

# 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

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OCTOBER 13, 1993

PUBLISHED BY THE REVISOR OF STATUTES  
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TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**Sec. H-3. 34-B MRSA §6253-A, sub-§1**, as amended by PL 1991, c. 567, §2, is further amended to read:

**1. Chief administrative officer.** The chief administrative officer of the Bath Children's Home is the director. The commissioner shall, ~~with the advice of the Board of Visitors~~, appoint and set the salary for the director. The director is appointed for an indefinite term and serves at the pleasure of the commissioner until the director's successor is appointed and qualified. The director must have sufficient education and experience to administer a facility providing services to children in need of treatment.

**Sec. H-4. 34-B MRSA §6253-A, sub-§6**, as enacted by PL 1989, c. 749, §§2 and 3, is repealed.

### PART I

**Sec. I-1. 5 MRSA §12004-I, sub-§67**, as enacted by PL 1987, c. 786, §5, is repealed.

**Sec. I-2. 34-B MRSA §7014, sub-§1**, as enacted by PL 1983, c. 459, §7, is amended to read:

**1. Confidentiality of proceedings and records.** All court proceedings occurring under this chapter ~~shall be~~ are confidential and closed to the public, unless the person seeking sterilization or being considered for sterilization, personally or through ~~his~~ that person's attorney, requests that the proceedings be open to the public. Records of the court proceedings ~~shall be~~ are not open to inspection by the public, ~~except under section 7017~~, without the consent, personally or through ~~his~~ that person's attorney, of the person seeking sterilization or for whom sterilization is being considered.

**Sec. I-3. 34-B MRSA §7017**, as amended by PL 1985, c. 295, §50, is repealed.

### PART J

**Sec. J-1. 5 MRSA §12004-I, sub-§74**, as enacted by PL 1987, c. 786, §5, is repealed.

See title page for effective date.

## CHAPTER 361

H.P. 810 - L.D. 1096

### An Act Repealing Advisory Boards on State and Local Government Matters

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

### PART A

**Sec. A-1. 5 MRSA §298, 5th ¶**, as amended by PL 1987, c. 816, Pt. EE, §3, is further amended to read:

The Director of Public Improvements ~~shall serve~~ serves as the secretariat of the commission in exercising its administration. The commission may, in accordance with the Maine Administrative Procedure Act, chapter 375, adopt and enforce rules as it ~~deems~~ determines necessary, except rules relating to the State Capitol Building under the jurisdiction of the ~~State Capitol Commission~~ State House and Capitol Park Commission, as it ~~deems~~ determines necessary for the purposes of carrying out this chapter. These rules ~~shall~~ have the ~~full~~ force ~~and effect~~ of law.

**Sec. A-2. 5 MRSA §12004-I, sub-§74-B**, as enacted by PL 1989, c. 503, Pt. A, §35, is repealed.

**Sec. A-3. 27 MRSA §86-A, first ¶**, as amended by PL 1987, c. 816, Pt. EE, §6, is further amended to read:

The Maine State Museum ~~shall hold~~ holds title, as trustee for the State, to all historical materials, other than documents or other library or archival items under the administrative jurisdiction of the Maine State Library or the Maine State Archives, ~~which that~~ are or may become the property of the State and are or may be housed in the public buildings of the State. ~~Such These~~ These historical materials ~~shall~~ include the banners and flags presently housed in the State House Hall of Flags and may include, but ~~shall be~~ are not be restricted to, paintings, sculptures and other works of art dealing with historic subjects or executed by historically significant artists; flags, banners, insignia, medals, firearms, edged weapons, uniforms and other accoutrements relating to Maine military personnel or units; furnishings, utensils, implements, tools, machinery and other devices having particular historical significance to the State. The State Capitol Building ~~shall be~~ is in the jurisdiction of the ~~State Capitol Commission~~ State House and Capitol Park Commission.

### PART B

**Sec. B-1. 2 MRSA §1, 4th ¶**, as repealed and replaced by PL 1985, c. 693, §1, is repealed.

**Sec. B-2. 3 MRSA §2-A**, as amended by PL 1989, c. 503, Pt. B, §2, is repealed.

**Sec. B-3. 5 MRSA §12004-I, sub-§76**, as enacted by PL 1987, c. 786, §5, is repealed.

### PART C

**Sec. C-1. 5 MRSA §350**, as amended by PL 1989, c. 503, Pt. B, §13, is repealed.

**Sec. C-2. 5 MRSA §351**, as amended by PL 1991, c. 780, Pt. Y, §29, is repealed.

**Sec. C-3. 5 MRSA §352**, as amended by PL 1985, c. 785, Pt. A, §37, is repealed.

**Sec. C-4. 5 MRSA §12004-I, sub-§79**, as enacted by PL 1987, c. 786, §5, is repealed.

## PART D

**Sec. D-1. 5 MRSA §251**, as amended by PL 1989, c. 503, Pt. B, §10, is repealed.

**Sec. D-2. 5 MRSA §12004-J, sub-§5**, as enacted by PL 1987, c. 786, §5, is repealed.

## PART E

**Sec. E-1. 25 MRSA §2904, sub-§2, ¶A**, as enacted by PL 1977, c. 138, §3, is amended to read:

A. The Legislative Council, for all legislative offices, as established by Title 3, section 162;

See title page for effective date.

# CHAPTER 362

## H.P. 329 - L.D. 417

### An Act to Clarify the Maine Administrative Procedure Act

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

**Sec. 1. 5 MRSA §8002, sub-§§1-A and 3-A** are enacted to read:

**1-A. Adopt.** "Adopt" means action certified by the dated signature of an authorized representative that a rule is accepted as official by an agency.

**3-A. Effective date.** "Effective date" means the date a rule goes into effect. If a date is not assigned by the agency, the effective date is assigned by the Secretary of State in accordance with section 8052, subsection 6. Unless otherwise stated in law, emergency rules filed in accordance with section 8054 are effective at the time they are filed with the Secretary of State.

**Sec. 2. 5 MRSA §8052, sub-§2, ¶B**, as amended by PL 1985, c. 737, Pt. A, §18, is further amended to read:

B. In the case of a rule authorized to be adopted by a single agency member, either the agency member or, a person in a major policy-influencing posi-

tion, as listed in chapter 71, or a designee who has a policy-making responsibility over the subject matter to be discussed at the hearing; shall hold and conduct the hearing.

**Sec. 3. 5 MRSA §8052, sub-§6**, as amended by PL 1981, c. 524, §5, is further amended to read:

**6. Effective date.** No rule, except emergency rules adopted under section 8054, ~~may become~~ becomes effective until at least 5 days after filing with the Secretary of State under section 8056, subsection 1, paragraph B.

When the effective date of a rule is contingent upon the occurrence or nonoccurrence of an event, notification of the occurrence or nonoccurrence must be filed with the Secretary of State when known.

**Sec. 4. 5 MRSA §8056, sub-§3, ¶A-1**, as amended by PL 1991, c. 541, §1, is further amended to read:

A-1. Compile, edit, index and arrange for publication and distribution all current rules of state agencies as available resources permit. Compilations must be supplemented or revised at least annually;

**Sec. 5. 5 MRSA §8056, sub-§3, ¶A-2** is enacted to read:

A-2. Publish an annual list of current rules of state agencies;

**Sec. 6. 5 MRSA §8056, sub-§10** is enacted to read:

**10. Minor errors.** The Secretary of State may correct minor, nonsubstantive errors in spelling and format in proposed or adopted rules if the agency is notified.

**Sec. 7. 5 MRSA §8060, sub-§2**, as enacted by PL 1989, c. 547, §8, is amended to read:

**2. Due date.** A regulatory agenda must be issued prior to between the beginning of a regular legislative session and 100 days after adjournment of each regular session of the Legislature.

**Sec. 8. 5 MRSA §8064**, as enacted by PL 1991, c. 540, §2, is amended to read:

### §8064. Limitation

Except for emergency rules; as provided in section 8060, subsection 6, an agency may not adopt any rule unless the agency has complied with the provisions in sections 8053-A and 8060, which ~~includes~~ include legislative review of the rule. When an agency proposes a rule not in its current regulatory agenda, the agency must file