

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

6. Report. The Board of Agriculture shall report at least annually to the joint standing committee of the Legislature having jurisdiction over agricultural matters and to the Board of Trustees of the University of Maine System. The report must include an accounting of meetings and actions of the Board of Agriculture, including agreements entered into, status of demonstration projects, research findings, informational activities and an evaluation of the Maine Agricultural Experiment Station and Cooperative Extension Service programs, with recommendations regarding changes or improvements in the programs and the budget. The Board of Agriculture shall submit annually to the Board of Trustees of the University of Maine System proposals for additional funding for capital building projects at the research farms.

7. Long-range plan. By November 1, 1998, the board shall establish a long-range plan for operation of the Agricultural Experiment Station and the Cooperative Extension Service programs that includes but is not limited to plans for each of the research farms, joint appointments for experiment station and extension faculty, better utilization of research farms and objectives for research for each agricultural commodity in the State. The plan developed by the board does not include operations, research and programs relating to forestry, wildlife, aquaculture and fisheries.

Sec. 6. Maine Agricultural Experiment Station; budget. Beginning with fiscal year 1999-2000, the Board of Trustees of the University of Maine System shall strive to allocate funds for the experimental farms within the Maine Agricultural Experiment Station at or above the fiscal year 1995-96 funding level. For fiscal years 2000-01 to 2001-02, the board of trustees shall strive to increase the funding for each experimental farm by a minimum of 5% per year above that farm's 1995-96 funding. Capital building projects must be funded from within the university facilities management budget.

See title page for effective date.

CHAPTER 712

S.P. 771 - L.D. 2098

An Act to Improve the Integrity of Notaries Public

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

Sec. 1. 4 MRSA §955-A, as repealed and replaced by PL 1987, c. 573, §2, is repealed.

Sec. 2. 4 MRSA §955-C is enacted to read:

§955-C. Disciplinary action; grounds; procedure; complaints

1. Grounds. The Secretary of State may suspend, revoke or refuse to renew the commission of a notary public in the State. The Secretary of State's actions may be based on any of the following grounds:

A. The notary public has performed in an improper manner any duty imposed upon the notary public by law;

B. The notary public has performed acts not authorized by law;

C. The notary public is in violation of section 954-A; or

D. The notary public has been convicted of a crime as defined by rules adopted by the Secretary of State. These rules must provide that a conviction for perjury, false swearing, bribery, corrupt practices or forgery or related offenses may be a basis for the Secretary of State to suspend, revoke or refuse to renew the commission of a notary public. Rules adopted pursuant to this paragraph are routine technical rules as defined in Title 5, chapter 375, subchapter II-A.

2. Procedure. A notary public commission may not be suspended, revoked or refused for renewal for the reasons set forth in subsection 1 without prior written notice and opportunity for hearing. A notary public commission may not be suspended, revoked or refused for renewal under this section except by a decision by the Secretary of State or the Secretary of State's designee.

3. Complaints. Any person may file a complaint with the Secretary of State seeking disciplinary action against a notary public. Complaints must be in writing in a form prescribed by the Secretary of State. The Secretary of State may also bring a complaint against a notary public if the Secretary of State determines that the notary public may have violated the provisions of subsection 1. If the Secretary of State determines that a complaint alleges facts that, if true, would require revocation, suspension or nonrenewal of commission or other disciplinary action, the Secretary of State shall conduct a hearing pursuant to the Maine Administrative Procedure Act. Whenever the Secretary of State establishes that a complaint does not state facts that warrant a hearing, the complaint may be dismissed. Persons making complaints must be advised in writing of all formal decisions made by the Secretary of State regarding that complaint. Any person whose notary public commission has been suspended, revoked or refused for renewal may apply to the Secretary of State in writing for the reinstatement of the notary public commission or as set by rule for convictions pursuant to subsection 1, paragraph D

at a time specified in the decision of the Secretary of State, and, in the case of revocation, any person may apply for a new commission one year from the date of the Secretary of State's original action.

Sec. 3. 5 MRSA §82, as amended by PL 1991, c. 465, §§6 and 7, is further amended to read:

§82. Appointment of notaries public; renewal of commissions; disciplinary action

The Secretary of State may appoint and renew commissions of all notaries public.

Notaries public shall serve terms of 7 years and exercise their power and duties in any county. Only adult residents of this State may be appointed to the offices.

The Secretary of State shall adopt rules relating to the appointment and renewal of commissions of notaries public. The rules must include criteria and a procedure to be applied by the Secretary of State in appointment and renewal. The Secretary of State may not refuse to appoint or renew solely because the applicant lives or works in a specific geographic area or because of political party affiliation.

The Secretary of State shall provide written notice of the expiration of their commission to notaries public 30 days prior to the expiration date. Failure to receive a notice does not affect the expiration date of a commission.

The Secretary of State shall investigate or cause to be investigated all complaints concerning improper or illegal notarial acts performed by notaries public made on the Secretary of State's own motion or on written complaint filed with the department.

The Secretary of State may conduct hearings to assist with investigations and to determine whether grounds exist for denial of commission, suspension of commission, revocation of commission, renewal of commission or other action necessary to the fulfillment of the Secretary of State's responsibility under the laws of this State.

See title page for effective date.

CHAPTER 713

S.P. 785 - L.D. 2112

An Act Creating the InforME Public Information Act to Ensure Access to Electronic Public Records

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

Sec. 1. 1 MRSA c. 14 is enacted to read:

CHAPTER 14

ELECTRONIC ACCESS TO PUBLIC INFORMATION

§531. Short title

This chapter may be known and cited as the "InforME Public Information Access Act."

§532. Definitions

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

1. Board. "Board" means the InforME Board established in section 534.

2. Data custodian. "Data custodian" means any branch, agency or instrumentality of State Government or any agency or instrumentality of a political subdivision of the State that gathers, stores or generates public information.

3. InforME. "InforME" means the system through which the State electronically provides public information, access to public information and premium services to individuals, businesses and other entities.

3. Network manager. "Network manager" means the person under contract to carry out the duties described in section 535.

4. Premium services. "Premium services" means InforME services that are available only to subscribers. Premium services include, but are not limited to, the enhancement of information that is otherwise available through InforME for the statutory fee or at no charge.

5. Public information. "Public information" means any information that is:

A. Stored, gathered or generated in digitized form by a data custodian; and

B. Either:

(1) A public record under section 402, subsection 3; or

(2) Otherwise expressly authorized to be released as specified by law.

6. Subscriber. "Subscriber" means a person who, in exchange for a fee established under section 534, subsection 5, paragraph G, receives premium services.