

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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

J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

The ~~applicant~~ applicant shall pay an initial license fee of ~~\$100~~ not to exceed \$200. The license ~~will~~ may be renewed biennially upon payment of a ~~\$100 fee~~ fees not to exceed \$200. ~~A \$50 fee will be charged for licenses effective for less than one year of the biennial licensing period.~~

Sec. 6. 32 MRSA §278-A, sub-§3, ¶C and D, as enacted by PL 1983, c. 413, §19, are amended to read:

C. Failure, within reasonable time, to account for or remit any moneys coming into ~~his~~ the licensee's possession which belong to others; ~~or~~

D. Any act in violation of this chapter; ~~or~~

Sec. 7. 32 MRSA §278-A, sub-§3, ¶E is enacted to read:

E. Unprofessional conduct.

Sec. 8. 32 MRSA §280, sub-§4 is enacted to read:

4. Contracts. A person may not conduct an auction in this State without first having a written contract with the owner of any property to be sold. The Board of Licensing of Auctioneers shall designate the format of the contract. The contract must contain the terms and conditions, including, but not limited to:

A. Listing or description of all items to be sold;

B. Reserves, if any;

C. Payment schedule;

D. Commission rate; and

E. Statement of other charges.

Sec. 9. 32 MRSA §282, as repealed and replaced by PL 1983, c. 413, §20, is amended by adding at the end a new paragraph to read:

The Board of Licensing of Auctioneers may take any action pursuant to Title 10, section 8003, subsection 5. Any person who purports to be or operates as a licensed auctioneer without obtaining a license commits a Class E crime.

Sec. 10. 32 MRSA §283, sub-§§7 and 8, as enacted by PL 1979, c. 478, §2, are amended to read:

7. Reserve. Whether or not the auction has a reserve; ~~and~~

8. Uniform Commercial Code. A statement that the Uniform Commercial Code, Title 11, section 2-328 applies to this auction sale; ~~and~~

Sec. 11. 32 MRSA §283, sub-§9 is enacted to read:

9. Statement of buyer's premium. A statement of buyer's premium.

Sec. 12. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1991-92	1992-93
PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF		
Board of Licensing of Auctioneers		
Personal Services	\$600	\$600
All Other	3,000	3,000
Provides funds for additional per diems and expenses related to 2 additional board members and for rule-making and administrative expenses.		
DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION		
TOTAL	<u>\$3,600</u>	<u>\$3,600</u>

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

Effective May 29, 1991.

CHAPTER 204

H.P. 433 - L.D. 616

An Act to Establish a Budget Advisory Committee in Oxford County

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

Sec. 1. 30-A MRSA c. 3, sub-c. I, first 2 lines are repealed and the following enacted in their place:

SUBCHAPTER I

TAX ASSESSMENT AND BUDGET PROCESS

Sec. 2. 30-A MRSA c. 3, sub-c. I, art. 9 is enacted to read:

Article 9 OXFORD COUNTY BUDGET COMMITTEE

§871. Budget; appropriations and approval

Notwithstanding sections 2, 701 and 702, in Oxford County the county commissioners may appropriate money,

according to a budget that must be prepared by the Oxford County Budget Advisory Committee. A unanimous vote of the county commissioners is required to change the budget as presented by the Oxford County Budget Advisory Committee.

§872. Advisory committee

This section establishes the Oxford County Budget Advisory Committee.

1. Appointment. Each county commissioner shall appoint a municipal officer from the commissioner's respective county commissioner district prior to September 15th of every year.

2. Municipal officer elections. Before September 15th of every year, the county commissioners shall notify all municipal officers to caucus by county commissioner district at a specified date, time and place for the purpose of electing 2 municipal officers from each district as members of the county budget advisory committee. The county commissioner shall serve as nonvoting moderator for that district caucus. Nominations must be received from the floor. The 2 nominees receiving the most votes are the budget advisory committee members. The names of those elected by the caucus must be recorded and forwarded to the county commissioners.

3. Vacancy; replacement. If a budget advisory committee member ceases to be a municipal officer during the term of membership, the committee member vacates membership and a replacement must be appointed by the county commissioner from the district in which the vacancy occurred.

4. Municipal officer; definition. The term "municipal officer," as it refers to the Oxford County Budget Advisory Committee in this section, means a selectman or council member.

§873. Budget process

1. Public hearing. The Oxford County commissioners shall hold one or more public hearings on the budget estimate at times convenient for the residents of the county and before November 1st of each year.

2. Budget estimate; submission to budget advisory committee. The Oxford County commissioners shall submit a budget estimate for the coming year to the budget advisory committee no later than November 1st of each year. The budget advisory committee shall review the budget estimate and prepare the budget. The budget must be presented to the county commissioners before December 1st of each year. The county commissioners shall act on the budget in a timely fashion, not later than December 15th of the year preceding the budget year. If the adopted budget is changed by the county commissioners, the budget advisory committee may reject that change by a 2/3 vote of its membership. Those actions are final and not subject to further action by either the county commissioners or the budget advisory committee.

3. Final budget; filing. A copy of the final budget must be filed on forms approved by the Department of Audit. The State Auditor shall retain the budget for 3 years.

4. Interim budget. If the budget is not approved before the start of the fiscal year, the county must operate on an interim budget that does not exceed the budget of the previous year until a final budget is adopted.

§874. Officers' salaries

The county commissioners shall set the salaries of all county officers with the exception of their own. The salaries of the county commissioners are set by the budget advisory committee.

See title page for effective date.

CHAPTER 205

H.P. 590 - L.D. 841

An Act to Facilitate Municipal Review of Commercial Hazardous Waste License Applications and the Collection of Municipal Fees Levied on Commercial Hazardous Waste Facilities

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

38 MRSA §1319-R, sub-§§3 and 4, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §263, are further amended to read:

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

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

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

Notwithstanding section 341-D, subsection 2, the board shall decide all applications for commercial hazardous waste facilities.

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