

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

SECOND SPECIAL SESSION

December 12, 1991 to January 7, 1992

SECOND REGULAR SESSION

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1992

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
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

leum Marketing Fund. The Attorney General shall administer the fund. This section is repealed October 1, 1994.

§1682. Rulemaking

The Attorney General may adopt rules necessary to implement this chapter.

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1992-93

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General

| | |
|----------------------|----------|
| Positions | (1.0) |
| Personal Services | \$36,489 |
| All Other | 12,100 |
| Capital Expenditures | 3,000 |

Provides for the allocation of funds for one Research Assistant position, compensation for legislative committee members and costs associated with implementing the provisions of the Petroleum Market Share Act.

| | |
|---|----------|
| DEPARTMENT OF THE ATTORNEY GENERAL | |
| TOTAL | \$51,589 |

See title page for effective date.

CHAPTER 837

H.P. 1748 - L.D. 2436

An Act Related 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, 1992; and

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

ery 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, 1992; 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:

PART A

Sec. A-1. 1 MRSA §353, as amended by PL 1979, c. 663, §1, is further amended to read:

§353. Explanation of proposed amendments

~~The~~ With the assistance of the Secretary of State, the Attorney General shall prepare a brief explanatory statement which shall must fairly describe the intent and content of each constitutional resolution or statewide referendum that may be presented to the people and which ~~shall must~~ must include any information prepared under Title 5, section 152. In addition to the explanatory statement, ~~he the Secretary of State and the Attorney General~~ shall prepare an explanation of what a yes vote favors and a no vote opposes. ~~He The Secretary of State shall cause to have published~~ publish this explanatory statement in each daily newspaper of the State, ~~such statement to be published not more than 45 days and not less than 30 days prior to the voting and publish such statement in each daily newspaper of the State a 2nd time, not more than 10 and not less than 7 days prior to the voting. Such~~ The explanatory statement may be published in the English language in a foreign language newspaper.

Sec. A-2. 3 MRSA §924, sub-§2, ¶D-1, as enacted by PL 1991, c. 376, §3, is amended 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. A-3. 3 MRSA §924, sub-§2, ¶D-2 is enacted to read:

D-2. A list of agency programs in which gender inequity is identified and highlighted for consideration by the committee, a list of employees, by gender, showing job classification and salary range, and promotions and layoffs in the preceding year according to gender; and

Sec. A-4. 3 MRSA §927, sub-§3, as corrected by RR 1991, c. 1, §2, is amended to read:

3. 2003.**A. Agencies:**

- ~~(1) Department of Transportation;~~
- ~~(2) (1) Department of Public Safety, except for the Bureau of Capitol Security;~~
- ~~(3) (2) Department of the Secretary of State;~~
- ~~(4) (3) Maine Educational Loan Authority; and~~
- ~~(5) (4) Department of Agriculture, Food and Rural Resources.~~

B. Independent agencies:

- (1) Maine State Pilotage Commission;
- (2) State Board of Registration for Professional Engineers;
- (3) ~~State Board of Registration Licensure for Professional Land Surveyors;~~
- (4) Local Government Records Board;
- ~~(5) State Planning Office;~~
- ~~(6) (5) Maine High-Risk Insurance Organization;~~
- ~~(7) Capitol Planning Commission;~~
- ~~(8) State Lottery Commission; and~~
- ~~(9) Driver Education Evaluation Programs;~~
- ~~(6) Safety training operating-under-the-influence programs; and~~
- ~~(7) State Soil and Water Conservation Commission.~~

Sec. A-5. 3 MRSA §927, sub-§4, as amended by PL 1991, c. 376, §8, is further amended to read:

4. 1993.**A. Agency:**

- (1) Department of Human Services; and
- (2) Department of Transportation.

B. Independent agencies:

- (1) State Board of Funeral Service;

(2) Board of Hearing Aid Dealers and Fitters;

(3) Advisory Commission on Radioactive Waste;

~~(4) Maine Human Development Commission;~~

~~(5) Maine Committee on Aging; and~~

~~(6) (4) Maine Turnpike Authority;~~

(5) Capitol Planning Commission;

(6) State Planning Office; and

(7) State Lottery Commission.

Sec. A-6. 3 MRSA §927, sub-§6, ¶B, as repealed and replaced by PL 1991, c. 376, §9, is amended to read:

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) (3) Acupuncture Licensing Board;~~
- ~~(5) (4) Board of Licensing of Auctioneers;~~
- ~~(6) (5) Board of Licensing of Dietetic Practice;~~
- ~~(7) (6) Board of Commercial Driver Education; and~~
- ~~(8) (7) Advisory Board for the Licensing of Taxidermists.~~

Sec. A-7. 5 MRSA §6, as amended by PL 1981, c. 456, Pt. A, §14, is further amended to read:

§6. Officials have 30 days to qualify

All public officers appointed or renewed in accordance with law shall, within 30 days after being commissioned, qualify to perform the duties of their office and the certificate of ~~such~~ qualification ~~shall~~ must be filed in the office of the Secretary of State. Any ~~such~~ officer who fails to qualify within 30 days and file a certificate of qualification in the office of the Secretary of State within ~~30~~ 45 days ~~shall~~ must be suspended by the Secretary of State until the defect is corrected. During this suspen-

tion, the officer may be deemed to have forfeited his the appointment and the office may be declared vacant by the Governor appointing authority and a new appointment made.

~~All persons renewing a commission as a notary public shall requalify within 30 days after issuance of the renewal in the manner prescribed by the Secretary of State.~~

Sec. A-8. 5 MRSA §92-A, sub-§§4 and 5 are enacted to read:

4. State agency or agency. "State agency" or "agency" means any unit of State Government, including any state board or commission, except the Legislature and its committees and subcommittees, the Judicial Department, the University of Maine System, the Maine Technical College System and the Maine Maritime Academy.

5. State record. "State record" means any written, printed or graphic matter or any mechanical or electronic data compilation from which information can be obtained, directly or after translation into a form susceptible of visual or aural comprehension, that is in the possession or custody of an agency or public official of the State and has been received or prepared for use in connection with the transaction of public or governmental business or contains information related to the transaction of public or governmental business.

Sec. A-9. 5 MRSA §95, as amended by PL 1991, c. 172, §1, is further amended to read:

§95. Powers and duties of State Archivist

The State Archivist ~~shall have~~ has, upon consent of the Secretary of State, the duties and powers established under the following provisions governing the creation, use, maintenance, retention, preservation and disposal of state records:

1. Administration. To administer the office of the State Archivist. In exercising his the administration of the office, the State Archivist shall formulate policies, establish organizational and operational procedures and exercise general supervision. He The State Archivist shall employ, with the approval of the Secretary of State subject to the Civil Service Law, such assistants as may be are necessary to carry out this chapter. The State Archivist shall adopt a seal for use in the official business of his the office. He shall have The State Archivist has custody and control of the facilities provided for the administration of this chapter;

2. Examination of public records. To have the right of reasonable access to and examination of all public state records in Maine;

3. Rules. To promulgate adopt such rules and regulations as are necessary to effectuate the purposes of this chapter. No restrictions or limitations shall may be imposed on the use of records that are defined by law as public state records or as records open to public inspection, unless necessary to protect and preserve them from deterioration, mutilation, loss or destruction. Restrictions or limitations imposed by law on the examination and use of state records transferred to the archives under subsection 7, paragraph C and subsection 8 shall remain in effect until the records have been in existence for 50 years, unless removed or relaxed by the State Archivist with the concurrence in writing of the head of the agency from which the records were transferred or his the successor in function, if any. The State Archivist shall promulgate adopt rules and regulations governing the transfer of state records from the custody of one agency to that of another subject to any applicable provision of law;

4. Acceptance of gifts and bequests. To accept gifts, bequests and endowments for purposes consistent with the objectives of this chapter. Such funds, if given as an endowment shall must be invested in securities by the Treasurer of State according to the laws governing the investment of trust funds. All gifts, bequests and proceeds of invested endowment funds shall must be used solely to carry out the purposes for which they were made;

5. Publication. To publish archival material, reports, bulletins and other publications which will that promote the objectives of this chapter. He The State Archivist shall establish the price at which publications, photocopies and photoduplication services may be sold and delivered. The income received under this subsection and subsection 12 shall must be credited to a special revenue account, which shall be is carried forward and expended by the agency for these purposes;

6. Biennial report. To report biennially to the Governor and Legislature facts and recommendations relating related to the work and needs of his the office of State Archivist;

7. Records management program. To establish and administer in the executive branch of State Government an active, continuing program for the economical and efficient management of state records. Upon request, the State Archivist shall assist and advise in the establishment of records management programs in the legislative and judicial branches of State Government and shall, as required by them, provide program services similar to those available to the executive branch. The State Archivist shall, with due regard for the functions of the agencies concerned:

A. Provide standards, procedures and techniques for effective management of state records in the conduct of current business;

B. Recommend improvements in current records management practices, including the use of space, equipment and supplies employed in creating, maintaining, storing and servicing state records;

C. Establish schedules, in consultation with the heads of state ~~departments~~ agencies, under which each ~~department~~ state agency shall retain state records of continuing value, and dispose, as provided by this chapter, of state records no longer possessing sufficient administrative, legal or fiscal value to warrant their further keeping for current business; and

D. Obtain such reports from state agencies as are required for the administration of the program;

The head of each state agency shall establish and maintain an active, continuing program for the economical and efficient management of the state records of the state agency in compliance with the standards, procedures and regulations issued by the State Archivist.

8. Transfer of state records. To provide for the transfer to the archives of state records, disposed of under subsection 7, paragraph C, ~~which that~~ have archival value;

9. Destruction of state records. To authorize and receive confirmation of the destruction of the state records of any state ~~department which agency that~~, in the opinion of the head of the ~~department~~ agency, are no longer of value to the ~~department~~ state agency, and ~~which that~~, in the opinion of the State Archivist and the Archives Advisory Board, have no archival value to the State;

10. Transfer of state and official records. To receive all state records transferred to the Maine State Archives under subsection 8 and to negotiate for the transfer of ~~public official~~ records from the custody of any public official not governed by subsection 7. The State Archivist shall charge a fee sufficient to cover the cost of receiving and processing all transfers from the custody of any public official not governed by subsection 7. The fees collected ~~shall must~~ be deposited in the General Fund. Any public officer in Maine is authorized to turn over to the State Archivist ~~such public those official~~ records legally in ~~his that public official's~~ custody ~~as that~~ are not needed for the transaction of the current business of ~~his that~~ office, whenever the State Archivist is willing and able to receive them. Whenever such a transfer is made, the State Archivist shall transmit to the office from which the records are transferred a memorandum in which such records are described in terms sufficient to identify them, which ~~shall must~~ be preserved in ~~said the transferring~~ office. Unless otherwise directed by law, the public state records of any public office, commission or committee in the State ~~shall must~~, upon the termination of its existence or functions, be transferred to the custody of the State Archivist;

10-A. Records of Secretary of State. To preserve the records of the Secretary of State to the extent ~~he deems the Secretary of State determines~~ desirable under the Constitution and the regulations of the State Archivist;

10-B. Permanent state records of agency administration. To establish such standards concerning the establishment, maintenance and operation of state administered computerized and auxiliary automated information handling as ~~may be~~ are necessary to ~~insure~~ ensure the preservation of adequate and permanent state records of the organization, functions, policies, procedures, decisions and essential transactions of the agencies of State Government;

10-C. Legislative records. ~~The~~ To receive Legislative records, the Secretary of the Senate and the Clerk of the House of Representatives shall obtain the noncurrent records of the Legislature and of each legislative committee ~~thereof~~ at the close of each Legislature and transfer them to the Maine State Archives for preservation, subject to the orders of the Senate or the House of Representatives, respectively, and subject to schedules established in consultation with the Executive Director of the Legislative Council;

11. Archives available for public use. To make archival material under the archivist's supervision available for public use at reasonable times. The archivist shall carefully protect and preserve the materials from deterioration, mutilation, loss or destruction. Records State records maintained by the archivist; that contain information ~~relating~~ related to the identity of an archives patron relative to the patron's use of materials at the archives; are confidential. Those state records and the information contained in them may only be released with the express written consent of the patron involved or as a result of a court order;

12. Copies. To furnish copies of archival material upon the request of any person, on payment in advance of such fees as may be required. Copies of public state records transferred ~~in pursuance of~~ pursuant to law from the office of their origin to the custody of the State Archivist, when certified by the State Archivist, under the seal of ~~his that~~ office, ~~shall~~ have the same legal force and effect as if certified by their original custodian. A facsimile of the signature of the State Archivist imprinted by or at ~~his the~~ the direction of the State Archivist upon any certificate issued by ~~him shall have~~ the State Archivist has the same validity as ~~his the~~ the written signature of the State Archivist; and

13. Photoreproduction and restoration. To provide centralized photoreproduction and records preservation services for government agencies to the extent ~~he deems the State Archivist determines~~ advisable in ~~his the~~ the administration of the state program and facilities. Such services ~~shall must~~ be furnished to such agencies at cost.

Fees collected under this subsection ~~shall~~ must be deposited in the General Fund.

Sec. A-10. 5 MRSA §3303, as amended by PL 1989, c. 501, Pt. DD, §5, is further amended to read:

§3303. State Planning Office

There is established to carry out the purpose of this chapter a State Planning Office in the Executive Department, which ~~shall be~~ is concerned with research, analysis and the formulation, coordination and management of policy. The State Planning Office ~~shall be~~ is directly responsible to the Governor and ~~shall serve~~ serves as an advisory, consultative, coordinating, administrative and research agency as specified in section 3305. The State Planning Office ~~shall assist~~ assists the Governor and other state agencies in the development of economic, energy, fiscal and regulatory policy; ~~the management of planning and policy development~~ for the State's natural and physical resources; the identification of issues and problems of long-term significance to the State; and the coordination of state policy and its implementation on issues of interagency concern.

Sec. A-11. 5 MRSA §8053, sub-§5, ¶C, as enacted by PL 1979, c. 425, §5, is amended to read:

C. Designate one ~~weekday~~ day as rules day for publication of notices on rulemaking as set forth in this subsection; and

Sec. A-12. 7 MRSA §1, as amended by PL 1987, c. 435, §2, is further amended to read:

§1. Department of Agriculture, Food and Rural Resources

The Department of Agriculture, Food and Rural Resources, ~~as is established and in this Title called the "department," shall be~~ is maintained for the improvement of agriculture and the advancement of the interests of husbandry; . The Department of Agriculture, Food and Rural Resources is referred to in this Title as the "department" and shall consist ~~consists~~ of the Commissioner of Agriculture, Food and Rural Resources, in this Title called the "commissioner," and the following ~~as created and established~~: The Aroostook Water and Soil Management Board, the Board of Pesticide Control, the Maine Dairy and Nutrition Council Committee, the Maine Dairy Promotion Board, the Maine Milk Commission, the Maine Potato ~~Commission~~ Board, the Seed Potato Board, the State Soil and Water Conservation Commission, the Harness Racing Commission, the Board of Veterinary Medicine and the Animal Welfare Board. The commissioner ~~shall be~~ is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over agriculture mat- ~~ters~~ ters and to confirmation by the Legislature, and ~~shall hold~~ holds office during the pleasure of the Governor.

~~He shall receive his~~ The commissioner is entitled to receive actual expenses incurred in the performance of ~~his the commissioner's~~ his official duties. ~~He~~ The commissioner may employ such clerical labor as may be required, subject to the Civil Service Law, and ~~he~~ may expend such sums for postage, telephone, telegraph and other general office expenses as may be necessary in the performance of ~~his the commissioner's~~ his duties, the same to be paid out of any money appropriated by the Legislature for such purpose.

Sec. A-13. 7 MRSA §2, sub-§5, as amended by PL 1979, c. 731, §19, is further amended to read:

5. Report. Report and make recommendations to ~~each the Governor and~~ the Legislature with respect to methods of stimulating and encouraging the growth and modernization of agricultural enterprises in this State. ~~Such~~ The report ~~shall must be made available~~ submitted to the Legislature ~~on the first day of the 3rd week following the convening of the Legislature for the regular session; and on the first day of the 2nd week following the convening of the Legislature for the first special session of the year in the year following the year of the regular session~~ Governor and the joint standing committee of the Legislature having jurisdiction over agriculture matters no later than December 1st of each even numbered year. For purposes of obtaining information, the Department of Agriculture, Food and Rural Resources may hold public hearings throughout the State, after giving public notice thereof of the public hearings.

Sec. A-14. 7 MRSA §10, as amended by PL 1975, c. 771, §98, is repealed.

Sec. A-15. 7 MRSA §75, sub-§5, as enacted by PL 1987, c. 849, §2, is repealed.

Sec. A-16. 7 MRSA §232, sub-§2, as enacted by PL 1987, c. 805, §2, is amended to read:

2. Genetic engineering. "Genetic engineering" means the technology of the manipulation or alteration of an organism's genetic material; including recombinant deoxyribonucleic acid, or DNA, research; recombinant ribonucleic acid, or RNA, research and cell fusion, but not including human medical uses of this technology.

Sec. A-17. 7 MRSA §401-C, as enacted by PL 1983, c. 563, §1, is repealed.

Sec. A-18. 7 MRSA §1012, sub-§8, as enacted by PL 1971, c. 366, is repealed.

Sec. A-19. 7 MRSA §1015, 2nd ¶, as amended by PL 1979, c. 127, §45, is further amended to read:

Upon receipt of such applications, the commissioner immediately shall cause notice ~~thereof of the ap-~~ plications to be provided in a manner consistent with the

provisions of the Maine Administrative Procedure Act as to adjudicatory proceedings and shall, in any case, cause a copy ~~thereof of the notice~~ to be served upon the Maine Potato Council Board. Any interested person ~~shall~~ have has 30 days in which to file comments as to the applicant's qualifications, to request a hearing; or to file a verified complaint with the commissioner as provided by this Article.

Sec. A-20. 7 MRSA §1017, sub-§1, ¶B, as enacted by PL 1971, c. 366, is amended to read:

B. That the applicant or licensee has failed or refused to render a true account of sales, or to make a settlement thereon, within the time and in the manner required by this Article, or has failed or refused to pay for potatoes purchased by the applicant or licensee within ~~20~~ 30 calendar days after acceptance of ~~said~~ the potatoes;

Sec. A-21. 7 MRSA §1033, sub-§2, ¶B, as amended by PL 1987, c. 99, §7, is further amended to read:

B. To adopt identification to be used on consumer packs of potatoes ~~to be packed in~~ known as Maine bags, as authorized in this article;

Sec. A-22. 7 MRSA §1033, sub-§2, ¶F, as amended by PL 1983, c. 780, §1, is repealed.

Sec. A-23. 10 MRSA c. 207, as amended, is repealed.

Sec. A-24. 10 MRSA §1474, sub-§4, ¶F, as enacted by PL 1985, c. 429, §4, is amended to read:

F. The Division Bureau of Motor Vehicles may ~~promulgate~~ adopt rules related to this section, including, but not limited to, rules establishing uniform disclosure forms and stickers.

Sec. A-25. 10 MRSA §1475, sub-§2-A, as amended by PL 1991, c. 62, §1, is further amended to read:

2-A. Required contents of disclosure statement.

The statement required by subsection 1 must contain a complete description of the motor vehicle to be sold, including, but not limited to:

A. The make, model, model year and any identification or serial numbers of the motor vehicle;

B. The dealer's duty to disclose promptly the name and address of the previous owner of the motor vehicle, or dealer, upon the request of any person, the principal use to which the motor vehicle was put by that owner such as personal transportation, police car, daily rental car, taxi or other descriptive term, and the type of sale or other means by

which the person acquired the motor vehicle, such as trade-in, sheriff's sale, repossession, auction or other descriptive term, to the extent that such information is reasonably available to the person;

C. A statement identifying any and all mechanical defects known to the dealer at the time of sale;

D. A statement identifying the type of damage, if any, that the vehicle has sustained, such as fire, water or substantial collision damage, if that information is known to the dealer;

E. A statement, if applicable, that implied warranties with respect to the vehicle are excluded or modified. Nothing in this paragraph may be construed to affect the requirements of Title 11, section 2-316;

F. A statement, if applicable, disclosing that the vehicle was returned to the manufacturer, its agent or authorized dealer, for its nonconformity with express warranties. The statement must identify the nature of the nonconformities; and

G. If the vehicle is repossessed, a statement identifying this fact.

The Division Bureau of Motor Vehicles may adopt rules related to this section, including, but not limited to, rules establishing uniform disclosure forms and stickers. The Division Bureau of Motor Vehicles may include in any rule establishing uniform disclosure forms and stickers any information that the Federal Trade Commission requires to be disclosed on a sticker pursuant to the Motor Vehicle Trade Regulation Rule, 16 Code of Federal Regulations, Part 455, except that the Division Bureau of Motor Vehicles may not include in any uniform disclosure form or sticker information from the Federal Trade Commission rule that conflicts in any manner with the information required by this section.

Any dealer who offers for sale to the consuming public a repossessed vehicle that has been obtained by the dealer through any transaction other than a retail sale and who meets the warranty and disclosure requirements of section 1474 and subsection 1 and this subsection has no other liability under this chapter, except for any additional warranties negotiated between the dealer and the consumer.

Sec. A-26. 10 MRSA §1478, sub-§2, as enacted by PL 1985, c. 569, §2, is amended to read:

2. State agencies to maintain documents for each vehicle. Each state agency shall maintain records for each vehicle in the possession of and assigned for primary use by the agency. The records ~~shall~~ must contain the information defined in section 1475, subsection 2, paragraphs B, C, D and F. Each state agency shall use

the disclosure forms as provided by the Division Bureau of Motor Vehicles pursuant to section 1475, subsection 2, paragraph G.

A. In the event that a uniform disclosure form prepared by the Division Bureau of Motor Vehicles is not available for state agency use, each agency shall devise a form until a uniform form becomes available.

B. This subsection applies to motor vehicles purchased on or after July 1, 1986.

Sec. A-27. 10 MRSA §1526-A is enacted to read:

§1526-A. Information requests

The Secretary of State shall charge a fee of \$5 for responding in writing to a request for information on file.

Sec. A-28. 12 MRSA §51, as amended by PL 1989, c. 503, Pt. B, §54, is further amended to read:

§51. Membership; seal; rules

The State Soil and Water Conservation Commission, as established by Title 5, section 12004-G, subsection 30, ~~shall serve~~ serves as an agency of the State and ~~shall perform~~ performs the functions conferred upon it in this chapter. It ~~shall consist~~ consists of the following ~~± 12~~ members: The Vice-president for Research and Public Service of the University of Maine, the Commissioner of Agriculture, Food and Rural Resources, the Commissioner of Conservation, the Commissioner of Inland Fisheries and Wildlife, the Commissioner of Marine Resources and the Commissioner of Environmental Protection, who shall serve ex officio, except that each ex officio member may delegate one of that member's staff with policy-making authority to serve regularly in ~~his~~ that member's absence, and 6 soil and water conservation district supervisors, one of which shall represent each of the following 6 areas: Area 1, composed of St. John Valley, Central Aroostook and Southern Aroostook Soil and Water Conservation Districts; Area 2, composed of Washington and Hancock County Soil and Water Conservation Districts; Area 3, composed of Penobscot, Piscataquis and Somerset County Soil and Water Conservation Districts; Area 4, composed of Kennebec, Knox-Lincoln and Waldo County Soil and Water Conservation Districts; Area 5, composed of Androscoggin Valley, Oxford and Franklin County Soil and Water Conservation Districts; Area 6, composed of Cumberland and York County Soil and Water Conservation Districts. Any district organized after October 1, 1975, ~~shall must~~ be included in one of these 6 areas as determined by the State Soil and Water Conservation Commission.

The representative of each ~~such~~ area ~~shall must~~ be elected at an annual meeting of the supervisors in the

area held at a time specified by the commission. ~~Persons now serving as members of the commission shall continue to serve until the representatives from the 6 named areas are elected and qualified.~~ The commission may invite the Secretary of Agriculture of the United States of America to appoint one person to serve with the above-mentioned members as an advisory member of the commission. The commission shall keep an accurate record of its official actions, shall adopt a seal, which seal ~~shall must~~ be judicially noticed, ~~shall have the authority to~~ may sue and be sued, and shall perform such acts, execute such contracts and other instruments, hold such public hearings and ~~promulgate~~ adopt such rules and regulations as ~~may be~~ are necessary for the execution of its functions under this chapter. The commission shall formulate the biennial and supplemental budgets for the agency, to be submitted by the Commissioner of Agriculture, Food and Rural Resources as a component of the budget of the Department of Agriculture, Food and Rural Resources.

The area representatives first elected from Areas 1 and 4, ~~shall must~~ be initially elected for a ~~1-year~~ one-year term; those from Areas 2 and 5 ~~shall must~~ be initially elected for a 2-year term; those from Areas 3 and 6 ~~shall must~~ be initially elected for a 3-year term. All subsequent elections ~~shall be~~ are for a 3-year term. Area representatives may serve beyond their elected terms until their successors are elected and qualified.

Sec. A-29. 12 MRSA §52, as amended by PL 1979, c. 732, §19, is further amended to read:

§52. Legal services; executive director; delegation of powers

The commission may call upon the Attorney General for ~~such the~~ legal services as it ~~may require~~ requires. With the approval of the Commissioner of Agriculture, Food and Rural Resources it ~~shall may~~ employ an executive director and ~~such~~ other temporary or permanent employees as it may require. It ~~shall have~~ has authority to delegate to any of its members, or to any agent or employee, ~~such the~~ powers and duties as it ~~may deem~~ determines proper.

Sec. A-30. 12 MRSA §53, as amended by PL 1983, c. 812, §72, is further amended to read:

§53. Officers; terms; quorum; compensation; records

The commission shall elect one of its members to be ~~chairman~~ chair and may, from time to time, change such designation. An ex officio member of the commission ~~shall hold~~ holds office so long as ~~he~~ she ~~shall hold~~ holds the ex officio member holds the office by virtue of which ~~he the~~ the member is serving on the commission. Upon the expiration of the term of office of, or in the case of a vacancy in, the office of an elected member, ~~his~~ the member's successor ~~shall be~~ is elected in the same manner, and from the same area, as the retiring member was elected.

A majority of the commission ~~shall constitute~~ constitutes a quorum, and the concurrence of a majority of the quorum in any matter within ~~their~~ the commission's duties ~~shall be~~ is required for its determination. The ~~chairman~~ chair and members of the commission ~~shall be~~ are compensated as provided in Title 5, chapter 379 ~~and provided that~~ if sufficient funds are available. The commission shall provide for the keeping of an accurate record of all proceedings and of all resolutions, ~~regulations~~ rules and orders issued or adopted.

Sec. A-31. 13 MRSA §906 is enacted to read:

§906. Information requests

The Secretary of State shall charge a fee of \$5 for responding in writing to a request for information on file.

Sec. A-32. 13-A MRSA §1401, sub-§35, as amended by PL 1989, c. 501, Pt. L, §27, is further amended to read:

35. Any other documents not herein specifically provided for, \$20; ~~and~~

Sec. A-33. 13-A MRSA §1401, sub-§36, as enacted by PL 1989, c. 501, Pt. L, §27, is amended to read:

36. Report of name search as provided by section 301, subsection 6, §10; ~~and~~

Sec. A-34. 13-A MRSA §1401, sub-§37 is enacted to read:

37. Written response to a request for information on file, \$5.

Sec. A-35. 13-B MRSA §102, sub-§5-A, as enacted by PL 1991, c. 465, §26, is repealed.

Sec. A-36. 13-B MRSA c. 13, first 3 lines are repealed and the following enacted in their place:

CHAPTER 13

ANNUAL REPORTS; POWERS OF SECRETARY OF STATE; EXCUSE; MISCELLANEOUS

Sec. A-37. 13-B MRSA §1301, as amended by PL 1991, c. 465, §30, is further amended to read:

§1301. Annual report of domestic and foreign corporations; excuse

1. **Annual report.** Each domestic corporation, unless excused as provided in subsection 5, ~~or condominium corporation required to file annual reports under section~~

~~1301-A~~; and each foreign corporation authorized to carry on activities in this State shall deliver for filing, within the time prescribed by this Act, ~~a biennial~~ an annual report to the Secretary of State setting forth:

A. The name of the corporation and the jurisdiction of its incorporation;

B. The address of the registered office of the corporation in this State and the name of its agent for service of process if a domestic corporation, or its registered agent if a foreign corporation, in this State at such address, including the street or rural route number, town or city, and state; and, ~~in the case of~~ if a foreign corporation, the address of its registered or principal office in its jurisdiction of incorporation; and

C. The names and business or residence addresses of the president, the treasurer, the registered agent and the secretary or clerk of the corporation, including the street or rural route number, town or city, and state.

~~2. Information contained in annual report. The information contained in the biennial report shall be given as of the close of business on the last day of the 2nd calendar year of the biennium for which the report is filed, including, where applicable, the calendar year in which the corporation is organized. If, between such date and the date of execution of the report, any material change has occurred with respect to any fact required to be set forth in the report, such change shall also be stated.~~

2-A. Information contained in annual report. The Secretary of State shall specify by rule the period of time to which the annual report applies as provided in subsection 4. The information contained in the annual report must be current as of the date the report is signed.

3. **Execution.** The ~~biennial~~ annual report ~~shall~~ must be executed as provided by section 104, except that signing by any one of the president, a vice-president, the secretary, the treasurer, an assistant secretary or any other duly authorized individual, without a 2nd signature, ~~shall~~ be ~~is~~ deemed valid under section 104, subsection 1, paragraph B, subparagraph (2).

4. **Filing.** Subject to rules adopted under section 1302-A, subsection 4, the ~~biennial~~ annual report ~~shall~~ must 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 to the Secretary of State or a designee. One copy of the report shall~~ must be delivered for filing to the Secretary of State, who shall file the report if he the Secretary of State 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.~~

5. Certificate of fact. The Secretary of State, upon application by any corporation and satisfactory proof that it has ceased to carry on activities, shall file a certificate of ~~the~~ that fact and shall give a duplicate certificate to the corporation. ~~Thereupon, such~~ The corporation ~~shall be is then~~ excused from filing biennial annual reports with the Secretary of State so long as the corporation, in fact, carries on no activities.

6. Vote to carry on activities. The members entitled to vote or, if none, the directors of a corporation ~~which that~~ has been excused pursuant to subsection 5 may vote to resume carrying on activities at a meeting duly called and held for ~~such that~~ purpose. A certificate, executed and filed; as provided in sections 104 and 106, setting forth that a members' or directors' meeting was held, the date and location of the meeting and that a majority of the members or directors voted to resume carrying on activities, ~~shall authorize such~~ authorizes that corporation to carry on activities; and after ~~such that~~ certificate is filed, ~~it shall be the corporations is~~ required to file biennial annual reports.

Sec. A-38. 13-B MRSA §1301-A, as amended by PL 1991, c. 465, §31, is repealed.

Sec. A-39. 13-B MRSA §1301-B, as enacted by PL 1989, c. 875, Pt. E, §12, is repealed.

Sec. A-40. 13-B MRSA §1302, as amended by PL 1977, c. 694, §290, is further amended to read:

§1302. Failure to file annual report; incorrect report; penalties

1. Failure to file annual report. Any corporation ~~which that~~ is required to deliver a biennial an annual report for filing, as provided by section 1301, and ~~which~~ fails to deliver its properly completed biennial annual report to the Secretary of State, shall pay, ~~after January 1, 1981~~; the sum of \$10 for each failure to ~~so~~ file on time. Upon failure to file a ~~biennial the annual~~ report and to pay annual report fee and the penalty, the Secretary of State notwithstanding Title 4, ~~Chapter chapter~~ 25; and Title 5, ~~Chapter chapter~~ 375, shall, ~~after January 1, 1981~~; revoke a foreign corporation's authority to carry on activities in this State and suspend a domestic corporation from carrying on activities. ~~He~~ The Secretary of State shall use the procedures set forth in section 1210, relative to revoking the right of foreign corporations to carry on activities in this State, for suspending domestic corporations. A foreign corporation whose authority to carry on activities in this State has been revoked under this subsection and ~~which that~~ wishes to carry on activities again in this State must be authorized as provided in section 1202. A domestic corporation ~~which that~~ has been

suspended under this subsection may be reinstated by filing the current biennial annual report and by paying the penalty for the current biennium and for each biennium that it has failed to file a biennial report accrued.

2. Nonconformity. If the Secretary of State finds that any biennial annual report delivered for filing does not conform with the requirements of section 1301, ~~he~~ the Secretary of State may return the report for correction.

3. Time limit specified. If the biennial annual report of a corporation is not received by the Secretary of State within the time specified in section 1301, the corporation ~~shall be is~~ excused from the liability provided in this section and from any other penalty for failure to timely file the report if it establishes, to the satisfaction of the Secretary of State, that its failure to file was the result of excusable neglect and it furnishes the Secretary of State ~~with~~ a copy of ~~such that~~ report within 30 days after it learns of the nondelivery of the original report.

Sec. A-41. 13-B MRSA §1302-A, sub-§4, as amended by PL 1989, c. 875, Pt. E, §13, is further amended to read:

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

Sec. A-42. 13-B MRSA §1401, sub-§31, as enacted by PL 1989, c. 875, Pt. E, §16, is amended to read:

31. Annual report. Annual report of a condominium domestic or foreign corporation as provided by section ~~1301-A~~ 1301, ~~§45~~ §20.

Sec. A-43. 13-B MRSA §1401, sub-§32 is enacted to read:

32. Information request. Written response to a request for information on file, \$5.

Sec. A-44. 17 MRSA §2264, sub-§5, as enacted by PL 1989, c. 820, §4, is amended to read:

5. Vehicle operator. From a vehicle. When any litter is thrown or discarded from a vehicle, both the operator of the vehicle, unless it is a vehicle being used for the carriage of passengers for hire, and the person actually disposing of the litter are in violation of this section. The violation is punishable as a traffic infraction under Title 29, chapter 19. This penalty is in addition to any penalty under section 2264-A.

A record of a violation of this subsection must be forwarded to the Secretary of State who, in accordance with Title 29, section 2304, shall add the violation to the

department's point system ~~and the~~. The violation is counted in determining an individual's total points under the point system of the ~~Division~~ Bureau of Motor Vehicles.

Sec. A-45. 17 MRSA §2275, as amended by PL 1989, c. 878, Pt. B, §14, is further amended to read:

§2275. Driver license and registration procedures

The ~~Division~~ Bureau of Motor Vehicles shall include a summary of this chapter with each reregistration and new vehicle operator license issued.

The ~~Division~~ Bureau of Motor Vehicles shall include a summary of this chapter in the next revision and printing of the driver license information materials ~~and shall include at least one question concerning the contents of section 2265 in the driver's license examination.~~

Sec. A-46. 21-A MRSA §621, first ¶, as enacted by PL 1985, c. 161, §6, is repealed and the following enacted to read:

The Secretary of State shall send the warrants to the municipal clerk, who shall present them to the municipal officers. The municipal officers of each municipality shall announce an election as follows.

Sec. A-47. 22 MRSA §2167, 2nd ¶, as enacted by PL 1987, c. 374, is amended to read:

Any In addition to the sanctions authorized in section 2172, any person, firm or corporation who violates this licensing requirement or any condition placed on any such license commits a civil violation for which a forfeiture of not more than \$500 may be adjudged for each offense and, in addition, the commissioner may suspend, revoke or refuse to renew any such license in accordance with Title 5, chapter 375, subchapter V.

Sec. A-48. 22 MRSA §2168, sub-§4 is enacted to read:

4. Reinspection required for violations. If, upon inspection, the commissioner finds a licensee under this subchapter to be in violation of requirements of this subchapter or rules adopted under this subchapter, the commissioner shall issue a written citation describing the violation, the required corrective action to be taken by the licensee and the date by which the correction must be made. If the corrective action has not been taken within the specified period and a 3rd inspection is required in any one year, the commissioner may charge the licensee a reinspection fee not to exceed \$50. The commissioner shall notify the licensee in writing about the reinspection fee at the time the original citation is issued.

Sec. A-49. 22 MRSA §2172 is enacted to read:

§2172. Fines and penalties

1. Authorization. The department is authorized to impose one or more of the following sanctions when a violation of this chapter, or rules enacted pursuant to this chapter, occurs and the department determines that a sanction is necessary and appropriate to ensure compliance with state licensing rules or to protect the public health.

A. The department may impose penalties for violations of this chapter, or the rules adopted pursuant to this chapter, on any food establishment or food salvage establishment. The penalties may not be greater than \$50 for each violation. Each day that the violation remains uncorrected may be counted as a separate offense. Penalties may be imposed for each violation of the rules.

B. The department may direct a food establishment or food salvage establishment to correct any violations in a manner and within a time frame that the department determines is appropriate to ensure compliance with state rules or to protect the public health. Failure to correct violations within the time frame constitutes a separate violation for which a fine may be imposed.

C. Any person, corporation, firm or copartnership that operates any food establishment or food salvage establishment without first obtaining a license as required by this chapter must be punished, upon conviction, by a fine of not less than \$10 nor more than \$100, and upon 2nd or subsequent conviction, must be punished by a fine of not less than \$100. Each day any person, corporation, firm or copartnership operates without obtaining a license constitutes a separate offense.

D. In the event of any violation of this section or any rule adopted pursuant to this chapter, the Attorney General may seek to enjoin a further violation, in addition to any other remedy.

2. Schedule of penalties. The department shall establish a schedule of penalties according to the nature and duration of the violation.

3. Enforcement and appeal. Enforcement and appeal of this section is as follows.

A. The department may impose any fine in conformity with the Title 5, chapter 375, subchapter IV, if the department has provided the licensee with the opportunity for an administrative hearing.

B. Licensees that are fined pursuant to this chapter are required to pay the department the amount of the penalties. If a licensee has not paid any

collectible fine by the time of license renewal, the department may collect the fine by requiring payment prior to the processing of any license renewal application. An appeal of the department's decision to fine a licensee stays the collection of the fine. Interest accrues on a fine at the rate specified in Title 14, section 1602 prior to the completion of any appeal. After the completion of any appeal process or after any appeal period has passed, interest accrues pursuant to Title 14, section 1602-A.

Sec. A-50. 24-A MRSA §2916-A, sub-§1, ¶I, as enacted by PL 1979, c. 336, §1, is amended to read:

I. Filing a false document with the Secretary of State or the Bureau of Motor Vehicle Division Vehicles or using a license or registration obtained by filing a false document with the Secretary of State or the Bureau of Motor Vehicle Division Vehicles;

Sec. A-51. 24-A MRSA §6052, sub-§2, as amended by PL 1991, c. 591, Pt. Q, §5, is further amended to read:

2. Reserve fund. A reserve fund must be established to pay any expenses and claims above premium income. This reserve must be funded by an assessment on all revenues of all hospitals in the State or may be funded by an appropriation. The amount of the assessment must be determined and adjusted annually by the board and may, in no event, exceed .0015 of all hospitals' gross patient services revenues, as determined by the Maine Health Care Finance Commission. ~~The assessments and expenditures of the organization are subject to legislative approval.~~ An assessment may not be made on any hospital pursuant to this section after July 1, 1991.

Sec. A-52. 24-A MRSA §6052, sub-§3, as amended by PL 1991, c. 578, §1, is further amended to read:

3. Board of directors established. The Governor shall appoint a board of directors for the organization. The board is composed of 7 members. Six of those members must represent the following interests: Two members must represent consumers of health insurance who are not otherwise affiliated with the provision or financing of health care; one member must represent domestic commercial insurers insurance agents, brokers or companies; one member must represent nonprofit hospital and medical service organizations; one member must represent hospitals; and one member must be the Superintendent of Insurance, or a designee. The remaining member must be an insurance agent or broker or a representative of insurance agents, brokers or companies in the life and health field of insurance. Appointments are for 5-year terms, except that no more than 2 members' terms may expire in any one calendar year. Appointments for terms of less than 5 years may be made initially and to

replace vacancies, if necessary, to maintain the appropriate staggered terms of office. Members serve until their successors are appointed and qualified. The Governor shall designate the chair of the board. The chair of the board shall schedule an organizational meeting within 60 days of appointment.

Sec. A-53. 24-A MRSA §6053, sub-§1, as enacted by PL 1987, c. 542, Pt. H, §5, is amended to read:

1. Establish a plan of operation. Establish a plan of operation for the organization to ~~assure~~ ensure the ~~fair, reasonable effective, efficient~~ and equitable administration of the organization, which may be amended as necessary;

Sec. A-54. 24-A MRSA §6053, sub-§§6 and 7, as enacted by PL 1987, c. 542, Pt. H, §5, are amended to read:

6. Develop and implement a program. Develop and implement a program to publicize the existence of the organization, the eligibility requirements and procedures for enrollment and to maintain public awareness of the organization, including furnishing all insurance agents licensed in this State with a written explanation of the organization and its operation; ~~and~~

7. Report. Report to the joint standing committees of the Legislature having jurisdiction over appropriations and financial affairs, insurance and human resources matters by February 1st of each year. The report shall include the following:

A. Experience under the funding plan and recommendations for further funding;

B. Experience regarding administrative costs and recommendations regarding an amount of or the need for a statutory cap;

C. Experience regarding the subsidy program and recommendations for future aspects of the subsidy program; and

D. An annual audited financial statement certified by an independent certified public accountant; and

Sec. A-55. 24-A MRSA §6053, sub-§8 is enacted to read:

8. Establish an enrollment cap. Establish an enrollment cap not to exceed 600 enrollees, based on the funding available to cover anticipated claims and maintain adequate reserves.

Sec. A-56. 24-A MRSA §6061, as amended by PL 1989, c. 875, Pt. H, §2, is repealed.

Sec. A-57. 25 MRSA §2396, first ¶, as amended by PL 1985, c. 785, Pt. B, §111, is further amended to read:

The office of State Fire Marshal is hereby established as a bureau within the Department of Public Safety. The Commissioner of Public Safety shall appoint, as State Fire Marshal, a person experienced in fire prevention work, who may be removed for cause by the commissioner. The State Fire Marshal shall appoint, subject to the Civil Service Law, such investigators, inspectors and other employees as may be are necessary to carry out the duties assigned to his the office. The State Fire Marshal ~~shall carry out~~ has all of the duties and responsibilities assigned to his the office and such other duties as may be prescribed or delegated by the Commissioner of Public Safety and he the State Fire Marshal shall devote his full time to the duties of his the office.

Sec. A-58. 25 MRSA §2396, 2nd ¶, as repealed and replaced by PL 1973, c. 632, §6, is amended to read:

It ~~shall be~~ is the duty of the ~~said~~ State Fire Marshal, his the State Fire Marshal's deputy and ~~such~~ any inspectors and investigators to enforce all of the laws, ordinances; and rules ~~and regulations promulgated adopted~~ by the Commissioner of Public Safety or enforceable by ~~him~~ the Commissioner of Public Safety, directed toward and concerned with protection of the public in the following areas:

Sec. A-59. 25 MRSA §2396, sub-§7, as repealed and replaced by PL 1973, c. 632, §6, is amended to read:

7. Other duties. The performance of such other duties as are set forth in this and other sections of the statutes and as may be conferred or imposed from time to time by law. The State Fire Marshal, his the State Fire Marshal's deputy and ~~inspectors~~ investigators appointed under this Title shall carry out those functions ~~which~~ that the Commissioner of Public Safety may direct and in so doing ~~shall~~ have the same enforcement powers and duties throughout the State as sheriffs have in their respective counties. ~~Such~~ The enforcement powers are to be limited in scope to enforcement of statutes, ordinances; and rules ~~and regulations~~ concerned with fire prevention, arson and other burnings and enforcement of such other specific areas of responsibility as ~~may by statute be~~ are assigned to the office of State Fire Marshal by statute, and to arrest for impersonation of or interference with, the State Fire Marshal, his the State Fire Marshal's deputy or ~~fire inspectors~~ their designees.

Sec. A-60. 28-A MRSA §2520, sub-§4, as enacted by PL 1989, c. 526, §§26 and 28, is repealed.

Sec. A-61. 29 MRSA §102, as amended by PL 1991, c. 10, is further amended to read:

§102. Persons required to register; tows; applications

Except as section 2243 provides for reciprocity with other states, any resident person, firm or corporation, or owner as defined in section 1, who fails to register any vehicle to be operated, caused to be operated or remain on any way in this State ~~shall be guilty of~~ commits a misdemeanor Class E crime. The owner or operator of a vehicle operated with an expired registration during the 30 days immediately after the expiration of the registration ~~shall must~~ be issued a warning, rather than a summons, in a form to be designated by the Chief of the State Police. This warning ~~shall must~~ state that the owner or operator shall, within 2 business days, cause the vehicle to be registered in accordance with this chapter. The warning ~~shall must~~ further state that, because the owner or operator was found operating an unregistered vehicle during the 30 days immediately after the expiration of the registration, the renewed registration ~~shall expire~~ expires on the same month as the previous registration and the registration fee ~~shall be~~ is that of a full year registration.

No vehicle may be operated, or remain upon any way, unless the same is registered and equipped in accordance with this Title, ~~excepting~~ except that any officer of the State Police, any sheriff or full-time deputy sheriff or any full-time municipal police officer or certified reserve officer while on duty may, when in the officer's opinion the same action is necessary and not detrimental to the public safety, grant a permit in writing for an unregistered motor vehicle to be towed either by a regular service wrecker or by the use of a towbar. Further, any officer of the State Police, any sheriff or full-time deputy sheriff, any full-time municipal police officer or certified reserve officer while on duty and certain employees of the Bureau of Motor Vehicle Division Vehicles designated by the Secretary of State shall issue a permit to allow the operation of an unregistered motor vehicle only to the owner's residence or to an office of the Bureau of Motor Vehicle Division Vehicles for the sole purpose of renewing the registration of that vehicle by the same owner as indicated on the expired registration certificate. For the purposes of this paragraph, a certified reserve officer is an officer who has attended the 100-hour reserve training program sponsored by the Maine Criminal Justice Academy and has received the academy's certification as a reserve officer. The permit may be issued only when the previous registration on the vehicle has expired within 30 days. The permit may is not ~~remain~~ valid for more than 3 consecutive days including the date of issuance. Application for the registration may be made by mail or otherwise to the Secretary of State upon blanks prepared under the Secretary of State's authority. The application must be signed by the owner and contain ~~such particulars as may be~~ the information required by the Secretary of State, including the name, residence and address of the owner, current mileage, with a brief description of the vehicle, the name of its maker, vehicle identification number, the amount of

motive power, stated in figures of horsepower, the type of motor fuel if other than gasoline as defined in Title 36, section 2902, under the phrase "internal combustion engine fuel" and the actual gross weight of the vehicle if intended for commercial use.

No trailer or semitrailer may be towed or remain upon any way, unless the trailer or semitrailer is registered and equipped in accordance with this Title, except that a permit may be granted at and by a municipal police department, sheriff's office, State Police Regional Communication Center or field office or an office of the Bureau Division of Motor Vehicles to tow an unregistered trailer or semitrailer with a gross weight of not more than 3,000 pounds, for one trip only, between the points of origin and destination. The permit ~~shall~~ is not remain valid for more than 3 consecutive days, including the date of issuance. The application ~~shall~~ must include the name of the applicant, residence and address of the applicant, a brief description of the trailer or semitrailer, the name of its maker and the points of origin and destination.

Sec. A-62. 29 MRSA §102-A, sub-§2, as enacted by PL 1991, c. 216, §1 and as affected by §3, is amended to read:

2. Method of establishing evidence of insurance.

A person establishes insurance by showing the vehicle insurance identification card, as defined by section 781, subsection 1, paragraph A-2, to either the municipal agent or the Division Bureau of Motor Vehicles, except that a person registering the vehicle for the first time may establish insurance by presenting a letter from an insurance company or agent showing that the vehicle is insured.

Sec. A-63. 29 MRSA §151, as amended by PL 1975, c. 731, §27, is further amended to read:

§151. Certificate not transferable; notice of transfer

Upon the transfer of ownership, other than a transfer to the surviving spouse, of any vehicle, its registration ~~shall expire~~ expires and the person in whose name such vehicle is registered shall ~~forthwith~~ return the certificate of registration to the Secretary of State with a written notice containing the date of the transfer of ownership and the name, place of residence and address of the vendee and a description of the vehicle, including its motor, serial, or vehicle identification number. In addition to the items listed in this section, the transferor of a motor vehicle shall include on ~~said the~~ the notice the odometer reading at the time of transfer and shall otherwise comply with ~~Title 17, section 1609-A sections 364-A and 365~~. Upon surrender of the registration form to the Bureau of Motor Vehicle Division Vehicles of the Secretary of State, the Secretary of State ~~shall~~ may not issue a new registration unless the information required by ~~Title 17, section 1609-A sections 364-A and 365~~ has been completed on the surrendered registration form.

Sec. A-64. 29 MRSA §245-A, 2nd ¶, as repealed and replaced by PL 1977, c. 481, §8, is amended to read:

With the concurrence of the Commissioner of Transportation, the Secretary of State is authorized to ~~promulgate adopt~~ adopt rules and regulations for the payment of the fees required under this section in annual or biennial installments. In ~~promulgating such~~ adopting rules and regulations, the Secretary of State shall consider the financial impact of the registration fee on the registrants, the benefit or burden of ~~such~~ installments ~~paying payments~~ on the state revenues and the difficulty ~~which that~~ that the Bureau of Motor Vehicle Division Vehicles may encounter in administering this section.

Sec. A-65. 29 MRSA §246, 11th ¶, as amended by PL 1973, c. 714, §§1 and 2, is further amended to read:

When a truck is already registered, the owner may receive a short-term permit allowing ~~him~~ the owner to haul loads of larger tonnage, ~~providing such~~ if the loads are not in excess of the requirements of section 1652, for a limited period of 8 months or less. These short-term permits may be obtained, upon payment of the required fee, from any branch office of the Bureau of Motor Vehicle Division Vehicles of the ~~Department~~ Secretary of State, from ~~such~~ troop barracks of the Maine State Police as ~~shall be~~ are designated by mutual agreement of the Commissioner of Public Safety and the Secretary of State, or from any agent of the Secretary of State who has been appointed for that specific purpose. ~~Such agents~~ Agents appointed by the Secretary of State may charge ~~any an~~ an applicant for a short-term permit \$1 extra over and above the required permit fee and may retain ~~said~~ the dollar as ~~his~~ his compensation for performing this function. ~~No such A permit shall may not be issued for less than one month and no a permit shall may not extend beyond the expiration of the regular license.~~ The appointment of ~~such~~ agents ~~shall be~~ is limited to either municipal tax collectors or town or city managers. The fee ~~shall be~~ is a percentage of the difference between the owner's present annual registration fee and the annual fee for the desired tonnage and ~~shall be~~ is computed according to the following table:

| | |
|----------------------|-----|
| 1-month permit | 20% |
| 2-month permit..... | 30% |
| 3-month permit | 40% |
| 4-month permit | 50% |
| 5-month permit | 60% |
| 6-month permit..... | 70% |
| 7-month permit | 75% |
| 8-month permit | 80% |

Sec. A-66. 29 MRSA §246, 12th ¶, as amended by PL 1985, c. 735, §§3 and 7, is further amended to read:

When a truck is already registered, except for vehicles with apportioned registration, the owner may receive a short-term permit allowing ~~him~~ the owner to haul loads of larger tonnage, ~~providing such if the~~ loads are not in excess of the requirements of section 1652, for a limited period of 8 months or less. These short-term permits may be obtained, upon payment of the required fee, from any branch office of the Bureau of Motor Vehicle Division Vehicles of the Department Secretary of State, from ~~such~~ troop barracks of the Maine State Police ~~as shall be that are~~ designated by mutual agreement of the Commissioner of Public Safety and the Secretary of State, or from any agent of the Secretary of State who has been appointed for that specific purpose. ~~Such agents~~ Agents appointed by the Secretary of State may charge any an applicant for a short-term permit \$1 extra over and above the required permit fee and may retain ~~said the~~ dollar as ~~his~~ compensation for performing this function. ~~No such~~ A permit ~~shall may not~~ be issued for less than one month and ~~no~~ a permit ~~shall may not~~ extend beyond the expiration of the regular license. The appointment of ~~such~~ agents ~~shall be is~~ limited to either municipal tax collectors or town or city managers. The fee ~~shall be is~~ a percentage of the difference between the owner's present annual registration fee and the annual fee for the desired tonnage and ~~shall be is~~ computed according to the following table:

| | |
|----------------------|-----|
| 1-month permit | 20% |
| 2-month permit..... | 30% |
| 3-month permit | 40% |
| 4-month permit | 50% |
| 5-month permit | 60% |
| 6-month permit..... | 70% |
| 7-month permit | 75% |
| 8-month permit | 80% |

Sec. A-67. 29 MRSA §252-C, 2nd ¶, as repealed and replaced by PL 1985, c. 737, Pt. A, §79, is amended to read:

Persons granted prescription requests from their physicians may send or present in person this document to an office administered by the Division Bureau of Motor Vehicles for issuance of a temporary handicapped placard. The Division Bureau of Motor Vehicles shall give priority consideration to these requests. ~~A~~ There is a \$1 fee ~~shall be charged~~ for each placard issued.

Sec. A-68. 29 MRSA §354, sub-§2, as repealed and replaced by PL 1979, c. 673, §6, is amended to read:

2. Equipment dealers. Equipment dealer plates may be attached to the vehicles described in paragraphs A to P for demonstration, emergency and service purposes only, unless otherwise prohibited for use on the highways:

- A. Motorized graders;
- B. Power shovels;
- C. Front-end loaders;
- D. Backhoes;
- E. Rubber tired bulldozers;
- F. Large 4-wheel drive type trucks and snowplows;
- G. Motor cranes;
- H. Road sweepers;
- I. Sidewalk cleaners;
- J. Log skidders;
- K. Other related heavy equipment;
- L. Farm tractors;
- M. Self-propelled combines;
- N. Harvesters;
- O. Other related farm machinery; and
- P. Any equipment or motor vehicle taken in trade.

A specially designed equipment dealer plate may be attached to a motor truck used for service in direct connection with the equipment dealer business. Any motor truck to which a specially designed equipment dealer plate has been attached ~~shall may~~ not be used for any purpose except in the service of equipment directly connected with the business of the equipment dealer. No equipment dealer business may be provided with more than 3 specially designed equipment dealer plates.

The Division Bureau of Motor Vehicles within the Department of the Secretary of State ~~shall must~~ be reimbursed from the Highway Fund \$1 for each plate issued in 1980 under this section for costs incurred by the division bureau to obtain the plates.

Sec. A-69. 29 MRSA §540-B, as enacted by PL 1991, c. 199, is amended to read:

§540-B. Living wills

Subject to available funding, the Secretary of State shall make living will forms available in offices of the ~~Division Bureau~~ of Motor Vehicles. The form must be in substantially the form provided in Title 18-A, section 5-702 and with the addition of a title at the top of the form to read "LIVING WILL" and the following information at the end: "Completion of this form is optional."

Sec. A-70. 29 MRSA §582, sub-§4, as amended by PL 1989, c. 514, §§14 and 25, is further amended to read:

4. Fees and waivers. If a driver license examination administered by the ~~Department of~~ Secretary of State requires an appointment and that appointment is not kept, an additional \$20 fee for a Class A or Class B examination and \$5 for a bus, school bus or Class C examination ~~shall~~ **must** be assessed at the time of reappointment for examination. Upon notification of cancellation to the ~~Department of~~ Secretary of State, ~~Division Bureau~~ of Motor Vehicles, Driver Examination Section, 48 hours prior to the actual examination, the additional fee will be waived. This subsection does not apply to persons required to take an examination because of advanced age or physical disability.

Sec. A-71. 29 MRSA §1313-B, sub-§2, as enacted by PL 1987, c. 791, §24, is amended to read:

2. Notice of suspension; regular or certified mail. The notice of suspension may be sent by regular or certified mail to the person at the last known address on record at the ~~Division Bureau~~ of Motor Vehicles, or to the address provided in the report of the law enforcement officer if that address differs from the address of record. The notice of suspension may be served in hand.

Sec. A-72. 29 MRSA §1652, sub-§1, ¶F, as repealed and replaced by PL 1991, c. 691, §2, is amended by amending subparagraph (7) to read:

(7) A general commodity permit authorizing the operation must have been obtained. The permit must be carried in the vehicle at all times. The fee for an annual permit is \$252 plus any surcharge required under subparagraph (9). The fee for a 3-month permit is \$75 plus any surcharge required under subparagraph (9). A permit may be issued for a registration period of 4 months or more for a fee of \$21 per month plus any surcharge required under subparagraph (9).

Permits may be transferred to another vehicle for an additional fee of \$2. The permit may be obtained upon furnishing proof of certification and payment of the required fee from any branch office of the Secretary of

State, ~~Division Bureau~~ of Motor Vehicles, or from any agent of the Secretary of State who has been appointed by the Secretary of State. Municipal agents may charge the applicant \$1 over the required permit fee and may retain that \$1 for performing this function.

All revenue generated by the permit fee authorized under this subparagraph must be expended for the enforcement of truck weight regulations.

Sec. A-73. 29 MRSA §1655, 6th ¶, as repealed and replaced by PL 1989, c. 528, §§8 and 16, is amended to read:

Special commodity permits may be obtained from any branch office of the ~~Division Bureau~~ of Motor Vehicles or from any agent of the Secretary of State who has been appointed for that specific purpose. Any agent appointed by the Secretary of State may charge ~~any~~ **an** applicant for a commodity permit \$1 for the issuance of a special commodity permit and may retain the dollar as the agent's compensation for performing this function. Every special commodity permit ~~shall expire~~ **expires** with the annual registration of the vehicle. The appointment of agents ~~shall be~~ **is** limited to either municipal tax collectors ~~and or~~ town or city managers.

Sec. A-74. 29 MRSA §2352, sub-§1, ¶A, as amended by PL 1989, c. 481, Pt. A, §29, is further amended to read:

A. \$10:

(1) For a certificate of search of the records of the ~~Bureau of Motor Vehicle Division Vehicles~~ for each name or identification number searched against; and

(2) For a certificate of title issued pursuant to section 2364;

Sec. A-75. 29 MRSA §2510, sub-§1, as amended by PL 1985, c. 429, §24, is further amended to read:

1. Temporary permits. The Chief of the State Police, the sheriff of each county or ~~his~~ **the** sheriff's deputy, a State Police officer, employees of the ~~Division Bureau~~ of Motor Vehicles designated by the Deputy Secretary of State and any municipal police officer may issue a permit to an owner of a motor vehicle ~~which~~ **that** is not inspected to enable ~~him~~ **the** owner to operate the vehicle to an inspection station for the purpose of complying with this law. This section does not apply to reconstructable motor vehicles as defined in Title 10, section 1471.

Sec. A-76. 29 MRSA §2713, sub-§3, ¶B-1, as amended by PL 1991, c. 547, §2, is further amended to read:

B-1. There must be allocated to the Department of the Secretary of State for the ~~Division~~ Bureau of Motor Vehicles up to \$650,000 annually from the fund to carry out the duties of the commercial driver license laws.

Sec. A-77. 32 MRSA §9552, first ¶, as amended by PL 1989, c. 503, Pt. B, §151, is further amended to read:

The Board of Commercial Driver Education, as established by Title 5, section 12004-A, subsection 12, ~~shall administer~~ administers this chapter and ~~shall be~~ is composed of 5 members. The Governor shall appoint 4 members, as follows: Two members ~~shall~~ must be representatives of Class A schools, as defined in section 9601; one ~~shall~~ must be a representative of Class B schools, as defined in section 9601; and one member ~~shall~~ must be a public representative. The 5th member ~~shall be~~ is the Director of the ~~Division~~ Bureau of Motor Vehicles or that director's designee. The term of office of each member ~~shall be~~ is 4 years, except that, of the 3 school members on the first board appointed under this subchapter, one ~~shall be~~ is appointed for 2 years and one ~~shall be~~ is appointed for 3 years. Thereafter, appointments ~~shall be~~ are for 4-year terms, except that no more than one school member's term may expire in any one calendar year and appointments for terms of less than 4 years may be made in order to comply with this limitation.

Sec. A-78. 32 MRSA §9607, sub-§2, as enacted by PL 1981, c. 456, Pt. A, §113, is amended to read:

2. **Agents.** The board may contract with the ~~Division~~ Bureau of Motor Vehicles in the Department of the Secretary of State to serve as an agent for the purposes of this section.

Sec. A-79. 38 MRSA §90, sub-§1, ¶H, as amended by PL 1985, c. 389, §37, is repealed.

Sec. A-80. Report required; criteria to evaluate program. Each agency and independent agency subject to review pursuant to the Maine Revised Statutes, Title 3, chapter 33 is required to submit to the committee of the Legislature with jurisdiction over audit and program review matters a report by September 1, 1992, specifying the criteria and process by which the agency or independent agency would evaluate the extent to which the agency's or independent agency's programs and services are achieving the goals of the agency or independent agency as well as the efficiency of the agency's or independent agency's programs and services, particularly in regard to:

1. The results generated by each of the agency's or independent agency's programs and services;

2. The public benefit indicated by the attainment of these results;

3. The broad-based or limited interest served by the program or service;

4. To the extent possible, the contribution of the results generated by each program or service to the achievement of the agency's or independent agency's mandate and priorities;

5. To the extent possible, an appraisal of the value of the public benefit generated by the program or service relative to the cost of operating and maintaining that program or service; and

6. The extent of the agency's or independent agency's coordination with other agencies providing any similar programs and services.

Sec. A-81. Allocation. The following funds are allocated from Other Special Revenue funds for the fiscal year ending June 30, 1993 to carry out the purposes of this Act.

1992-93

PUBLIC SAFETY, DEPARTMENT OF

Private Investigator Licensing

| | |
|-------------------|------------|
| Positions | (-2.0) |
| Personal Services | (\$58,075) |
| All Other | (9,443) |
| | <hr/> |
| TOTAL | (\$67,518) |

Provides for the deallocation of funds to be consolidated with a similar licensing account to effect a recommendation of the Joint Standing Committee on Audit and Program Review.

Licensing and Enforcement - Beano and Games of Chance

| | |
|----------------------|-------------|
| Positions | (-6.0) |
| Personal Services | (\$261,258) |
| All Other | (52,348) |
| Capital Expenditures | (14,992) |
| | <hr/> |
| TOTAL | (\$328,598) |

Provides for the deallocation of funds to be consolidated with a similar licensing account to effect a recommendation of the Joint Standing Committee on Audit and Program Review.

Licensing and Enforcement - Public Safety

| | |
|----------------------|------------------|
| Positions | (8.0) |
| Personal Services | \$319,333 |
| All Other | 61,791 |
| Capital Expenditures | 14,992 |
| TOTAL | \$396,116 |

Provides for the allocation of funds to consolidate 2 licensing accounts, pursuant to a recommendation of the Joint Standing Committee on Audit and Program Review.

DEPARTMENT OF PUBLIC SAFETY TOTAL \$-0-

Sec. A-82. Allocation. The following funds are allocated from the Transportation Safety Fund for the fiscal year ending June 30, 1993 to carry out the purposes of this Act.

PUBLIC SAFETY, DEPARTMENT OF

Motor Carrier Safety

| | |
|----------------------|----------------------|
| Positions | (-35.0) |
| Personal Services | (\$1,646,566) |
| All Other | (235,676) |
| Capital Expenditures | (45,279) |
| TOTAL | (\$1,927,521) |

Provides for the deallocation of funds to be consolidated with a traffic safety account to effect a recommendation of the Joint Standing Committee on Audit and Program Review.

Traffic Safety

| | |
|-------------------|--------------------|
| Positions | (-6.0) |
| Personal Services | (\$358,426) |
| All Other | (58,131) |
| TOTAL | (\$416,557) |

Provides for the deallocation of funds to be consolidated with a similar motor carrier account to effect an audit recommendation of the Joint Standing Committee on Audit and Program Review.

Traffic Safety - Commercial Vehicle Enforcement

| | |
|----------------------|--------------------|
| Positions | (41.0) |
| Personal Services | \$2,004,992 |
| All Other | 293,807 |
| Capital Expenditures | 45,279 |
| TOTAL | \$2,344,078 |

Provides for the allocation of funds to consolidate 2 similar accounts, pursuant to a recommendation of the Joint Standing Committee on Audit and Program Review.

DEPARTMENT OF PUBLIC SAFETY TOTAL \$-0-

Sec. A-83. Reallocated; consolidated account. All accrued expenditures, assets, liabilities, balances of funds, transfers, revenues or other available funds allocated to the Department of Public Safety, Other Special Revenue accounts entitled "Private Investigator Licensing and Enforcement - Beano and Games of Chance" must be reallocated to the Licensing Enforcement-Public Safety account by the State Controller. The Department of Public Safety shall prepare all future budgets using the consolidated account of Licensing Enforcement - Public Safety.

Sec. A-84. Reallocated; consolidated account. All accrued expenditures, assets, liabilities, balances of funds, transfers, revenues or other available funds allocated to the Transportation Safety Fund accounts entitled "Motor Carrier Safety and Traffic Safety," must be reallocated to the Traffic Safety-Commercial Vehicle Enforcement account by the State Controller. The Department of Transportation shall prepare all future budgets using the consolidated account of Traffic Safety-Commercial Vehicle Enforcement.

Sec. A-85. Transition provision. Members serving on the Board of Directors of the Maine High-Risk Insurance Organization as the representative of domestic commercial insurers and as the undesignated 7th member, pursuant to the Maine Revised Statutes, Title 24-A, section 6052, subsection 3, may continue to serve until their successors are appointed but may not serve for a period longer than 6 months from the effective date of this Act, pursuant to Title 24-A, section 6052, subsection 3.

PART B

Sec. B-1. 2 MRSA §6, sub-§5, as amended by PL 1989, c. 612, is further amended to read:

5. Range 86. The salaries of the following state officials and employees ~~shall be~~ are within salary range 86:

Director of Labor Standards;
 Deputy Chief of the State Police;
 Director of State Lotteries;
 State Archivist;
 Director of Maine Geological Survey;
 Executive Director, Maine Land Use Regulation Commission;
 Director of the Risk Management Division;
~~Chairman Chair~~, Maine Unemployment Insurance Commission;
 Director of the Bureau of State Employee Health;
 Child Welfare Services Ombudsman;
 Director of the ~~Bureau of Intergovernmental Drug Enforcement~~ Maine Drug Enforcement Agency;
 Deputy Director, Operations, Retirement System;
 Deputy Director, Investments, Retirement System;
 Deputy Director, Administrative and Legal Affairs, Retirement System; and
 Executive Director, Maine Science and Technology Commission.

Sec. B-2. 5 MRSA §7-B, as amended by PL 1991, c. 618, §1 and as affected by §7, is further amended to read:

§7-B. Use of state vehicles for commuting

No state-owned or state-leased vehicle may be used by any employee to commute between home and work, except for those vehicles authorized and assigned to a law enforcement official within the following organizational units: Bureau of State Police; ~~Bureau of Intergovernmental Drug Enforcement~~ Maine Drug Enforcement Agency; Office of the State Fire Marshal; Bureau of Liquor Enforcement; ~~Division~~ Bureau of Motor Vehicles; Bureau of Marine Patrol; Bureau of Forestry; Division of Forest Fire Control; Bureau of Warden Service; and Bureau of Parks and Recreation.

Sec. B-3. 5 MRSA §200-A, as enacted by PL 1967, c. 58, §1, is amended by adding at the end a new paragraph to read:

The Attorney General shall conduct and control all drug-related investigations of public officials or members of the law enforcement community.

Sec. B-4. 5 MRSA §948, sub-§1, ¶¶ I and J, as enacted by PL 1987, c. 666, §4, are amended to read:

I. Director, ~~Bureau of Intergovernmental~~ Maine Drug Enforcement Agency; and

J. Assistant Director, ~~Bureau of Intergovernmental~~ Maine Drug Enforcement Agency.

Sec. B-5. 16 MRSA §614, sub-§1, as amended by PL 1985, c. 552, is further amended to read:

1. Limitation on dissemination of intelligence and investigative information. Reports or records in the custody of a local, county or district criminal justice agency, in the custody of the office of State Fire Marshal or in the custody of the criminal law enforcement units of the Department of Marine Resources or the Department of Inland Fisheries and Wildlife or in the custody of the Maine Drug Enforcement Agency containing intelligence and investigative information ~~shall be~~ are confidential and ~~shall may~~ not be disseminated, if public release or inspection of the report or record may:

A. Interfere with law enforcement proceedings;

B. Result in public dissemination of prejudicial information concerning an accused person or concerning the prosecution's evidence that will interfere with the ability of a court to impanel an impartial jury;

C. Result in public dissemination of information about the private life of an individual in which there is no legitimate public interest and which would be offensive to a reasonable person;

D. Disclose the identity of a confidential source;

E. Disclose confidential information furnished only by the confidential source;

F. Disclose investigative techniques and procedures or security plans and procedures not generally known by the general public; or

G. Endanger the life or physical safety of law enforcement personnel.

Sec. B-6. 25 MRSA §2901, as amended by PL 1989, c. 648, §2, is further amended to read:

§2901. Department; commissioner

There is created and established the Department of Public Safety to coordinate and efficiently manage the law enforcement and public safety responsibilities of the State, to consist of the Commissioner of Public Safety, in this chapter called "commissioner," who ~~shall be~~ is appointed by the Governor, subject to review by the joint

standing committee of the Legislature having jurisdiction over state and local government matters and to confirmation by the Legislature, to serve at the pleasure of the Governor, and the following ~~as created and established~~: the Bureau of State Police, the Bureau of Liquor Enforcement, the Office of the State Fire Marshal, the Maine Criminal Justice Academy, the Maine Highway Safety Commission, the Bureau of Highway Safety and the ~~Bureau of Intergovernmental~~ Maine Drug Enforcement Agency.

Sec. B-7. 25 MRSA §2902, sub-§4, as amended by PL 1989, c. 648, §3 and c. 700, Pt. A, §101, is repealed and the following enacted in its place:

4. Maine Highway Safety Commission. The Maine Highway Safety Commission, as authorized by Title 5, section 12004-I, subsection 83, is under the direction of the Commissioner of Public Safety and advisory to the Governor. The commission consists of not more than 25 members selected by the Governor from state, civic and industrial organizations and individuals with interests related to highway safety. The Commissioner of Public Safety, the Commissioner of Transportation, the Commissioner of Human Services, the Commissioner of Education, the Secretary of State and the Attorney General serve as ex officio members. The ex officio members shall appoint persons in major policy-influencing positions as their designees to represent them at meetings of the commission with voting privileges. The commission members serve at the pleasure of the Governor and are entitled to compensation in accordance with Title 5, chapter 379. The commission shall stimulate active support for highway safety measures and programs and advise the Department of Public Safety regarding these issues. The commission shall report annually its findings and recommendations, including any necessary implementing legislation to the Governor and to the joint standing committee of the Legislature having jurisdiction over state and local government matters;

Sec. B-8. 25 MRSA §2902, sub-§6, as amended by PL 1989, c. 648, §4, is further amended to read:

6. Maine Drug Enforcement Agency. ~~The Bureau of Intergovernmental~~ Maine Drug Enforcement Agency, which shall be is under the direction of the Director of the ~~Bureau of Intergovernmental~~ Maine Drug Enforcement Agency; and

Sec. B-9. 25 MRSA c. 353, first to 3rd lines are repealed and the following enacted in their place:

CHAPTER 353

MAINE DRUG ENFORCEMENT ACT OF 1992

Sec. B-10. 25 MRSA §2951, as enacted by PL 1987, c. 411, §5, is amended to read:

§2951. Short title

This chapter ~~shall be~~ is known and may be cited as the "Intergovernmental Maine Drug Enforcement Act of 1987 1992."

Sec. B-11. 25 MRSA §2952, sub-§§2 to 6 are enacted to read:

2. Agency. "Agency" means the Maine Drug Enforcement Agency.

3. Assistant director. "Assistant director" means the Assistant Director of the Maine Drug Enforcement Agency.

4. Board. "Board" means the Maine Drug Enforcement Agency Advisory Board.

5. Commissioner. "Commissioner" means the Commissioner of Public Safety.

6. Director. "Director" means the Director of the Maine Drug Enforcement Agency.

Sec. B-12. 25 MRSA §2954, as amended by PL 1987, c. 666, §6, is further amended to read:

§2954. Maine Drug Enforcement Agency Advisory Board

In order to ~~develop~~, coordinate and carry out a statewide drug enforcement program and strategy, there is established ~~an Intergovernmental~~ the Maine Drug Enforcement Policy Agency Advisory Board which ~~shall consist~~ consists of 3 representatives selected by the Governor with the advice of the Maine Chiefs of Police Association; one representative selected by the Governor with the advice of the Maine Sheriffs' Association; one representative selected by the Governor with the advice of the several district attorneys; 2 investigative agents, pursuant to section 2955, subsection 4, selected by the Governor with the advice of the investigative agents' colleagues; one supervisor, pursuant to section 2955, subsection 3, selected by the Governor with the advice of the supervisor's colleagues, one state law enforcement officer selected by the Governor with the advice of the Chief of the Maine State Police; the Commissioner of Corrections; the Attorney General; the Chief of the Maine State Police; a representative of the United States Attorney for the District of Maine; ~~3 other members appointed by the Governor for terms of 2 years, one of whom shall be a representative of municipal law enforcement, one of whom shall be a representative of the sheriffs of the respective counties and one of whom shall be a representative of the district attorneys of the respective counties; and the commissioner who shall serve ex officio appointed by the Governor; and 2 public members who are appointed by the Governor. The members who serve by virtue of holding the position of Attorney~~

General, Chief of the Maine State Police or Commissioner of Corrections serve for the duration of their terms in these same positions. The remaining 12 members serve terms of 3 years respectively, except that initially, 4 members are appointed for terms of one year, 4 members are appointed for terms of 2 years and 4 members are appointed for terms of 3 years. The board shall provide advice; and consultation and direction for the to the agency regarding drug law enforcement effort within the State. This effort shall must include the integration and coordination of investigative and prosecutorial functions in the State with respect to drug law enforcement. The board shall also make recommendations to the Legislature as it determines to be appropriate for the implementation of an effective drug law enforcement program.

The board, in addition to these responsibilities, with the commissioner, shall direct, coordinate and oversee the integration of law enforcement officers from county, municipal and all state law enforcement agencies, into the bureau.

Sec. B-13. 25 MRSA §2955, as amended by PL 1991, c. 154, §§1 and 2, is further amended to read:

§2955. Maine Drug Enforcement Agency

The commissioner, in conformity with the advice consultation and direction of the board, shall establish and operate within the Bureau of Intergovernmental Maine Drug Enforcement such Agency regional investigative task forces as he that the commissioner determines, in consultation with the board, are required for effective drug law enforcement throughout the State.

The investigative component of each task force shall be is comprised of law enforcement officers drawn from municipal, county and state law enforcement agencies, who, during the period in which they serve in the task force, shall must be placed on a temporary assignment by their employing law enforcement agencies and in the nonclassified positions within the bureau agency as established. All bureau agency investigative personnel shall are not be state employees, as defined in Title 26, section 979-A, subsection 6 for the purposes of Title 26, chapter 9-B. All bureau agency investigative personnel shall act in accordance with such the rules as may be promulgated by the commissioner and subject to, policies and procedures established by the board commissioner. In determining the number, areas of responsibility and investigative complement of these task forces, the commissioner shall take into account geography, population, the need for service and the advice, consultation and direction provided by the board.

1. Director. The bureau shall be agency is managed by a director who shall report reports to the commissioner. The director must be an experienced law enforcement officer. The director shall be appointed by the commissioner from a list of at least 3 persons recom-

ended by the board and shall serve Chief of the State Police, the Maine Sheriffs' Association and the Maine Chiefs of Police Association may each nominate one candidate as Director of the Maine Drug Enforcement Agency for submission to the Maine Drug Enforcement Agency Advisory Board. The advisory board shall submit one of the 3 nominations to the commissioner, who may appoint that person with the approval of the Governor. If the commissioner or the Governor do not approve of the candidate submitted, each of the nominating groups is requested to submit an additional nomination. The director serves at the pleasure of the commissioner. Eligibility for this appointment shall may not be dependent upon the parent law enforcement agency, if any, of the person selected. If the person selected is currently an employee of any state, county or local law enforcement agency, the person shall must be placed on a temporary assignment by the person's employing agency. The director shall report directly to the commissioner, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law, the person shall retain retains and continue continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as director.

2. Assistant director. The director of the bureau shall be agency is assisted by an assistant director. The assistant director must be an experienced law enforcement officer and may exercise any of the powers of the director as the director may delegate. The assistant director shall be is appointed by and serve serves at the pleasure of the commissioner acting upon the recommendation of the board.

Eligibility for the selection shall may not be dependent upon the parent law enforcement agency, if any, of the person selected. The assistant director shall be is compensated in a manner equivalent to that of a captain in the State Police, with respect to both regular and overtime compensation. If the person selected is currently an employee of any state, county or local law enforcement agency, the person shall must be placed on a temporary assignment by the person's employing agency. The assistant director shall report directly to the director, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law, the person shall retain retains and continue continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as assistant director.

2-A. Regional commanders. There shall may be 2 regional commanders within the bureau agency who may exercise any powers the director may delegate. Each regional commander must be an experienced law enforcement officer appointed by the director with the concurrence of the commissioner and shall serve who serves at the pleasure of the director. The appointment of re-

gional commanders ~~shall may~~ not be dependent upon the parent law enforcement agency, if any, of the person selected. Regional commanders ~~shall be~~ are compensated from the budget of the bureau agency in a manner equivalent to that of a lieutenant in the State Police, with respect to both regular and overtime compensation. If the person selected is currently an employee of any state, county or local law enforcement agency, the person ~~shall must~~ be placed on a temporary assignment by the person's employing agency. A regional commander shall report directly to the director or assistant director, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law, the person ~~shall retain~~ retains and ~~continue~~ continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as regional commander.

3. Task force investigative supervisors. Each task force ~~shall be~~ is supervised by a task force investigative supervisor. Each supervisor must be an experienced law enforcement officer appointed by the director with the concurrence of the commissioner ~~and shall serve who serves~~ at the pleasure of the director. The appointment of supervisors ~~shall may~~ not be dependent upon the parent law enforcement agency, if any, of the person selected. Supervisors ~~shall be~~ are compensated from the budget of the bureau agency in a manner equivalent to that of a sergeant assigned to the drug unit of the State Police, with respect to both regular and overtime compensation. If the person selected is currently an employee of any state, county or local law enforcement agency, the person ~~shall must~~ be placed on a temporary assignment by the person's employing agency. A supervisor shall report directly to the regional commander, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provision of law, the person ~~shall retain~~ retains and ~~continue~~ continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as supervisor.

4. Task force investigative agents. The investigative complement of each task force ~~shall be comprised is~~ composed of task force investigative agents. Agents may be selected from municipal, county and state law enforcement agencies within the State and other state agencies, provided as long as the prospective agent has been certified pursuant to section ~~2803~~ 2803-A, subsection 1; or may be other experienced law enforcement officers, provided as long as each has been certified pursuant to section ~~2803~~ 2803-A, subsection 1. Agents ~~shall must~~ be selected and appointed at the discretion of the director with the concurrence of the commissioner from among those persons nominated by the chief administrative officer of a prospective agent's employing agency and other experienced law enforcement officers who apply. ~~Agents shall~~ Contractual agents may serve at the pleasure of the director a tour of duty with the agency

for a period not to exceed 3 years at which time contractual agents must return to their employing agency. The commissioner may grant contractual agents a one-time extension of their tour of duty with the agency not to exceed one year in length, with the approval of the director, the contractual agent, the contractual agent's employing agency and the board. Agents ~~shall are~~ are entitled to receive compensation, paid from the budget of the bureau agency, equivalent to that of a detective in the State Police, with respect to both regular and overtime compensation with the additional credit given to seniority based upon law enforcement experience. If the person selected as an agent is currently an employee of any municipal, county or state law enforcement agency, or any other state agency, the person ~~shall must~~ be placed on a temporary assignment by the person's employing agency. An agent shall report directly to the task force supervisor, notwithstanding any existing command structure of the person's employing agency. Notwithstanding any other provisions of law, the person ~~shall retain~~ retains and ~~continue~~ continues to accrue seniority and retirement rights and benefits within the person's employing agency for the time in which the person serves as an agent.

Any person employed as a senior agent or special agent investigator within the State Police may be temporarily assigned to the bureau agency. During such temporary assignment, the State Police ~~shall retain~~ retains the positions of senior agent and special agent investigator.

5. Authority of agency officers. The director, assistant director, regional commanders, supervisors and agents are vested at the discretion of the commissioner with the following:

- A. The authority throughout the State to arrest pursuant to Title 17-A, section 15;
- B. The same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to serve criminal process, to investigate and prosecute violators of any law of this State and to arrest without warrant and detain persons found violating or attempting to violate any other penal law of the State until a warrant can be obtained. They have the same rights as sheriffs to require aid in executing the duties of their office; and
- C. The same powers and duties throughout the several counties of the State as sheriffs have in their respective counties to serve civil process in all matters relating to investigations or violations of Title 17-A, chapter 45 or actions arising under or initiated pursuant to Title 15, chapter 517.

6. Task force attorneys. The Attorney General, the United States Attorney for the District of Maine and the respective district attorneys may assign as many of

their assistants and special assistants as they determine to be appropriate to each of the task forces or to the bureau agency generally. The attorneys shall must be available to the bureau agency officers for purposes of ongoing consultation and advice on the propriety and legal consequences of methods of investigation and are responsible for coordinating, with the regional commanders and supervisors, the prosecutorial and investigative priorities of the task forces in conformity with ~~the advice, consultation and direction provided by the board~~ and the policies, practices and procedures of the bureau agency.

7. Compensation; State Police personnel. Notwithstanding any other provision in this section, Maine State Police officers, senior agents and special investigative agents who are temporarily assigned to the bureau agency will continue to be paid from the budget of the Bureau of State Police, except that any additional compensation arising from such temporary assignment shall must be paid from the budget of the bureau agency.

Sec. B-14. 25 MRSA §2956, as amended by PL 1987, c. 666, §10, is further amended to read:

§2956. Authority of commissioner

1. Rules. The commissioner ~~may~~ shall, with the advice of the board, adopt rules, practices and policies respecting the administration of the bureau agency. The rules, practices and policies of the bureau agency must be in conformity with state law and ~~with the advice, consultation and direction provided by the board and~~ shall must accomplish the goal of an integrated drug enforcement effort. These rules, practices and policies may include:

- A. The qualifications, hiring, term of service and disciplinary standards for supervisors and agents;
- B. Protection as to financial and employment security for any law enforcement officer selected as any official of the bureau agency with respect to the person's position with any municipal, county or state law enforcement policy or political subdivision;
- C. Standard operating procedures for the bureau agency;
- D. Procurement procedures; or
- E. Procedures for dissemination of records.

2. Grants and property. The commissioner may accept grants and property decreed forfeit by any court of competent jurisdiction.

3. Contracts or agreements. The commissioner may enter into contracts and agreements with municipal, county and state law enforcement agencies to accom-

plish the goal of the bureau agency and carry out the rules, policies and practices of the board agency.

Sec. B-15. 25 MRSA §2957, as enacted by PL 1987, c. 411, §5, is amended to read:

§2957. Confidentiality

Notwithstanding any other provisions of law, ~~the investigative records of the bureau shall be and are declared to be confidential and~~ all meetings of the board, ~~as well as meetings of the bureau shall not be~~ are subject to Title 1, sections 401 to 410, except that those meetings may be held in executive session to discuss any case investigations or any disciplinary actions.

Sec. B-16. 25 MRSA §2958 is enacted to read:

§2958. Prosecution protocol

The Attorney General and the 8 district attorneys, shall establish a statewide drug prosecution protocol, which must include statewide goals, uniform prosecutorial standards, practices and policies, and specific criteria by which drug cases are referred to state or federal court for prosecution. The views and opinions of the United States Attorney for the District of Maine, as well as representatives from the agency and drug investigative units at the municipal level must be considered in the development of the drug prosecutorial protocol.

Sec. B-17. 29 MRSA §946-C, sub-§1, ¶B, as enacted by PL 1991, c. 444, §5, is amended by amending subparagraph (8) to read:

(8) A Department of Public Safety vehicle operated by a liquor enforcement officer for the purpose of enforcing section 1312-B or Title 28-A, a state fire inspector or a ~~Bureau of Intergovernmental~~ Maine Drug Enforcement Agency officer;

Sec. B-18. 36 MRSA §191, sub-§2, ¶G, as enacted by PL 1977, c. 668, §2, is amended to read:

G. The disclosure to the Attorney General of information ~~relating related~~ to any person under criminal investigation; Requests from the Attorney General for information related to any person under criminal investigation must be submitted to the State Tax Assessor in writing and include:

- (1) The name and address of the taxpayer with respect to whom the requested return information relates;
- (2) The taxable period or periods to which the return information relates;
- (3) The statutory authority under which the proceeding or investigation is being conducted; and

(4) The specific reason or reasons why the disclosure is, or may be, relevant to a proceeding or investigation.

The Attorney General shall retain physical control of the information until the conclusion of the investigation or proceeding for which the information was requested, after which the information must be returned immediately to the State Tax Assessor.

Sec. B-19. Transition provision.

1. The incumbent director of the Bureau of Intergovernmental Drug Enforcement serves as the Director of the Maine Drug Enforcement Agency. Personnel now employed by the Bureau of Intergovernmental Drug Enforcement remain employed as personnel with the Maine Drug Enforcement Agency and the time period for tours of duty for incumbent investigative agents, pursuant to Title 25, section 2955, subsection 4, commences from the effective date of this Act.

2. All existing rules and procedures in effect, in operation or adopted by the Bureau of Intergovernmental Drug Enforcement or any of its administrative units or officers, are continued in effect until rescinded, revised or amended by the proper authority.

3. All existing contracts, leases, agreements, compacts and grants issued prior to the effective date of this Act, continue to be valid under the terms of issuance either until expiration or rescision, amendment or revocation and are transferred to the Maine Drug Enforcement Agency on the effective date of this Act.

4. The Director of the Maine Drug Enforcement Agency has the authority to enter into such contracts or agreements or to apply for such grants, modification to grants or money as may be necessary to carry forth the work of the Bureau of Intergovernmental Drug Enforcement. Nothing in this Act may be construed to violate any requirements of any granting agency, including, but not limited to, those imposed by the federal Bureau of Justice Assistance.

5. Notwithstanding any other provision of law, all accrued expenditures, assets, liabilities, balances of funds, transfers, revenues or other available funds in an account or subdivision of an account of the Bureau of Intergovernmental Drug Enforcement must be reallocated or reappropriated to the Maine Drug Enforcement Agency by the State Controller.

6. Any positions authorized and allocated subject to the personnel laws to the Bureau of Intergovernmental Drug Enforcement are transferred to the Maine Drug Enforcement Agency and may continue to be authorized.

7. All records, property and equipment previously belonging to or allocated for the use of the Bureau of

Intergovernmental Drug Enforcement become the property of the Maine Drug Enforcement Agency on the effective date of this Act.

8. All existing forms, licenses, letterheads and similar items bearing the name of or referring to the Bureau of Intergovernmental Drug Enforcement may be used by the Maine Drug Enforcement Agency until existing supplies of those items are exhausted.

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

Effective April 8, 1992.

CHAPTER 838

S.P. 922 - L.D. 2369

An Act to Further Enhance and Protect Maine's Great Ponds

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

Sec. 1. 5 MRSA §12004-I, sub-§24-B is enacted to read:

| | | | |
|--------------------|-------------------|-------------------|----------------|
| <u>24-B.</u> | <u>Great Pond</u> | <u>Not Autho-</u> | <u>38 MRSA</u> |
| <u>Environment</u> | <u>Task Force</u> | <u>rized</u> | <u>§1842</u> |

Sec. 2. 12 MRSA §7792, sub-§5, as amended by PL 1991, c. 301, §2, is further amended to read:

5. Restrictions for airmobiles. Rules restricting the operation of airmobiles in fish or wildlife preserves, conservation areas or other areas where the operation may harm the natural environment; ~~and~~

Sec. 3. 12 MRSA §7792, sub-§6, as enacted by PL 1991, c. 301, §3, is amended to read:

6. Scalloping permitted by rule; Frenchboro area. Rules permitting the taking of scallops in the Frenchboro area, as defined in section 6954-A, subsection 1, except that the rules may not permit the use of drags more than 30 inches wide and may not permit the use of drag ropes more than 3/8 inch in diameter; ~~and~~

Sec. 4. 12 MRSA §7792, sub-§7 is enacted to read:

7. Areas off limits to watercraft. Rules to define areas off limits to all watercraft during time periods critical for wildlife protection.

Sec. 5. 12 MRSA §7792, as amended by PL 1991, c. 301, §§2 and 3, is further amended by adding at the end a new paragraph to read: