

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
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1991

PUBLIC LAWS
OF THE
STATE OF MAINE

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 7. Allocation of Maine Nuclear Emergency Planning Fund. Income to the Maine Nuclear Emergency Planning Fund for fiscal years 1991-92 and 1992-93 must be segregated, apportioned and disbursed as designated in the following schedule.

	1991-92	1992-93
RADIOLOGICAL EMERGENCY PREPAREDNESS COMMITTEE		
Maine Nuclear Emergency Planning		
Positions	(1.0)	(1.0)
Personal Services	\$27,847	\$30,765
All Other	106,443	87,039
Capital Expenditures	32,710	26,196
RADIOLOGICAL EMERGENCY PREPAREDNESS COMMITTEE		
TOTAL	\$167,000	\$144,000

Sec. 8. Additional allocation of Maine Nuclear Emergency Planning Fund. Expected gifts or grants received pursuant to the Maine Revised Statutes, Title 37-B, section 956, subsection 3 must be allocated from the Maine Nuclear Emergency Planning Fund as follows.

	1991-92	1992-93
RADIOLOGICAL EMERGENCY PREPAREDNESS COMMITTEE		
Maine Nuclear Emergency Planning		
Personal Services	\$9,282	\$10,255
All Other	24,956	28,219
Capital Expenditures	6,604	5,100
RADIOLOGICAL EMERGENCY PREPAREDNESS COMMITTEE		
TOTAL	\$40,842	\$43,574

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

Effective June 18, 1991.

CHAPTER 376

H.P. 968 - L.D. 1395

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Act

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

Whereas, certain obligations and expenses incident to the operation of departments and agencies will become due and payable on or immediately after July 1, 1991; and

Whereas, these provisions are intended to improve management, performance, organization, program

delivery and fiscal accountability of agencies and independent agencies reviewed; and

Whereas, certain independent agencies will terminate unless continued by act of the Legislature prior to June 30, 1991; 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. 3 MRSA §924, sub-§1, as enacted by PL 1989, c. 483, Pt. A, §4, is amended to read:

1. Report required. Each agency and independent agency shall prepare and submit to the Legislature, through the committee, a justification report no later than ~~March 31st~~ February 1st of the calendar year prior to the review year specified in section 927.

Sec. 2. 3 MRSA §924, sub-§2, ¶D, as enacted by PL 1989, c. 483, Pt. A, §4, is amended to read:

D. A list of related programs having similar or complementary objectives; ~~and~~

Sec. 3. 3 MRSA §924, sub-§2, ¶D-1 is enacted to read:

D-1. A list of state records that the agency is required to retain pursuant to Title 5, section 95, subsection 7; and

Sec. 4. 3 MRSA §927, sub-§1, as amended by PL 1989, c. 857, §9, is further amended to read:

1. 2001.

A. Agencies:

(1) Department of Finance, ~~but limited to the Bureau of the Budget;~~

(2) Office of Treasurer of State;

(3) Department of Audit;

~~(4) Department of Administration, except for the Bureau of Human Resources, Bureau of Employee Relations, Bureau of Public Improvements and the state employee health insurance program;~~

~~(5)~~ (4) Department of Public Safety, but limited to the Bureau of Capitol Security;

~~(6)~~ (5) Board of Emergency Municipal Finance;

~~(7)~~ (6) Finance Authority of Maine; and

~~(8)~~ (7) Maine Municipal Bond Bank.

B. Independent agencies:

(1) Maine Emergency Medical Services; and

(2) State Liquor Commission.

Sec. 5. 3 MRSA §927, sub-§2, as amended by PL 1989, c. 857, §10, is further amended to read:

2. 2002.

A. Agencies:

(1) Department of Defense and Veterans' Services;

(2) Department of the Attorney General; and

(3) Department of Human Services, but limited to child support and enforcement functions within the Office of Programs; and Bureau of Income Maintenance.

~~(4) Department of Finance, except for the Bureau of the Budget.~~

B. Independent agencies:

(1) Maine Blueberry Commission;

(2) Blueberry Advisory Committee;

(3) Seed Potato Board;

(4) Maine Milk Commission;

(5) State Harness Racing Commission;

(6) Maine Agricultural Bargaining Board;

(7) State Board of Veterinary Medicine;

(8) Maine Dairy and Nutrition Council;

(9) Board of Pesticides Control;

~~(10) State Planning Office;~~

~~(11) State Lottery Commission;~~

~~(12)~~ (10) Maine Dairy Promotions Board;

~~(13) Maine High Risk Insurance Organization;~~

~~(14)~~ (11) State Board of Property Tax Review;

~~(15)~~ (12) Maine Technical College System;

~~(16)~~ (13) Maine Commission for Women;

~~(17)~~ (14) Maine Human Rights Commission; and

~~(18) State Liquor Commission;~~

~~(19) Capitol Planning Commission; and~~

~~(20)~~ (15) Educational Leave Advisory Board.

Sec. 6. 3 MRSA §927, sub-§3, ¶A, as amended by PL 1989, c. 857, §11, is further amended to read:

A. Agencies:

(1) Department of Transportation;

(2) Department of Public Safety, except for the Bureau of Capitol Security;

(3) Department of the Secretary of State;

~~(4) Maine Turnpike Authority;~~

~~(5)~~ (4) Maine Educational Loan Authority; and

~~(6)~~ (5) Department of Agriculture, Food and Rural Resources.

Sec. 7. 3 MRSA §927, sub-§3, ¶B, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

B. Independent agencies:

(1) Maine State Pilotage Commission;

(2) State Board of Registration for Professional Engineers; and

(3) State Board of Registration for Land Surveyors;

(4) Local Government Records Board;

(5) State Planning Office;

(6) Maine High-Risk Insurance Organizations;

(7) Capitol Planning Commission;

(8) State Lottery Commission; and

(9) Driver Education Evaluation Programs.

Sec. 8. 3 MRSA §927, sub-§4, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

4. 1993.

A. Agency:

(1) Department of Human Services, ~~including the Office of Emergency Medical Services.~~

B. Independent agencies:

- (1) State Board of Funeral Service;
- (2) Board of Hearing Aid Dealers and Fitters;
- ~~(3) Maine Human Services Council; and~~
- ~~(4)~~ (3) Advisory Commission on Radioactive Waste;
- (4) Maine Human Development Commission;
- (5) Maine Committee on Aging; and
- (6) Maine Turnpike Authority.

Sec. 9. 3 MRSA §927, sub-§6, ¶B, as amended by PL 1989, c. 878, Pt. B, §1 and c. 913, Pt. C, §1, is repealed and the following enacted in its place:

B. Independent agencies:

- (1) Advisory Board for Licensure of Water Treatment Plant Operators;
- (2) Saco River Corridor Commission;
- (3) State Soil and Water Conservation Commission;
- (4) Acupuncture Licensing Board;
- (5) Board of Licensing of Auctioneers;
- (6) Board of Licensing of Dietetic Practice;
- (7) Board of Commercial Driver Education; and
- (8) Advisory Board for the Licensing of Taxidermists.

Sec. 10. 3 MRSA §927, sub-§7, ¶B, as amended by PL 1989, c. 851, §1, is further amended to read:

B. Independent agencies:

- (1) Maine Sardine Council;
- (2) Atlantic Sea Run Salmon Commission;
- (3) Public Utilities Commission;
- (4) Atlantic States Marine Fisheries Commission;
- (5) Maine Development Foundation;
- (6) Board of Directors, Maine Municipal and Rural Electrification Cooperative Agency;
- (7) Lobster Advisory Council;

(8) Board of Environmental Protection;

(9) Board of Underground Oil Storage Tank Installers; ~~and~~

(10) Telecommunications Relay Services Advisory Council; and

(11) Public Advocate.

Sec. 11. 3 MRSA §927, sub-§9, ¶B, as amended by PL 1989, c. 700, Pt. B, §1 and c. 857, §13, is repealed and the following enacted in its place:

B. Independent agencies:

(1) Maine Conservation School;

(2) Office of State Historian;

(3) Maine Arts Commission;

(4) Maine State Museum Commission;

(5) Maine Historic Preservation Commission;

(6) Maine Health Care Finance Commission;

(7) Board of Occupational Therapy Practice;

(8) Board of Respiratory Care Practitioners;

(9) Radiologic Technology Board of Examiners;

(10) Maine Library Commission;

(11) Maine Waste Management Agency; and

(12) Maine Court Facilities Authority.

Sec. 12. 3 MRSA §927, sub-§10, ¶B, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

B. Independent agencies:

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

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

(3) State Government Internship Program Advisory Committee;

(4) Arborist Examining Board;

(5) State Board of Examiners of Psychologists;

(6) Board of Commissioners of the Profession of Pharmacy; ~~and~~

(7) Alcohol and Drug Abuse Planning Committee; and

(8) Maine Science and Technology Commission.

Sec. 13. 3 MRSA §927, sub-§11, ¶A, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is amended to read:

A. Agencies:

- (1) Maine State Retirement System;
- (2) Department of Labor; and
- (3) Department of Administration, ~~but limited to the Bureau of Human Resources, Bureau of Employee Relations, Bureau of Public Improvements and the state employee health insurance program.~~

Sec. 14. 5 MRSA §723, as affected by PL 1989, c. 700, Pt. B, §48 and repealed and replaced by c. 878, Pt. A, §9, is amended to read:

§723. Educational Leave Advisory Board

The Educational Leave Advisory Board, established by section 12004-I, subsection 11, shall advise and consult with the Bureau of Human Resources to review and authorize all educational leave requests from classified and unclassified state employees for durations of ~~more than one week~~ 30 days or more. Educational leave requests that are subject to review and approval of the board must be submitted for approval by the board prior to the start of the educational program, except that the board may approve requests for educational leave retroactively when in the best interests of the State and when there exists a satisfactory reason for failure to comply with this advance approval requirement. The board consists of 5 members as follows: ~~The~~ the Director of the Bureau of Human Resources who shall serve as chair of the board; the Commissioner of Education or a designee; the manager of human resource development within the Bureau of Human Resources; and 2 members who are state employees, at least one of whom is a state employee as defined in Title 26, section 979-A, subsection 6. Each state employee member is to be appointed by the Governor to serve for a term of 3 years. Members of the board are entitled to compensation as provided in chapter 379.

Sec. 15. 5 MRSA §725, as enacted by PL 1973, c. 500, is repealed.

Sec. 16. 5 MRSA §725-A is enacted to read:

§725-A. Funds

A state employee may not be compensated with state funds while absent on leave for educational purposes for 30 work days or more unless that leave is approved by the board.

The board may provide special scholarships to employees who are granted a leave from work to participate in an educational program and who apply to the board for financial assistance. These scholarships must be adminis-

tered by the board in accordance with rules adopted by the board.

The Educational Leave Scholarship Fund is established as an account of the Department of Administration to be used solely for the funding of scholarship requests that are approved by the board. Any remaining balance in the Educational Leave Scholarship Fund account continues from year to year.

Sec. 17. 5 MRSA §931, sub-§1, ¶L, as enacted by PL 1985, c. 785, Pt. A, §44, is amended to read:

L. The executive director, deputy director, general counsel and staff attorneys of the Maine Health Care Finance Commission; ~~and~~

Sec. 18. 5 MRSA §931, sub-§1, ¶L-1 is enacted to read:

L-1. The Executive Director of the Maine Commission for Women; and

Sec. 19. 5 MRSA §1664, 3rd ¶, as amended by PL 1989, c. 501, Pt. P, §12, is further amended to read:

Part 2 ~~shall~~ must embrace the detailed budget estimates both of expenditures and revenues as provided. ~~It shall~~ Part 2 must include statements of the bonded indebtedness of the State Government showing the debt redemption requirements, the debt authorized and unissued and the condition of the sinking funds. ~~It shall~~ Part 2 must contain any statements relative to the financial plan which the Governor-elect, or the Governor, may deem desirable, or which may be required by the Legislature, and ~~shall~~ must contain the analysis and statement required by section 1665, ~~paragraph C~~ subsections 2 and 5.

Sec. 20. 5 MRSA §1665, sub-§5 is enacted to read:

5. Maine Technical College System; public improvements budgetary estimate. In accordance with Title 20-A, section 12706, subsection 4-A, the Board of Trustees of the Maine Technical College System shall submit a prioritized public improvements budget estimate to the State Budget Officer in the manner prescribed in subsection 1. This budgetary estimate must be separate from any prioritized public improvements budget developed by the Bureau of Public Improvements for the departments and agencies of State Government. This estimate must be prepared by project title in descending order of priority including for each project the total amount of the request, the accumulative total request and the type of capital improvement.

Sec. 21. 5 MRSA §1728-A, sub-§1, as amended by PL 1989, c. 94, is further amended by amending the first paragraph to read:

1. **Duties.** The director shall provide insurance advice and services for the State Government and any

department or agency thereof for all forms of insurance, except for those departments or agencies and those types of insurance otherwise provided for by law. The director shall provide insurance advice and services for family foster homes, as defined in Title 22, section 8101, subsection 3; respite care providers, as defined in Title 34-B, section 6201, subsection 2-A; ~~and the Casco Bay Island Transit District created by Private and Special Law 1981, chapter 22; and commercial applicators and spray contracting firms that are required to provide proof of financial responsibility in custom application pursuant to Title 22, section 1471-D, subsection 4, and private applicators as defined in Title 22, section 1471-C, subsection 22, who may be required to provide proof of insurance.~~ The director ~~shall be~~ is responsible for the acquisition and administration of all insurance purchased by the State, including the authority to purchase, on a competitive bid basis, insurance for the State for automobile, fire, liability and any other type of coverage ~~which may be~~ necessary to protect the State from financial loss. The director may enter into contracts for various types of claims management services in order to ~~insure~~ ensure the most economically advantageous insurance protection in the operation of the State's insurance coverage program. In these regards, the director has the following duties:

Sec. 22. 5 MRSA §1742-C, sub-§3 is enacted to read:

3. Public improvements budget submission; Maine Technical College System. In accordance with section 1665, subsection 5 and Title 20-A, section 12706, subsection 4-A, the Bureau of Public Improvements shall advise and assist the Maine Technical College System in developing a prioritized public improvements budget for the system. This budget must be presented to the Governor and the Legislature as separate from the public improvements budget developed by the Bureau of Public Improvements for the departments and agencies of State Government.

Sec. 23. 5 MRSA §7022, as enacted by P&SL 1975, c. 147, Pt. G, §1, is amended to read:

§7022. Membership

The commission ~~shall consist~~ consists of 17 members, including 9 appointed by the Governor, 4 appointed by the President of the Senate and 4 appointed by the Speaker of the House of Representatives. In making these appointments to the commission, the Governor, the President of the Senate and the Speaker of the House of Representatives shall consider and appoint residents of the State who have a knowledge of problems facing Maine women and who provide leadership in programs or activities which are carried out to improve opportunities for women. The members of the commission, chosen from throughout the State, ~~shall~~ must include but not be limited to representatives of minority, low income, youth and elderly groups. The President of the Senate shall appoint at least one member who must represent minorities. The Speaker of the House of Representatives shall appoint at least one member who must repre-

sent the interests of the elderly. The Governor shall appoint at least one member who must represent the interests of low-income people and at least one member who must represent the interest of youth.

Sec. 24. 5 MRSA 7026, sub-§§5 and 6, as enacted by P&SL 1975, c. 147, Pt. G, §1, are amended to read:

5. Meetings. Conducting public hearings, conferences, workshops and other such meetings to obtain information about, discuss and publicize the needs of and solutions to problems of women; ~~and~~

6. Reports. Making a biennial report to the Governor and Legislature concerning the work and interests of the commission; and

Sec. 25. 5 MRSA 7026, sub-§7 is enacted to read:

7. Executive director. Establishing and filling the position of the Executive Director of the Maine Commission for Women.

Sec. 26. 5 MRSA 12004-H, sub-§§3 and 4, as enacted by PL 1987, c. 786, §5, are amended to read:

3. Maine Dairy Promotion Board	Legislative Per Diem	36 MRSA §4503 <u>7 MRSA §2992</u>
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4. Maine Dairy and Nutrition Council	Legislative Per Diem	36 MRSA §4523 <u>7 MRSA §2998</u>
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Sec. 27. 7 MRSA §2954, sub-§13 is enacted to read:

13. Exception. Notwithstanding subsection 7, a purchaser of milk at retail may tender a coupon or any item of value if the coupon or item of value is not brand specific and is redeemable for cash by the retailer and if the total value tendered by the purchaser is not less than the minimum retail price established by the commission.

Sec. 28. 7 MRSA cc. 604 and 604-A are enacted to read:

CHAPTER 604

MILK TAX

§2991. Definitions

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

1. Board. "Board" means the Maine Dairy Promotion Board.

2. Class I milk. "Class I milk" means:

A. All fluid milk sold, distributed or disposed of as or in milk that contains not more than 11% butterfat

and skim milk and cultured buttermilk sold for human consumption; and

B. All milk products sold, distributed or disposed of for human consumption as or in flavored milk and flavored skim milk.

3. Consumer. "Consumer" means any person other than a milk dealer who purchases milk for fluid consumption.

4. Dealer. "Dealer" means any person who purchases or receives milk for sale as the consignee or agent of a producer or handles milk for sale, shipment, storage or processing within the State. "Dealer" includes a producer dealer or a store.

5. Milk. "Milk" means cows' milk and includes cream. One quart of cream is considered the equivalent of 4 quarts of milk.

6. Producer. "Producer" means any person who produces milk and sells milk to a dealer.

7. Producer dealer. "Producer dealer" means any dealer who produces a part or all of that dealer's milk and sells milk to other than a dealer.

8. Records. "Records" means books, records, accounts, memoranda or other data pertaining to the purchase and distribution of milk.

9. Store. "Store" means a grocery store, dairy products' store, canteen, milk vending machine operator, milk dispensing operator or any similar commercial establishment or outlet or any other place or method of sale in which milk is sold to consumers for consumption off the premises.

§2992. Maine Dairy Promotion Board

The Maine Dairy Promotion Board, as established by Title 5, section 12004-H, subsection 3 consists of the following 5 members: the Commissioner of Agriculture, Food and Rural Resources, or the commissioner's designee, who shall serve ex officio; and 4 producers.

The producer members must be appointed by the commissioner on recommendation of the various producer associations, individuals or unorganized groups of producers in the State. The 4 producer members must include 2 producers selling milk on the Maine market and 2 producers selling milk on the Boston market, Federal Milk Marketing Order No. 1. Producer members selling in the same market may not belong to the same agricultural cooperative or sell their milk to the same dealer.

The first 4 members appointed to the board as reconstituted in this section shall serve one-year, 2-year, 3-year and 4-year terms respectively. The members appointed thereafter shall serve 4-year terms. A person may not be appointed to more

than 2 consecutive 4-year terms. In case of a vacancy caused by death, resignation or otherwise, the commissioner shall fill the vacancy for the unexpired period of the term.

The appointed members are entitled to compensation according to Title 5, chapter 379.

The members of the board shall elect a chair. The commissioner may employ a director and such clerks and assistants as necessary and may prescribe their duties and fix their compensation, subject to the Civil Service Law.

§2993. Powers and duties

The board is created to promote the prosperity and welfare of this State and of the dairy industry of the State by fostering promotional, educational, advertising and research programs of the dairy industry. The board has the following powers and duties. The board:

1. Contracts. May make contracts or enter into contracts with any local, state, federal or private agency, department, firm, corporation or association for the purposes defined in this chapter;

2. Cooperation with other agencies. Shall cooperate with other state or regional agencies with like purposes, including transferring to those agencies any portion of its receipts that it deems appropriate and in the best interests of the dairy industry in the State. In determining those amounts, the board shall consider the relative benefits accruing to all Maine producers from increased fluid milk consumption within the Maine market and the New England market, Federal Milk Marketing Order No. 1; the relative effectiveness of the various programs intended to increase fluid milk consumption for which funding is being considered; appropriate research needs; and other considerations pertinent to the distribution of its funds to other agencies for cooperative efforts;

3. Books and records. Shall keep books, records and accounts of all its activities, which must be open to inspection and audit by the State at all times;

4. Annual report. Shall prepare an annual report that must include a summary of all receipts and expenditures, including expenditures for specific promotional or research programs; a description of the various promotional or research programs operated, contracted or sponsored by the board; and a directory of current board members, including their affiliation and term of office; and

5. Outside funding. May accept grants, donations and gifts of funds for purposes defined in this chapter.

§2994. Appropriation of money received

Money received through this chapter by the Treasurer of State must be appropriated and used for the collection of the tax provided for by section 2956 and the

enforcement of this chapter. The remaining sum must be used for purposes defined in section 2993 or for carrying out this chapter.

The board may cooperate with similar boards and committees in other states and is authorized to pay to a New England committee that part of its receipts it determines is in the best interest of the dairy industry of the State.

CHAPTER 604-A

MAINE DAIRY AND NUTRITION COUNCIL TAX

§2997. Definitions

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

1. Dealer. “Dealer” means any person who purchases or receives milk for sale as the consignee or agent of a producer or handles milk for sale, shipment, storage or processing within the State. “Dealer” includes a producer dealer, a subdealer or a store.

2. Milk. “Milk” means cows’ milk, fluid and whole, skimmed milk, low fat milk and buttermilk, irrespective of whether that milk is flavored. “Milk” includes cream and one quart of cream is considered the equivalent of 4 quarts of milk.

3. Nutrition. “Nutrition” means the study of proper and balanced diet to promote health, especially in human beings.

4. Nutrition education. “Nutrition education” means helping and educating people in the selection of food for the primary purpose of nourishing their bodies in health throughout the life cycle and helping and educating people in extending and teaching knowledge of food and nutrition principles, including promotion and research, and the application of these principles.

5. Producer. “Producer” means any person who produces milk and sells the milk to a dealer.

6. Producer dealer. “Producer dealer” means a dealer who produces a part or all of that dealer’s milk or a person who produces milk and sells to a grocery store, dairy products’ store or similar commercial establishment.

§2998. Organization

The Maine Dairy and Nutrition Council, as established by Title 5, section 12004-H, subsection 4, within the Department of Agriculture, Food and Rural Resources, consists of the following 5 members: four producers and one dealer appointed by the Commissioner of Agriculture, Food and Rural Resources on the recommen-

ation of various producer and dealer associations, individuals or unorganized groups of producers and dealers in this State.

The 4 producer members must include 2 members selling milk on the Maine market and 2 members selling milk on the Boston market, Federal Milk Market Order No. 1. Producer members selling in the same market may not belong to the same agricultural cooperative or sell their milk to the same dealer.

The first 4 members appointed to the council as reconstituted in this section shall serve one-year, 2-year, 3-year and 4-year terms respectively. All subsequent appointments to the council as reconstituted in this section must be for 4-year terms. A person may not be appointed to more than 2 consecutive 4-year terms. In case of a vacancy caused by death, resignation or otherwise, the vacancy must be filled by the commissioner for the unexpired period of the term.

The members of the council shall elect a chair. The commissioner may employ such personnel for the council as necessary, subject to the Civil Service Law.

Members of the council are entitled to compensation according to Title 5, chapter 379. The cost of administration of the council, including expenses and compensation of members, may not exceed the money collected under this chapter. The council must be furnished a suitable office at the seat of government together with all necessary equipment and supplies for the office.

§2999. Duties

In order that the optimal health of the citizens of the State may be achieved more fully, the Maine Dairy and Nutrition Council shall provide guidance in nutrition and nutrition education based on the concept of a balanced diet, including milk and its products in accordance with scientific recommendations, and protect the interests of all the people of the State by strengthening and preserving the dairy industry.

Sec. 29. 19 MRSA §442, as amended by PL 1983, c. 701, §2, is repealed.

Sec. 30. 19 MRSA §443, as amended by PL 1983, c. 701, §3, is repealed.

Sec. 31. 19 MRSA §443-A is enacted to read:

§443-A. Person’s duty of support

Every person shall support that person’s child and that person’s spouse when in need.

Sec. 32. 20-A MRSA 12705, sub-§6, as enacted by PL 1985, c. 695, §11, is amended to read:

6. Meetings. The board of trustees shall meet at least ~~10~~ **6** times each year and at the call of the ~~chairman~~ **chair** or at the request of a majority of the members.

Sec. 33. 20-A MRSA §12706, sub-§4-A is enacted to read:

4-A. Public improvements budgetary submission.

To prepare and adopt a biennial capital improvements budget for presentation to the Governor and the Legislature, incorporating all projected expenditures and all resources expected or proposed to be made available to fund public improvements, as defined by Title 5, section 1741, for the system. In accordance with Title 5, section 1665, subsection 5 and Title 5, section 1742-C, subsection 3, the system's public improvements budget must be developed with the advice and assistance of the Bureau of Public Improvements and must represent the capital improvement priorities within the system;

Sec. 34. 20-A MRSA §12706, sub-§5, as enacted by PL 1985, c. 695, §11, is amended to read:

5. Fiscal management. To receive, expend, allocate and transfer funds within the system, as necessary to fulfill the purposes of this chapter, in accordance with the biennial, line-category, operating budget. ~~Cumulative transfers between line categories in excess of 10% of either the sending or the receiving category of the system operating budget shall be reported to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and to the joint standing committee of the Legislature having jurisdiction over education prior to becoming effective;~~

Sec. 35. 20-A MRSA §12706, sub-§7, as amended by PL 1987, c. 402, Pt. A, §127, is further amended to read:

7. Fees and charges. To establish and collect room and board fees, and tuition and to set policies relating to other charges, including fees for the reasonable use of the institutes' colleges' facilities by others, as deemed determined 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. 36. 20-A MRSA §12706, sub-§11, as amended by PL 1989, c. 878, Pt. I, §6, is further amended to read:

11. Personnel policies. To develop and adopt personnel policies and procedures for the system. The board of trustees, subject to applicable collective bargaining agreements, shall determine the qualifications, duties and compensation of its employees and shall allocate and transfer personnel within the system as necessary to fulfill the purposes of this chapter. The board of

trustees shall appoint the president of the system and the presidents, ~~vice-presidents, deans and directors of finance~~ of the colleges. The provisions of the Civil Service Law, as defined by Title 5, section 7039, do not apply to the system;

Sec. 37. 20-A MRSA §12706, sub-§16, as enacted by PL 1985, c. 695, §11, is repealed.

Sec. 38. 20-A MRSA §12709, sub-§1, as amended by PL 1989, c. 878, Pt. I, §8, is further amended to read:

1. Leadership. To develop policies, ~~procedures,~~ goals and objectives with respect to the operation of the colleges, to be reviewed and, when necessary, approved by the board of trustees. The president of the system shall meet regularly with the administrative council to develop these policies and goals;

Sec. 39. 20-A MRSA §12712, sub-§2, as amended by PL 1989, c. 443, §48, is further amended to read:

2. College staff appointment. Under procedures and standards developed by the board of trustees, the presidents shall appoint vice-presidents, deans, directors of finance and the faculty and staff of the colleges, including professional and nonprofessional personnel.

Sec. 40. 20-A MRSA §12712, sub-§3, as amended by PL 1989, c. 443, §48, is repealed.

Sec. 41. 20-A MRSA §12712, sub-§7, as amended by PL 1989, c. 443, §48, is further amended to read:

7. Appointment of police officers. The presidents may appoint persons to act as police officers who, while within the limits of the property owned by or under control of the colleges, ~~shall~~ possess all the powers of ~~polices~~ police officers in criminal cases.

~~A. The board of trustees may establish guidelines by which each~~ **Each** president may make rules for the control, movement and parking of vehicles within the limits of the property owned by or under the control of the college. These rules may include special provisions for employees of the system and college students. A president's rule ~~shall be adopted or amended subject to the approval of the board of trustees and shall have~~ has the same force and effect as a municipal ordinance. District courts may impose fines, not to exceed \$10, for each violation of these rules.

~~B. The board of trustees~~ **Each** president may adopt the provisions of Title 30-A, section 3009, subsection 1, paragraph C, relating to prima facie evidence and the establishment of a waiver of court action by payment of specified fees.

Sec. 42. 20-A MRSA §12718, as amended by PL 1989, c. 443, §54, is further amended to read:

§12718. Annual report by trustees

The board of trustees shall prepare an annual report by January 1st of each year, to be submitted to the Governor and joint standing committees of the Legislature having jurisdiction over education and over appropriations and financial affairs. ~~The report shall be presented by the chairman before the joint standing committee of the Legislature having jurisdiction over education.~~ This report shall must include:

1. Budget expenditures. Budget expenditures for the last complete fiscal year and projected expenditures for the fiscal year in which the report is submitted;

2. Current enrollments. Current enrollments by program at each college;

3. Description of new courses or curricula. A description of any new college courses or curricula;

4. Description of activities. A description of activities undertaken to coordinate ~~post-secondary~~ postsecondary vocational and technical training and education throughout the State with secondary vocational education, adult vocational education, employment training programs, other employment-related training and other institutions of higher learning;

~~**5. Analysis.** An analysis of the quality, growth, effectiveness, labor market impact and priority of college programs, developed in terms of planning factors and criteria adopted by the board of trustees. These factors and criteria may include, but need not be limited to, the following:~~

~~**A.** Suitability as indicated by licensing requirements, general educational development, specific vocational preparation levels, national surveys, career information delivery system and occupational outlook handbook recommendations and alternate training environments;~~

~~**B.** Need as indicated by economic development targets, regional and local perspectives, duplicate training programs and enrollment and application levels, ratios and trends;~~

~~**C.** Employment outlook as indicated by employment levels, attrition rates, growth rates, occupational supply and demand ratios, cyclical trends and economic and technological developments;~~

~~**D.** Work values as indicated by wage levels, fringe benefits, working conditions, seasonal factors, accessibility and equity;~~

~~**E.** Career potential as indicated by turnover rate, dropout rate, burnout rate, career ladders, skill transferability, self-employment opportunities and supervisory opportunities;~~

~~**F.** Program effectiveness as indicated by student-to-teacher ratio, completion rate, labor market entry rate, student satisfaction and employer satisfaction;~~

~~**G.** Program impact as indicated by related placement rate, unrelated placement rate, unemployment rate and placement and unemployment trends; and~~

~~**H.** Cost as indicated by total cost, cost per student, cost per placement, special funding support and equipment replacement rates;~~

6. List. A list of needs, in order of priority, of the colleges; and

7. Other information. Any other information deemed significant by the board of trustees.

Sec. 43. 20-A MRSA §12719, as enacted by PL 1989, c. 179, §3, is repealed.

Sec. 44. 20-A MRSA §§12720 and 12721 are enacted to read:

§12720. Report by system president

The President of the Senate and the Speaker of the House of Representatives may invite the system president to appear in January of each year before a joint session of the Legislature to address the Legislature on the status of the system and such other matters as the system president desires to bring to the attention of the Legislature.

§12721. Distribution of strategic plans

Upon the development of any system-wide strategic planning document that has been approved by the board of trustees, the system shall distribute copies of that plan to each member of the Legislature.

Sec. 45. 22 MRSA §1471-B, sub-§1, as amended by PL 1989, c. 503, Pt. B, §83, is further amended to read:

1. Board established. The Board of Pesticides Control is established by Title 5, section 12004-D, subsection 3, within the Department of Agriculture, Food and Rural Resources. Except as provided in this chapter, the board shall must be composed of 7 members, appointed by the Governor, subject to approval by the joint standing committee of the legislature Legislature having jurisdiction over ~~the subject of agriculture~~ agricultural matters and confirmation by the Legislature. To provide the knowledge and experience necessary for carrying out the duties of the board, the board must consist of the following members: one person shall be appointed who has with practical experience and knowledge in chemical use in the field of agriculture, regarding the agricultural use of chemicals; one person who has practical experience and knowledge in chemical use in the field of regarding the use of chemicals in forest management, a commercial applicator; a one person from the medical

community; a scientist from the University of Maine System specializing in agronomy or entomology having practical experience and knowledge of integrated pest management; one commercial applicator; and 2 persons appointed to represent the public. The 2 members appointed to represent the public ~~shall be selected to~~ must have a demonstrated interest in environmental protection and represent different geographic areas of the State. The term shall must be for 4 years, except that of the initial appointees, 2 shall serve 4-year terms, 2 shall serve 3-year terms, 2 shall serve 2-year terms and one shall serve a one-year term. Any vacancy shall must be filled by an appointment for the remainder of the unexpired term.

Sec. 46. 28-A MRSA §2, sub-§§9-A and 10-A are enacted to read:

9-A. Commissioner. "Commissioner" means the Commissioner of Finance.

10-A. Director. "Director" means the Director of the Bureau of Alcoholic Beverages.

Sec. 47. 28-A MRSA §61, sub-§7, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

7. Salaries and expenses of members. Each member of the commission ~~shall~~ is entitled to be compensated according to the provisions of Title 5, chapter 379, for 50 up to 25 meetings per year, except for the chair of the commission who may be compensated for up to 30 meetings per year.

Sec. 48. 28-A MRSA §72, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 49. 28-A MRSA §72-A is enacted to read:

§72-A. Director; duties

The director has the following duties. The director shall:

1. Issue liquor licenses. Issue liquor licenses to qualified licensees in accordance with the applicable laws and rules of the commission;

2. Manage sale of alcoholic beverages. Manage the sale of alcoholic beverages through state-operated retail stores, agency stores and licensees in accordance with applicable laws and rules;

3. Act as chief administrative officer of bureau. Act as chief administrative officer of the bureau, having general charge of the office and records and employ such personnel as may be necessary to fulfill the purpose of this Title. The personnel must be employed with the approval of the commissioner and the commission and subject to the Civil Service Law;

4. Act as executive secretary. Act as executive secretary of the commission;

5. Confer with commissioner. Confer regularly as necessary or desirable and not less than once a month with the commissioner on the operation and administration of the bureau and make available for inspection by the commissioner, upon request, all books, records, files and other information and documents of the commission;

6. Recommend revocation of licenses. Recommend to the commission that it suspend or revoke, in accordance with sections 802, 803 and 1503, any license issued pursuant to this Title or the rules adopted under this Title;

7. Enter into contract. Subject to the approval of the commission and to any applicable laws relating to public contracts, enter into contracts or agreements for the wholesale purchase of alcoholic beverages;

8. Certify revenues and expenses. Certify monthly to the Treasurer of State, the commission and the commissioner a complete statement of the revenues and expenses for licenses and liquor sales for the preceding month; and, subject to the approval of the commissioner and the commissioner, submit an annual report that includes a complete statement of the revenues and expenses for licenses and liquor sales to the Governor and the Legislature, together with recommendations for changes in this Title; and

9. Investigate and recommend changes. Carry on a continuous study and investigation of the sale of alcoholic beverages throughout the State and the operation and administration of the state-operated retail stores and recommend to the commission and the commissioner of finance any changes in the laws or rules and methods of operation that are in the best interest of the State.

Sec. 50. 28-A MRSA §352, as amended by PL 1987, c. 342, §21, is repealed and the following enacted in its place:

§352. Purchase of liquor in state liquor stores and agency liquor stores

Purchases at state liquor stores must be for cash or by major credit card except that, licensees may purchase liquor at state liquor stores by cash or check, but not by credit card. Agency liquor stores may accept payment for liquor purchases by cash, check or major credit card.

Sec. 51. 28-A MRSA §455, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§455. Liquor for agency liquor stores

Agency liquor stores shall must buy their liquor from state liquor stores the commission under section 606.

Sec. 52. 28-A MRSA §606, sub-§1, as amended by PL 1987, c. 342, §28, is further amended to read:

1. All licensees must buy liquor from commission; exception. Except as provided in paragraph A, all

persons licensed to sell spirits ~~shall~~ must purchase all such liquor from ~~state liquor stores~~ the commission. Agency liquor stores may not sell liquor to retail licensees for resale.

A. This subsection does not apply to public service corporations operating interstate.

Sec. 53. 28-A MRSA §1061, sub-§4, as amended by PL 1989, c. 139, is further amended to read:

4. Required number of sleeping rooms. Each hotel must be equipped with at least the required number of adequate sleeping rooms.

A. The number of rooms required is based on the population of the municipality in which the hotel is located, as reported by the 1960 Federal Decennial Census.

(1) If the hotel is located in a municipality of 3,000 or less population, the hotel must have at least 12 adequate sleeping rooms.

(2) If the hotel is located in a municipality of more than 3,000 but not more than 7,500 population, the hotel must have at least 20 adequate sleeping rooms.

(3) If the hotel is located in a municipality of more than 7,500 or more population, the hotel must have at least 30 adequate sleeping rooms.

~~B. Any increase in population as shown by the 1960 and any subsequent Federal Census does not affect the eligibility for license of premises licensed before that census.~~

Sec. 54. 28-A MRSA §1502, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

1. Fee. The annual license fee is ~~\$10~~ \$50.

Sec. 55. 28-A MRSA §1551, sub-§4, as enacted by PL 1987, c. 342, §114, is amended to read:

4. Sales representatives. The fees for sales representatives are as follows:

A. Sales representative of manufacturer or certificate of approval holder (one year).....~~\$10~~ \$50.

Sec. 56. 36 MRSA §1955-C, as enacted by PL 1979, c. 378, §14, is amended to read:

§1955-C. Assessment for vehicles

Certificates forwarded to the State Tax Assessor under Title 29, section 204 or Title 12, section 7793-C, 7824-C or 7854-C, ~~shall be~~ must treated as returns filed under this Title for purposes of section 141.

Sec. 57. 36 MRSA cc. 707 and 708, as amended, are repealed.

Sec. 58. 36 MRSA §4605, sub-§6, as enacted by PL 1985, c. 753, §§14 and 15, is amended to read:

6. Records and reports. Every shipper shall, on or before the ~~15th~~ last day of each month, report to the State Tax Assessor the quantity of potatoes received, sold or shipped by ~~him~~ the shipper during the preceding calendar month and any additional information ~~which~~ that the State Tax Assessor ~~deems~~ determines pertinent, on forms furnished by the State Tax Assessor. At the time of filing the report, each shipper shall pay to the State Tax Assessor a tax at the rate of \$.05 per hundred-weight upon all potatoes reported as purchased, sold or shipped, subject to subsection 1.

Sec. 59. 36 MRSA §4606, as enacted by PL 1985, c. 753, §§14 and 15, is amended to read:

§4606. Appropriations of money received

Money received by the Treasurer of State under this chapter, including all receipts of taxes levied under section 4605, ~~shall~~ must be appropriated and used for the following purposes:

1. Collection and enforcement. For the collection of the tax provided for in this chapter and the enforcement of this chapter; and

2. Board's activities. For all activities of the board authorized under this chapter.

Money received by the Treasurer of State under this chapter, including all receipts of taxes levied under section 4605, may be appropriated and used for a one-time only transfer of funds to the Seed Potato Board, established by Title 7, chapter 403, equal to the Seed Potato Board's budget deficit for the fiscal year ending June 30, 1991 or \$40,000, whichever is less.

Sec. 60. 36 MRSA §4697, as amended by PL 1983, c. 85, §2, is further amended to read:

§4697. Reports of production and payment of tax

Every packer shall, on or before the ~~10th~~ last day of each month, report to the State Tax Assessor the quantity of sardines packed by ~~him~~ that packer during the preceding calendar month; on forms furnished by the State Tax Assessor; and pay to the State Tax Assessor the tax of 30¢ per case on all sardines reported as packed. If the State Tax Assessor determines that overpayment of tax has been made, ~~he~~ the State Tax Assessor shall make a refund. In making additional assessment or refund determinations, the State Tax Assessor shall rely on the records of the Department of Agriculture, Food and Rural Resources concerning the quantity of sardines packed in each sardine plant, for sale and suitable for human consumption. Any packer may pay to the State Tax Assessor in advance a sum of money

based on an estimate of ~~his~~ the packer's tax for a given number of months; and this sum ~~shall be~~ is a credit against future monthly reports of that packer.

Sec. 61. 36 MRSA, §4715, as enacted by PL 1987, c. 513, §10, is amended to read:

§4715. Dealer reports of purchases and payment of taxes

Every dealer shall keep, as a part of ~~his~~ permanent records, a record of all mahogany quahogs purchased at point of first sale. These records ~~shall~~ must be open for inspection by the State Tax Assessor at all times. Every dealer shall, on or before the ~~10th last~~ last day of each month, render a report to the State Tax Assessor, stating the number of bushels purchased by ~~him~~ the dealer during the preceding calendar month, on forms to be furnished by the State Tax Assessor, and, at the same time, shall pay to the State Tax Assessor the tax of \$1.20 per bushel on all mahogany quahogs reported as purchased. If it appears to the State Tax Assessor from inspection of records or otherwise that an additional tax is due or overpayment of tax has been made, additional assessments or refunds ~~shall~~ must be made by the State Tax Assessor to the dealer.

Sec. 62. 37-B MRSA §3, sub-§2, as enacted by PL 1983, c. 460, §3, is amended to read:

2. Deputy Adjutant General. The Deputy Adjutant General ~~shall have~~ has all the military related powers, responsibilities and duties of the Adjutant General ~~when~~ if the Adjutant General is ~~absent~~ unable to act or, if the office is vacant, until the vacancy is filled by the Governor, as provided by law. The Deputy Adjutant General may perform other military duties of the Adjutant General as assigned by the Adjutant General or the Governor. The deputy ~~shall~~ may not concurrently hold any other state office for compensation.

Sec. 63. 37-B MRSA §4, as amended by PL 1989, c. 878, Pt. F, §6, is further amended to read:

§4. Directors of bureaus

Each bureau of the department shall have a director. The Director of Military Bureau, the Director of Veterans' Services and the Director of the Maine Emergency Management Agency ~~shall~~ must each be appointed by the Adjutant General and shall serve at the pleasure of the Adjutant General. None of these directors may hold any other state office for compensation. If the Adjutant General is unable to act, the Director of the Military Bureau has the civilian administrative powers and duties of the Adjutant General in the Adjutant General's capacity as Commissioner of Defense and Veterans' Services. The Director of the Military Bureau may also perform other civilian duties of the Adjutant General as assigned by the Adjutant General or the Governor. The Director of Veterans' Services shall must be a person who served on active duty in the United States Armed Forces during any federally recognized period of conflict

as defined in section 504, subsection 4, paragraph A-1, subparagraph (3), and a person qualified by experience, training and a demonstrated interest in veterans' services.

Sec. 64. 37-B MRSA §108, as repealed and replaced by PL 1983, c. 512, §1, is amended to read:

§108. Designation of Deputy Adjutant General

The assistant adjutant general for the Maine Army National Guard or the assistant adjutant general for the Maine Air National Guard may be appointed as Deputy Adjutant General. The Deputy Adjutant General ~~shall have~~ has all the military related powers, responsibilities and duties of the Adjutant General ~~in the event of if~~ General is unable to act, or in case of a vacancy in the office of the Adjutant General until the vacancy is filled by the Governor, as provided by law. The Deputy Adjutant General may also perform other military duties of the Adjutant General as assigned by the Adjutant General or the Governor.

Sec. 65. 37-B, §704, 3rd ¶, as amended by PL 1987, c. 370, §15, is further amended to read:

The director, subject to the direction and control of the Adjutant General, shall be the executive head of the agency and shall be responsible for carrying out the program for civil emergency preparedness. ~~He~~ The director shall coordinate the activities of all organizations for civil emergency preparedness within the State, ~~and~~ shall maintain liaison with and cooperate with civil emergency preparedness and public safety agencies and organizations of other states, the Federal Government and foreign countries, and the political subdivisions thereof; prior to the annual meeting required in section 782, subsection 4, shall provide to each of the local civil emergency preparedness organizations of the State an annual assessment of each organization's degree of civil emergency preparedness and any other information pertinent to ensuring the public's welfare and safety within the local organization's jurisdiction; and shall have additional authority, duties and responsibilities as may be prescribed by the Adjutant General.

Sec. 66. 37-B MRSA §782, sub-§4 is enacted to read:

4. Annual meeting with the Director of the Maine Emergency Management Agency. The director of each local organization for civil emergency preparedness in the State and the respective appointing authority shall meet each year with the Director of the Maine Emergency Management Agency or the agency's successor, in order to review the performance of the local civil emergency preparedness organization in carrying out its federal and state mandate and to jointly set new goals for the coming year.

Sec. 67. Allocation; State Alcoholic Beverages Fund. In order to provide for the necessary ex-

penses of operation and administration of the Department of Finance, Bureau of Alcoholic Beverages and the Department of Finance, State Liquor Commission, the following amounts are allocated from the revenues derived from operations of the State Alcoholic Beverages Fund for the fiscal years ending June 30, 1992 and June 30, 1993, to carry out the purposes of this Act.

	1991-92	1992-93
FINANCE, DEPARTMENT OF		
Alcoholic Beverages - General Operations		
All Other	(\$3,000)	(\$3,000)
Provides for the deallocation of funds from reduced meeting costs of the State Liquor Commission.		

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

Effective June 18, 1991.

CHAPTER 377

S.P. 735 - L.D. 1926

An Act to Correct Errors and Inconsistencies in the Laws of Maine

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

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

Whereas, it is vitally necessary that these uncertainties and the 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. 4 MRSA §152, sub-§6-A, ¶C, as enacted by PL 1989, c. 878, Pt. A, §7, is amended to read:

C. Shoreland zoning ordinances enacted under Title 30-A, section 3001, and in accordance with Title 42 38, sections 4811 to 4817 435 to 446 and section 449;

Sec. 2. 4 MRSA §1151, sub-§2, as repealed and replaced by PL 1989, c. 502, Pt. A, §9, is amended to read:

2. Licensing jurisdiction. Except as provided in Title 5, section 10004; Title 10, section 8003, subsection 5; Title 29; Title 32, ~~chapter 113~~ chapters 105 and 114; and Title 35-A, section 3132, the Administrative Court ~~shall have~~ has 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~~ has 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~~ has 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 or 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. 3. 5 MRSA §947-A, sub-§1, ¶F, as enacted by PL 1985, c. 785, Pt. A, §47, is repealed.

Sec. 4. 5 MRSA §10051, sub-§1, as amended by PL 1989, c. 203, §1, is further amended to read:

1. Jurisdiction. Except as provided in section 10004; Title 8, section 279-B; Title 10, section 8003; Title 29; Title 32, chapters 105 and 114; and Title 35-A, section 3132, the Administrative Court ~~shall have~~ has exclusive jurisdiction upon complaint of any 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~~ has original jurisdiction upon complaint of an agency to determine whether renewal or reissuance of a license of that agency may be refused.

Sec. 5. 5 MRSA §12004-G, sub-§17, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 6. 12 MRSA §7901, sub-§10, as enacted by PL 1985, c. 737, Pt. A, §34, is repealed.

Sec. 7. 15 MRSA §224-A, sub-§2, as amended by PL 1983, c. 862, §42, is further amended to read:

2. Funding. The Extradition Account in each prosecutorial district ~~shall be~~ is funded by bail forfeited