

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

PUBLISHED BY THE REVISOR OF STATUTES
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PUBLIC LAWS

OF THE

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AS PASSED AT THE
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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 H, §1, is repealed and the following enacted in its place: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
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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
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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

1983, c. 519, §6, is repealed and the following enacted in its place:

C. The Treasurer of State, ex officio.

Sec. 3. 20-A MRSA §15704, sub-§2, ¶B, as amended by PL 1983, c. 806, §99, is repealed and the following enacted in its place:

B. The Treasurer of State, ex officio; and

Sec. 4. 22 MRSA §2054, sub-§1, as amended by PL 1983, c. 812, §124, is further amended to read:

1. Authority. The "Maine Health and Higher Educational Facilities Authority," established by Title 5, section 12004, subsection 7 chapter 379, is constituted a public body corporate and politic and an instrumentality of the State, and the exercise by the authority of the powers conferred by this chapter shall be deemed and held to be the performance of an essential public function. The authority shall consist of 12 members, one of whom shall be the Bank Superintendent, ex officio, one of whom shall be the Commissioner of Human Services, ex officio, one of whom shall be the Commissioner of Educational and Cultural Services, ex officio, one of whom shall be the Treasurer of State ~~or his designee, ex officio, as a nonvoting member;~~ and 8 of whom shall be residents of the State appointed by the Governor, not more than 4 of such appointed members to be members of the same political party. ~~The designee of the Treasurer of State shall be the Deputy Treasurer of State.~~ Three of the appointed members shall be trustees, directors, officers or employees of hospitals and one of such appointed members shall be a person having a favorable reputation for skill, knowledge and experience in state and municipal finance, either as a partner, officer or employee of an investment banking firm which originates and purchases state and municipal securities, or as an officer or employee of an insurance company or bank whose duties relate to the purchase of state and municipal securities as an investment and to the management and control of a state and municipal securities portfolio. Of the 3 members first appointed who are trustees, directors, officers or employees of hospitals, one shall serve for 2 years, one for 3 years and one for 4 years. Of the 5 remaining members initially appointed, one shall serve for one year, one for 2 years, one for 3 years, one for 4 years and one for 5 years. For the 2 members whose terms expire in 1980 and 1981, the Governor shall appoint as successors, for terms of 5 years each, persons who are trustees, members of a corporation or board of governors, officers or employees of institutions for higher education. Annually, the Governor shall appoint, for a term of 5 years, a successor to the member whose term expires. Members shall continue in office until their successors have been appointed and qualified. The Governor shall fill any vacancy for the unexpired terms. A member of the authority shall be eligible for reappointment. Any non-ex officio member of the authority may be removed by the Governor, after hearing, for misfeasance, malfeasance or willful neglect of duty. Each member of

the authority before entering upon his duties shall take and subscribe the oath or affirmation required by the Constitution of Maine, Article IX. A record of each such oath shall be filed in the office of the Secretary of State. The Bank Superintendent, the Treasurer of State, the Commissioner of Human Services and the Commissioner of Educational and Cultural Services may designate their deputies to represent them with full authority and power to act and vote in their behalf or, in the case of the Bank Superintendent, the Commissioner of Human Services and the Commissioner of Educational and Cultural Services, any member of their staffs to represent them as members at meetings of the authority with full power to act and, in the case of the Bank Superintendent, the Commissioner of Human Services and the Commissioner of Educational and Cultural Services, to vote in their behalf.

Sec. 5. 30 MRSA §4602, sub-§2, ¶B, as amended by PL 1985, c. 295, §43, is further amended to read:

B. The state authority, as authorized by Title 5, section 12004, shall have 7 commissioners, 5 of whom shall be appointed by the Governor, subject to review by the Joint Standing Committee on State Government and to confirmation by the Legislature, and one of whom shall be the Treasurer of State or his designee, ex officio, ~~as a nonvoting member.~~ The designee of the Treasurer of State shall be the Deputy Treasurer of State. The 7th commissioner shall be the director of the state authority serving ex officio, who shall be chairman of the commissioners. The director of the state authority shall be appointed by the Governor, subject to review by the Joint Standing Committee on State Government and to confirmation by the Legislature. Said 5 commissioners shall include, but not be limited to, representatives of bankers and of low income or elderly people. One commissioner shall be a resident of housing which is subsidized or assisted by programs of the United States Department of Housing and Urban Development or of the Maine State Housing Authority. In making such appointment, the Governor shall give priority consideration to nominations that may be made by tenant associations established in the State.

The commissioners shall elect a vice-chairman of the commissioners from among their number. The commissioners of the state authority shall have the power and duty to establish and revise from time to time policies of the authority relative to the following particular matters.

- (1) Standards of issuing, servicing and redeeming bonds;
- (2) Purchase, sale or commitment to purchase mortgages or notes;
- (3) Initiating project construction and accepting properly completed facilities;

(4) Setting and establishing selection and evaluation standards, criteria and procedures under which it will purchase, sell or agree to purchase loans, notes or obligations, having regard among other things to property values, local economic conditions and expectancy, credit and employment, and to local housing conditions and needs and the availability of credit resources to meet the same relative to similar or competing conditions and needs in other localities in the State;

(5) Setting and establishing procedures for the servicing of loans, notes and obligations acquired by it, including the allowance of servicing fees to participating lenders to whom the state authority may entrust such servicing;

(6) Setting and establishing procedures for the collection of moneys due from persons liable for the payment of the same, as to any loan, note or obligation held by the state authority, by subrogation or otherwise, and to initiate and maintain any action at law or in equity, including foreclosure proceedings, to enforce such payment;

(7) Setting and establishing procedures for the orderly liquidation and disposition of any property acquired by the state authority through foreclosure or otherwise in full or partial satisfaction of any debt or obligation held by it; and

(8) Establishing and maintaining out of income or otherwise such reserves as the state authority from time to time determines to be necessary and prudent in addition to those specifically required.

Following reasonable notice to each commissioner, 4 commissioners of the state authority shall constitute a quorum for the purpose of conducting its business and exercising its powers and for all other purposes, notwithstanding the existence of any vacancies. Action may be taken by the commissioners upon a vote of a majority of the commissioners present, unless its bylaws shall require a larger number.

Effective September 29, 1987.

CHAPTER 404

H.P. 386 — L.D. 520

AN ACT to Require Community Mental Health and Mental Retardation Involvement in Social Services Planning.

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

Sec. 1. 34-B MRSA §3004, sub-§3, ¶C, as amended by PL 1985, c. 768, §4, is further amended to read:

C. Prepare a report which describes the system of community support services in each of the mental health service regions and statewide.

(1) The report shall include both existing service resources and deficiencies in the system of services.

(2) The report shall include an assessment of the roles and responsibilities of mental health agencies, human services agencies, health agencies and involved state departments and shall suggest ways in which these agencies and departments can better cooperate to improve the service system for people with chronic mental illness.

(3) The report shall be prepared biennially and shall be submitted to the joint standing committee of the Legislature having jurisdiction over health and institutional services human resources by January December 15th of every even-numbered year.

(4) The committee shall review the report and make recommendations with respect to administrative and funding improvements in the system of community support services to persons with chronic mental illness; and

Sec. 2. 34-B MRSA §3006 is enacted to read:

§3006. State Mental Health Plan

The Bureau of Mental Health, with the advice of the Mental Health Advisory Council, shall:

A. Prepare a plan which describes the system of mental health services in each of the mental health service regions and statewide.

(1) The plan shall include both existing and need ed service resources.

(2) The plan shall include an assessment of the roles and responsibilities of mental health agencies, human services agencies, health agencies and involved state departments and shall suggest ways in which these agencies and departments can better cooperate to improve the service system.

(3) The plan shall incorporate the Office of Community Support Systems' report, developed in accordance with section 3004, section 3, paragraph C.

(4) The plan shall be prepared biennially and shall be submitted to the joint standing committee of the Legislature having jurisdiction over human resources by December 15th of every even-numbered year. The committee shall review the plan and make recommendations with respect to administrative and funding improvements in the system.

(5) The plan shall be made public within the State in such a manner as to facilitate public involvement;