

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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PUBLIC LAWS

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Department of Human Services, the court shall consider efforts made by the Department of Corrections and the Department of Human Services to reunify the juvenile with his parents or custodians, shall make a finding regarding those efforts and shall return custody of the juvenile to ~~the~~ a parent or legal custodian if the return of the juvenile would not be contrary to the welfare of the juvenile. A petition for judicial review of a disposition committing the child to the Department of Human Services shall be served on the parents at least 7 days prior to the hearing.

Effective September 29, 1987.

CHAPTER 401

H.P. 1334 — L.D. 1824

AN ACT to Expand Employment Opportunities for Minors under the Age of 16 Years.

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

Whereas, there are many minors under the age of 16 years who desire to work during the summer months; and

Whereas, the encouragement of teenage employment is a desirable goal and these persons should not be discouraged from pursuing suitable work which does not pose a danger of harm; and

Whereas, current law prevents some of these persons from working in occupations which are clearly non-hazardous in nature and these laws cannot be changed in time to allow minors to work during this summer, unless enacted as an emergency; 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:

26 MRSA §773, as amended by PL 1975, c. 238, §2, is further amended by adding a new paragraph at the end to read:

The provisions of this section pertaining to manufacturing and mechanical establishments shall not apply to minors under 16 years of age who are employed on the grounds of a manufacturing or mechanical establishment, but who are assigned nonhazardous work which is performed outside of any building in which manufacturing or mechanical operations are undertaken.

Emergency clause. In view of the emergency cited

in the preamble, this Act shall take effect when approved.

Effective June 24, 1987.

CHAPTER 402

S.P. 576 — L.D. 1717

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

PART A

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

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

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

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

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

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

Sec. 1. 1 MRSA §402, sub-§3, ¶E, as amended by PL 1985, c. 695, §2 and c. 779, §2, is repealed and the following enacted in its place:

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

Sec. 2. 1 MRSA §501-A, as amended by PL 1985, c. 584 and c. 779, §3, is repealed and the following enacted in its place:

§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, sec-

tions 43 to 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 to 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. Any agency or legislative committee issuing publications shall deliver 18 copies of all publications to the State Librarian. These copies shall be furnished at the expense of the issuing agency. Publications not furnished upon request will be reproduced at the expense of the issuing agency. 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.

For the purposes of this section, "publications" includes: Periodicals; newsletters; bulletins; pamphlets; leaflets; directories; bibliographies; statistical reports; brochures; plan drafts; planning documents; reports; special reports; committee and commission minutes; informational handouts; and rules and compilations of rules, regardless of number of pages, number of copies ordered, physical size or intended audience inside or outside the agency.

The State Purchasing Agent, Central Printing and all other printing operations within State Government shall forward to the State Librarian, upon receipt, one copy of all requisitions for publications to be printed.

Sec. 3. 2 MRSA §6, sub-§4, as amended by PL 1985, c. 746, §1 and as repealed and replaced by PL 1985, c. 785, Pt. B, §2, is repealed and the following enacted in its place:

4. Range 88. The salaries of the following state officials and employees shall be within salary range 88:

State Purchasing Agent;

Director, Arts and Humanities Bureau;

Director, State Museum Bureau;

Director of the Bureau of Parks and Recreation;

State Director of Alcoholic Beverages;

Executive Director, Retirement System;

Director of Public Lands;

State Librarian;

Director of Employee Relations;

Director, Bureau of Air Quality Control;

Director, Bureau of Land Quality Control;

Director, Bureau of Water Quality Control; and

Director, Bureau of Oil and Hazardous Materials Control.

Sec. 4. 2 MRSA §6-A, sub-§1-A, as repealed and replaced by PL 1985, c. 737, Pt. A, §5, is repealed.

Sec. 5. 2 MRSA §6-A, sub-§2, as amended by PL 1985, c. 693, §§3, 14 and as repealed by PL 1985, c. 737, Pt. A, §6, is repealed and the following enacted in its place:

2. Commission members. The salary of members of the commission shall be within salary range 90, step G, for fiscal year 1987; and salary range 90, step H, for fiscal year 1988, and annually thereafter.

Sec. 6. 3 MRSA §2-A, sub-§1, as repealed and replaced by PL 1985, c. 693, §6 and c. 737, Pt. A, §7, 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; 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 shall be appointed in January at the first regular session of each Legislature.

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. 7. 3 MRSA §751, as enacted by PL 1985, c. 507, §1, is amended to read:

§751. Control of funds

The board of trustees shall be the trustee of the funds created by this chapter and shall administer those funds in the same manner as is provided for the administration of the Maine State Retirement System funds in accordance with Title 5, chapter 101, ~~chapter~~ subchapter III. The board may establish separate funds or accounts within a fund, as necessary.

Sec. 8. 4 MRSA §807, first ¶, as amended by PL 1985, c. 598, §1 and c. 742, §1, is repealed and the following enacted in its place:

No person may practice law or hold himself out to practice law within the State or before its courts, or demand or receive any remuneration for those services rendered in this State, unless he has been admitted to the bar of this State and has complied with section 806-A, or unless he has been admitted to try cases in the courts of this State under section 802. Any person who practices law in violation of these requirements is guilty of the unauthorized practice of law, which is a Class E crime. This section shall not be construed to apply to practice before any Federal Court by any person admitted to practice therein; nor to a person pleading or managing his own cause in court; nor to the officer or employee of a corporation, partnership, sole proprietorship or governmental entity, who is not an attorney, but is appearing for that organization in an action cognizable as a small claim under Title 14, chapter 738; nor to a person who is not an attorney, but is representing a municipality under Title 30, section 2361, subsection 3; Title 30, section 3222, subsection 2; or Title 30, section 4966, subsection 1; or Title 38, section 441, subsection 2; nor to a person who is not an attorney, but is representing the Department of Environmental Protection under Title 38, section 342, subsection 7; nor to a person who is not an attorney, but is representing the Bureau of Employment Security or the Bureau of Taxation under section 807-A. In all proceedings, the fact, as shown by the records of the Board of Overseers of the Bar, that that person is not recorded as a member of the bar shall be prima facie evidence that he is not a member of the bar licensed to practice law in the State.

Sec. 9. 4 MRSA §1151, sub-§2, as amended by PL 1985, c. 748, §1 and c. 771, §1, is repealed and the following enacted in its place:

2. Licensing jurisdiction. Except as provided in Title 5, section 10004; Title 10, section 8003-A; Title 29; and Title 35, section 13-A, the Administrative Court shall have exclusive jurisdiction upon complaint of an agency or, if the licensing agency fails or refuses to act within a reasonable time, upon complaint of the Attorney General, to revoke or suspend licenses issued by the agency, and shall have original jurisdiction upon complaint of a licensing agency to determine whether renewal or reissuance of a license of that agency may be refused. The Administrative Court shall have original concurrent jurisdiction to grant equitable relief in proceedings initiated by an agency or the Department of the Attorney General alleging any violation of a license of licensing laws or rules.

Notwithstanding any other provisions of law, no licensing agency may reinstate or otherwise affect a license suspended, revoked or modified by the Administrative Court pursuant to a complaint filed by the Attorney General, without the approval of the Attorney General.

Sec. 10. 5 MRSA §135, first ¶, as amended by PL 1985, c. 757, and c. 785, Pt. A, §6, is repealed and the following enacted in its place:

The Treasurer of State may deposit the money, including trust funds of the State, in any of the banking institutions or trust companies or state or federal savings and loan associations or mutual savings banks organized under the laws of this State or in any national bank or banks or state or federal savings and loan associations located therein. When there is excess money in the State Treasury which is not needed to meet current obligations, he may invest, with the concurrence of the State Controller or the Commissioner of Finance and with the consent of the Governor, such amounts in bonds, notes, certificates of indebtedness or other obligations of the United States which mature not more than 24 months from the date of investment or in repurchase agreements secured by obligations of the United States which mature within the succeeding 24 months, prime commercial paper, tax-exempt obligations or bankers' acceptances. The Treasurer of State may participate in the securities loan market by loaning state-owned bonds, notes or certificates of indebtedness of the Federal Government, provided that the loans are fully collateralized by treasury bills or cash. The Treasurer of State shall seek competitive bids for investments, except when, after a reasonable investigation, it appears that an investment of the desired maturity is procurable by the State from only one source. Interest earned on such investments of money shall be credited to the respective funds, except that interest earned on investments of special revenue funds shall be credited to the General Fund of the State. Interest earned on funds of the Department of Inland Fisheries and Wildlife shall be credited to that fund. Interest earned on funds of the Baxter State Park Authority shall be credited to the Baxter State Park Fund. This section shall not prevent the deposit for safekeeping or custodial care of the securities of the several funds of the State in banks or safe deposit companies in this State or any other state, nor the deposit of such state funds as may be required by the terms of custodial contracts or agreements as may be hereafter negotiated in accordance with the laws of this State. All custodial contracts and agreements shall be subject to the approval of the Governor.

Sec. 11. 5 MRSA §281, as repealed and replaced by PL 1985, c. 785, Pt. A, §21, is amended by adding at the end a new paragraph to read:

The department shall coordinate financial planning and programming activities of departments and agencies of the State Government for review and action by the Governor, prepare and report to the Governor and to the Legislature financial data and statistics and administer under the direction of the State Liquor Commission the laws relating to legalized alcoholic beverages within this State. The department shall consist of the bureaus and organizations described in section 283, and the State Liquor Commission, except the Bureau of Liquor Enforcement and the State Lottery Commission.

Sec. 12. 5 MRSA §282, sub-§§1 and 4 are amended to read:

1. Aide to Governor. To serve as the principal ~~administrative and~~ fiscal aide to the Governor;

4. Direct bureaus. To supervise and direct the activities of the bureaus which may by statute be designated as being under the Department of Finance and ~~Administration~~;

Sec. 13. 5 MRSA §283, sub-§8, as repealed by PL 1985, c. 785, Pt. A, §28, and as amended by PL 1985, c. 785, Pt. B, §15, is repealed.

Sec. 14. 5 MRSA §285, sub-§1, ¶G, as amended by PL 1985, c. 609, and c. 695, §§6 and 7, is repealed and the following enacted in its place:

G. Subject to subsection 1-A, employees in any of the categories denominated in paragraphs A to F-1 who:

(1) On April 26, 1968, have retired and who were covered under plans of insurance which by virtue of Public Law 1967, chapter 543 were terminated;

(2) After April 26, 1968, retire and who on the date of their retirement are currently enrolled in this group accident and sickness or health insurance plan;

(3) After December 2, 1986, and after reaching normal retirement age, cease to be members of the Legislature and are recipients of retirement allowances from the Maine State Retirement System based upon creditable service as teachers, as defined by section 1001, subsection 25. This paragraph shall also apply to former members who were members on December 2, 1986; or

(4) After December 2, 1986, and not yet normal retirement age, cease to be members of the Legislature and are recipients of retirement allowances from the Maine State Retirement System based upon creditable service as teachers, as defined by section 1001, subsection 25. This paragraph also applies to former members who were members on December 2, 1986.

Sec. 15. 5 MRSA §287, as amended by PL 1975, c. 771, §52-A, is repealed.

Sec. 16. 5 MRSA §293, as amended by PL 1985, c. 785, Pt. A, §33, and c. 785, Pt. B, §18, is repealed and the following enacted in its place:

§293. Internship committee

The State Government Internship Program Advisory Committee, established by section 12004, subsection 10, shall serve to further the purposes of the program and to provide for broad representation of institutions of higher learning within Maine and of State Govern-

ment. The State Government Internship Program Advisory Committee shall be comprised of the President of the Senate and Speaker of the House or their designated representatives; the Governor or his designated representative; the Director of Human Resources; and the Director of the Bureau of Public Administration. In addition, one faculty member from each of 4 accredited, degree-granting institutions of higher learning in the State shall be appointed by the Director of the Bureau of Public Administration for 4-year terms, provided that the initial appointments under this chapter shall be for one, 2, 3 and 4-year terms. No faculty member may be eligible to succeed himself if he has served a full 4-year term, nor shall a faculty member be succeeded by another from the same institution. Vacancies shall be filled by the director for the unexpired term. The members of the internship committee shall organize by electing a chairman and vice-chairman and shall be compensated as provided in chapter 379 and as authorized by the Bureau of Public Administration.

Sec. 17. Effective date. The Maine Revised Statutes, Title 5, section 293, as repealed and replaced in this Act, shall take effect on July 1, 1987.

Sec. 18. 5 MRSA §555, first ¶, as repealed by PL 1985, c. 785, Pt. B, §19, and as amended by PL 1985, c. 779, §12, is repealed.

Sec. 19. Effective date. The Maine Revised Statutes, Title 5, section 555, first paragraph, as repealed in this Act, shall take effect on July 1, 1987.

Sec. 20. 5 MRSA §634, as amended by PL 1985, c. 720, and as repealed by PL 1985, c. 785, Pt. B, §19, is repealed.

Sec. 21. Effective date. The Maine Revised Statutes, Title 5, section 634, as repealed in this Act, shall take effect on July 1, 1987.

Sec. 22. 5 MRSA §642, sub-§2, as enacted by PL 1981, c. 289, §8, is amended to read:

2. Employee Suggestion System Board. The Employee Suggestion System Board shall be composed of the Commissioner of Finance ~~and Administration~~, the Commissioner of ~~Personnel Administration~~ and one other commissioner of a state department to be appointed by the Governor.

The Commissioner of ~~Personnel Administration~~ shall be responsible for administering the program, and shall assign one capable, highly-experienced employee of the department to manage the program on a day-to-day basis. That employee may also have assignments not related to this program.

The board shall elect a chairman and shall adopt rules governing the proceedings, including criteria for making awards. The board shall approve each award made.

No later than March 1st of each year, the board shall submit to the joint standing committee having jurisdiction over State Government a report of its activities for the preceding calendar year, including information on the number and nature of suggestions received and awards made.

Sec. 23. 5 MRSA §642, sub-§3, as enacted by PL 1981, c. 289, §8, is amended to read:

3. Employee positions excluded. In establishing criteria for making awards, the board may exclude certain levels of positions from participation in the program, but in no event may persons in positions enumerated in chapter 71, or Title 2, section 6, ~~or Title 5, section 711,~~ be eligible to receive cash awards under the program.

Sec. 24. 5 MRSA §674, last ¶, as amended by PL 1985, c. 779, §13, and as repealed by PL 1985, c. 785, Pt. B, §19, is repealed.

Sec. 25. Effective date. The Maine Revised Statutes, Title 5, section 674, last paragraph, as repealed in this Act, shall take effect on July 1, 1987.

Sec. 26. 5 MRSA §903, sub-§4, as enacted by PL 1981, c. 270, §4, is amended to read:

4. Prohibition. Positions listed in ~~section 711, subsection 2, chapter 71~~ and in Title 2, section 6, may not be filled by persons employed under any job-sharing authority.

Sec. 27. 5 MRSA §931, sub-§1, ¶J, as amended by PL 1985, c. 618, §3; c. 628, §1; and c. 785, Pt. A, §43, is repealed and the following enacted in its place:

J. Staff attorney, financial analyst, chief utility accountant, utility accountant III, assistant administrative director and assistant to the director of consumer assistance positions at the Public Utilities Commission;

Sec. 28. 5 MRSA §1001, sub-§10, as amended by PL 1985, c. 785, Pt. B, §26, and as repealed by PL 1985, c. 801, §§2 and 7, is repealed.

Sec. 29. 5 MRSA §1001, sub-§25, as amended by PL 1985, c. 721, §1, and as repealed by PL 1985, c. 801, §§2 and 7, is repealed.

Sec. 30. 5 MRSA §1005, sub-§1, as amended by PL 1985, c. 785, Pt. B, §27, and as repealed by PL 1985, c. 801, §§2 and 7, is repealed.

Sec. 31. Effective date. The Maine Revised Statutes, Title 5, section 1005, subsection 1, as repealed in this Act, shall take effect on July 1, 1987.

Sec. 32. 5 MRSA §1031, sub-§6, as amended by PL 1985, c. 785, Pt. B, §28, and as repealed by PL 1985, c. 801, §§2 and 7, is repealed.

Sec. 33. Effective date. The Maine Revised Statutes, Title 5, section 1031, subsection 6, as repealed in this Act, shall take effect on July 1, 1987.

Sec. 34. 5 MRSA §1031, sub-§12, ¶D, as amended by PL 1985, c. 785, Pt. B, §29, and as repealed by PL 1985, c. 801, §§2 and 7, is repealed.

Sec. 35. Effective date. The Maine Revised Statutes, Title 5, section 1031, subsection 12, paragraph D, as repealed in this Act, shall take effect on July 1, 1987.

Sec. 36. 5 MRSA §1122, sub-§8, as enacted by PL 1985, c. 722, and as repealed by PL 1985, c. 801, §§2 and 7, is repealed.

Sec. 37. 5 MRSA §1222, sub-§6, as amended by PL 1985, c. 779, §14, and as repealed by PL 1985, c. 801, §§2 and 7, is repealed.

Sec. 38. 5 MRSA §1541, sub-§6 is amended to read:

6. Forms. To prescribe the forms of receipts, vouchers, bills or claims to be filed by any and all departments and agencies with the Department of Finance and Administration;

Sec. 39. 5 MRSA §1661 is amended to read:

§1661. Definition

The words "Governor-elect," whenever used in ~~chapters this chapter and chapter 145 and 149,~~ shall be held to mean the candidate most recently elected to the office of Governor of the State of Maine in the November election for choice of Governor, or his successor.

Sec. 40. 5 MRSA §1662, sub-§5, as amended by PL 1985, c. 785, Pt. A, §58, is further amended to read:

5. Rules. To make rules, subject to the approval of the Commissioner of Finance, for the carrying out of ~~chapters this chapter and chapter 145 and 149;~~ and

Sec. 41. 5 MRSA §1742, sub-§20, ¶C, as repealed by PL 1985, c. 785, Pt. A, §66, and as amended by PL 1985, c. 785, Pt. B, §31, is repealed.

Sec. 42. 5 MRSA §1742, sub-§20, ¶F, as repealed and replaced by PL 1985, c. 737, Pt. A, §16, and as repealed by PL 1985, c. 785, Pt. A, §66, is repealed.

Sec. 43. 5 MRSA §1812, 2nd ¶, as amended by PL 1985, c. 785, Pt. A, §72, and c. 779, §17, is repealed and the following enacted in its place:

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

Sec. 44. 5 MRSA §1852, sub-§4, as repealed by PL 1985, c. 785, Pt. A, §77, and as amended by PL 1985, c.

785, Pt. B, §32, is repealed.

Sec. 45. Effective date. The Maine Revised Statutes, Title 5, section 1852, subsection 4, as repealed in this Act, shall take effect on July 1, 1987.

Sec. 46. 5 MRSA §1853, as amended by PL 1985, c. 779, §18, and as repealed by PL 1985, c. 785, Pt. A, §77, is repealed.

Sec. 47. 5 MRSA §1855, as amended by PL 1985, c. 779, §19, and as repealed by PL 1985, c. 785, Pt. A, §77, is repealed.

Sec. 48. 5 MRSA §1885, sub-§2, as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

2. Appointment of other employees. The deputy commissioner may appoint other employees, as he deems necessary, to the Office of Information Services in accordance with the Personnel Civil Service Law, except that any assistant to the deputy commissioner shall be in the unclassified service.

Sec. 49. 5 MRSA §1886, sub-§12, as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

12. Protection of information files. The deputy commissioner, with the advice of the board, shall develop rules regarding the safeguarding, maintenance and use of information files relating to data professing processing required by law to be kept confidential, subject to the approval of the commissioner. The office shall be responsible for the enforcement of those rules. All data files shall be the property of the agency or agencies responsible for their collection and utilization.

Sec. 50. 5 MRSA §1888, first ¶, as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

No purchase of data processing equipment, software or services and no internal systems development efforts may be made except in accordance with this subchapter. No agency may purchase any data processing equipment, software or services without the prior written approval of the deputy ~~commissioners~~ commissioner. The state controller shall not authorize payment for data processing equipment, software or services without evidence of prior approval of the purchases by the deputy commissioner.

Sec. 51. 5 MRSA §1890, as enacted by PL 1985, c. 785, Pt. A, §85, is amended to read:

§1890. Intergovernmental cooperation and assistance

The deputy commissioner, with the approval of the commissioner, may enter into 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. 52. 5 MRSA §3315, as enacted by PL 1985, c. 794, Pt. A, §1, is repealed.

Sec. 53. 5 MRSA §3316 is enacted to read:

§3316. List of Heritage Coastal Areas

The State Planning Office shall develop and maintain the official list of Heritage Coastal Areas.

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

A. "Heritage Coastal Areas" means areas containing an assemblage of geological, botanical, zoological, historical or scenic features of exceptional state or national significance.

2. Guidelines for identifying Heritage Coastal Areas. The State Planning Office, in consultation with the Maine Historic Preservation Commission, shall review existing reports and documents on coastal natural, historical and scenic areas in order to document Heritage Coastal Areas. The State Planning Office shall also undertake the necessary studies and inventories to document the scenic and natural values of candidate areas.

When evaluating candidate Heritage Coastal Areas, the following guidelines shall be considered:

A. Areas eligible for or listed on the Register of Critical Areas; and

B. Areas eligible for or listed on the National Register of Historic Places.

Nomination forms for each Heritage Coastal Area shall contain a description of the area and its significance, its size and location and the names of the landowners of the features within the area.

3. Municipal and landowner consultation. No area may be included on the list of Heritage Coastal Areas until the State Planning Office notifies the landowner of the features and officials of the municipality where the area is located at least 60 days prior to designation.

4. Designation of Heritage Coastal Areas. The Director of the State Planning Office, with the advice and approval of the Critical Areas Advisory Board, shall designate Heritage Coastal Areas subject to review by the joint standing committee of the Legislature having jurisdiction over energy and natural resources.

The designation of Heritage Coastal Areas officially identifies and documents assemblages of exceptional natural, historical or scenic areas on the coast that merit special attention for conservation.

5. Protection of features within Heritage Coastal Areas. The features identified within Heritage Coastal Areas shall be protected on a voluntary basis. Government agencies at all levels shall consider the importance of protecting the character of Heritage Coastal Areas in land use control and other actions which they take.

Sec. 54. 5 MRSA §5304, as enacted by PL 1975, c. 150, is amended to read:

§5304. Appeals

Any person who is aggrieved by the decision of any licensing agency in possible violation of this chapter may file a statement of complaint with the Administrative Court Judge designated in chapters 301 to 307 chapter 375.

Sec. 55. 5 MRSA §7051, sub-§4, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

4. Employees in military service; substitutes. 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 of the State, or by the University of Maine System, vocational-technical institutes, Maine School Building Authority, Maine Turnpike Authority, Finance Authority of Maine 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, enlist, 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 employment, nor shall he be removable during the period of his service. "Temporary," for the purpose of this section means employment based on a seasonal or on-call basis or employment based on a contract of less than 6 months' duration.

A. An employee subject to this section, while in the Armed Forces of the United States or still employed after draft under federal manpower regulations, shall be considered as on leave of absence without pay and, for the purpose of computing time in regard to pension rights, annual and sick leave accumulation and seniority, shall be considered during the period of his federal service as in the service of the governmental agency by which he was employed at the time of his entry into federal service. The employee, if he reports for duty within a 90-day period from the date of separation under conditions other than dishonorable from the Armed Forces of the United States or if receiving treatment in a hospital at the time of his separation, he reports for duty within 90 days from his discharge from the hospital, shall:

(1) If still qualified to perform the duties of that position, be restored to that position or to a position of like seniority, status and pay; or

(2) If not qualified to perform that position by reason of disability sustained during service, but qualified to perform duties of any other position in the employ of his preservice employer, be restored to such other position the duties of which he is qualified to perform as will provide him like seniority, status and pay, or the nearest approximation consistent with the circumstances in his case.

B. Any employee restored to a position under this section shall not be discharged from that position without cause within one year after restoration to that position.

C. This section shall apply to any such employee entering the Armed Forces of the United States under Public Law 759 80th Congress (Selective Service Act of 1948) or while said Public Law 759 or any amendment thereto or extension thereof shall be in effect.

D. Rights to reemployment, credits toward retirement under the Maine State Retirement System and vacation or sick leave accumulation shall not be allowed beyond the period of the first enlistment or induction, but in no event beyond 4 years from the date of his original call to active duty in the Armed Forces of the United States, except if his return to active duty in the Armed Forces or the extension of his period of service beyond 4 years is required by some mandatory provision and he shall present proof satisfactory to the agency concerned.

E. When a permanent classified employee is on extended leave, a substitute may be employed, subject to personnel rules, until return or separation of the incumbent.

Sec. 56. 5 MRSA §7054, sub-§4, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

4. Retention preference. In any reduction in personnel in the state service, veteran preference employees shall be retained in preference to all other competing employees in the same classification with equal seniority, status and service ratings.

In determining qualifications for examination and appointment with respect to veteran preference eligibles under this section, the director or other examining agency may waive requirements as to age, height and weight, provided that any such requirement is not essential to the performance of the duties of the position for which examination is given. The director or other examining agency, after giving due consideration to the recommendation of any accredited physician, may waive the physical requirements in the case of any veteran, provided that the veteran is, in the opinion of the director or other examining agency, physically able to discharge efficiently the duties of the position for which the examination is given.

This section applies to all examinations for original

positions in the State Police, Department of Inland Fisheries and Wildlife, Department of Marine Resources, University of Maine System, vocational-technical institutes, Maine School Building Authority, Maine Turnpike Authority, Finance Authority of Maine or any other state or quasi-state agency.

Sec. 57. Effective date. The Maine Revised Statutes, Title 5, section 7054, subsection 4, as amended in this Act, shall take effect on July 1, 1987.

Sec. 58. 5 MRSA §7065, sub-§2, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

2. Salary limits. No position may be assigned a salary greater than the maximum or less than the minimum rates fixed in the compensation plan, except as provided in this section.

Sec. 59. Effective date. The Maine Revised Statutes, Title 5, section 7065, subsection 2, as amended in this Act, shall take effect on July 1, 1987.

Sec. 60. 5 MRSA §8053-A, first ¶, as amended by PL 1985, c. 528, and c. 737, Pt. B, §13 and as repealed and replaced by PL 1985, c. 680, §3, is repealed and the following enacted in its place:

At the time of giving notice of rulemaking under section 8053 or within 10 days following the adoption of an emergency rule, the agency shall provide copies of the proposed rule to the Executive Director of the Legislative Council. The Executive Director or his designee shall refer the proposed rule to the appropriate joint standing committee or committees of the Legislature for review.

Sec. 61. 5 MRSA §8053-A, sub-§1, as amended by PL 1985, c. 680, §4, and c. 737, Pt. B, §13, is repealed and the following enacted in its place:

1. Additional information to be submitted. In addition to providing the Executive Director of the Legislative Council 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 Executive 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.

Sec. 62. 5 MRSA §12006, sub-§1, as enacted by PL 1985, c. 732, §6, is amended to read:

1. Notice of failure to report. The Commissioner of Finance ~~and Administration~~ shall send notice by certified mail to any board that has failed to report pursuant to section 12005. If the board fails to file the report within 30 days from the date the notice is sent, the board shall be deemed to be unwilling to disclose information vital to the public interest and necessary to determine whether the board serves the public health, safety or welfare.

A. If the board fails to respond as provided in this subsection, the Commissioner of Finance ~~and Administration~~ shall immediately notify the joint standing committee of the Legislature having jurisdiction over the operations of State Government of the board's failure to comply with the provisions of this chapter.

B. If the board fails to report within 6 months from the reporting date specified in section 12005, the board shall be deemed unwilling to fulfill a public purpose and shall be abolished. The Commissioner of Finance ~~and Administration~~ shall notify the board in writing that its authority is repealed and the board is abolished. The commissioner shall notify the joint standing committee of the Legislature having jurisdiction over State Government that the board is abolished.

Sec. 63. 5 MRSA Pt. 20, as enacted by PL 1985, c. 711, §2, is repealed.

Sec. 64. 5 MRSA §17001, sub-§14, ¶¶A and B, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

A. For purposes of this chapter, a state employee, including any person serving during any probationary period required under the Personnel Civil Service Law and rules of the Personnel Civil Service Appeals Board, a teacher or a participating local district employee;

B. For purposes of chapter 423, a state employee, including any person serving during any probationary period required under the Personnel Civil Service Law and rules of the Personnel Civil Service Appeals Board, or a teacher; or

Sec. 65. Effective date. The Maine Revised Statutes, Title 5, section 17001, subsection 14, paragraphs A and B, as amended in this Act, shall take effect on July 1, 1987.

Sec. 66. 5 MRSA §17105, sub-§3, ¶¶B and C, as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

B. Shall be employed under the rules established by the Personnel Board Civil Service Appeals Board; and

C. Shall receive such compensation as is provided by the rules of the Personnel Board Civil Service Appeals Board for state employees in similar capacities.

Sec. 67. Effective date. The Maine Revised Statutes, Title 5, section 17105, subsection 3, paragraphs B and C, as amended in this Act, shall take effect on July 1, 1987.

Sec. 68. 5 MRSA §17107, sub-§2, ¶F, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

F. The actuary shall determine the equivalent cash compensation value to the members of the retirement system of the benefits provided for them by the retirement system and shall furnish that information to the ~~Commissioner of Personnel~~ Director of Human Resources.

Sec. 69. Effective date. The Maine Revised Statutes, Title 5, section 17107, subsection 2, paragraph F, as amended in this Act, shall take effect on July 1, 1987.

Sec. 70. 5 MRSA §17655, sub-§2, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

2. Other military benefits. Any employee who satisfies the criteria of subsection 1, paragraph B, is entitled to all the benefits of section ~~555~~ 7051, subsection 4.

Sec. 71. Effective date. The Maine Revised Statutes, Title 5, section 17655, subsection 2, as amended in this Act, shall take effect on July 1, 1987.

Sec. 72. 5 MRSA §18258, sub-§2, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

2. Other military benefits. Any employee who satisfies the criteria of subsection 1, paragraph B, is entitled to all the benefits of section ~~555~~ 7051, subsection 4.

Sec. 73. Effective date. The Maine Revised Statutes, Title 5, section 18258, subsection 2, as amended in this Act, shall take effect on July 1, 1987.

Sec. 74. 5 MRSA §18451, first ¶, as enacted by PL 1985, c. 801, §§5, 7, is amended to read:

A member's qualification for service retirement benefits is governed by subsection 1, 2 or 3, unless the requirements of section ~~18543~~ 18453 are satisfied, in which case, one or more of the subsections of section 18453 governs.

Sec. 75. 5 MRSA §19002, sub-§6, as enacted by PL 1985, c. 801, §§5 and 7, 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. 76. 5 MRSA Pt. 22 is enacted to read:

PART 22

PUBLIC HEALTH

CHAPTER 501

MEDICAL CONDITIONS

§19201. Definitions

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

1. Antibody to HIV. "Antibody to HIV" means the specific immunoglobulin produced by the body's immune system in response to HIV.

2. Health care provider. "Health care provider" means any appropriately licensed, certified or registered provider of mental or physical health care, either in the public or private sector or any business establishment providing health care services.

3. HIV. "HIV" means the human immunodeficiency virus, identified as the causative agent of Acquired Immune Deficiency Syndrome or AIDS.

4. HIV antigen. "HIV antigen" means the specific immune-recognizable marker proteins of HIV.

5. HIV infection. "HIV infection" means the state wherein HIV has invaded the body and is being actively harbored by the body.

6. Person. "Person" means any natural person, firm, corporation, partnership or other organization, association or group, however organized.

7. Seropositivity. "Seropositivity" means the presence of antibody to HIV as detected by appropriate laboratory tests.

8. Viral positivity. "Viral positivity" means demonstrated presence of HIV.

§19202. Committee to Advise the Department of Human Services on AIDS

The Committee to Advise the Department of Human Services on AIDS, as established by section 12004, subsection 10, shall consist of not less than 26 members nor more than 30 members to include representation of: One allopathic physician from nominees submitted

by the Maine Medical Association; one osteopathic physician from nominees submitted by the the Maine Osteopathic Association; one nursing home administrator from nominees submitted by the Maine Health Care Association; one funeral director from nominees submitted by the Maine Funeral Directors Association; one social worker from nominees submitted by the Maine Chapter of the National Association of Social Workers; one public school administrator from a local school district from nominees submitted by the Maine Superintendents Association; one nurse from nominees submitted by the Maine State Nurses Association; one representative from nominees submitted by the Maine Hospice Council; one teacher from nominees submitted by the Maine Teachers Association; 2 members of the high risk community; one insurance industry representative; one employee of a community mental health center; one dentist from nominees submitted by the Maine Dental Association; one state employee from nominees submitted by the Maine State Employees Association; 2 members of the public, including one parent of a school-age child; the Commissioner of Human Services or his designee who shall serve during the commissioners term of office; one psychologist from nominees submitted by the Maine Psychological Association; one state employee from nominees submitted by the American Federation of State, County and Municipal Employees; one member representing hospitals from nominees submitted by the Maine Hospital Association; one member representing public health professionals from nominees submitted by the Maine Public Health Association; one representative of a non-profit hospital or medical service organization; one substance abuse counselor; one member of the clergy; and 2 Legislators, one representative appointed by the Speaker of the House of Representatives and one Senator appointed by the President of the Senate. The members, except for those specifically designated in this paragraph, shall be appointed by the Governor for their competence and experience in connection with these fields.

1. Membership. The term of office of each member shall be 3 years; provided that of the members first appointed, 1/3 shall be appointed for a term of one year, 1/3 for terms of 2 years and 1/3 for terms of 3 years. The Governor shall designate a chairman and vice-chairman to serve at the pleasure of the Governor. The chairman shall be the presiding member of the committee. All vacancies shall be filled for the balance of the unexpired term in the same manner as original appointments. The members of the committee shall be compensated in accordance with chapter 379.

2. Duties. The committee shall advise the department on:

A. Content and dissemination of educational materials;

B. Crises that may develop;

C. Coordination of services to persons with AIDS,

AIDS Related Complex or viral positivity;

D. Coordination of services for family and other persons providing care and support to persons with AIDS, AIDS Related Complex or viral positivity; and

E. AIDS related policy and proposed rules.

3. Meetings. The advisory committee shall meet at least 4 times a year and more frequently if needed to respond to the duties of this committee as specified in subsection 2. Special meetings may be called by the chairman and shall be called at the request of the State Epidemiologist, the Director of the Bureau of Health, the Director of Disease Control, the Director of Sexually Transmitted Diseases or by 3 or more members of the committee.

§19203. Confidentiality of test

No person may disclose the results of a test for the presence of an antibody to HIV, a test that measures the HIV antigen, except as follows:

1. Subject of test. To the subject of the test;

2. Designated health care provider. To the subject's designated health care provider in the treatment of AIDS;

3. Authorized person. To a person or persons to whom the test subject has authorized disclosure in writing, except that the disclosure may not be used to violate any other provision of this chapter;

4. Certain health care providers. A health care provider who procures, processes, distributes or uses a human body part donated for a purpose may, without obtaining consent to the testing, test for the presence of an antibody to HIV in order to assure medical acceptability of the gift for the purpose intended;

5. Research facility. The department, a laboratory certified or a health care provider, blood bank, blood center or plasma center may, for the purpose of research and without first obtaining written consent to the testing, subject any body fluids or tissues to a test for the presence of an antibody to HIV if the testing is performed in a manner by which the identity of the test subject is not known and may not be retrieved by the researcher;

6. Bureau of Health. To the Bureau of Health, to carry out its duties as provided in Title 22, section 3, 7 and 42 and chapter 251; or

7. Other agencies. To other agencies responsible for the custodial care of individuals, such as the Department of Corrections and the Department of Mental Health and Mental Retardation.

§19204. Restrictions upon revealing HIV antibody test results

No insurer, nonprofit hospital or medical services organization or nonprofit health care plan may request any person to reveal whether the person has obtained a test for the presence of antibodies to HIV, a test to measure the virus or the results of such tests taken prior to an application for insurance coverage.

This section is repealed on October 1, 1987.

§19205. Coordination of services to persons with AIDS, AIDS Related Complex and viral positivity

1. Policy; services. It shall be the policy of the State to provide to persons who test positive for HIV or have been diagnosed as having AIDS or Aids Related Complex services of departments and agencies, including, but not limited to, the Department of Educational and Cultural Service, the Department of Mental Health and Retardation, the Department of Human Services and the Department of Corrections.

2. Coordination of services. A person designated by the Commissioner of Human Services shall insure coordination of new and existing services so as to meet the needs of persons with AIDS, Aids Related Complex and viral positivity and identify gaps in programs.

The committee established in section 12004, subsection 10, shall work with the person designated in this chapter to insure the coordination of services to meet the needs of persons with AIDS, ARC and viral positivity.

§19206. Civil liability

Any person violating sections 19203 and 19204 is liable to the subject of the test for actual damages and costs plus a civil penalty of up to \$1,000 for a negligent violation and up to \$5,000 for an intentional violation.

Any person may bring an action for injunctive relief for a violation of sections 19203 and 19204 in addition to or instead of the penalties provided in this section. The applicant for injunctive relief under this section shall not be required to give security as a condition upon the issuance of the injunction.

Sec. 77. 7 MRSA c. 10 is enacted to read:

CHAPTER 10

AGRICULTURAL TECHNOLOGY TRANSFER AND SPECIAL RESEARCH PROJECTS

§305. Findings

1. Technology transfer needs. The Legislature finds that many new agricultural technologies have been developed in other states and countries that have not been tested or demonstrated in this State. Many of these new technologies could be applied to Maine agricultural

production, storage and processing systems. More rapid testing and demonstration of new technologies would improve efficiency of Maine agricultural production and therefore its competitive position. Agriculture is a key economic activity in many parts of the State and vital to the State's rural economy.

2. Short-term research needs. Occasionally technical problems related to production, storage or processing of agricultural commodities arise unexpectedly and must be addressed expediently if the problems are to be effectively resolved. The State must ensure that these short-term applied research needs may be met in a timely and effective manner in order to assure the well-being of its agricultural industries.

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.

4. Funding needs. The Maine Agricultural Experiment Station has an overriding responsibility for agricultural research in this State. The station's research program is generally guided by a long-term research agenda which reflects basic food production research needs and regional research priorities. The Cooperative Extension Service is generally responsible for providing farmers with information on new agricultural practices. Both the Cooperative Extension Service and the Maine Agricultural Experiment Station, because of their substantial federal funding, have relatively long-term planning and budget cycles. In both cases, additional state funds are needed for expanded technology transfer programs, including new technology testing and demonstration projects and for other short-term applied research projects.

§306. Technology transfer program

1. Program initiated. The commissioner may initiate an agricultural technology transfer program to accelerate adoption of advantageous technologies by Maine producers by:

A. Testing new technologies to determine their suitability and adaptability to Maine agriculture; and

B. Demonstrating new technologies which are proven beneficial to Maine producers.

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 Experi-

ment 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 technological 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.

3. Advisory committee. The commissioner may establish a Technology Transfer Committee to evaluate technology transfer grant applications and project results and disseminate information about the benefits of new technologies. This committee shall include a representative of the cooperative extension service, the Maine Agricultural Experiment Station, a financial institution and other representatives of Maine agriculture that the commissioner may designate, but the committee shall include no more than 7 members.

§307. Special projects

The commissioner may contract directly with the Agricultural Experiment Station or the Maine Cooperative Extension Service for testing new technologies and for research on pressing, short-term technical problems related to the production, storage and processing of agricultural commodities.

§308. Special revenues

Funds contributed by commodity groups, associations or individuals for special projects or for competitive technology transfer projects shall be deposited in a dedicated account which shall not lapse. Commodity groups, associations or individuals may specify that funds contributed to this account may be used to initiate projects affecting specific commodities.

§309. Annual review

The commissioner, the Director of the Agricultural Experiment Station and the Director of the Cooperative Extension Service shall, on an annual basis, review the effectiveness of the programs operated under the provisions of this chapter in facilitating the introduction of new technologies for Maine agricultural operations.

Sec. 78. 7 MRSA c. 9, as enacted by PL 1985, c. 438, is repealed.

Sec. 79. 7 MRSA Pt. 6, first 2 lines, as enacted by PL 1985, c. 572, are repealed and the following enacted in their place:

PART 6-A

HONEYBEE INDUSTRY

Sec. 80. 7 MRSA §2954, sub-§5, as repealed and replaced by PL 1975, c. 517, §3, is amended to read:

5. Minimum price schedule. Upon establishing said minimum prices in any market which shall apply to the various classifications of milk and which may vary in the several market areas of the State, the commission shall furnish all dealers registered in said market with a schedule of such prices and shall publish a schedule thereof in appropriate newspapers in said market. Such order shall become effective in accordance with Title 5, ~~chapters 301 to 307~~ chapter 375, and thereafter no dealer, store or other person handling milk in such market shall buy or offer to buy, sell or offer to sell milk for prices less than the scheduled minimum prices established for that market.

Sec. 81. 8 MRSA §261, as amended by PL 1983, c. 812, §55 and as repealed and replaced by PL 1983, c. 834, §1, is repealed and the following enacted in its place:

§261. Commission

1. Number of members. The State Harness Racing Commission, as established by Title 5, section 12004, subsection 8, shall consist of 5 members who shall be appointed by the Governor. Members may be removed by the Governor for cause.

2. Review; confirmation. These gubernatorial appointments shall be reviewed by the joint standing committee of the Legislature having jurisdiction over agriculture and are subject to confirmation by the Legislature.

3. Geographic distribution. The members shall be appointed to provide broad geographic representation.

4. Representation. No more than 3 members may be of the same political party, but both major political parties shall be represented on the commission. One member shall, in some capacity, be connected with agricultural societies which operate pari-mutuel racing.

5. Terms of office; vacancies; qualifications. Members of the commission shall serve 3-year terms, except that initially one member shall serve for a term of one year, 2 for terms of 2 years and 2 for terms of 3 years. Any vacancy shall be filled by appointment for the unexpired term. Members shall serve until their successors are appointed and qualified. So far as practicable, they shall be persons interested in the establishment and development of a Maine breed of standardbred horses and no member may have any pecuniary interest in harness racing or the sale of pari-mutuel pools licensed under this chapter.

Sec. 82. 8 MRSA §329, 2nd ¶, as amended by PL 1981, c. 470, Pt. A, §12, is further amended to read:

Racing shall be permitted at Scarborough Downs until the hour of midnight each day from May 15th to November 30th each year. The license shall set forth the name of the licensee, the place where the races or race meets are to be held and the time and number of days during which racing may be conducted by said licensee. Any such license issued shall not be transferable nor assignable. The Administrative Hearing Commissioner as designated in Title 5, chapters 301 to 307 shall have power to revoke any license for good cause upon notice and hearing. The license of any corporation shall automatically cease upon the change in ownership, legal or equitable, of 50% or more of the voting stock of the corporation and the corporation shall not hold a running horse meet for public exhibition without a new license. A judge of the Administrative Court may revoke any license for good cause upon notice and hearing. The fee for such license shall be \$5,000 annually.

Sec. 83. 8 MRSA §360, as enacted by PL 1973, c. 570, §1, is amended to read:

§360. Persons prohibited from purchasing tickets or shares

No ticket or share shall may be purchased by, and no prize shall may be paid to any of the following persons: Any officer lottery commissioner or employee of the commission Bureau of the Lottery or to any spouse, child, brother, sister or parent residing as a member of the same household in the principal place of abode of any of the foregoing persons.

Sec. 84. 9-A MRSA §6-103, as amended by PL 1985, c. 763, Pt. A, §48, is further amended to read:

§6-103. Administration

There is created and established the Bureau of Consumer Credit Protection within the Department of Business Regulation. The Superintendent of Consumer Credit Protection is the head of Consumer Credit Protection. As used in this Act, "administrator" means the Superintendent of the Bureau of Consumer Credit Protection. He shall be appointed by the Governor and subject to review by the joint standing committee of the Legisla-

ture having jurisdiction over business legislation and to confirmation by the Legislature. He shall be appointed for a term of 5 years or until a successor is appointed and qualified. Any vacancy occurring shall be filled by appointment for the unexpired portion of the term. He may be removed from office for cause by impeachment or by the Governor on the address of both branches of the Legislature and Title 5, section 711, ~~paragraph B 931, subsection 2~~, shall not apply. During his term of office the administrator shall engage in no other business or profession. The administrator's salary shall be paid from the General Fund.

Sec. 85. 9-B MRSA §211, sub-§1, as amended by PL 1981, c. 359, §4, is further amended to read:

1. Appointment; term; qualifications. The activities of the bureau shall be directed by a superintendent who shall be appointed by the Governor and subject to review by the Joint Standing Committee on Business Legislation and to confirmation by the Legislature. The superintendent shall hold office for a term of 5 years, or until his successor is appointed and qualified. The superintendent may be removed from office for cause by impeachment or by the Governor on the address of both branches of the Legislature, and Title 5, section 711, ~~paragraph B 931, subsection 2~~, shall not apply. Any person appointed as superintendent shall have the knowledge of, or experience in, the theory and practice of banking.

Sec. 86. 9-B MRSA §232, sub-§5, ¶D, as amended by PL 1979, c. 429, §5, is further amended to read:

D. Notwithstanding any provision to the contrary, as prescribed by the Maine Administrative Procedure Act, Title 5, chapter 375, subchapter IV, such order shall be issued not later than 30 days after the close of the hearing if any, held pursuant to this section.

Sec. 87. 9-B MRSA §427, sub-§9, ¶B, as amended by PL 1979, c. 663, §41, is further amended to read:

B. If a depositor shall lose a nonnegotiable certificate of deposit or certificate of account, ~~subsection 9, paragraph A~~ shall apply, except that the depositor shall provide an affidavit in writing to the institution, in lieu of the notice provided for in ~~subsection 9, paragraph A~~, stating that such certificate issued by the institution is lost and could not be found after thorough search.

Sec. 88. 10 MRSA §918, sub-§3, as amended by PL 1985, c. 779, §38 and c. 785, Pt. A, §87, is repealed and the following enacted in its place:

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;

Commissioner of 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. 89. 10 MRSA §985, sub-§1, as amended by PL 1985, c. 344, §30, is further amended to read:

1. Membership of the board. The Natural Resource Financing and Marketing Board of the authority shall consist of 7 voting members, including the Commissioner of Conservation, the Commissioner of Marine Resources and the Commissioner of Agriculture, Food and Rural Resources, or their designees, and 4 public members appointed by the Governor, subject to the approval of the joint standing committee of the Legislature having jurisdiction over State Government and to confirmation by the Senate. The 4 public members shall be knowledgeable in the field of natural resource enterprises or financing. Designees of the commissioners shall be limited to those persons holding major policy-influencing positions, as defined by Title 5, ~~section 711, subsection 2~~ chapter 71. Two of the public members shall be designated by the Governor as members of the authority. The Treasurer of State shall be an ex officio,

nonvoting member of the board.

Sec. 90. 10 MRSA §1094, as amended by PL 1985, c. 198, §2 and as repealed by PL 1985, c. 344, §94, is repealed.

Sec. 91. 12 MRSA §602, sub-§18, as enacted by PL 1985, c. 710, §1 and c. 762, §1, is repealed and the following enacted in its place:

18. Maine State Parks Development Fund. To administer the Maine State Parks Development Fund established under section 609.

Sec. 92. 12 MRSA §602, sub-§19 is enacted to read:

19. Management of ATVs. To administer the ATV Recreational Management Fund, established under section 7854, subsection 4, for the purposes given in that subsection. The bureau may promulgate rules, in accordance with Title 5, chapter 375, subchapter II, for the issuance of grants-in-aid from the fund and to further define alpine tundra areas pursuant to section 7851, subsection 5.

Sec. 93. 12 MRSA §4815, last ¶, as amended by PL 1985, c. 206, §1 and reallocated by c. 481, Pt. A, §82, is repealed.

Sec. 94. 12 MRSA §5202, as enacted by PL 1985, c. 794, Pt. B, is amended to read:

§5202. Maine Shoreline Public Access Protection Fund

1. Fund established. To accomplish the purposes of this chapter, there is established a nonlapsing Maine Shoreline Public Access Protection Fund, referred to in this chapter as the "fund." All income received by the Department of Conservation for the purposes of this chapter shall be recorded on the books of the State in a separate account and shall be deposited with the Treasurer of State to be credited to the fund. These funds shall be made available to the commissioner for the purpose of implementing the Maine Shoreline Public Access Protection Program, established under section ~~5202~~ 5203.

2. Expenditure of funds. All money credited to the fund shall be used to preserve and protect public access to coastal shoreland areas in accordance with the guidelines established by the commissioner pursuant to section ~~5202~~ 5203. As provided in section ~~5202~~ 5203, not less than 50% of all revenue available from the fund shall be dispersed to municipalities located in the coastal area, as defined in Title 38, section 1802. No more than 10% of the revenues available in the fund may be used for the development of acquired access areas.

Sec. 95. 12 MRSA §5203, sub-§1, as enacted by PL 1985, c. 794, Pt. B, is amended to read:

1. Program established. There is established, within the Department of Conservation, the Maine Shoreline

Public Access Protection Program, referred to in this chapter as the "program" for the purposes of encouraging and supporting the acquisition and development of shoreland areas by the State Government and local governments. Any acquisition or development of shoreland areas supported by this program shall be undertaken solely to enhance, preserve or protect public access to coastal shoreland areas. The commissioner shall establish, amend or repeal rules of the department necessary to accomplish the purposes of this chapter.

Sec. 96. 12 MRSA §6671, sub-§3, as repealed and replaced by PL 1985, c. 737, Pt. A, §28, is amended to read:

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. 97. 12 MRSA §8429, sub-§1, as repealed by PL 1985, c. 664, §4, and as amended by c. 785, Pt. B, §74 is repealed.

Sec. 98. 12 MRSA §8603, as amended by PL 1981, c. 34, is further amended to read:

Owners or operators of all primary wood-using sawmills and primary processors of veneer wood, cordwood,

boltwood, pulpwood, posts, poles, piling, fence rails and commercial processors of ~~fuelwood~~ fuel wood who annually process more than 20 cords, except for domestic use and not for sale or conversion into products for sale, shall render an annual report to the director during the month of January of each year of the amount of softwoods and hardwoods processed by species within the State by them during the preceding calendar year and showing the county or counties from which the wood was taken. Forms for this report shall be provided by the director. Information contained in the reports shall not be made public by reference to individuals.

Sec. 99. 12 MRSA §8604, first ¶, as amended by PL 1985, c. 488, §9, is further amended to read:

§8604. Reports by forest landowners

Any owner of forest land who sells stumpage during a calendar year shall render an annual report to the director during the month of January of the following year, stating the species, volume and stumpage price per unit of measure for each transaction and the municipality or township where the stumpage was located. Any owner of forest land who cuts stumpage for his own business use during a calendar year shall render an annual report to the director during the month of January of the following year, stating the species and volume per unit of measure for each municipality or township where the stumpage was located. Any owner of forest land who has sold stumpage or cut wood for his own business use within the past 5 years shall report on any thinning operations, whether chemical or mechanical, planting, stand conversion or other precommercial sicultural activities not including road building. The director may, by rule, prescribe definitions of the activities mentioned in this section and any others he deems necessary to carry out the purposes of Title 5, chapter 429. Forms for this report shall be provided by the director. Information contained in the reports shall not be made public except that summary reports may be published that use aggregated data that do not reveal the activities of an individual person or firm. These forms shall be available for the use of the State Tax Assessor pursuant to Title 36, chapter 105, subchapter II-A, and chapter 803, subchapter IV.

Sec. 100. 13 MRSA §3167, as amended by PL 1985, c. 774, §2 and c. 797, §4, is repealed and the following enacted in its place:

§3167. Income to support schools

All income derived from the ministerial and school lands, and from the rents and profits of real and personal estate held under section 3166, shall be annually applied to the support of public schools in the town or the schooling of resident students and expended like other school money.

Sec. 101. 13-A MRSA §1203, sub-§1, ¶B, as enacted by PL 1971, c. 439, §1, is amended to read:

B. Which may be done by a domestic corporation organized under or otherwise pursuant to this Act, unless in its application for authority the corporation expressly limited itself to a lesser number or type of businesses, in which case the corporation may engage in the business or businesses to which it so limited its application, if such business or businesses qualify under paragraphs A and B this paragraph and paragraph A.

Sec. 102. 13-B MRSA §201, sub-§3, ¶F, as amended by PL 1985, c. 714, §40 and c. 737, Pt. A, §35, is repealed and the following enacted in its place:

F. Local development corporations, as that term is used in Title 10, chapter 110; and

Sec. 103. 14 MRSA §8103, sub-§2, as amended by PL 1985, c. 569, §§3 and 4 and c. 758, §2, is further amended to read:

2. **Examples.** Notwithstanding section 8104, a governmental entity shall not be liable for any claim which results from:

A. The undertaking or failure to undertake any legislative or quasi-legislative act, including, but not limited to, the adoption or failure to adopt any statute, charter, ordinance, order, regulation, resolution or resolve;

B. The undertaking, or failure to undertake, any judicial or quasi-judicial act, including, but not limited to, the granting, granting with conditions, refusal to grant or revocation of any license, permit, order or other administrative approval or denial;

C. The performance or failure to exercise or perform a discretionary function or duty, whether or not the discretion be abused and whether or not the statute, charter, ordinance, order, resolution, regulation or resolve under which the discretionary function or duty is performed is valid or invalid;

D. The decision not to provide communications, heat, light, water, electricity or solid or liquid waste collection, disposal or treatment services;

E. The activities of the Maine National Guard when engaged in combatant activities during a time of war, or when called to duty in accordance with a proclamation of emergency by the Governor in accordance with Title 37-A, section 57 or 207;

F. The construction, ownership, maintenance or use of:

(1) Unimproved land;

(2) Historic sites, including, but not limited to memorials, as defined in Title 12, section 601, subsection 1; or

(3) Land, buildings, structures, facilities or equipment designed for use primarily by the public in connection with public outdoor recreation;

G. The discharge, dispersal, release or escape of smoke, vapors, soot, fumes, acids, alkalines, toxic chemicals, liquids or gases, waste materials or other irritants, contaminants or pollutants into or upon land, the atmosphere or any water course or body of water, except as provided in section 8104, subsection 3;

H. The ownership, maintenance or use of any building acquired by a governmental entity for reasons of tax delinquency from the date of foreclosure and until actual possession by the delinquent taxpayer or his lessee or licensee has ceased for a period of 60 days;

I. The ownership, maintenance or use of any building acquired by a governmental entity by eminent domain or by condemnation until actual possession by the former owner or his lessee or licensee has ceased for a period of 60 days;

J. Any defect, lack of repair or lack of sufficient railing in any highway, town way, sidewalk, parking area, causeway, bridge, airport runway or taxiway, including appurtenances necessary for the control of such ways including but not limited to street signs, traffic lights, parking meters and guardrails, except as provided in section 8104, subsection 4, and in Title 23, section 3655; ~~or~~

K. The sales of motor vehicles and equipment at auction held by the governmental entity; or

~~K. The leasing of state-owned property, including buildings to other organizations pursuant to Title 5, chapter 154.~~

L. The leasing of state-owned property, including buildings to other organizations pursuant to Title 5, chapter 154.

Paragraphs A through ~~K~~ L of this subsection, to which immunity applies, are cited as examples and shall not be interpreted to limit the general immunity provided by this section.

Sec. 104. 14 MRSA §8109, sub-§1, ¶A, as amended by PL 1985, c. 785, Pt. A, §88, is further amended to read:

A. Any agency may settle any claim for an amount of \$1,500 or less when such settlement is approved by the appropriate department or agency head in accordance with regulations promulgated by the Commissioner of Finance Administration.

Sec. 105. 14 MRSA §8109, sub-§1, ¶B, as amended by PL 1985, c. 785, Pt. A, §89, is further amended to read:

B. Any other claim may be settled when such settlement is approved by the head of the department or

agency against which the claim is filed, the Commissioner of Finance Administration and the Attorney General.

Sec. 106. 14 MRSA §8115, sub-§1, as amended by PL 1985, c. 785, Pt. A, §90, is further amended to read:

1. Payment from next appropriation. In the event no insurance has been procured by the State to pay a claim or judgment arising under this chapter, and no appropriated funds are reasonably available, as determined by the Commissioner of Finance Administration, the claim or judgment shall be paid from the next appropriation to the state instrumentality whose action or omission, or the action or omission of whose employee, gave rise to the claim.

Sec. 107. 15 MRSA §101, as amended by PL 1985, c. 630, §§1 and 2 and c. 796, §§2 and 3, is repealed.

Sec. 108. 15 MRSA §101-A, as enacted by PL 1985, c. 356, is repealed.

Sec. 109. 15 MRSA §§101-B and 101-C are enacted to read:

§101-B. Mental examination and observation of persons accused of crime

1. Court order; permissive. The District Court or the Superior Court having jurisdiction in any criminal case for cause shown may order the defendant examined to determine his mental condition with reference to the issues of criminal responsibility and competence to stand trial. The examination may be conducted at the Augusta Mental Health Institute, Bangor Mental Health Institute, Pineland Center or at a mental health clinic of, or recommended by, the Commissioner of Mental Health and Mental Retardation and, when conducted at any such facility, shall be the responsibility of the State Forensic Service. The examination may be conducted by a psychiatrist or licensed clinical psychologist independent from any such facility, employed for that purpose by the court. The court in selecting the examination site shall consider proximity to the court, availability of an examiner or examiners and the necessity for security precautions. No person may be presented for examination under this subsection without arrangements therefor with the head of the institution or clinic or with the individual examiner being first made by the court, clerk of courts or sheriff. If the defendant is incarcerated, the examination is to be completed within 90 days. The opinion of the examiner or examiners relative to the mental condition of the respondent shall be reported forthwith to the court following examination.

2. Court order; mandatory. The court shall order the defendant to be further examined by a psychiatrist and a clinical psychologist from the State Forensic Service if:

A. It appears to the court, based on the report of any

such examiner, that:

(1) The defendant suffers or suffered from a mental disease or defect affecting his criminal responsibility or his competence to stand trial; or

(2) Further observation is required; or

B. The defendant enters or persists in a plea of not criminally responsible by reason of insanity for a period in excess of 21 days after the report in subsection 1 is filed.

3. Availability of reports. The court may order that observations, interviews and investigative reports regarding the behavior of the defendant made by law enforcement officials be made available to the designated psychiatrist and licensed clinical psychologist of the State Forensic Service for the limited purpose of this examination. If the defendant is incarcerated, an initial examination to determine whether commitment to the custody of the Commissioner of Mental Health and Mental Retardation is necessary shall be made within 90 days. If the defendant is incarcerated and it is determined that no long-term observation for the purpose of diagnosis is needed, his examinations shall be completed within 30 days. If the examination by the designees can be completed without admission, a report of the results of the completed examination shall be forwarded to the court forthwith. If the designated examiners of the Commissioner of Mental Health and Mental Retardation determine that admission to an appropriate institution for the mentally ill or mentally retarded is necessary for complete examination, the examiners shall so notify the court which may order the defendant committed to the custody of the Commissioner of Mental Health and Mental Retardation to be placed in an appropriate institution for the mentally ill or the mentally retarded, to be there detained and observed by the superintendent, or his delegate, and professional staff for a period of time not to exceed 60 days, for the purpose of ascertaining the mental condition of the defendant. When further detention for observation is deemed no longer necessary, the commissioner shall report this fact to the court. The court shall then order the person returned to the appropriate court for disposition; if the court ordering commitment for observation has provided for remand to the county jail following completion of the observation in the commitment order, the sheriff or any one or more of his deputies shall execute the remand order upon advice from the commissioner of completion of the observation. A report of the results of the observation shall be forwarded promptly to the court by the commissioner.

4. Finding of incompetence, custody; bail. If after hearing upon motion of the attorney for the defendant, or upon the court's own motion, the court finds that any defendant is incompetent to stand trial, it shall continue the case until such time as the defendant is deemed by the court to be competent to stand trial and may either:

A. Commit the defendant to the custody of the Commissioner of Mental Health and Mental Retardation to be placed in an appropriate institution for the mentally ill or the mentally retarded for observation, care and treatment. The commitment shall not exceed one year in duration. At the end of 30 days or sooner, and again in the event of recommitment, at the end of 60 days and one year, the superintendent of the institution in which the defendant is placed shall forward a report to the Commissioner of Mental Health and Mental Retardation relative to the defendant's competence to stand trial and his reasons therefor. The commissioner shall forthwith file the report with the court having jurisdiction of the case. The court shall forthwith set a date for, and shall hold, a hearing on the question of the defendant's competence to stand trial and shall receive all relevant testimony bearing on the question. If the court determines that the defendant is not competent to stand trial, but there does exist a substantial probability that the defendant will be competent to stand trial in the foreseeable future, it shall recommit the defendant to the custody of the Commissioner of Mental Health and Mental Retardation to be placed in an appropriate institution for the mentally ill or the mentally retarded for observation, care and treatment. If the court determines that the defendant is not competent to stand trial and there does not exist a substantial probability that he will be competent in the foreseeable future, the court shall dismiss all charges against the defendant and notify the appropriate authorities who may institute civil commitment procedures for the individual; or

B. Except in the case of a defendant who is charged with the commission of an offense, the only punishment for which is life imprisonment, order the defendant's release on bail, with or without the further order that the defendant undergo observation at a state mental hospital or mental health facility approved by the Department of Mental Health and Mental Retardation, or by arrangement with a private psychiatrist and treatment when it is deemed appropriate by the head of the hospital or clinic or by the private psychiatrist. When such outpatient observation and treatment is ordered, the head of the hospital or clinic or the psychiatrist shall, within the time specified in subsection 1, forward a report to the court containing the opinion of the head of the hospital or clinic or of the psychiatrist, relative to the defendant's competence to stand trial and his reasons therefor. The court shall forthwith set a date for and shall hold a hearing on the question of the defendant's competence to stand trial, which shall be held pursuant to and consistent with the standards set out in paragraph A.

5. Competence; proceedings. Upon a determination that the defendant is competent to stand trial, proceedings with respect to the defendant shall be in accordance with the rules of criminal procedure.

6. No release during examination period; violation. Any person ordered or committed for examination, ob-

servation, care or treatment pursuant to this section shall not be released from the examining institution during the period of examination. Any individual responsible for or permitting the release of a respondent from the examining institution who has been committed pursuant to this section commits a civil violation for which a forfeiture not to exceed \$1,000 may be adjudged.

§101-C. Access to records by persons or entities performing examinations or evaluations

1. Written demand for records. When a person or entity has been ordered to perform an examination or evaluation pursuant to section 101-B, and the person to be examined has sought the examination, joined in a request or order for the examination or has entered a plea of not criminally responsible by reason of insanity, that person may make written demand upon any individual, partnership, association, corporation, institution or governmental entity to produce the records or copies of the records, in whatever medium preserved, of the subject of the examination or evaluation.

2. Production of records. Any such entity from whom records are demanded pursuant to subsection 1 shall produce the records or copies of the records forthwith. The production shall be made notwithstanding any other law. No entity, or employee or agent of the entity, may be criminally or civilly responsible for furnishing any records in compliance with this section.

3. Confidentiality of records. Records provided under this section shall be confidential and shall not be disseminated by any person other than upon order of the court.

4. Definition. "Records" means information about a person, in whatever medium preserved. It includes, but is not limited to, medical histories, social histories, military histories, government histories, educational histories and documentation pertaining to diagnosis or treatment.

5. Failure to produce records. Any person who is required to produce records by this section and intentionally or knowingly fails to do so within 20 days of the service of the written request upon him, may be subject to civil contempt for his failure to comply with the request.

Sec. 110. 15 MRSA §2128, sub-§4, as enacted by PL 1979, c. 701, §15, is amended to read:

4. Prior challenges. A person who has previously challenged a criminal judgment or a post-sentencing proceeding under former Title 14, sections 5502 to 5508 or its predecessors shall not challenge the criminal judgment or post-sentencing proceeding by post-conviction review unless the court determines that a ground claimed in the action for post-conviction review could not reasonably have been raised in the earlier action.

Sec. 111. 15 MRSA §2132, as enacted by PL 1979, c. 701, §15, is amended to read:

§2132. Applicability

Both the substantive and procedural provisions of this chapter shall apply to any action for post-conviction review commenced after the effective date of this chapter. In the case of any action under former Title 14, sections 5502 to 5508 or any other action for collateral review of a conviction or of consequences resulting from a criminal judgment which was commenced prior to the effective date of this chapter and which is pending on the effective date, the petition may be amended to assert any basis for jurisdiction under section 2124 or any grounds for relief not available under prior law; provided that failure to do so shall not constitute waiver pursuant to section 2128, subsection 3. In any pending action brought under prior law, the court in its discretion may apply any of the procedural provisions of this chapter.

Sec. 112. 15 MRSA §2211-A, 7th ¶, as repealed and replaced by PL 1969, c. 403, §1, is amended to read:

Admission to a hospital under this section shall not be used to effect the examination or observation of any person for the purpose of a criminal proceeding pending in either the District Court or the Superior Court. The Superior Court prior to trial of any defendant admitted for hospitalization under this section may, at any time upon motion of the defendant's attorney, attorney for the State or upon the court's own motion, hold a hearing with respect to the competence of any such person to stand trial as provided in section ~~101~~ 101-B, and appropriate disposition may be made thereunder. The court's order following hearing in such case may terminate the admission effected under this section.

Sec. 113. 15 MRSA §3318, sub-§1, ¶B, as amended by PL 1977, c. 664, §42, is further amended to read:

B. Order that the juvenile be examined by a physician or psychologist and refer the juvenile to a suitable facility or program for the purpose of examination, the costs of such examination to be paid by the court. If the report of such an examination is that the juvenile is mentally ill or incapacitated to the extent that short-term or long-term hospitalization or institutional confinement is required, the juvenile court shall initiate proceedings for voluntary or involuntary commitment as provided in section ~~101~~ 101-B and in Title 34, sections 2290 and 2333. The court shall continue the proceedings when a juvenile is voluntarily or involuntarily committed.

Sec. 114. 15 MRSA §3318, sub-§2, ¶B, as amended by PL 1977, c. 664, §43, is further amended to read:

B. The child is not found by the appropriate court to be mentally ill or incapacitated as defined in section ~~101~~ 101-B and in Title 34, section 2616, subsection 1.

Sec. 115. 17 MRSA §1301-A, 2nd ¶, as amended by PL 1973, c. 303, §3, is further amended to read:

The inspectors and agents of licensing authorities issuing licenses under this section shall have the authority to investigate and prosecute complaints against its licensees for violation of this section, and to institute proceedings before the Administrative Court Judge who shall be empowered to proceed under Title 5, ~~chapters 301 to 307~~ chapter 375, and not under Title 28, section 401.

Sec. 116. 17 MRSA §1301-A, 3rd ¶, as amended by PL 1973, c. 567, §20, is further amended to read:

It shall be the duty of the several district attorneys to investigate and prosecute complaints of violations of this section, and to institute proceedings before the Administrative Court Judge who shall be empowered to proceed under Title 5, ~~chapters 301 to 307~~ chapter 375.

Sec. 117. 17 MRSA §1301-A, 4th ¶, as amended by PL 1973, c. 303, §3, is further amended to read:

A determination by the Administrative Court Judge after notice and hearing on a show cause order that there is a violation of this section shall cause revocation of such licenses as may be held, with the right of appeal to the Superior Court under Title 5, chapter ~~307~~ 375.

Sec. 118. 20-A MRSA §1202, sub-§6, ¶F, as amended by PL 1981, c. 693, §§5 and 8, is further amended to read:

F. If a school administrative district is to be formed under this section ~~1202, subsection 2, paragraph D~~, or if the proposed school administrative district plans to contract with a designated private school for the education of its students in grades 9 through 12, voters shall act on the following article.

"Article : To see if the municipality will vote to join with the municipalities of _____ (naming them) to form a school administrative district, which district is hereby authorized and directed to accept the contract offer of _____ for the schooling of pupils in grades 9 through 12."

Sec. 119. 20-A MRSA §1401, sub-§1, ¶B, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

B. The agreement may contain a new method of sharing costs among the member municipalities of the district in accordance with section 1301. The article set out in section ~~1203~~ 1202, subsection 6, paragraph D, authorizing units to vote on alternate methods of sharing costs shall be used if the agreement recommended by the state board contains a provision for using one of the alternate methods of sharing costs.

Sec. 120. 20-A MRSA §10104, sub-§2, ¶¶D and F,

as amended by PL 1985, c. 110, §§1 and 2 and as repealed by PL 1985, c. 497, §4 are repealed.

Sec. 121. 20-A MRSA §10902, sub-§17, as amended by PL 1985, c. 779, §48, is repealed and the following enacted in its place:

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

Sec. 122. 20-A MRSA §11804, sub-§5, as enacted by PL 1985, c. 286, §2, is repealed.

Sec. 123. 20-A MRSA §11804-A, sub-§4 is enacted to read:

4. Deferment. Contract students under this section who, during the repayment period, either return to a Maine practice and then leave the State or who initially remain out-of-state and then return to a Maine practice may seek a deferment of the annual principal and interest payments while outside the State for a period of time not to exceed 3 years. Interest shall be assessed during this time and the student's total debt to the State, including principal and interest, shall be repaid either through return service or cash payments within 10 years from the date which marks the beginning of the repayment period. Requests for deferments shall be made to the commissioner who shall make a determination on a case-by-case basis. The decision of the commissioner shall be final.

Sec. 124. 20-A MRSA §12553, sub-§1, ¶D, as enacted by PL 1985, c. 472 and c. 497, §5, and as repealed by PL 1985, c. 695, §10, and as amended by PL 1985, c. 779, §58, is repealed and the following enacted in its place:

D. A high school graduate or has attained equivalent certification; and

Sec. 125. 20-A MRSA §12555, sub-§7, as repealed by PL 1985, c. 695, §10 and as amended by PL 1985, c. 779, §59, is repealed.

Sec. 126. 20-A MRSA §12705, sub-§1, ¶B, as enacted by PL 1985, c. 695, §11, is amended to read:

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

Sec. 127. 20-A MRSA §12706, sub-§7, as enacted by PL 1985, c. 695, §11, is amended to read:

7. Fees and charges. To establish and collect fees, tuition and other charges, including fees for the reasonable use of the institutes' facilities by others, as deemed necessary by the board of trustees for the efficient administration of this chapter, to be credited to a separate fund and used for the purposes of this chapter;

Sec. 128. 20-A MRSA §12709, sub-§11, as enacted by PL 1985, c. 695, §11, is amended to read:

11. Interagency cooperation and communication. To promote cooperation and communication with the Department of Educational and Cultural Services and the Bureau of Employment and Training Programs, or their successors, with the University of Maine System and with other public and private educational and training institutions;

Sec. 129. 20-A MRSA §13510, sub-§1, as amended by PL 1985, c. 295, §32 and as repealed by PL 1985, c. 505, §11, is repealed.

Sec. 130. 20-A MRSA §15006, as enacted by PL 1985, c. 774, §8 and c. 797, §53, is repealed and the following enacted in its place:

§15006. School money; finance committees

1. Municipal schools. No money appropriated for public schools for educational purposes may be paid from the treasury of any municipality except upon written order of its municipal officers. No such order may be drawn by the municipal officers except upon presentation of a properly avouched bill of items which has first been certified by the superintendent of schools and approved by a majority of the school board or by a financial committee appointed or otherwise duly elected by the school board.

2. Quasi-municipal corporations. No money appropriated for public school or educational purposes may be paid out by a school administrative unit other than a municipality, except upon written order of its treasurer. No such order may be drawn by the treasurer, except upon presentation of a properly avouched bill of items which has first been certified as to correctness by the superintendent of schools and approved by a majority of the school board or by a financial committee appointed or otherwise duly elected by the school board.

3. Finance committees. School boards which do not otherwise have authority to appoint a finance committee under this Title may appoint 2 or more members of the board and the superintendent to act as the finance committee of the administrative unit.

Sec. 131. 20-A MRSA §15904, sub-§1, as repealed and replaced by PL 1985, c. 570, §1 and c. 737, Pt. A, §46, is repealed and the following enacted in its place:

1. Municipal schools. 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, except that the filing requirement contained in Title 30, section 2061, subsection 4, does not apply.

Sec. 132. 20-A MRSA §15905, sub-§1, ¶A-1, as enacted by PL 1985, c. 780, §1, is amended to read:

A-1. The limitation on debt service costs set out in this subsection shall be adjusted each year on January 1st for the awards made starting on July 1st, of the same year by the estimated percentage increase or decrease in the cost of construction materials, services and financing over the previous 3 years. The Commissioner of ~~Finance and Administration~~ shall determine the increase in construction costs using standard, area indexes applicable to Maine. In no case may the allowed increase exceed 5% and in no case may the debt service limit be reduced.

Sec. 133. 20-A MRSA §15909, sub-§2, ¶A, as amended by PL 1985, c. 248, §9 and c. 506, Pt. B, §§17, 18, is repealed and the following enacted in its place:

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

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

(2) Proceeds from insured losses;

(3) Money from federal sources; and

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

Sec. 134. 20-A MRSA §15915, as enacted by PL 1985, c. 621, §1 and c. 797, §62, is repealed and the following enacted in its place:

§15915. Energy service companies and 3rd-party financing

1. Initial agreement. Any school administrative unit may enter into an agreement of up to 20 years with a private party, such as an energy service or 3rd-party financing company, for the design, installation, operation, maintenance and financing of energy conservation improvements at school administrative unit facilities.

2. Future operation. Any school administrative unit, at the termination of the agreement with the private party pursuant to this section, may acquire, operate and maintain the improvement, may renew the agreement with the private party or may make an agreement with another private party to operate and maintain the improvement.

Sec. 135. 20-A MRSA §15916 is enacted to read:

§15916. Federal construction aid

The state board shall be the designated agency to administer any federal funds made available to assist in the

construction of facilities for schools, educational programs or institutions of higher education.

Sec. 136. 22 MRSA §396-D, sub-§9, ¶D, as enacted by PL 1985, c. 661, §9 and c. 778, §4, is repealed and the following enacted in its place:

D. In determining payment year financial requirements, the commission shall include an adjustment to reflect any net increases or decreases in the hospital's costs resulting from projects that meet the requirements of section 396-K, subsection 3, paragraph E.

(1) Except as provided in subparagraph (2), the adjustment under this paragraph shall only be made as part of the annual revenue limit determination and not as an interim adjustment.

(2) Once during the course of its 3rd payment year, a hospital whose fiscal year commences on or after October 1, 1986, and before March 1, 1987, may seek an adjustment under this paragraph, if it has not sought such an adjustment as part of its 3rd payment year revenue limit filing.

Sec. 137. 22 MRSA §396-D, sub-§9, ¶E is enacted to read:

E. In determining payment year financial requirements, the commission shall include an adjustment to reflect the reasonable costs, including reasonable attorneys' fees, incurred by a hospital to prosecute an appeal of a commission decision pursuant to section 397, subsection 4, provided that the adjustment shall reflect only those reasonable costs that are associated with the issues on which the hospital has prevailed in court, including costs associated with presenting those issues to the commission in the case from which the appeal was taken. The commission shall make an adjustment under this paragraph only to the extent that the costs found to be reasonable are not otherwise included in financial requirements.

Sec. 138. 22 MRSA §396-L, sub-§1, ¶E, as enacted by PL 1985, c. 778, §5, is amended to read:

E. "Hospital restructuring" means any one of the following:

(1) Transfer of any assets of a hospital or hospital-capitalized affiliate to any person, provided that the transfer of assets to a title-holding company within the meaning of the United States Internal Revenue Code, Section 501, paragraph C, subparagraph (2), that holds property on behalf of the transfer or transferor shall not be considered a hospital restructuring;

(2) Pledge of a hospital's assets or credit or pledge of the assets or credit of a hospital-capitalized affiliate, to secure the financial obligation of another person;

(3) Transfer of an existing service or function, directly or indirectly, by a hospital to an affiliated interest or an entity which, as a result of the transfer would become an affiliated interest;

(4) Undertaking by an affiliated interest or an entity which as a result of the undertaking would become an affiliated interest of any health care service whose associated costs would be considered elements of financial requirements if performed by a hospital;

(5) Entry of a hospital or hospital-capitalized affiliate into a partnership as a general partner, or any similar act by means of which a hospital or hospital-capitalized affiliate assumes or acquires general liability or responsibility for the obligations, acts or omissions of a business venture other than one undertaken solely by the hospital;

(6) Creation, organization, acquisition or transfer, directly or indirectly, of a subsidiary of a hospital;

(7) Creation or organization, directly or indirectly, of a parent entity of a hospital by any means, including without limitation, the acquisition by any person of ownership or control of a hospital or its existing parent entity; and

(8) Merger of a hospital or its parent entity with any person or any transaction functionally equivalent to a merger.

Sec. 139. 22 MRSA §1602, sub-§4, as enacted by PL 1977, c. 347, §3, is amended to read:

4. Permit denied; appeal. An applicant who has been aggrieved by the department's decision to deny a permit under this chapter may file within 5 days of the notice of the denial, a complaint with the Administrative Court, as provided in Title 5, chapter ~~805~~ 375. Such an applicant shall be granted a prompt hearing before the Administrative Court for reconsideration of the denial.

Sec. 140. 22 MRSA §3186, as enacted by PL 1985, c. 375 and c. 486, §1 and as amended by PL 1985, c. 749, §1, is repealed and the following enacted in its place:

§3186. Medical and social services referral service

The department shall establish and maintain an information and referral service for medically indigent persons who become pregnant as a result of rape, gross sexual misconduct, incest or sexual abuse. The information and referral service shall include a list of medical and social services available from state and private sources, including, but not limited to, counseling services, shelter, maternal health care, a list of physicians who have voluntarily agreed to provide to Medicaid eligible victims, pro bono, medical services not available from Medicaid and other applicable medical or social services.

This information shall also be made available to rape crisis centers, family planning agencies and other appropriate organizations.

In addition to the medical and social services information provided, the department shall strongly encourage and counsel each person receiving this information to report the rape, gross sexual misconduct, incest or sexual abuse to the appropriate authorities for criminal prosecution and shall assist that person in making the report, if requested.

Sec. 141. 22 MRSA §3187 is enacted to read:

§3187. Principles of reimbursement

The department shall meet annually with providers of community based intermediate care facilities for the mentally retarded to review current principles of reimbursement for United States Code, Title XIX and discuss necessary and appropriate changes.

Principles of reimbursement established for intermediate care facilities for the mentally retarded shall assure maximum flexibility enabling facilities to shift variable cost funds within accounts established pursuant to the principles. These principles shall not set any artificial limits on specific variable cost accounts as long as facility totals are met.

Sec. 142. 22 MRSA c. 1052 is enacted to read:

CHAPTER 1052

MAINE CHILDREN'S TRUST FUND

§3721. Definitions

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

1. Board. "Board" means the Board of the Maine Children's Trust Fund.

2. Eligible organization. "Eligible organization" means a nonprofit organization, local government or public school system.

3. Fund. "Fund" means the Maine Children's Trust Fund.

4. Prevention programs. "Prevention programs" means programs, plans or training associated with the prevention of child abuse, child neglect or mental illness or with other factors associated with the physical and emotional well-being of the youth of the State, including strategies to alleviate problems associated with behavior prohibited by law, but not adjudicated as a juvenile crime.

§3722. Maine Children's Trust Fund

1. Establishment. There is established the Maine Children's Trust Fund. It shall receive money deposited by the Treasurer of State pursuant to Title 36, section 5285.

2. Purpose. The purpose of the Maine Children's Trust Fund is to provide a mechanism for voluntary contributions by Maine taxpayers through an income tax checkoff for funding of programs designed to prevent abuse, neglect and mental illness among Maine children. This funding is intended primarily to support local prevention programs which do not duplicate other state-funded programs.

§3723. Board; establishment

1. Establishment. The Board of the Maine Children's Trust Fund is established pursuant to Title 5, section 12004, subsection 8.

2. Membership. The board shall consist of 9 public members appointed by the Governor. They shall be appointed for terms of 3 years, except of those first appointed, 3 shall be appointed for a term of 3 years, 3 shall be appointed for a term of 2 years and 3 shall be appointed for a term of one year. The public members shall, as far as practicable, be representative of the following groups: Parents; business and labor; the legal community; the religious community; and providers of child abuse and neglect prevention services. Vacancies shall be filled by the Governor for the remainder of the term vacated.

3. Officers. The Governor shall annually appoint one of the public members to serve as chairman of the board. The board may elect, from among its members, other officers and committees as it deems appropriate.

4. Compensation. The members shall be compensated according to the provisions of Title 5, chapter 379.

5. Meetings. The board shall meet at least once annually and 5 members of the board shall constitute a quorum.

6. Advice and consultation. The Commissioner of Corrections, the Commissioner of Educational and Cultural Services, the Commissioner of Human Services, the Commissioner of Mental Health and Mental Retardation and the Commissioner of Public Safety shall, upon request, provide the board with technical information and advice.

§3724. Duties

The board shall have the following powers and duties.

1. Plan. The board shall develop an annual, biennial state plan for the distribution of money in the fund and distribute money in accordance with that plan. In developing the plan, the board shall:

A. Review and evaluate existing prevention programs;

B. Assure that an equal opportunity exists for the establishment of prevention programs and receipt of fund money among all geographic areas in the State; and

C. Submit the plan to the Legislature annually.

2. Exchange of information. The board shall provide for the coordination and exchange of information on the establishment and maintenance of prevention programs.

3. Criteria for awarding grants. The board shall develop rules and publicize criteria for awarding grants to eligible organizations.

4. Grants. The board shall review applications for grants and shall approve applications which it considers best address the purposes of the fund.

5. Review. The board shall review, approve and monitor the expenditure of grants awarded pursuant to this chapter.

6. Education. The board shall provide statewide education and public information to develop public awareness concerning child abuse, neglect and mental illness.

7. Contracts. The board may enter into contracts with public or private agencies or accept any grants or gifts from any federal, state or private source to carry out this chapter.

8. Recommendations. The board shall make recommendations to the Governor and the Legislature concerning changes in state laws, rules, programs or policies which will reduce the problem of child abuse, neglect and mental illness and improve coordination among agencies that provide prevention services.

9. Rules. The board shall promulgate rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, to carry out this chapter.

10. Staff. The board may employ a full-time executive director and a clerical assistant to serve at the pleasure of the board. The executive director and clerical assistant shall not be subject to the Civil Service Law.

A. The executive director shall be a person with knowledge and experience in:

(1) Writing grants and grant applications;

(2) Child neglect and child abuse programs;

(3) Review and evaluation of programs; and

(4) Supervising employees and implementing policies.

§3725. Disbursement of fund money

1. Procedure. The board shall, by rule, establish a procedure and form for receipt of applications under this chapter. Upon approval of an application, the board may disburse fund money to eligible organizations for the development or operation of prevention programs under this chapter.

2. Limit on disbursements. The board may not expend the first \$100,000 of income to the fund each year; except that \$42,825 may be expended from the fund in 1985-87 biennium to further the purposes of this chapter. The board may expend one half of the amount of income each year which exceeds \$100,000, but which does not exceed \$500,000. The board may not expend the amount of income each year which exceeds \$500,000. For purposes of this section, income includes interest attributed to the fund pursuant to Title 36, section 5285. When the total amount of the fund reaches \$4,000,000, contributions to the fund shall cease, as provided in Title 36, section 5285, and the expenditures by the board shall be limited to the amount of interest credited annually to the fund.

§3726. Review

Beginning in 1987 and every odd numbered year thereafter, this chapter shall be reviewed by the joint standing committee of the Legislature having jurisdiction over human resources which shall report its findings together with any recommended legislation to the second regular session of the Legislature.

Sec. 143. 22 MRSA c. 1071, sub-c. IX, as enacted by PL 1985, c. 500 and as amended by PL 1985, c. 667, §§1 and 2, is repealed and the following enacted in its place:

SUBCHAPTER IXHOSPITAL BASED SUSPECTED CHILDABUSE AND NEGLECT COMMITTEES§4081. Purpose

The purpose of this subchapter is to encourage the implementation of statewide standards to be developed by the Department of Human Services and participating hospitals for the identification and management of child abuse and neglect cases presented at hospitals by providing financial support for the establishment of Hospital Based Suspected Child Abuse and Neglect Committees.

§4082. Definitions

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

1. Case plan prescription. A "case plan prescription"

means an action plan developed by the family support team.

2. Family support teams. "Family support teams" means specialized teams of professionals evaluating children who are victims of physical abuse and neglect as defined in section 4002. Evaluations shall include a family diagnosis and recommendations for treatment and follow-up.

3. Protocols. "Protocols" means procedures developed for the interaction of the Suspected Child Abuse and Neglect Committee and Family Support Team.

4. Suspected Child Abuse and Neglect Committee. "Suspected Child Abuse and Neglect Committee" means an official standing committee of the hospital comprised of professionals representing public and private community agencies, hospital departments and the Department of Human Services who are directly involved in providing services to victims of child abuse and their families.

§4083. Hospital based Suspected Child Abuse and Neglect Committees

Hospitals may establish a Suspected Child Abuse and Neglect Committee and Family Support Team under this subchapter. The committee shall meet regularly to provide the ongoing development and monitoring of the specialized family support teams and the approval of protocols. These hospitals shall serve as a resource to other institutions desiring to form such a program.

The Family Support Team shall be coordinated by a team manager who shall be hired by the participating hospital. Specialized teams shall be available to evaluate children who are the victims of abuse and neglect. The cost of the team manager shall be paid for by the Department of Human Services.

The Family Support Team shall provide a multidisciplinary approach for suspected child abuse cases which are initially identified in hospital emergency rooms, inpatient pediatric departments and ambulatory clinics. The child protective staff of the Department of Human Services shall participate on the teams. The team shall report immediately to the department as required in section 4011.

The team shall review the nature, extent and severity of abuse or neglect and the needs of the child and other family members. The team shall develop a case plan prescription for the treatment, management and follow-up of the child abuse victims and their families. The case plan prescription shall be signed by the family support team chairman and the Department of Human Services staff person after team recommendations are received.

§4084. Report

The department shall evaluate the implementation of

this subchapter and report to the joint standing committee of the Legislature having jurisdiction over human resources no later than February 15, 1987.

§4085. Sunset

This subchapter is repealed October 1, 1987.

Sec. 144. 22 MRSA c. 1081, as enacted by PL 1985, c. 441, §3, and as amended by c. 667, §1 and c. 785, Pt. B, §93, is repealed.

Sec. 145. 23 MRSA §152, 5th ¶, as amended by PL 1985, c. 785, Pt. A, §96 and c. 785, Pt. B, §101, is repealed and the following enacted in its place:

The board shall maintain an office in Kennebec County. The Commissioner of Finance shall appoint, subject to the Civil Service Law, a clerk of the board to keep its records and to perform such other duties as the board shall prescribe. The clerk shall have authority to certify to all official acts of the board, administer oaths, issue subpoenas and issue all processes, notices, orders or other documents necessary to the performance of the duties of the board.

Sec. 146. 23 MRSA §152, 6th ¶, as amended by PL 1985, c. 785, Pt. A, §97 and c. 785, Pt. B, §102, is repealed and the following enacted in its place:

The Commissioner of Finance shall appoint and fix the compensation of a reporter to the board and shall review and approve all charges made by such reporter for transcripts of the record of hearings before the board. The Commissioner of Finance may appoint, subject to the Civil Service Law, such clerical assistants for the board as he may deem necessary.

Sec. 147. 23 MRSA §453, as repealed by PL 1985, c. 480, §§1 and 10 and as amended by PL 1985, c. 554, §3, is repealed.

Sec. 148. 23 MRSA §4402, as enacted by PL 1981, c. 456, Pt. A, §88, is amended to read:

§4402. Charter service

The Department of Transportation may operate a special charter service to Hurricane Island in Knox County, or to ports added or to be added by legislative enactment. The operation of this charter service shall not interfere nor curtail in any way the schedule of the Maine State Ferry Service to ports named in this section 4402, or to ports added or to be added by legislative enactment.

Sec. 149. 24 MRSA §2332-A is enacted to read:

§2332-A. Coordination of benefits

Provisions contained in group nonprofit hospital, medical service or health care subscriber contracts relating to coordination of benefits payable under the contract

and under other plans of insurance or of health care coverage under which the subscriber or his dependents may be covered shall conform to rules promulgated by the superintendent. The rules may establish uniformity in the permissive use of coordination of benefits provisions in order to avoid claim delays and misunderstandings that otherwise result from the use of inconsistent or incompatible provisions among the several insurers and nonprofit hospital, medical service and health care plans.

Sec. 150. 24 MRSA §2333, as enacted by PL 1985, c. 526, § 1 and c. 704, §2, is repealed and the following enacted in its place:

§2333. Short title

This subchapter shall be known as the "Nonprofit Service Organizations Preferred Provider Arrangement Act of 1986."

Sec. 151. 24-A MRSA §201, sub-§4, as enacted by PL 1981, c. 359, §7, is amended to read:

4. The superintendent shall be removable for cause by impeachment or by address of the Governor to both branches of the Legislature, and Title 5, section 741, ~~paragraph B~~ 931, subsection 2, shall not apply.

Sec. 152. 25 MRSA c. 254, as enacted by PL 1969, c. 239, is repealed.

Sec. 153. 25 MRSA §2902, last ¶, as amended by PL 1985, c. 737, Pt. A, §61 and c. 785, Pt. B, §113, is repealed and the following enacted in its place:

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

Sec. 154. 26 MRSA §821, as amended by PL 1985, c. 161, §7, is further amended to read:

§821. Person employed in position other than temporary

Any person, except a person covered under Title 20 ~~20-A~~, section 2001 ~~13602~~, employed in a position other than a temporary position shall be granted a leave of absence to fulfill the duties of a Legislator, provided that the employee gives written notice to his employer of his intent to become a candidate for the Legislature within 10 days after taking action under Title 21-A to place his name on a primary or general election ballot. Following his term of service as a Legislator, the employee, if he is still qualified to perform the duties of the position from which he was granted leave, shall be entitled to be restored to his previous, or similar, position

with the same status, pay and seniority. This leave of absence shall, within the discretion of the employer, be with or without pay and shall be limited to one legislative term of 2 years.

Sec. 155. 26 MRSA §1022, sub-§3, as amended by PL 1985, c. 695, §14 and c. 779, §72, is repealed and the following enacted in its place:

3. Board of Trustees. "Board of Trustees" means the Board of Trustees of the University of Maine System, the Board of Trustees of the Maine Maritime Academy or the Board of Trustees of the Maine Vocational-Technical Institute System.

Sec. 156. 26 MRSA §1022, sub-§11, as amended by PL 1985, c. 695, §15 and c. 779, §73, is repealed and the following enacted in its place:

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 the Maine Vocational-Technical Institute System performing services within a campus or unit, except any person:

A. Appointed to office pursuant to law;

B. Appointed by the Board of Trustees as a vice-president, dean, director or member of the chancellor's, superintendent's or Maine Vocational-Technical Institute System executive director'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, the academy or the Maine Vocational-Technical Institute System; or

D. Employed in his initial 6 months of employment.

Sec. 157. 26 MRSA §1043, sub-§5, ¶B, as repealed and replaced by PL 1985, c. 814, Pt. J, §1, is amended to read:

B. A dislocated worker, as defined in section 1196, subsection 1, enrolled in a training program approved under section 1192, subsection 6, 6-A or 6-B, who has exhausted his benefit year within 30 months of his enrollment in the training program, shall have his expired benefit year reopened and continued by one week for each week or part of a week that he is in such training, up to a maximum of 26 weeks, provided that no benefits may be paid under this paragraph to any person:

(1) Until the person has exhausted any unemployment insurance benefits for which he is eligible in a subsequent benefit year for which he has qualified;

(2) Until the person has exhausted benefits for

which he is eligible under any extended unemployment insurance benefit program funded in whole or in part by the Federal Government;

(3) Who is eligible for or who has exhausted, after the effective date of this paragraph, trade adjustment allowances as provided by the United States Trade Act of 1974, Title II, Chapter 2, Public Law 93-617, United States Code, Title 19, Section 2291, et seq., and any amendments or additions thereto, or a similar ~~success~~ or successor provision of that Act, except that any individual who was eligible for and received less than 26 weeks of benefits under the United States Trade Act may receive benefits for the number of weeks by which their benefits under that Act are less than 26 weeks; or

(4) For a subsequent enrollment in any training program after his initial enrollment, following the effective date of this paragraph, and final termination of a training program approved under section 1192, subsection 6, 6-A or 6-B.

Sec. 158. 26 MRSA §1263, as amended by PL 1985, c. 295, §40 and as repealed by PL 1985, c. 497, §20, is repealed.

Sec. 159. 26 MRSA §1452, as repealed and replaced by PL 1985, c. 695, §17 and c. 737, Pt. A, §73, is repealed and the following enacted in its place:

§1452. Maine Occupational Information Coordinating Committee

The Maine Occupational Information Coordinating Committee, as established by Title 5, chapter 379, shall support the development, maintenance and operation of a Comprehensive Career, Occupational and Economic Data-based System and 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, the State Board of Education and the Board of Trustees of the Maine Vocational-Technical Institute System. 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 the 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. 160. 30 MRSA §1401, as amended by PL 1985, c. 700, §2, and as repealed and replaced by PL 1985, c. 737, Pt. A, §85, is repealed and the following enacted in its place:

§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 2, 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.

Sec. 161. 30 MRSA c. 10-A, as enacted by PL 1985, c. 707, is repealed.

Sec. 162. 30 MRSA c. 10-D is enacted to read:

CHAPTER 10-DPISCATAQUIS COUNTY BUDGET COMMITTEE§1461. Purpose

The purpose of this chapter is to establish in Piscataquis 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 reviewed 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 with authority to review the budget and make recommendations to the county commissioners. The Legislature shall continue to have authority to approve and amend the budget. This chapter applies only to Piscataquis County.

§1462. 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 Piscataquis County.

2. Municipal officials. "Municipal officials" may include 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 Piscataquis 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 Piscataquis County.

§1463. Piscataquis County Budget Committee

In Piscataquis County there is established the Piscataquis County 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 at least 90 days prior to the end of the fiscal year as provided for in this section.

A. Of the 3 members from each commissioner district, one must be a municipal official and one must be a representative of the general public. All 3 members shall be appointed by the county commissioners.

Of the 3 members of the general public on the committee, one and only one shall be a resident of the unorganized territories.

B. 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 make recommendations concerning the budget and estimates.

C. The term of office shall be as follows:

(1) The member who is a municipal officer, appointed by the county commissioners, shall have an initial term of one year;

(2) The member who is a representative of the general public, appointed by the county commissioners, shall have an initial term of 2 years; and

(3) The 3rd member shall have an initial term of 3 years.

The terms of the respective members shall increase by one year at the time of reappointment, except the 3-year term, which shall become a one-year term.

D. A vacancy occurring on the budget committee shall be filled in the same manner as the original appointment for the balance of the unexpired term. The person appointed to fill the vacant office must have the same qualifications as the person vacating the office.

E. Members shall serve without compensation.

§1464. 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 15 days after the county budget has been prepared by the county commissioners. 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.

§1465. 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 90 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, institution or another governmental agency. The budget committee may make recommendations concerning increase, decrease, alteration or revision to the proposed budget. This shall be done prior to November 1st.

3. Meeting with legislative delegation. Prior to November 15th, the county commissioners shall meet with the county legislative delegation to review and finalize estimates for the year.

4. Public hearing. The county commissioners shall hold a public hearing in the county on the proposed budget prior to December 1st 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 mail or delivered in person to the clerk of each municipality in the county and to the members of the budget committee. The municipal clerk shall notify the municipal officials of the proposed budget and the date of the public hearing.

5. Adoption of budget. After completion of the public hearing, the county commissioners 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 county commissioners at a duly called meeting not later than December 15th.

6. Interim approval by legislative delegation. Prior to submission of the budget to the Legislature pursuant to subsection 7, the county commissioners shall submit the proposed budget to the legislative delegation. The delegation shall render a decision by January 1st. Failure to do so shall be considered as approval of the budget as submitted. If the legislative delegation disapproves of the budget, the county commissioners 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 approved by the legislative delegation.

7. Final budget approval. Prior to January 15th of the fiscal year for which the budget is prepared, the county commissioners shall submit the proposed budget to the Legislature. The Legislature shall approve,

disapprove or amend the budget as submitted.

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 shall 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.

§1466. 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 of a proposed amended budget by the county commissioners. This proposed amended budget shall be submitted to the county budget committee for review. Any recommendations by this committee must be submitted within 10 calendar days. After receiving the recommendation of the budget committee, the county commissioner shall forward the proposed revised budget to the legislative delegation for approval. The delegation shall have 10 calendar days to render a decision on the proposed revision. Failure of the delegation to render a decision within the specified time shall result in the revision being considered approved by the delegation. The proposed revised budget shall be submitted by the county commissioners to the Legislature for approval, disapproval or amendment. Disapproval of the revision by the delegation shall be treated in a fashion similar to that described in section 1465, subsection 6. 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.

§1467. 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.

Sec. 163. 30 MRSA c. 204-A, sub-c. I, first line is repealed and the following enacted in its place:

SUBCHAPTER I

GENERAL PROVISIONS

Sec. 164. 30 MRSA §4787, sub-§2-A, as amended by PL 1979, c. 663, §198, and as repealed and replaced by PL 1979, c. 732, §§22 and 31, is repealed and the following enacted in its place:

2-A. Limitation. Notwithstanding this section, the Maine State Housing Authority shall not make any contract or commitment of mortgage insurance without the approval of a majority of the Indian Housing Mortgage Insurance Committee.

Sec. 165. 30 MRSA §5057, sub-§1, ¶A, as amended by PL 1985, c. 779, §76 and c. 785, Pt. A, §107, is repealed and the following enacted in its place:

A. On or before September 30, 1984, and for each succeeding year, the Commissioner of 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. 166. 32 MRSA §84, sub-§1, ¶B, as amended by PL 1985, c. 730, §§9 and 16, is further amended to read:

B. Notwithstanding any other provision of law, any rule-making hearing held under this chapter and required by the Maine Administrative Procedure Act, Title 5, chapter 375, shall be conducted by the board, the Director of the Office of Emergency Medical Services or other staff as delegated through rules or a person in a major policy-influencing position, as defined in Title 5, section 711-931, who has responsibility over the subject matter of the proposed rule.

Sec. 167. 32 MRSA §1081, sub-§2, ¶F, as repealed by PL 1983, c. 331, §1, and as amended by PL 1983, c. 378, §9, is repealed.

Sec. 168. 32 MRSA §1202, sub-§1, ¶A, as amended by PL 1985, c. 695, §18 and as repealed and replaced by PL 1985, c. 734, is repealed and the following enacted in its place:

A. For a journeyman electrician's or limited license, a person must:

(1) Complete at least 8,000 hours of service as an apprentice or helper electrician or at least 8,000 hours of experience in electrical installations, as defined in section 1101, satisfactorily complete a program of study comprising 576 hours as approved by the Electricians' Examining Board and complete a course of not less than 45 hours in the current National Electrical Code, the course to be approved by the board;

(2) Be a graduate of a regional vocational high school 2-year electrical program approved by the Electricians' Examining Board, have worked for 8,000 hours in the field of electrical installations under the supervision of a master electrician or the equivalent and have completed a course of not less than 45 hours in the current National Electrical Code, the course to be approved by the board;

(3) Be a graduate of a Maine vocational-technical institute electrical program approved by the Electricians' Examining Board, have worked for 4,000 hours in the field of electrical installations under the supervision of a master electrician or the equivalent and have completed a course of not less than 45 hours in the current National Electrical Code, the course to be approved by the board. Persons qualifying under this paragraph may write the journeyman's examination upon graduation if application is made within one year of graduation; or

(4) Be an electrical apprentice registered with the Maine State Apprenticeship and Training Council and have completed 576 hours of related instruction prescribed in their apprenticeship program, the 8,000-hour approved program and a course of not less than 45 hours in the current National Electrical Code, the course to be approved by the board. Persons qualifying under this paragraph may write the journeyman's examination after completion of the 576 hours of instruction if application is made within one year of the completion of the instruction.

Sec. 169. 32 MRSA §2201, sub-§§2 and 3, as amended by PL 1985, c. 724, §18, are further amended to read:

2. High school. Has completed an approved 4-year high school course of study or the equivalent thereof; and

3. Professional school. Has completed a course of not less than 2 years in an approved professional school of nursing and holds a diploma.

In case of transfer of a student from one approved school of nursing to another, the time allowance for previous preparation shall be determined by the board, provided that not less than one year shall have been spent in the school from which she receives her diploma. In case of transfer of a student because of closing of a school of nursing, the board shall determine the length of time required to be spent in the school of nursing granting her diploma;

Sec. 170. 32 MRSA §2432, sub-§11, as amended by PL 1983, c. 176, Pt. A, §15, and as repealed by PL 1983, c. 378, §31, is repealed.

Sec. 171. 32 MRSA c. 105, first 2 lines, as enacted by PL 1985, c. 389, §28, are repealed and the following enacted in their place:

CHAPTER 104

DIETITIANS

Sec. 172. 32 MRSA c. 105, first 2 lines, as enacted by PL 1985, c. 496, Pt. A, §2, are repealed and the following enacted in their place:

CHAPTER 104-A

UNDERGROUND OIL AND HAZARDOUS SUBSTANCE STORAGE TANK INSTALLERS

Sec. 173. 32 MRSA c. 111, first 2 lines are repealed and the following enacted in their place:

CHAPTER 109-A

MAINE FAIR DEBT COLLECTION PRACTICES ACT

Sec. 174. 32 MRSA c. 109, first 2 lines are repealed and the following enacted in their place:

CHAPTER 111-A

MAINE COMMODITY CODE

Sec. 175. 34 MRSA, as repealed by PL 1983, c. 459, §5, and as amended is repealed.

Sec. 176. 34-A MRSA §5402, sub-§2, ¶B, as amended by PL 1985, c. 785, Pt. B, §161 and c. 821, §28, is repealed and the following enacted in its place:

B. Appoint, subject to the Civil Service Law, district probation and parole supervisors, field probation and parole officers, Intensive Supervision Program officers and such other employees as may be required to carry out adequate supervision of all probationers and of all parolees from the correctional facilities and all persons on intensive supervision;

Sec. 177. 34-B MRSA §1403, sub-§4 is enacted to read:

4. Military and Naval Children's Home. This section does not apply to the Military and Naval Children's Home.

Sec. 178. 36 MRSA §175, as enacted by PL 1985, c. 678 and c. 691, §5, is repealed and the following enacted in its place:

§175. Applicants for license or renewal of license

1. Information provided to State Tax Assessor. Every department, board, commission, division, authority, district or other agency of the State issuing or renewing a license or other authority to conduct a profession, trade or business shall annually, beginning in 1988 on or before April 1st, furnish to the State Tax Assessor, in such form as the State Tax Assessor may prescribe, a list of all licenses or certificates of authority issued or renewed by that agency during the preceding calendar year. The list provided to the State Tax Assessor shall contain the name, address, Social Security or federal identification number of the licensees and such other identifying information as the State Tax Assessor may by rule require. Notwithstanding other provisions of law, all persons seeking a license or certificate of authority or a renewal beginning on or after January 1, 1987, shall provide and the responsible agency shall collect the information required by the State Tax Assessor under this section. Failure by persons to provide a licensing or certifying agency that information shall result in an automatic denial of any request for a license or certificate of authority or a renewal.

2. Failure to file or pay taxes; denial of license or renewal. If the State Tax Assessor determines, from the information formulated under subsection 1 or otherwise, that any person who holds a license or certificate of authority issued by that agency has neglected or refused to file any returns required under this Title which has become final, the State Tax Assessor shall notify the person in writing that refusal to file the required tax return may result in loss of license or certificate of authority. If the person continues to fail to file or show reason why he is not required to file, the State Tax Assessor shall notify the person in writing of his determination to prevent renewal or reissuance of the license or certificate of authority by the issuing agency. A review of this determination is available by requesting a petition for reconsideration under section 151, subject to appeal to the Superior Court in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375. Either by failure to proceed to the next step of appeal or by exhaustion of the steps of appeal, the determination of the State Tax Assessor's right to prevent renewal or reissuance becomes final unless otherwise determined by appeal.

3. Refusal of license or certificate by licensing agency. Any issuing agency which is notified by the State Tax Assessor of his finalized determination to prevent renewal or reissuance of a license or certificate of authority under subsection 2 shall refuse to reissue, renew or otherwise extend that license or certificate of authority until the agency receives a certificate issued by the State Tax Assessor that the person is in good standing with respect to any and all returns due as of the date of issuance of the certificate.

Sec. 179. 36 MRSA §175-A is enacted to read:

§175-A. Tax lien

1. Filing. If any tax imposed by this Title is not paid when due, the State Tax Assessor may file in the registry of deeds of any county or in the office in which a financing statement with respect to tangible personal property is properly filed with Title 11, section 9-401, subsection (1), paragraph (b), a notice of lien specifying the amount of the tax, interest, penalty and costs due, the name and last known address of the person liable for the amount and the fact that the State Tax Assessor has complied with all the provisions of this Title in the assessment of the tax. From the time of filing, the amount set forth in a certificate filed in a registry of deeds of a county constitutes a lien upon all real property in that county then owned or thereafter acquired by that person in the period before the expiration of the lien. From the time of filing, the amount set forth in a certificate filed in the office in which a financing statement with respect to personal property is properly filed constitutes a lien upon all personal property in this State then owned or thereafter acquired by that person in the period before the expiration of the lien, except that that lien upon personal property shall not extend to those types of personal property which are not subject to perfection of a security interest by means of the filing under Title 11, sections 9-104, subsection (7); 9-104, subsection (12); 9-302, subsection (3); and 9-304. The lien shall be prior to any mortgage or security interest recorded, filed or otherwise perfected after the notice, other than a purchase money security interest perfected in accordance with Title 11, section 9-301, subsection (2) and 9-312, subsection (4). In the case of any mortgage or security interest properly recorded or filed prior to the notice of lien which secures future advances by the mortgagee or secured party, the lien shall be junior to all advances made within 45 days after filing of the notice of lien, or made without knowledge of the lien or pursuant to a commitment entered into without knowledge of the lien. Subject to the limitations in this section, the lien provided in this section has the same force, effect and priority as a judgment lien and shall continue for 5 years from the date of recording unless sooner released or otherwise discharged. The lien may, within the 5-year period, or within 5 years from the date of the last extension of the lien in the manner provided in this subsection, be extended by filing for record in the appropriate office a copy of the notice and, from the time of filing, that lien shall be extended for 5 years unless sooner released or otherwise discharged.

2. Release. The State Tax Assessor shall issue to the taxpayer a certificate of release of the lien or release all or any portion of the property subject to any lien provided for in this Part or subordinate the lien to other liens if:

A. The State Tax Assessor finds that the liability for the amount demanded, together with costs, has been satisfied or has become unenforceable by reason of lapse of time;

B. A bond is furnished to the State Tax Assessor with surety approved by the State Tax Assessor in a sum

sufficient to equal the amount demanded, together with costs, and conditioned upon payment of any judgment rendered in proceedings regularly instituted by the State Tax Assessor to enforce collection of the bond at law or of any amount agreed upon in writing by the State Tax Assessor to constitute the full amount of the liability;

C. The State Tax Assessor determines at any time that the interest of this State in the property has no value; or

D. The State Tax Assessor determines that the taxes are sufficiently secured by a lien on other property of the taxpayer or that the release or subordination of the lien will not endanger or jeopardize the collection of the taxes.

3. Enforcement. The lien provided for by subsection 1 may be enforced at any time after the tax liability with respect to which the lien arose becomes collectible under section 173, subsection 1 by a civil action brought by the Attorney General in the name of the State in the Superior Court of the county in which the property is located to subject any property, of whatever nature, in which the taxpayer has any right, title or interest, to the payment of such tax or liability. The court shall, after the parties have been duly notified of the action, proceed to adjudicate all matters involved in the action and finally determine the merits of all claims to and liens upon the property, and, in all cases where a claim or interest of the State therein is established, may decree a sale of the property by the proper officer of the court and a distribution of the proceeds of such sale according to the findings of the court. If the property is sold to satisfy a lien held by the State, the State may bid at the sale such sum, not exceeding the amount of that lien plus expenses of sale, as the State Tax Assessor directs.

Sec. 180. 36 MRSA §1765, as amended by PL 1987, c. 49, §§3 and 4, and c. 128, §3, is repealed and the following enacted in its place:

§1765. Trade-in credit

When one or more of the following items of tangible personal property are traded in toward the sale price of another of the same kind of the following items, the tax imposed by this Part shall be levied only upon the difference between the sale price of the purchased property and the trade-in allowance of the property taken in trade, except for transactions between dealers involving exchange of the property from inventory:

1. Motor vehicles. Motor vehicles;

2. Farm tractors. Farm tractors;

3. Boats. Boats;

4. Aircraft. Aircraft;

5. Lumber harvesting vehicles. Self-propelled vehicles used to harvest lumber;

6. Chain saws. Chain saws;

7. Special mobile equipment. Special mobile equipment to the extent of 20% of the trade-in allowance for the property taken in trade;

8. Livestock trailers. Livestock trailers, including horse trailers; or

9. Camper trailers. Camper trailers.

Sec. 181. 36 MRSA §1812, as repealed and replaced by PL 1985, c. 783, §6, is repealed and the following enacted in its place:

§1812. Adding tax to sale price

1. Computation. Every retailer shall add the sales tax imposed by chapters 211 to 225, or the average equivalent of that tax, to his sale price, except as otherwise provided, and when added the tax shall constitute a part of the price, shall be a debt of the purchaser to the retailer until paid and shall be recoverable at law in the same manner as the purchase price. When the sale price shall involve a fraction of a dollar, the tax shall be added to the sale price upon the following schedules:

A. If the tax rate is 5%:

<u>Amount of Sale Price</u>	<u>Amount of Tax</u>
<u>\$0.01 to \$0.10, inclusive</u>	<u>0¢</u>
<u>.11 to .20, inclusive</u>	<u>1¢</u>
<u>.21 to .40, inclusive</u>	<u>2¢</u>
<u>.41 to .60, inclusive</u>	<u>3¢</u>
<u>.61 to .80, inclusive</u>	<u>4¢</u>
<u>.81 to 1.00, inclusive</u>	<u>5¢</u>

B. If the tax rate is 7%:

<u>Amount of Sale Price</u>	<u>Amount of Tax</u>
<u>\$0.01 to \$0.07, inclusive</u>	<u>0¢</u>
<u>.08 to .21, inclusive</u>	<u>1¢</u>
<u>.22 to .35, inclusive</u>	<u>2¢</u>
<u>.36 to .49, inclusive</u>	<u>3¢</u>
<u>.50 to .64, inclusive</u>	<u>4¢</u>
<u>.65 to .78, inclusive</u>	<u>5¢</u>
<u>.79 to .92, inclusive</u>	<u>6¢</u>
<u>.93 to 1.00, inclusive</u>	<u>7¢</u>

When the sale price exceeds \$1, the tax to be added to the price shall be the scheduled amount for each whole dollar plus the scheduled amount for each fractional part of \$1.

2. Several items. When several purchases are made together and at the same time, the tax shall be computed on the total amount of the several items, except that purchases taxed at 5% and 7% shall be separately totaled.

3. Breakage. Breakage under this section shall be retained by the retailer as compensation for the collection.

Sec. 182. 36 MRSA §2694, sub-§2, as enacted by PL 1985, c. 651, §2, is amended to read:

2. Telecommunication service. "Telecommunications service" means the transmission of any interactive 2-way electromagnetic communications, including voice, image, data and information. Transmission of electromagnetic communications includes the use of any media such as wires, cables, including 5 fiber optical cables and television cables, microwaves, radio waves, light waves or any combination of those or similar media. "Telecommunications services" includes telegraph service. "Telecommunications service" does not include value added nonvoice services in which computer processing applications are used to act on the form, content, code and protocol of the information to be transmitted unless those services are provided under tariff approved by the Public Utilities Commission.

Sec. 183. 36 MRSA §2908, as amended by PL 1983, c. 94, Pt. C, §14, and c. 94, Pt. D, §1, is repealed and the following enacted in its place:

§2908. Refund of tax less 1¢ per gallon in certain cases; time limit

Any person, association of persons, firm or corporation who shall buy and use any internal combustion engine fuel as defined in this chapter for the purpose of operating or propelling commercial motor boats, tractors used for agricultural purposes not operating on public ways, or for registered vehicles operating off the highways of this State, or vehicles owned or operated by railroad companies while operating on rails or tracks, or in stationary engines, or in the mechanical or industrial arts, or for any other commercial use except in nonrailroad motor vehicles operated or intended to be operated upon any of the public highways of this State, or turnpikes operated and maintained by the Maine Turnpike Authority, or except as provided in section 2910, in the operation of aircraft, and who shall have paid any tax on internal combustion engine fuel levied or directed to be paid as provided by this chapter, either directly by the collection of the tax by the vendor from the consumer, or indirectly by adding the amount of that tax to the price of that fuel and paid by that consumer, shall be reimbursed and repaid the amount of the tax paid by him less 1¢ per gallon upon presenting to the State Tax Assessor a sworn statement accompanied by the original invoices or other evidence as the State Tax Assessor may require showing those purchases, which statement shall show the total amount of the fuel so purchased and used by that consumer other than in nonrailroad motor vehicles operated or intended to be operated upon any of the public highways of the State and in the operation of aircraft. Applications for refunds shall be filed with the State Tax Assessor within 15 months from the date of purchase.

A monthly refund application on a form prescribed by the State Tax Assessor may be filed at the close of any month to claim refunds for the excise tax on internal combustion engine fuel, as defined in this chapter, bought and used in registered vehicles operating off the highways of this State. That application shall be processed and approved for payment promptly. Interest shall be paid at the same rate as is computed under section 186 calculated from the date of receipt of the monthly claim for all proper claims not paid within 30 days of receipt. The applicant shall file quarterly substantiating information in the same manner as prescribed in section 3209.

All fuel qualifying for a refund under this section is subject to the use tax levy in accordance with chapter 215.

Sec. 184. 36 MRSA §3035, as amended by PL 1983, c. 94, Pt. C, §§18 and 19; as repealed by PL 1983, c. 94, Pt. D, §5; and as enacted by PL 1983, c. 438, §4, is repealed.

Sec. 185. 36 MRSA §3203, as repealed and replaced by PL 1983, c. 817, §7, and as amended by PL 1983, c. 828, §8, is repealed and the following enacted in its place:

§3203. Tax levied

An excise tax is levied and imposed upon all suppliers of special fuel sold and on all users of special fuel used in this State on each gallon of distillate at the rate prescribed in section 2903 and on each gallon of low-energy fuel at the rate prescribed in section 2903, less 1¢, except sales of special fuel made to the State or any political subdivision of the State; the special fuel sold or used in such form and under such circumstances as shall preclude the collection of this tax by reasons of the laws of the United States; sold only for exportation from this State; delivered into a tank used solely for heating or cooking purposes, sold for resale to a licensed or registered supplier; and sold to a person for the generation of power for resale or manufacturing. When special fuel is delivered by a supplier on a consignment basis to a consumer or to a retail outlet, whether the retail outlet is wholly owned by the supplier or not, it shall be considered to have been "sold" within the meaning of the Special Fuel Tax Act. All taxes collected under this section shall be credited to the Highway Fund. When kerosene is delivered into a separate tank for retail sale, the excise tax is not to be collected by the supplier, rather licensed users shall remit the tax in accordance with section 3207.

Sec. 186. 36 MRSA §4312, first ¶, as repealed and replaced by PL 1985, c. 737, Pt. A, §99 and c. 779, §82, 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. 187. 36 MRSA §4563, sub-§5, as repealed by PL 1985, c. 753, §§5 and 15, and as amended by PL 1985, c. 785, Pt. B, §172, is repealed.

Sec. 188. 36 MRSA §5146, as amended by PL 1985, c. 766, §2 and as repealed by PL 1985, c. 783, §27, is repealed.

Sec. 189. 36 MRSA §5220, first ¶, as amended by PL 1985, c. 535, §19 and c. 783, §37, is repealed and the following enacted in its place:

An income tax return or franchise tax return with respect to the tax imposed by this Part shall be made, on such forms as may be required by the State Tax Assessor, by the following:

Sec. 190. 36 MRSA §5220, sub-§5, as amended by PL 1985, c. 535, §20, and as repealed and replaced by PL 1985, c. 675, §2, is repealed and the following enacted in its place:

5. Certain taxable corporations. Every taxable corporation or taxable entity which is required to file a federal income tax return. A taxable corporation or taxable entity which is a member of an affiliated group and which is engaged in a unitary business with one or more other members of that affiliated group shall file, in addition, a combined report, in accordance with section 5244. The State Tax Assessor may allow 2 or more taxable corporations or taxable entities which are members of an affiliated group and which are engaged in a unitary business to file a single return on which the aggregate Maine income tax liability of all those corporations or entities is reported.

Sec. 191. 36 MRSA §5254, as amended by PL 1985, c. 535, §25 and c. 691, §39, is repealed and the following enacted in its place:

§5254. Liability for withheld taxes

Every person required to deduct and withhold tax under this Part is hereby made liable for such tax. For purposes of assessment and collection, any amount required to be withheld and paid over to the assessor, and any additions to tax, penalties and interest with respect thereto, shall be considered the tax of that person. No person may have any right of action against a person in respect to any money deducted and withheld and paid over to the assessor in compliance or in intended compliance with this Part.

Sec. 192. 36 MRSA §5276-A, sub-§1, as amended by PL 1985, c. 652, §53 and c. 779, §83, is repealed and the following enacted in its place:

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. Liquidated child support debts that the Department of Human Services has contracted to collect, pursuant to Title 19, section 448-A or 495, subsection 2, shall be eligible, under the provisions of this section, for setoff against any refund due the obligated individual. The State Tax Assessor shall provide the creditor agency with the name, address and social security number of each debtor whose refund will be subject to offset.

Sec. 193. 36 MRSA §5285, sub-§§1 and 2, as enacted by PL 1985, c. 441, §4, are amended to read:

1. Maine Children's Trust Fund. Taxpayers who, when filing their returns, are entitled to a refund under this Part may designate a portion of that refund, to be paid into the Maine Children's Trust Fund established in Title 22, chapter ~~1081~~ 1052. Each individual in substantially the following form: "Contributions to Maine Children's Trust Fund: () \$1, () \$5, () \$10 or () Other \$."

2. Contributions credited to the Maine Children's Trust Fund. The State Tax Assessor shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, he shall deduct the cost of administering the Maine Children's Trust Fund checkoff, but not exceeding \$2,000 annually, and report the remainder to the Treasurer of State, who shall credit that amount to the Maine Children's Trust Fund, which is established in Title 22, chapter ~~1081~~ 1052. Interest earned by contributions in the fund shall be credited to the fund.

Sec. 194. 37-B MRSA §706, as amended by PL 1985, c. 737, Pt. A, §106, is repealed.

Sec. 195. 38 MRSA §349, sub-§4, as repealed by PL 1985, c. 162, §3 and as amended by PL 1985, c. 485, §1, is repealed.

Sec. 196. 38 MRSA §361-A, sub-§5, as amended by PL 1985, c. 698, §3, is further amended to read:

5. Estuarine and marine waters. "Estuarine and marine waters" means those portions of the Atlantic Ocean within the jurisdiction of the State, and all other waters of the State subject to the rise and fall of the tide except those sections waters listed and classified in sections 467 and 468.

Sec. 197. 38 MRSA §407-A, sub-§1, ¶C, as enacted

by PL 1985, c. 485, §5, is amended to read:

C. Which are not subject to the jurisdiction of sections 391 to 396, sections 425 to 430 and sections 471 to 478 or ~~Title 12, sections 7776 to 7780.~~

Sec. 198. 38 MRSA §436, sub-§1-E, as enacted by PL 1985, c. 794, Pt. A, §7, is amended is read:

1-E. Maritime activities. "Maritime activities" includes the construction, repair, storage, loading and unloading of boats, ~~chancellery~~ chandlery and other commercial activities designed and intended to facilitate maritime trade.

Sec. 199. 38 MRSA §563, sub-§3, as amended by PL 1985, c. 626, §2, is further amended to read:

3. Amended registration required. The owner or operator of an underground oil storage facility shall file an amended registration form with the department immediately upon any change in the information required pursuant to subsection 2. No fee may be ~~charge~~ charged for filing an amended registration.

Sec. 200. 38 MRSA §564, sub-§1, ¶B, as amended by PL 1985, c. 626, §3, is further amended to read:

B. All new and replacement facilities shall be installed by an underground oil storage tank installer who has been properly certified pursuant to Title 32, chapter ~~105~~ 104-A, and shall be registered with the department prior to installation pursuant to section 563.

Sec. 201. 38 MRSA §565, sub-§1, ¶B, as amended by PL 1985, c. 626, §6, is further amended to read:

B. All new and replacement facilities shall be installed by an underground oil storage tank installer who has been properly certified pursuant to Title 32, chapter ~~105~~ 104-A, and shall be registered with the department prior to installation pursuant to section 563.

Sec. 202. 38 MRSA §567, first ¶, as amended by PL 1985, c. 763, Pt. A, §98, is further amended to read:

No person may install an underground oil storage facility or tank after May 1, 1986, without first having been certified by the Board of Underground Oil Storage Tank Installers, pursuant to Title 32, chapter ~~105~~ 104-A. Prior to December 31, 1986, when the board determines that reasonable extenuating circumstances prevent the administration or completion of a certification test by May 1, 1986, pursuant to Title 32, sections 10009 and 10010, it may issue a provisional certificate valid until December 31, 1986.

Sec. 203. 38 MRSA §633, sub-§2, as enacted by PL 1983, c. 458, §18, is amended to read:

2. Exceptions. This subarticle shall not apply to activities for which, prior to the effective date of this Act, a permit or permits have been issued pursuant to any of the following laws: Land use regulation laws, Title 12, sections 681 to 689; stream alteration laws, ~~Title 12, sections 7776 425 to 7780 430~~; great ponds laws, sections 391 to 394; alteration of coastal wetlands laws, sections 471 to 478; site location of development laws, sections 481 to 490; and small hydroelectric generating facilities laws, ~~sections 621 to 626~~ this subarticle.

Sec. 204. 38 MRSA §818, sub-§3, as enacted by PL 1983, c. 417, §6, is amended to read:

3. Other powers. No provision of this ~~Article~~ article may be construed as limiting the powers of the Bureau of Civil Emergency Preparedness under Title ~~37-A~~ 37-B, sections ~~180 1051 to 186 1059~~.

Sec. 205. 38 MRSA §840, sub-§1, ¶D, as enacted by PL 1983, c. 417, §6, is amended to read:

D. Operating with a permit setting water levels issued under the great ponds laws, sections 391 to 394; the alteration of coastal wetlands laws, sections 471 to 478; the site location of development laws, sections 481 to 490; the small hydroelectric generating facilities laws, sections ~~621 631 to 626 636~~; the land use regulation laws, Title 12, sections 681 to 689; the stream alteration laws, ~~Title 12, sections 7776 425 to 7780 430~~; or any other statute regulating the construction or operation of dams.

Sec. 206. 38 MRSA is amended by inserting before §1481 the following:

SUBCHAPTER III-A

LOW-LEVEL RADIOACTIVE WASTE DISPOSAL

Sec. 207. 39 MRSA §24, as amended by PL 1977, c. 696, §403, is further amended to read:

§24. Voluntary election

Any private employer, any of whose employees are exempt, may become subject to this Act with respect to his employees and the act of the employer in securing the payment of compensation to such employee or class of employees in conformity with sections ~~21 21-A~~ to 27 shall constitute as to such employer his election to become subject to this Act without any further act on his part, but only with respect to that employee or that class of employees with respect to whom the employer has secured compensation as provided in sections ~~21 21-A~~ to 27, provided that, as to any employer who secures compensation by making a contract of workers' compensation insurance, such election shall be deemed to have been made on the effective date of the insurance policy.

Sec. 208. 39 MRSA §25, sub-§1, as enacted by PL 1981, c. 637, §7, is amended to read:

1. Benefit system. Subject to the approval of the Superintendent of Insurance, any employer may continue with his employees, in lieu of the compensation, benefits and insurance provided by this Act, the system thereof which was used by such employer on January 1, 1915. No such substitute system may be approved unless it confers benefits upon injured employees at least equivalent to the benefits provided by this Act, nor if it requires contributions from the employees, unless it confers benefits in addition to those provided under this Act at least commensurate with such contributions. Such substitute system may be terminated by the superintendent with the advice of the commission on reasonable notice and hearing to the interested parties, if it appears that the substitute system is not fairly administered, or if its operation discloses latent defects threatening its solvency, or if for any substantial reason it fails to accomplish the purposes of this Act. Notwithstanding Title 5, section 10051, the superintendent is expressly granted the authority to revoke or suspend the authority of an employer to continue with a substitute system of benefits under this section after a hearing held in accordance with Title 5, chapter 375, subchapter IV, and Title 24-A, chapter 3. An employer who is authorized to substitute a plan under sections ~~21 21-A~~ to 27 shall give his employees notice thereof in a form to be prescribed by the commission, and a statement of the plan approved shall be filed with the superintendent.

Sec. 209. 39 MRSA §27, as amended by PL 1977, c. 696, §404, is further amended to read:

§27. Preservation of existing employer status

An employer with a currently approved workers' compensation policy, or a currently accepted self-insurer, within sections ~~21 21-A~~ to 27 shall be considered in compliance with this Act until the expiration or cancellation date of the current assent based thereon.

Sec. 210. 39 MRSA §107, first ¶, as amended by PL 1973, c. 585, §12, is further amended to read:

Every insurance company insuring employers under this Act shall fill out any blanks and answer all questions submitted to it that may relate to policies, premiums, amount of compensation paid and such other information as the commission or the Insurance Superintendent may deem important, either for the proper administration of this Act or for statistical purposes. Any insurance company which shall refuse to fill out such blanks or answer such questions shall be liable to a forfeiture of \$10 for each day of such refusal, to be enforced by the commission in a civil action in the name of the State. All ~~moneys~~ money recovered under this section or section 106, or under sections ~~21 21-A~~ to 27, shall be paid into the State Treasury and credited to the appropriation for the administration of this Act.

Sec. 211. PL 1987, c. 68, §9, 3rd ¶ is repealed as follows:

~~The first meeting of the committee shall be convened by the chairman of the Legislative Council.~~

Sec. 212. PL 1985, c. 732, §7, is repealed.

Sec. 213. PL 1985, c. 785, Pt. A, § 92, first 2 lines are repealed and the following enacted in their place:

Sec. 92. 20-A MRSA §13506, sub-§2, as enacted by PL 1983, c. 859, Pt. J, §2, is amended to read:

Sec. 214. PL 1985, c. 805, first 2 lines after enacting clause, are repealed and the following enacted in their place:

12 MRSA §6862, as enacted by PL 1985, c. 129, §2 and as repealed by 12 MRSA §6862, sub-§5, is reenacted to read:

Sec. 215. PL 1985, c. 809, first 2 lines after the enacting clause, are repealed and the following enacted in their place:

3 MRSA §227, first ¶, as amended by PL 1985, c. 775, §3, is further amended to read:

Sec. 216. P&SL 1985, c. 121, §1 is amended to read:

Sec. 1. **Authorization of bonds to provide for sewer treatment facilities.** The Treasurer of State is authorized, under the direction of the Governor, to issue from time to time registered bonds in the name and behalf of the State to an amount not exceeding \$12,000,000, for the purpose of raising funds to provide for sewer treatment facilities ~~and storage of road salt and sand~~ as authorized by section 6. The bonds shall be deemed a pledge of the full faith and credit of the State. The bonds shall not run for a longer period than 15 years from the date of the original issue of the bonds. Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor.

PART B

Sec. 1. 3 MRSA §2, 4th ¶, as enacted by PL 1985, c. 693, §5, is amended to read:

Each member of the Senate and House of Representatives shall be reimbursed for actual regular airfare expenses from his place of abode to Augusta for one round trip each week when the Legislature is in regular session and, when the Legislature is not in regular session, for days when meetings or daily sessions are held, provided that: The distance from his place of abode to Augusta is more than 150 miles, the mileage is determined by the most reasonable direct route and reimbursement will be capped at commercial flight rate.

Sec. 2. 5 MRSA c. 63, as amended, is repealed.

Sec. 3. 5 MRSA §1876, sub-§1, ¶¶I and J, as enacted by PL 1985, c. 785, Pt. A, §78, are amended to read:

I. The Board of Trustees of Group Accident and Sickness or Health Insurance; and

J. Division of administrative services, the head of which shall be the Director of Administrative Services; and

Sec. 4. 5 MRSA §1876, sub-§1, ¶K is enacted to read:

K. The Capitol Planning Commission.

Sec. 5. 5 MRSA §4594-B, sub-§3, ¶B, as enacted by PL 1987, c. 112, is amended to read:

B. Plans to reconstruct, remodel or enlarge an existing place of public accommodation, when the estimated total cost exceeds \$150,000, shall be subject to this section when the proposed reconstruction, remodeling or enlargement will substantially affect that portion of the building normally accessible to the public.

Facilities subject to this section which are remodeled, enlarged or renovated on or after January 1, 1988, shall meet the requirements of the following 4 parts of the standards of construction:

(1) 4.3 accessible routes;

(2) ~~4.3~~ 4.13 doors;

(3) 4.17 toilet stalls; and

(4) 4.29.3 tactile warnings on doors to hazardous areas.

Sec. 6. 5 MRSA §7036, sub-§18, as enacted by PL 1985, c. 785, Pt. B, §38, is repealed.

Sec. 7. **Effective date.** The Maine Revised Statutes, Title 5, section 7036, subsection 18, as repealed in this Act, shall take effect on July 1, 1987.

Sec. 8. 5 MRSA §7039, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

§7039. Civil Service Law

The Civil Service Law shall consist of chapters 56, 60, 65, 67, 68, 69, 71 and this chapter. Whenever reference is made in statute or rule to the Civil Service Law, the chapters delineated in this section shall apply.

Sec. 9. **Effective date.** The Maine Revised Statutes, Title 5, section 7039, as amended in this Act, shall take effect on July 1, 1987.

Sec. 10. 5 MRSA §7064, sub-§2, as enacted by PL 1985, c. 785, Pt. B, §38, is amended to read:

2. Eligibility of unclassified employees for classified service. In addition to any other provisions in this chapter, unclassified employees listed in section 931, subsec-

tion 1, paragraph H, and other unclassified employees, except those cited in section 931, subsection 1, paragraphs A to G, and paragraphs I and J, and in sections 931 to 953, shall be eligible for appointment to the classified service on the same basis as other members of the classified service.

Sec. 11. 5 MRSA §12004, sub-§8, ¶A, sub-¶(4-A), as repealed and replaced by PL 1985, c. 695, §8 and c. 732, §8, is repealed and the following enacted in its place:

(4-A)	Education	Board of Trustees of the Maine Vocational-Technical Institute System	Expenses only	20-A MRSA, §12705
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Sec. 12. 5 MRSA §12004, sub-§10, ¶A, sub-¶(2) is repealed.

Sec. 13. 5 MRSA §12004, sub-§10, ¶A, sub-¶(19) is repealed.

Sec. 14. 10 MRSA §1026-B, sub-§2, as amended by PL 1985, c. 714, §20, is further amended to read:

2. Insurance. Any mortgage insurance provided pursuant to this section shall be subject to the following:

A. The original principal amount of mortgage insurance shall not exceed \$500,000; and

B. The authority may insure no more than 85% of the mortgage payments; ; and

C. The authority may issue mortgage payments under this section provided that the aggregate amount of principal obligations of all mortgages so insured outstanding at any one time shall not exceed \$4,500,000.

Sec. 15. 12 MRSA §7827, sub-§4-A, as enacted by PL 1979, c. 543, §79, is amended to read:

4-A. Unlawfully operating a vehicle on a snowmobile trail. A person is guilty of unlawfully operating a vehicle on a snowmobile trail if he operates any 4-wheel drive vehicle, dune buggy, all-terrain vehicle, motorcycle or any other ~~motorized~~ motor vehicle, other than a snowmobile and appurtenant equipment, ~~over the snow on roads and snowmobile trails maintained for snowmobile use and which are financed in whole or in part with funds from the Snowmobile Trail Fund, unless such that use has been authorized by the landowner or his agent, or unless the use is necessitated by an emergency involving safety of persons or property.~~

Sec. 16. 17 MRSA §331, sub-§7, as enacted by PL 1987, c. 190, §3, is amended to read:

7. Special exempt raffle license; prizes over \$10,000. The Chief of the State Police may issue one special exempt raffle license per year to any organization, department or class eligible to hold a raffle under subsection 6 without obtaining a license. The special

exempt raffle license entitles the licensee to hold one raffle in which the holder of a winning chance receives something of value worth more than \$10,000 but not more than \$25,000. Section 341 does not apply to raffles licensed under this section.

Sec. 17. Effective date. The Maine Revised Statutes, Title 17, section 331, subsection 7, as amended in this Act, shall take effect 90 after adjournment of the Legislature.

Sec. 18. 23 MRSA §652, sub-§1, as amended by PL 1971, c. 593, §2, is further amended to read:

1. Change of grade. Whenever the department shall change the grade of any state or state aid highway as provided in chapters 1 to 19 to the injury of an owner of adjoining land, such owner may within 24 months after completion of the work according to the records of the department apply to the department in writing for a determination and assessment of his damages. If the department is unable to settle such damages at what it deems a reasonable amount, the department or interested parties may apply to the ~~Land Damage State Claims~~ Board in writing for a determination and assessment of the damages.

Sec. 19. 23 MRSA §652, sub-§2, ¶E, as amended by PL 1971, c. 593, §22, is further amended to read:

E. If the department is unable to settle at what it deems a reasonable settlement, the department or owner may apply to the ~~Land Damage State Claims~~ Board in writing for a determination of the alleged cause and assessment of the damage. The proceedings shall then be the same as in condemnation cases.

Sec. 20. 24 MRSA §2511, as repealed and replaced by PL 1985, c. 737, Pt. A, §59 and c. 804, §7, is repealed and the following enacted in its place:

§2511. Immunity

Any person, physician, health care provider professional society or member of a professional competence committee or of any board or authority acting without malice, in making any report or other information available to any appropriate board or authority pursuant to law or in assisting in the origination, investigation or preparation of that information or in assisting the board or authority 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. 21. 26 MRSA §832, sub-§1, as reallocated by PL 1983, c. 583, §15 is amended to read:

1. Employee. "Employee" means a person who performs a service for wages or other remuneration under a contract of hire, written or oral, expressed or implied, but does not include an independent contractor engaged

in lobster fishing. Employee includes a person employed by the State or a political subdivision of the State.

Sec. 22. 36 MRSA §191, sub-§2, ¶K, as amended by PL 1987, c. 19, §2; c. 43; and c. 201, §2, is repealed and the following enacted in its place:

K. The disclosure by a municipal assessor, or by the State Tax Assessor with regard to the unorganized territory, of information contained on the declaration of value form required by section 4641-B;

Sec. 23. Effective date. The Maine Revised Statutes, Title 36, section 191, subsection 2, paragraph K, as repealed and replaced in this Act, shall take effect 90 days after adjournment of the Legislature.

Sec. 24. 36 MRSA §191, sub-§2, ¶L, as enacted by PL 1987, c. 19, §3 and c. 201, §3, is repealed and the following enacted in its place:

L. The listing of gasoline distributors possessing a certificate under section 2904; and

Sec. 25. Effective date. The Maine Revised Statutes, Title 36, section 191, subsection 2, paragraph L, as repealed and replaced in this Act, shall take effect 90 days after adjournment of the Legislature.

Sec. 26. 36 MRSA §191, sub-§2, ¶M is enacted to read:

M. The disclosure to an authorized representative of the Department of Human Services of the most recent address of a delinquent payor of child support when a written request containing the payor's Social Security number is made by the department.

Sec. 27. Effective date. The Maine Revised Statutes, Title 36, section 191, subsection 2, paragraph M, as enacted in this Act, shall take effect 90 days after adjournment of the Legislature.

Sec. 28. 36 MRSA §5254, as amended by PL 1985, c. 535, §25 and c. 691, §39, is repealed and the following enacted in its place:

§5254. Liability for withheld taxes

Every person required to deduct and withhold tax under this Part is hereby made liable for such tax. For purposes of assessment and collection, any amount required to be withheld and paid over to the assessor, and any additions to tax, penalties and interest with respect thereto, shall be considered the tax of that person. No person may have any right of action against a person in respect to any money deducted and withheld and paid over to the assessor in compliance or in intended compliance with this Part.

Sec. 29. PL 1987, c. 180, §6, 7th and 8th lines, are amended to read:

Bureau of Water Quality
Control
Maine Environmental
Protection Fund

Sec. 30. PL 1987, c. 197, §6, 5th and 6th lines are repealed and the following enacted in its place:

PUBLIC SAFETY, DE-
PARTMENT OF

Licensing and Enforcement —
Beano/Games of Chance

PL 1985, c. 785, emergency clause is amended to read:

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect on July 1, 1986, except: Part A, only that portion of section 47 enacting the Maine Revised Statutes, Title 5, section 947-A, subsection 1, paragraph D, shall take effect on July 1, 1987; Part A, only that portion of section 78 enacting the Maine Revised Statutes, Title 5, section ~~1875~~ 1876, subsection 1, paragraph C, shall take effect on July 1, 1987; Part B, only that portion of section 38 enacting the Maine Revised Statutes, Title 5, chapter 372, subchapter I, article I, shall take effect on July 1, 1987.

PART C

Sec. 1. 13-A MRSA §1301, sub-§3, as amended by PL 1977, c. 130, §§22 to 24, is further amended to read:

3. The annual report shall be executed as provided by section 104, except that signing by any one of the president, a vice-president, the secretary, the treasurer or an assistant secretary, without a 2nd signature, shall be deemed valid under section 104, subsection 1, paragraph B, subparagraph (2). Such Subject to rules adopted under section 1303, subsection 4, the report shall be delivered to the Secretary of State for filing between the first day of January and the first day of June of the year next succeeding the calendar year for which the report is to be made. Proof to the satisfaction of the Secretary of State that on or prior to the first day of June such report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, shall be deemed a compliance with this requirement. One copy of the report, together with the filing fee required by this Act, shall be delivered for filing to the Secretary of State who shall file the report, if he finds that it conforms to the requirements of this Act. If he finds that it does not so conform, he shall promptly mail or otherwise return the same to the corporation for any necessary corrections, in which event the penalties prescribed by this Act for failure to file such report within the time herein provided shall not apply, if such report is corrected to conform to the requirements of this Act and returned to the Secretary of State within 30 days from the date on which it was so mailed or otherwise returned to the corporation by the Secretary of State.

Sec. 2. 13-A MRSA §1303, sub-§§2 and 3, as enacted by PL 1971, c. 439, §1, are amended to read:

2. The power to prescribe forms for all documents required or permitted to be filed with him, and to refuse to file documents not utilizing such forms to the extent possible; ~~and~~

3. The power to refuse to file any document which is not clearly legible, or which may not be clearly reproducible photographically; ~~; and~~

Sec. 3. 13-A MRSA §1303, sub-§4 is enacted to read;

4. The power, through the rule-making process, to provide alternative dates for filing annual reports and for determining the dates covered by those reports.

Sec. 4. 13-B MRSA §1301, sub-§4, as enacted by PL 1977, c. 525, §13, is amended to read:

4. Filing. ~~The Subject to rules adopted under section 1302-A, subsection 4, the biennial report shall be delivered for filing between the first day of January and the first day of June of the year next succeeding the 2nd calendar year of the biennium for which the report is to be made. One copy of the report shall be delivered for filing to the Secretary of State, who shall file the report if he finds that it conforms to the requirements of this Act.~~

The Secretary of State shall promulgate rules and regulations to provide that approximately 1/2 of the biennial reports shall be filed in each calendar year.

Sec. 5. 13-B MRSA §1302-A, sub-§§2 and 3, as enacted by PL 1977, c. 592, §17, are amended to read:

2. Prescribe forms. The power to prescribe forms for all documents required or permitted to be filed with him and to refuse to file documents not utilizing those forms to the extent possible; ~~and~~

3. Refuse to file. The power to refuse to file any document which is not clearly legible or which may not be clearly reproducible photographically; ~~; and~~

Sec. 6. 13-B MRSA §1302-A, sub-§4 is enacted to read:

4. Report dates. The power, through the rule-making process, to provide alternative dates for filing biennial reports and for determining the dates covered by those reports.

Sec. 7. 29 MRSA §132, as enacted by PL 1985, c. 725, Pt. H, §1, is repealed and the following enacted in its place:

§132. Fees for new issues of registration plates

A fee of \$1 for each new registration place shall be collected by the Secretary of State and another \$1 fee shall be collected by the municipal agent from the vehicle registrant for new registration plate issues as referred

to in section 131. This fee shall be in addition to any other registration fees required by this Title.

Sec. 8. 29 MRSA §1368-C, sub-§1, as enacted by PL 1987, c. 245, is amended to read:

1. Children 4 to 13 years of age. When a child 4 years of age or older, but less than ~~12~~ 13 years of age, is a passenger in a motor vehicle, which is required by the United States Department of Transportation to be equipped with seat belts, the operator of the motor vehicle shall have the child properly secured in a seat belt or in a child safety seat that meets the requirements set out in 49 Code of Federal Regulations, Part 571.

Sec. 9. Effective date. The Maine Revised Statutes, Title 29, section 1368-C, subsection 1, as amended in this Act, shall take effect 90 days after adjournment of the Legislature.

Sec. 10. PL 1985, c. 785, Pt. A, §2, is amended by inserting at the end the following sentence:

Notwithstanding the preceding sentence, the incumbent Commissioner of Personnel as of January 1, 1987, shall be employed within salary Range 91 for the duration of his term as commissioner.

Sec. 11. Resolve 1987, c. 14, §1, under the caption 1042, Fort Kent Registry Building, 5th line, is repealed as follows:

Capital Expenditures

9,000

Sec. 12. Resolve 1987, c. 14, §1, under the caption 2005, Extension Service, 2nd line, is amended to read:

Contractual Services

57,000

60,038

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

Effective June 24, 1987, unless otherwise indicated.

CHAPTER 403

H.P. 902 — L.D. 1203

AN ACT to Allow the Treasurer of State to Vote on Certain State Boards.

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

Sec. 1. 10 MRSA §965, first ¶, as amended by PL 1985, c. 344, §10, is further amended to read:

There shall be ~~12~~ 13 voting members ~~and one nonvoting member~~ of the authority as follows.

Sec. 2. 10 MRSA §965, sub-§4, ¶C, as enacted by PL