

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

1. Net earnings. No part of the net earnings of the corporation may inure to the benefit of any officer, director or employee except that the corporation may pay reasonable compensation for services rendered and otherwise hold, manage and dispose of its property in furtherance of the purposes of the corporation.

2. Dissolution. Upon dissolution of the corporation, the dissolved corporation shall transfer all unexpended General Fund appropriations to the State before paying or making provision for the payment of all other liabilities.

§6912. Liberal construction

This chapter may be construed liberally to effect the interest and purpose of the corporation for an improved and expanded school-to-work and skills training system in the State and may be broadly interpreted to effect the corporation's intent and purpose and not as a limitation of powers.

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

Effective June 15, 1993.

CHAPTER 349

S.P. 434 - L.D. 1344

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

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

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

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

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

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

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

Sec. 1. 2 MRSA §6, sub-§2, as amended by PL 1991, c. 780, Pt. Y, §2 and Pt. RR, §1, is repealed and the following enacted in its place:

2. Range 90. The salaries of the following state officials and employees are within salary range 90:

Superintendent of Banking;

Bureau of Consumer Credit Protection Superintendent;

State Tax Assessor;

Superintendent of Insurance;

Associate Commissioner for Programs, Department of Mental Health and Mental Retardation;

Associate Commissioner of Administration, Department of Mental Health and Mental Retardation;

Associate Commissioner for Institutional Management;

Executive Director, Maine Waste Management Agency; and

Deputy Commissioner, Department of Administrative and Financial Services.

Sec. 2. 2 MRSA §6, sub-§5, as amended by PL 1991, c. 780, Pt. Y, §5; c. 837, Pt. B, §1; and c. 841, §1, is repealed and the following enacted in its place:

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

Director of Labor Standards;

Deputy Chief of the State Police;

State Archivist;

Director of Maine Geological Survey;

Executive Director, Maine Land Use Regulation Commission;

Chair, Maine Unemployment Insurance Commission;

Child Welfare Services Ombudsman;

Director of the 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. 3. 4 MRSA §152, sub-§6, ¶Z, as enacted by PL 1989, c. 287, §2, is repealed.

Sec. 4. 5 MRSA §7-B, as amended by PL 1991, c. 780, Pt. JJ, §1; c. 837, Pt. B, §2; and c. 841, §2, is repealed and the following enacted in its place:

§7-B. Use of state vehicles for commuting

A state-owned or state-leased vehicle may not be used by any employee to commute between home and work, except for those vehicles authorized and assigned to employees of the Baxter State Park Authority and to law enforcement officials within the following organizational units: Bureau of State Police; Maine Drug Enforcement Agency; Office of the State Fire Marshal; Bureau of Liquor Enforcement; 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. 5. 5 MRSA §453-A, first ¶, as enacted by PL 1991, c. 799, §3 and c. 883, §1, is amended to read:

The Mining Excise Tax Trust Fund Board of Trustees, as established in section 12004-G, subsection ~~33-B~~ 33-A and referred to in the chapter as the "board," consists of 5 members, at least one of whom must be a resident of the unorganized territory.

Sec. 6. 5 MRSA §931, sub-§1, ¶K, as enacted by PL 1987, c. 9, §1, is amended to read:

K. All major policy-influencing positions listed in sections 932 to ~~953~~ 953-A;

Sec. 7. 5 MRSA §1507, sub-§5-A, as amended by PL 1989, c. 700, Pt. A, §15 and c. 893, is repealed and the following enacted in its place:

5-A. Job development training. The Governor may allocate funds from such account in amounts not to exceed in total the sum of \$1,000,000 to provide funds for any unusual, unforeseen or extraordinary needs for state assistance in creating jobs by assisting in meeting the training requirements of labor-intensive new or expanding industries. In fiscal year 1989-90, \$75,000 of this amount may also be allocated for immediate job training, unemployment counseling, retraining and other assistance to displaced workers. In fiscal year 1989-90, an additional \$75,000 of this amount may also be allocated for immediate job training, unemployment counseling, retraining and other assistance to displaced workers in the midcoast area of the State. Allocations for this pur-

pose may be made from this fund by the Governor only upon the written request of the Commissioner of Labor and the Commissioner of Economic and Community Development and after consultation with the State Budget Officer. The commissioners' request to the Governor must be formulated subsequent to their consultation with the Commissioner of Education, the President of the Maine Technical College System and the director of the appropriate service delivery area as defined by the Job Training Partnership Act.

Sec. 8. 5 MRSA §1884, sub-§1, ¶E, as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

E. An outstanding record of achievement in the administration or management of a data ~~processing-computer~~ processing and computer programming system with multiple and diverse types of users; and

Sec. 9. 5 MRSA §3358, sub-§2, as enacted by PL 1991, c. 417, §1, is amended to read:

2. Composition. The commission consists of 25 members appointed as follows:

A. Two members from the Senate appointed by the President of the Senate;

B. Three members from the House of Representatives appointed by the Speaker of the House of Representatives;

C. One member from the Juvenile Justice Advisory Group appointed by the Governor;

D. One member from the Criminal Law Advisory Commission appointed by the Attorney General;

E. The Attorney General or the Attorney General's designee;

F. The Commissioner of Corrections or the commissioner's designee;

G. The Commissioner of Public Safety or the commissioner's designee;

H. The Director of the Maine Criminal Justice Academy or the director's designee;

I. One member from the Maine Chiefs of Police Association appointed by the Governor;

J. One member from the Maine Sheriffs' Association appointed by the Governor;

K. One member from the Maine Prosecutors Association appointed by the Governor;

L. One attorney experienced in criminal defense appointed by the Governor;

M. One member from the faculty of the University of Maine School of Law appointed by the Governor;

N. One member representing the Maine Correctional Advisory Commission appointed by the Governor; and

O. Eight other persons appointed by the Governor, consisting of:

- (1) One member representing the Governor's office;
- (2) One full-time nonadministrative employee from the Department of Corrections;
- (3) One former offender;
- (4) Two nongovernmental service providers to the State's criminal justice system;
- (5) Two persons who have a demonstrated interest in the State's criminal justice system; and
- (6) One representative of a nongovernmental victims' organization.

~~P. The commission shall request that the Chief Justice of the Maine Supreme Judicial Court serve as an advisor to the commission or designate a member of the Judicial Council to serve as an advisor.~~

The commission shall request that the Chief Justice of the Maine Supreme Judicial Court serve as an advisor to the commission or designate a member of the Judicial Council to serve as an advisor.

Sec. 10. 5 MRSA §4594-D, sub-§4, as amended by PL 1991, c. 99, §26, is further amended to read:

4. Rules. The commission may adopt, alter, amend and repeal rules designed to make buildings under this section accessible to, functional for and safe for use by ~~physically~~ persons with physical disability in accordance with subsection 3, and may adopt, alter, amend and repeal rules designed otherwise to enforce this section.

Sec. 11. 5 MRSA §7041, sub-§2, as amended by PL 1991, c. 780, Pt. Y, §99, is further amended to read:

2. Appointment and membership. The Policy Review Board consists of the Commissioner of Administrative and Financial Services as an ~~ex-officio~~ ex officio non-

voting member and the following persons: ~~For the purpose of this subsection, the term "designee" means a person in a major-policy-influencing position as defined in chapter 71. :~~

- A. The Commissioner of Transportation or a designee;
- B. The Commissioner of Human Services or a designee;
- C. The Commissioner of Mental Health and Mental Retardation or a designee;
- D. The Commissioner of Conservation or a designee;
- E. The Commissioner of Labor or a designee;
- F. A representative from the Office of the Governor; and
- G. Two persons appointed by the Governor who are not state employees and who are well qualified by experience, training and education in personnel systems in the private sector with firms that have implemented progressive personnel systems.

For the purpose of this subsection, the term "designee" means a person in a major policy-influencing position as defined in chapter 71.

Sec. 12. 5 MRSA §12004-G, sub-§33-B, as enacted by PL 1991, c. 799, §6, is repealed.

Sec. 13. 5 MRSA §12006, as amended by PL 1991, c. 780, Pt. Y, §103 and c. 844, §2, is repealed and the following enacted in its place:

§12006. Penalty for failure to report

Members of any board that fails to report to the Secretary of State, as required by section 12005-A, are not eligible to receive any daily rate or annual rate of compensation or any money for expenses incurred in the work of the board until the report to the Secretary of State is complete to the satisfaction of the Secretary of State. The Commissioner of Administrative and Financial Services, the Secretary of State or the person authorized to pay compensation or expenses to members of the boards may not pay any rate of compensation or expenses to any member of a board that has failed to report to the Secretary of State.

1. Notice of failure to report. The Secretary of State shall send notice by certified mail on or before January 15th of each year to any board that has failed to report pursuant to section 12005-A.

2. Legislative repeal of inactive boards. The Secretary of State shall submit legislation to the joint stand-

ing committee of the Legislature having jurisdiction over state government matters on or before March 2nd in the first regular session of each biennium to repeal those boards that have not reported on their activities to the Secretary of State under this section or section 12005-A during either of the prior 2 calendar years.

Sec. 14. 5 MRSA §13058, sub-§5, as amended by PL 1989, c. 857, §44 and c. 875, Pt. L, §3 and affected by §4, is repealed and the following enacted in its place:

5. Review of program; report to Governor and Legislature. The commissioner shall review and evaluate the programs and functions of the department and the operation of the economic delivery system. The Maine Small Business Commission, as established in section 13032, shall conduct the evaluation and review required by this section with respect to small business programs. The commissioner shall report the commissioner's findings and recommendations with respect to the issues described in this subsection to the Governor and to the Legislature no later than February 1st of each first regular session of the Legislature. The commissioner shall conduct the review and evaluation with respect to the following:

A. The purpose of these programs and the degree to which the purpose is being met;

B. The degree of significance of the purpose of the programs and functions of the department;

C. The extent of the coordination of programs and services as required in subsection 4;

D. The needs, problems and opportunities that are not being met by the programs and services of the department;

E. The types of programs and services necessary to meet the needs, problems and opportunities as set out in paragraph D;

F. The problems and successes in the economic delivery system;

G. The state of small business in this State, including economic data, the effectiveness of state programs to aid small business, problems of small business that may be affected by state policies and such other information on small business as desired by the commissioner;

H. Within available resources, the extent of business growth and change, including business expansions, new businesses and business closings; and

I. Within available resources, the status of investments in business in the State.

Sec. 15. 5 MRSA §15138, first ¶, as amended by PL 1989, c. 700, Pt. A, §23 and c. 915, §§3 and 10, is repealed and the following enacted in its place:

Agencies of State Government shall cooperate to assess the needs of zones and provide appropriate assistance to these zones. A committee must be established that is composed of, at a minimum, the Commissioner of Economic and Community Development, the Director of the State Planning Office, the Commissioner of Transportation, the Commissioner of Labor, the Commissioner of Education, the President of the Maine Technical College System, the Chief Executive Officer of the Finance Authority of Maine and the Director of the Maine State Housing Authority. The committee shall meet quarterly with representatives from each zone to review projects, assess the coordination of existing resources and identify any other potential resources to ensure that the needs of the zones are being addressed to the fullest extent possible.

Sec. 16. 5 MRSA §17713, sub-§2, ¶A, as amended by PL 1989, c. 710, §5 and c. 907, §1, is repealed and the following enacted in its place:

A. If the member qualifies under section 17760, subsection 2, contributions must be calculated at the percentage rate required of active members during the period of time covered by the service in the armed forces applied to the member's earnable compensation during the first year as an employee after service in the armed forces, under the following terms and conditions:

(1) If 2 or more percentage rates were in effect during the period of service in the armed forces, the highest percentage rate must be used;

(2) The minimum rate is 5%; and

(3) Interest at a rate set by the board not to exceed regular interest by 2 or more percentage points must be paid on the unpaid balance beginning January 1, 1976, or the date of attaining 15 years of creditable service, if later, to the date payment is made.

Sec. 17. 5 MRSA §17754, sub-§1, ¶F, as repealed by PL 1989, c. 709, §1 and amended by c. 710, §8, is repealed.

Sec. 18. 5 MRSA §17754, sub-§1, ¶G, as enacted by PL 1989, c. 95, §6, is amended to read:

G. Upon complete payment of the back contributions under paragraph B or F section 17764, the member shall must be granted service credit for the period of time for which the contributions have

been made. Upon making partial payment of the back contributions under paragraph B or F section 17764, the member ~~shall~~ **must** be granted service credit on a pro rata basis in accordance with rules adopted by the board.

Sec. 19. 5 MRSA §17763, sub-§2, ¶C, as repealed by PL 1989, c. 709, §2 and amended by c. 710, §11, is repealed.

Sec. 20. 5 MRSA §18252, sub-§4, ¶¶A and B, as enacted by PL 1987, c. 823, §6, are amended to read:

A. The ~~employer~~ employee may not repay to the retirement system the contributions withdrawn under subsection 2.

B. The employer must still be ~~in~~ a participating local district allowing new membership in the retirement system.

Sec. 21. 5 MRSA §20005, sub-§6, ¶B, as repealed and replaced by PL 1991, c. 792 and c. 850, §4, is repealed and the following enacted in its place:

B. Establish operating and treatment standards and inspect and issue certificates of approval for approved treatment facilities, drug abuse treatment facilities or programs, including residential treatment centers, and community-based service providers pursuant to section 20024 and subchapter V; and

Sec. 22. 7 MRSA §602, as amended by PL 1989, c. 841, §1 and c. 878, Pt. E, §1, is repealed and the following enacted in its place:

§602. Enforcing official

This subchapter is administered by the Board of Pesticides Control, hereinafter referred to as the "board."

Sec. 23. 8 MRSA §372, sub-§2, ¶I, as amended by PL 1991, c. 780, Pt. Y, §§110 and 111 and repealed and replaced by c. 796, §1 and affected by §§4 and 5, is repealed and the following enacted in its place:

I. Carry on a continuous study and investigation of the lotteries throughout the State and the operation and administration of similar laws that may be in effect in other states or countries; and

Sec. 24. 10 MRSA §918, sub-§3, as amended by PL 1991, c. 780, Pt. Y, §113, is further amended to read:

3. Ex officio corporators. Ex officio corporators consist of the heads of the major state departments and

agencies and the Chancellor of the University of Maine System. State department and agency heads include the following:

Treasurer of State;

Director of the State Planning Office;

~~Director of the State Development Office;~~

Commissioner of Economic and Community Development;

Commissioner of Agriculture, Food and Rural Resources;

Commissioner of Professional and Financial Regulation;

Commissioner of Conservation;

Commissioner of Education;

Commissioner of Environmental Protection;

Commissioner of Administrative and Financial Services;

Commissioner of Human Services;

Commissioner of Inland Fisheries and Wildlife;

Commissioner of Labor;

Commissioner of Marine Resources;

Commissioner of Mental Health and Mental Retardation;

Commissioner of Transportation;

Chief Executive Officer of the Finance Authority of Maine;

Executive Director of the Maine Municipal Bond Bank; and

Executive Director of the Maine State Housing Authority.

Sec. 25. 10 MRSA §1526-A, as enacted by PL 1991, c. 780, Pt. U, §2 and c. 837, Pt. A, §27, is repealed and the following enacted in its place:

§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. 26. 11 MRSA §1-105, sub-§(2), as amended by PL 1991, c. 636, §1; c. 805, §2; and c. 812, §1, is repealed and the following enacted in its place:

(2) When one of the following provisions of this Title specifies the applicable law, that provision governs a contrary agreement only to the extent permitted by the law (including the conflict of laws rules) so specified:

Rights of creditors against sold goods. Section 2-402.

Applicability of the Article on Leases. Sections 2-1105 and 2-1106.

Applicability of the Article on Bank Deposits and Collections. Section 4-102.

Governing law in the Article on Funds Transfers. Section 4-1507.

Applicability of the Article on Investment Securities. Section 8-106.

Perfection provisions of the Article on Secured Transactions. Section 9-103.

Sec. 27. 12 MRSA §7552, sub-§5, ¶D, as repealed by PL 1989, c. 913, Pt. A, §11 and amended by Pt. B, §8, is repealed.

Sec. 28. 12 MRSA §7792, sub-§§3 and 4, as enacted by PL 1979, c. 420, §1, are amended to read:

3. Safety equipment. Rules further governing safety equipment for watercraft, including the type, quality and quantity of that equipment; **and**

4. Horsepower. Rules governing the horsepower of motors used to propel watercraft on all internal waters of this State. In promulgating these rules, the commissioner shall take into consideration the area of the internal waters, the use to which the internal waters are put, the depth of the water and the amount of waterborne traffic upon the waters and determine whether or not the rule is necessary to insure the safety of persons and property. The adoption of rules under this subsection is governed by the Maine Administrative Procedure Act, Title 5, Part 18, except that such rules may be only adopted as a result of a petition from the municipal officers of the municipality or municipalities in which the waters exist or from 25 citizens of the municipalities in which the waters exist, by county commissioners of the county in which the waters exist if they are located in unorganized territory or 25 citizens of the unorganized territory in which the waters exist, requesting the issuance of such a rule for a particular body of internal water and stating the proposed horsepower limitation; ;

Sec. 29. 12 MRSA §7792, sub-§5, as amended by PL 1991, c. 838, §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. 30. 12 MRSA §7792, sub-§6, as repealed by PL 1991, c. 784, §12 and amended by c. 838, §3, is repealed.

Sec. 31. 13 MRSA §906, as enacted by PL 1991, c. 780, Pt. U, §5 and c. 837, Pt. A, §31, is repealed and the following enacted in its place:

§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. 32. 13-A MRSA §1401, sub-§35, as amended by PL 1991, c. 780, Pt. U, §8 and c. 837, Pt. A, §32, is repealed and the following enacted in its place:

35. Any other documents not specifically provided for in this section, \$20;

Sec. 33. 13-A MRSA §1401, sub-§36, as amended by PL 1991, c. 780, Pt. U, §9 and c. 837, Pt. A, §33, is further amended to read:

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

Sec. 34. 13-A MRSA §1401, sub-§37, as enacted by PL 780, Pt. U, §10 and c. 837, Pt. A, §34, is repealed and the following enacted in its place:

37. Preclearance of any document for filing, \$100; and

Sec. 35. 13-B MRSA §1301, as amended by PL 1991, c. 780, Pt. U, §16 and c. 837, Pt. A, §37 and corrected by RR 1991, c. 2, §48, is repealed and the following enacted in its place:

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

1. Annual report. Each domestic corporation, unless excused as provided in subsection 5, and each foreign corporation authorized to carry on activities in this State shall deliver for filing, within the time prescribed by this Act, 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, 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-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 annual report 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, 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 annual report must be delivered for filing to the Secretary of State or a designee. The annual reports may be delivered to the Secretary of State on a staggered basis as defined by the Secretary of State by rule in accordance with the Maine Administrative Procedure Act. The report must apply to the 12-month period specified by the Secretary of State. Proof to the satisfaction of the Secretary of State that the report was deposited in the United States mail in a sealed envelope, properly addressed, with postage prepaid, prior to the date that penalties become effective for late delivery of annual reports, as established by the Secretary of State by rule, is considered compliance with this subsection. One copy of the report, together with the filing fee required by this Act, must be delivered for filing to the Secretary of State, who shall file the report if the Secretary of State finds that it conforms to the requirements of this Act. If the Secretary of State finds that the report does not conform, the Secretary of State shall promptly mail or otherwise return the report to the corporation for any necessary corrections, in which event the penalties prescribed by this Act for failure to file the report within the time provided in this section do not apply if the report is corrected to conform to the requirements of this Act and returned to the Secretary of State within 30 days from the date on which it was so mailed or otherwise returned to the corporation by the Secretary of State.

5. Certificate of fact. The Secretary of State, upon application by a corporation and satisfactory proof that it has ceased to carry on activities, shall file a certificate of that fact and shall give a duplicate certificate to the

corporation. The corporation is then excused from filing annual reports with the Secretary of State as 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 that has been excused pursuant to subsection 5 may vote to resume carrying on activities at a meeting duly called and held for 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, authorizes that corporation to carry on activities; and after that certificate is filed, the corporation is required to file annual reports.

Sec. 36. 13-B MRSA §1302, as amended by 1991, c. 780, Pt. U, §19 and c. 837, Pt. A, §40, is repealed and the following enacted in its place:

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

1. Failure to file annual report. Any corporation that is required to deliver an annual report for filing, as provided by section 1301, and fails to deliver its properly completed annual report to the Secretary of State, shall pay the sum of \$10 for each failure to file on time. Upon failure to file the annual report and to pay the annual report fee and the penalty, the Secretary of State, notwithstanding Title 4, chapter 25 and Title 5, chapter 375, shall revoke a foreign corporation's authority to carry on activities in this State and suspend a domestic corporation from carrying on activities. 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 that wishes to carry on activities again in this State must be authorized as provided in section 1202. A domestic corporation that has been suspended under this subsection may be reinstated by filing the current annual report and by paying the penalty accrued.

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

3. Time limit specified. If the annual report of a corporation is not received by the Secretary of State within the time specified in section 1301, the corporation 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 a copy of that report within 30 days after it learns of the nondelivery of the original report.

Sec. 37. 13-B MRSA §1401, sub-§31, as amended by PL 1991, c. 780, Pt. U, §22 and c. 837, Pt. A, §42, is repealed and the following enacted in its place:

31. Annual report. Annual report of a domestic or foreign corporation as provided by section 1301, §20;

Sec. 38. 13-B MRSA §1401, sub-§32, as enacted by PL 1991, c. 780, Pt. U, §23 and c. 837, Pt. A, §43, is repealed and the following enacted in its place:

32. Document preclearance. Preclearance of any document for filing, §100; and

Sec. 39. 17 MRSA §2264, sub-§5, as amended by PL 1991, c. 733, §4 and c. 837, Pt. A, §44, is repealed and the following enacted in its place:

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 a civil violation 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. The violation is counted in determining an individual's total points under the point system of the Bureau of Motor Vehicles.

Sec. 40. 18-A MRSA §5-209, first ¶, as amended by PL 1991, c. 641, §2 and c. 719, §1, is repealed and the following enacted in its place:

A guardian of a minor has the powers and responsibilities of a parent who has not been deprived of custody of a minor and unemancipated child, except that a guardian is not legally obligated to provide from the guardian's own funds for the ward and is not liable to 3rd persons by reason of the parental relationship for acts of the ward. In particular, and without qualifying the foregoing, a guardian has the following powers and duties.

Sec. 41. 18-A MRSA §5-209, sub-§§(b) and (d), as amended by PL 1991, c. 641, §3 and c. 719, §1, are repealed and the following enacted in their place:

(b) The guardian may receive money payable for the support of the ward to the ward's parent, guardian or custodian under the terms of any statutory benefit or insurance system, or any private contract, devise, trust, conservatorship or custodianship. The guardian also may receive money or property of the ward paid or delivered by virtue of section 5-103. Any sums so received must be applied to the ward's current needs for support, care

and education. The guardian must exercise due care to conserve any excess for the ward's future needs unless a conservator has been appointed for the estate of the ward, in which case excess must be paid over at least annually to the conservator. Sums so received by the guardian may not be used for compensation for the guardian's services except as approved by order of court or as determined by a duly appointed conservator other than the guardian. If there is no conservator, the excess funds must be turned over to the minor when the minor attains majority. A guardian may institute proceedings to compel the performance by any person of a duty to support the ward or to pay sums for the welfare of the ward.

(d) A guardian must report the condition of the ward and of the ward's estate that has been subject to that guardian's possession or control, as ordered by court on petition of any person interested in the minor's welfare or as required by court rule. If the guardian has received any funds pursuant to section 5-103, the guardian shall account to the court and the minor regarding how the funds were expended prior to the termination of that person's responsibilities as guardian.

Sec. 42. 19 MRSA §761-A, sub-§2, as enacted by PL 1989, c. 862, §4, is repealed and the following enacted in its place:

2. Protection. To allow family and household members who are victims of domestic abuse to obtain expeditious and effective protection against further abuse so that the lives of the nonabusing family or household members are as secure and uninterrupted as possible;

Sec. 43. 19 MRSA §761-A, sub-§2-A is enacted to read:

2-A. Enforcement. To provide protection by promptly entering and diligently enforcing court orders that prohibit abuse and, when necessary, by reducing the abuser's access to the victim and addressing any related issues of child custody and economic support so that victims are not trapped in abusive situations by fear of retaliation, loss of a child or financial dependence;

Sec. 44. 20-A MRSA §405, sub-§7, as enacted by PL 1985, c. 797, §12, is amended to read:

7. Federal applied technology education aid. The state board shall administer any federal funds received for the benefit of ~~vocational~~ applied technology education programs in the State. As the designated state agency authorized to administer federal funds, the board shall develop a state plan, approve the State's application for ~~vocational~~ applied technology education funds and disburse federal money as authorized and required by applicable federal law.

Sec. 45. 20-A MRSA §4801, sub-§1, ¶A-1, as enacted by PL 1991, c. 121, Pt. A, §4, is repealed.

Sec. 46. 20-A MRSA §7801, sub-§1, as amended by PL 1989, c. 700, Pt. A, §54 and c. 899, §2, is repealed and the following enacted in its place:

1. Coordination. Coordinating existing programs presently provided for these youths by the Department of Human Services, the Department of Mental Health and Mental Retardation, the Department of Education, the Department of Labor, the Department of Corrections and other public and private agencies;

Sec. 47. 20-A MRSA §7803, first ¶, as amended by PL 1989, c. 700, Pt. A, §55 and c. 899, §5, is repealed and the following enacted in its place:

An Interdepartmental Committee on Transition pursuant to Title 5, chapter 379, representing the Department of Education, the Department of Human Services, the Department of Mental Health and Mental Retardation, the Department of Labor, the Department of Corrections, at least 2 of the local coordination sites and the public, must be appointed by the commissioners to work with the interdepartmental council to establish guidelines, including continuation applications, to monitor grants and to evaluate the performance of area coordination programs developed through the grants.

Sec. 48. 20-A MRSA §8451, sub-§5, ¶C, as amended by PL 1991, c. 518, §17 and c. 548, Pt. A, §13, is repealed and the following enacted in its place:

C. In the event that School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department enter into a cooperative agreement pursuant to section 8401, not later than June 30, 1989, the school boards of the 3 participating units shall, in conjunction with the advisory committee, develop and submit a plan to the commissioner for providing secondary applied technology education within the 3 participating units. The plan must include:

(1) A proposal for the construction of a new center in School Administrative District No. 33;

(2) Provisions for assignment without loss of salary of all continuing contract applied technology teachers employed by School Administrative District No. 27 and Madawaska School Department to School Administrative District No. 33 if a new center in School Administrative District No. 33 becomes operational; and

(3) Assurances that all 3 participating administrative units, and School Administrative District No. 10 on a tuition basis, have access to programs at the new center in proportion to the number of high school students in each administrative unit.

Sec. 49. 20-A MRSA §8606-A, sub-§3, as amended by PL 1991, c. 518, §38 and c. 591, Pt. I, §3, is repealed and the following enacted in its place:

3. State reimbursement. State reimbursement for expenditures on adult education programs must be based on each unit's actual adult education program costs in the foundation year, except that in fiscal years 1991-92 and 1992-93 available state funding is limited to the fiscal year 1990-91 level.

A. The state reimbursement must be based on the unit's expenditures for the foundation year in accordance with the maximum allowable expenditures and the local program cost adjustment to the equivalent of the year prior to the year of the allocation.

B. State reimbursement must be paid to each eligible unit during the 2nd quarter of the State's fiscal year.

Sec. 50. 22 MRSA §1, 4th ¶, as repealed and replaced by PL 1989, c. 878, Pt. A, §52, is amended to read:

The Director, Bureau of Resource Development Child and Family Services, and the Director, Bureau of Elder and Adult Services, shall must be appointed by the commissioner, after consultation with the Maine Committee on Aging and the Maine Human Development Commission. Each of these directors shall be is appointed and serve serves in the unclassified service at the pleasure of the commissioner. Any vacancy in each of these positions shall must be filled by appointment as in this paragraph for a like term.

Sec. 51. 22 MRSA §3758, sub-§1, as enacted by PL 1975, c. 441, §1, is amended to read:

1. Carrying account for unexpended balances. Notwithstanding any other provision of law and except as funds are necessary to carry out section 2 of this Act, funds appropriated for the aid to families with dependent children account shall may not be transferred from such account and shall may not lapse at the end of a fiscal year, but shall must be carried forward from year to year to be expended for the same purpose. All unexpended balances of the account shall must be expended pursuant to subsections 3 and 4.

Sec. 52. 24-A MRSA §2848, as repealed and replaced by PL 1991, c. 695, §6 and c. 824, Pt. A, §52, is repealed and the following enacted in its place:

§2848. Definitions

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

1. Evidence of individual insurability. “Evidence of individual insurability” means medical information or other information that indicates health status; such as whether the individual is actively at work, used to determine whether coverage of an individual within the group is to be limited or excluded.

2. Group. “Group” means any of the types of groups under sections 2804 to 2808.

3. Preexisting condition exclusion. “Preexisting condition exclusion” means an exclusion of benefits for a specified or indefinite period of time on the basis of one or more physical or mental conditions for which, preceding the effective date of enrollment:

A. A person experienced symptoms that would cause an ordinarily prudent person to seek diagnosis, care or treatment; or

B. A provider of health care services recommended or provided medical advice or treatment to the person.

4. Subgroup. “Subgroup” means an employer covered under a contract issued to a multiple employer trust or to an association.

5. Waiting period. “Waiting period” means a period of time after the effective date of enrollment during which a health insurance plan excludes coverage for the diagnosis or treatment of any or all medical conditions.

Sec. 53. 24-A MRSA §2849, as repealed and replaced by PL 1991, c. 695, §7 and c. 824, Pt. A, §53, is repealed and the following enacted in its place:

§2849. Continuity on replacement of group policy

1. Policies subject to this section. Notwithstanding any other provision of law, this section applies to all group medical insurance policies issued by insurers or health maintenance organizations to policyholders who are obtaining coverage for a group or subgroup to replace coverage under a different contract or policy issued by any nonprofit hospital or medical service organization, insurer or health maintenance organization. For purposes of this section, the group policy issued to replace the prior contract or policy is the “replacement policy.” The group contract or policy being replaced is the “replaced contract or policy.”

2. Persons provided continuity of coverage under this section. This section provides continuity of coverage to persons who were covered under the replaced contract or policy at any time during the 90 days before the discontinuance of the replaced contract or policy.

3. Prohibition against discontinuity. In a replacement policy subject to this section, an insurer or health

maintenance organization may not, for any person described in subsection 2:

A. Request that the person provide or otherwise seek to obtain evidence of individual insurability. This in no way limits the insurer’s right to require information concerning the health of the individuals in the group to determine whether the group as a whole is insurable or to determine rates for the group as a whole;

B. Decline to enroll the person on the basis of evidence of insurability if the person is otherwise eligible for coverage; or

C. Impose a preexisting condition exclusion period or waiting period on that person, except as provided in this section.

4. Persons covered for fewer than 90 continuous days. Notwithstanding subsection 3, a person who was covered under the replaced contract or policy for fewer than 90 continuous days may be subject to a preexisting condition exclusion or waiting period in the replacement policy, provided the period is not longer than 90 days and credit is given for satisfaction or partial satisfaction of the same or similar provisions under the replaced contract or policy.

5. Liability after discontinuance. The nonprofit hospital or medical service organization, insurer or health maintenance organization that issued the replaced contract or policy is liable after discontinuance of that contract or policy only to the extent of its accrued liabilities and extensions of benefits.

Sec. 54. 25 MRSA §2901, as amended by PL 1991, c. 837, Pt. B, §6 and c. 841, §4, is repealed and the following enacted in its place:

§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 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: 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 Maine Drug Enforcement Agency.

Sec. 55. 25 MRSA §2902, sub-§4, as repealed and replaced by PL 1991, c. 824, Pt. A, §54; c. 837, Pt. B, §7; and c. 841, §5, 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 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, 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. 56. 25 MRSA §2902, sub-§6, as amended by PL 1991, c. 837, Pt. B, §8 and repealed by c. 841, §6, is repealed.

Sec. 57. 27 MRSA §111, sub-§1, as amended by PL 1989, c. 700, Pt. B, §26, is further amended by amending the first paragraph to read:

1. Maine Library Commission. There is created the Maine Library Commission, as established by Title 5, section 12004-G, subsection 7-E. ~~It shall consist~~ consists of 15 members appointed by the Governor. The library commission ~~shall~~ must be broadly representative of the ~~state's~~ State's libraries and ~~shall~~ consist of a representative from public, school, academic, special, institutional and handicapped libraries, a trustee representative, one representative from each of the library districts as they are formed and 3 representatives from the State at large of whom one ~~shall~~ must be a representative of the disadvantaged.

Sec. 58. 29 MRSA §192, first ¶, as amended by PL 1991, c. 758, §3 and c. 793, §4 and affected by §13, is repealed and the following enacted in its place:

The Secretary of State is authorized to design and to issue, under such regulations as the secretary determines appropriate, initial type registration plates or combination of initials and numeric type registration plates to be used on passenger motor vehicles or motor vehicles of the station wagon type or taxicabs, or limousines, pickup trucks or motorcycles or motor homes or trailers not to exceed 2,000 pounds, whether semitrailers or 4-wheeled type or camp trailers, as defined in section

1, subsection 1-G, in lieu of other numeric type registration plates. These plates must be of such design and bear such letters or letters and numbers as the Secretary of State prescribes, but may not exceed 7 characters and there may be no duplication of identification.

Sec. 59. 29 MRSA §1312, sub-§9, as amended by PL 1989, c. 784, §3; c. 866, Pt. B, §10 and affected by §26; and as amended by c. 921, Pt. F, is repealed and the following enacted in its place:

9. Payment for tests. Persons authorized to take specimens of blood at the direction of a law enforcement officer and persons authorized to perform blood-alcohol tests by analysis of blood or breath must be paid from the Highway Fund.

Sec. 60. 29 MRSA §2300, sub-§1-B, as renumbered by RR 1991, c. 2, §112 and enacted by PL 1991, c. 549, §13 and affected by §17, is repealed and the following enacted in its place:

1-B. Creation of forms. The Commissioner of Public Safety is responsible for creating the forms of Uniform Traffic Ticket and Complaint, subject to the approval of the forms by the Chief Judge of the District Court.

Sec. 61. 29 MRSA §2300, sub-§1-C is enacted to read:

1-C. Form of Violation Summons and Complaint. Every law enforcement agency in this State shall use traffic summonses for traffic infractions in the form known as the Violation Summons and Complaint, which must be uniform throughout the State and must be issued in books with summonses in no less than quadruplicate and meeting the requirements of this chapter. The form must include, at a minimum, the signature of the officer, a brief description of the alleged offense, the time and place of the alleged offense and the date on or before which the person is to file a written answer with the violations bureau. The Violation Summons and Complaint must also include a statement that signing the summons does not constitute an admission or plea of guilty and that refusal to sign after having been ordered to do so by a law enforcement officer is a separate Class E crime. The form of the Violation Summons and Complaint must be approved by the Chief Judge of the District Court prior to its use.

Sec. 62. 29 MRSA §2300, sub-§2, ¶A, as amended by PL 1991, c. 549, §13 and affected by §17 and amended by c. 593, §2, is repealed and the following enacted in its place:

A. The District Court is responsible for printing all copies of the Violation Summons and Complaint forms. The Department of Public Safety is responsible for printing all copies of the Uniform

Summons and Complaint forms and issuing both types to law enforcement agencies or others.

Sec. 63. 30-A MRSA §2, sub-§1, ¶M, as repealed and replaced by PL 1991, c. 852, is amended to read:

M. Washington County:

(1) Commissioners		
(a) Chair	\$5,116	\$5,116
(b) Members	4,264	4,264
(2) Treasurer	12,500	12,500 10,385
(3) Sheriff	29,025	29,025
(4) Judge of Probate	15,252	15,252
(5) Register of Probate	16,800	16,800
(6) Register of Deeds	16,800	16,800

Sec. 64. 30-A MRSA §2671, sub-§1, ¶B, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

B. An appointed law enforcement officer is subject to the training requirements of Title 25, ~~sections 2805 and 2805-A~~ chapter 341.

Sec. 65. 32 MRSA §226, sub-§2, ¶C, as amended by PL 1991, c. 874, §3, is further amended to read:

C. Alterations, renovations or remodeling of a building when the cost of the work contemplated by the design does not exceed 15% of the assessed value of the building or \$50,000, whichever is the lesser, or does not require the issuance of a permit under applicable building codes or when the work involves those structures as provided in paragraphs A, B, F, G and H; ~~and~~

Sec. 66. 32 MRSA §1101, sub-§4-A, as amended by PL 1989, c. 443, §82, is further amended by amending the first paragraph to read:

4-A. Supervision. One apprentice electrician or one helper electrician may work with and under the supervision of each master electrician, limited electrician or journeyman electrician. A master electrician, who teaches an electrical course at a Maine ~~regional vocational-technical~~ regional applied technology center, a Maine ~~vocational~~ regional applied technology region or a Maine technical college, may have a maximum of 12 helper electricians under direct supervision while making electrical installations ~~which~~ that are a part of the instructional program

of the school, provided that the total value of each installation does not exceed \$1,000. No electrical installation may be commenced pursuant to this subsection without the prior approval of the director or president of the school at which the master electrician is an instructor. These installations are limited to those done in buildings or facilities owned or controlled by:

Sec. 67. 32 MRSA §1202, sub-§1, ¶A, as repealed and replaced by PL 1989, c. 878, Pt. A, §91, is amended by amending subparagraph (2) to read:

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

Sec. 68. 34-B MRSA §1214, sub-§3, as amended by PL 1989, c. 700, Pt. A, §163 and c. 729 and PL 1991, c. 780, Pt. DDD, §21, is repealed and the following enacted in its place:

3. Membership. The council is composed of 4 members: the Commissioner of Corrections; the Commissioner of Education; the Commissioner of Human Services; and the Commissioner of Mental Health and Mental Retardation.

Sec. 69. 34-B MRSA §3902, as repealed by PL 1991, c. 622, Pt. S, §34 and amended by c. 781, Pt. A, §3, is repealed.

Sec. 70. 36 MRSA §5200-A, sub-§1, ¶H, as repealed and replaced by PL 1991, c. 824, Pt. D, §6, is amended to read:

H. The absolute value of the amount of any net operating loss arising from tax years beginning on or after January 1, 1989 but before January 1, 1993 that, pursuant to the United States Internal Revenue Code, Section 172, is being carried back for federal income tax purposes to the taxable year by the taxpayer; ~~and~~

Sec. 71. 38 MRSA §349, sub-§1, as amended by PL 1989, c. 820, §9, is further amended to read:

1. Criminal penalties. Any person who violates any provisions of the laws administered by the department, including, without limitation, a violation of the terms or conditions of any order, rule, license, permit, approval or decision of the board or commissioner, or who disposes of more than 500 pounds or more than 100 cubic feet of litter for a commercial purpose, in violation of Title 17, section 2264, is guilty of a Class E crime and may be punished accordingly, except notwithstanding

Title 17-A, section 1301, subsection ~~±~~ 1-A, paragraph C; or Title 17-A, section 1301, subsection 3, paragraph E, the fine for such a violation may not be less than \$100 nor more than \$25,000 for each day of the violation.

This subsection does not apply to actions subject to the criminal penalties set forth in section 1319-T.

Sec. 72. 38 MRSA §2310, sub-§2, as repealed by PL 1991, c. 804, Pt. C, §4 and repealed and replaced by c. 824, Pt. A, §89, is repealed.

Sec. 73. 39-A MRSA §403, sub-§15, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read:

15. Confidentiality of information. All 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, all information contained in the minutes of trustee meetings and all information relating to individual compensation cases, that a self-insurer is required to file with or make available to the superintendent under this section, section ~~304~~ 404 or rules adopted pursuant to it are confidential and are not public records.

The confidential nature of ~~any such~~ this information does not limit or affect its use by the superintendent in administering this Act, including, but not limited to, communications with the service agent, the Workers' Compensation Board or the Maine Self-Insurance Guarantee Association.

Sec. 74. PL 1989, c. 875, Pt. E, §62 is repealed.

Sec. 75. PL 1991, c. 591, Pt. I, §4 is repealed and the following enacted in its place:

Sec. I-4. 20-A MRSA §8607-A, sub-§6, as amended by PL 1991, c. 518, §39, is repealed.

Sec. 76. PL 1991, c. 622, Pt. QQ, §3 is repealed.

Sec. 77. PL 1991, c. 655, §8 is repealed.

Sec. 78. PL 1991, c. 779, §59 is amended to read:

Sec. 59. Retroactivity. Section ~~51~~ 52 of this Act takes effect retroactively to December 23, 1991.

Sec. 79. PL 1991, c. 780, Pt. U, §10, first 2 lines are amended to read:

Sec. U-10. 13-A MRSA §1401, sub-§§37 and 38 is are enacted to read:

Sec. 80. PL 1991, c. 781, Pt. A, §3 is repealed.

Sec. 81. PL 1991, c. 824, Pt. A, §§96 and 97 are repealed.

Sec. 82. PL 1993, c. 25, §15 is amended to read:

Sec. 15. Effective date. Those sections of this Act that amend the Maine Revised ~~Statutes~~ Statutes, Title 32, sections 4700-E, ~~4700-K~~ 4700-H and 4700-I take effect January 1, 1994.

Sec. 83. PL 1993, c. 79, §7 is amended to read:

Sec. 7. Effective date. Section 6 of this Act takes effect when approved. Sections 1 to 5 and section 7 8 of this Act take effect on July 1, 1993, if deorganization is approved by the voters of the Town of Greenfield pursuant to section 6 of this Act.

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

Effective June 16, 1993.

CHAPTER 350

H.P. 406 - L.D. 519

An Act Establishing Performance Standards for Internally Drained Borrow Pits Consisting of 5 to 30 Acres of Reclaimed and Unreclaimed Land

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

Sec. 1. 38 MRSA §482, first ¶, as amended by PL 1983, c. 743, §13, is further amended to read:

As used in this ~~Article~~ article and article 7, unless the context otherwise indicates, the following terms have the following meanings.

Sec. 2. 38 MRSA §482, sub-§1-A is enacted to read:

1-A. Borrow pit. "Borrow pit" means a mining operation undertaken primarily to extract and remove sand, fill or gravel. "Borrow pit" does not include any mining operation undertaken primarily to extract or remove rock or clay.

Sec. 3. 38 MRSA §482, sub-§2, as repealed and replaced by PL 1987, c. 812, §§2 and 18, is amended to read:

2. Development that may substantially affect the environment. "Development ~~which~~ that may substan-