

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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
1997

or are proposed to be located within an area in which a written clearance has been issued under subsection 4-A, the system, in consultation with the underground facility operator, may modify or, if necessary, revoke a written clearance in order to ensure adequate safety in the area of the underground facility or proposed underground facility.

Sec. 3. 23 MRSA §3360-A, sub-§6, as repealed and replaced by PL 1991, c. 437, §7 and affected by §12, is amended to read:

6. Liability of excavator. If an excavator complies with subsection 3 and if information pursuant to subsections 3-A and 4 is not provided within the time specified or if the information provided fails to identify the location of the underground facilities in accordance with subsection 4, or if an excavator is excavating in an area for which written clearance has been issued pursuant to subsection 4-A, then an excavator damaging or injuring underground facilities is not liable for any damage or injury caused by the excavation, except on proof of negligence.

Sec. 4. 23 MRSA §3360-A, sub-§6-A, ¶A, as amended by PL 1997, c. 229, §1, is further amended to read:

A. An excavator who does not give notice of an excavation as required under subsection 3, except an excavation in an area for which written clearance has been issued pursuant to subsection 4-A, or who undertakes the excavation in a reckless or negligent manner that poses a threat to an underground facility commits a civil violation and is subject to a civil forfeiture of up to \$1,000 in addition to any other remedies or forfeitures provided by law or any liability for actual damages.

See title page for effective date.

CHAPTER 632

S.P. 787 - L.D. 2114

An Act Relating to the Qualifications of the Director of the Bureau of Human Resources

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

Sec. 1. 5 MRSA §7035, as amended by PL 1997, c. 498, §3, is further amended to read:

§7035. Director of Human Resources

The Director of Human Resources ~~shall~~ must be qualified by education ~~and~~ or experience in the

administration of personnel systems, public or private, and in human resource management. The commissioner, ~~following consultation with the Policy Review Board~~, shall appoint the Director of Human Resources who ~~shall serve~~ serves at the pleasure of the commissioner and ~~shall serve until his successor has been appointed and qualified~~. Specifically, the director shall meet the following qualifications:

1. Education and experience in personnel systems. An educational background and experience in personnel systems, public or private, to include, among other factors, the following:

A. Training, knowledge and experience in the design of job classification systems;

B. Knowledge, training and experience in the design of job performance evaluation systems;

C. Knowledge, training and experience in the design of job compensation systems; and

D. Knowledge, training and experience in the design of career training programs for employees and the design of management and supervisory training programs;

2. Restricted political activity. The provisions in ~~section 7056 A~~, as they relate to the political activities of employees in the classified service or employees from the executive branch in the unclassified service as defined in section 7032; and

3. Record of achievement. An outstanding record of achievement of at least 5 years in the administration of a personnel or human resource system.

See title page for effective date.

CHAPTER 633

H.P. 1498 - L.D. 2097

An Act to Simplify Corporate Filings

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

Sec. 1. 10 MRSA §1522, sub-§1, ¶¶H and I, as enacted by PL 1993, c. 616, §2, are amended to read:

H. Consists of or comprises language that is obscene, contemptuous, profane or prejudicial; ~~or~~

I. Inappropriately promotes abusive or unlawful activity; or

Sec. 2. 10 MRSA §1522, sub-§1, ¶J is enacted to read: