read:

Ownership of any real property formerly held by Aroostook State College, Farmington State College, Fort Kent State College, Gorham State College or Washington State College, which is removed from educational use by the University of Maine System, may be sold by the University of Maine System subject to the approval of the Governor or may be conveyed by gift by the University of Maine System to any entity in whose ownership and use it will be exempt from real estate taxation.

Sec. 94. P&SL 1865, c. 532, §4-D, 2nd sentence, as enacted by P&SL 1967, c. 229, §3, is amended to read:

Such election shall be made within 6 months after the effective date of this Act on forms and in such manner as the Board of Trustees of the University of Maine System may direct.

Sec. 95. P&SL 1865, c. 532, §4-D, 9th sentence, as enacted by P&SL 1969, c. 66, is amended to read:

The board of trustees shall have the final authority in their efforts to work out, as well as may be, uniform personnel policies and procedures for all employees of the University of Maine System, except that nothing contained herein in any way shall abrogate the options for employment benefits in this section.

Sec. 96. P&SL 1865, c. 532, §4-F, as enacted by P&SL 1969, c. 117, is amended to read:

Section 4-F. Contracts. The Board of Trustees of the University of Maine System shall have authority to authorize contracts with the State of Maine, or any department or agency thereof, or any city, town, district or other public instrumentality, on such terms and conditions as they shall approve for the furnishing to ~~said~~ the university of water and sewer services. The term of any such contract may not exceed 50 years.

Sec. 97. P&SL 1865, c. 532, §8-A, first ¶, as amended by PL 1981, c. 470, Pt. B, §13, is further amended to read:

The trustees of the University of Maine System, or such administrators of the University of Maine

System as the trustees may designate for this purpose, may appoint persons to act as policemen who shall, within the limits of the property owned by or under the control of the university possess all of the powers of policemen in criminal cases and civil violations.

Sec. 98. P&SL 1865, c. 532, §9-A, first ¶, as enacted by P&SL 1951, c. 97, is amended to read:

The ~~board-of-trustees~~ Board of Trustees of the University of Maine System is hereby authorized to locate, construct, equip and operate a college of medicine and to set, establish and maintain standards of teaching and scholarship therefor; provided, nevertheless, that ~~said the~~ location, construction, equipment and operation shall meet the approval of and that the standards of teaching and scholarship be at least equal to standards approved by the Council on Medical Education and Hospitals of the American Medical Association and of the Association of American Medical Colleges; and provided further, that ~~said the~~ board of trustees shall be under no duty to perform any function under this section unless and until, in its opinion, the ~~said~~ board has received or is assured of sufficient funds either by gift from any source or by appropriation by the State of Maine to successfully construct and operate such college of medicine.

Sec. 99. P&SL 1897, c. 551, §1 is amended to read:

Sec. 1. The name of the corporation known as the Trustees of the State College of Agriculture and the Mechanic Arts is hereby changed to the University of Maine System, and the ~~said~~ University of Maine System shall have all the rights, powers, privileges, property, duties and responsibilities, which belong or have belonged to the ~~said~~ trustees.

Sec. 100. Resolves 1985, c. 52, first ¶ is amended to read:

Special commission created. Resolved: The Senate concurring, that a Special Commission to Study Teacher Training in the University of Maine System, referred to as the commission, be established to review teacher preparation programs at the campuses of the University of Maine System, report its findings to the people of the State and make recommendations to the First Second Regular Session of the 113th Legislature; and be it further

Sec. 101. Resolves 1985, c. 52, 3rd ¶ from the end is amended to read:

Report to the Legislature. Resolved: That the commission shall report its recommendations, including recommendations for changes, if any, to the First Second Regular Session of the 113th Legislature. The report shall include any necessary implementing legislation, estimates of the cost of implementation and possible funding options; and be it further

Sec. 102. Revision clause. Whenever in the Private and Special Laws the words "University of Maine" and "university" used as an abbreviation for University of Maine appear, they shall mean "University of Maine System;" the words "University of Maine at Orono" appear, they shall mean "University of Maine."

Effective July 16, 1986.

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## CHAPTER 780

S.P. 955 - L.D. 2395

### AN ACT to Implement an Inflation Factor in the School Construction Law.

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

Whereas, the State Board of Education will be making school construction awards in July; and

Whereas, the estimated increase in construction costs will have to be made prior to July; and

Whereas, the 90-day limit for nonemergency legislation to take effect will not occur before July 15; 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: