

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

"District Court" for "Superior Court," notwithstanding any other provision of law.

Any nonconsensual revocation of an occupational or professional license taken under authority of this subsection is subject to, upon appeal within the time frames provided in Title 5, section 11002, subsection 3, de novo judicial review exclusively in District Court. Rules adopted to govern judicial appeals from agency action apply to cases brought under this section.

See title page for effective date.

CHAPTER 168

S.P. 227 - L.D. 792

An Act to Implement the Maine Agricultural Internship and Training Program

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

Sec. 1. 7 MRSA §222, sub-§3, as enacted by PL 1987, c. 520, is amended to read:

3. Assistance. Provide assistance in matching retiring farmers with persons desiring to enter farming and recruit and place interns with farmer-supervisors; ~~and~~

Sec. 2. 7 MRSA §222, sub-§4, as amended by PL 1989, c. 700, Pt. A, §32, is further amended to read:

4. Cooperation. Cooperate with appropriate local, state and federal agencies and institutions and with farm organizations and interested individuals, including the Department of Education, the Department of Labor, the University of Maine and the Cooperative Extension Service, in carrying out this chapter;

Sec. 3. 7 MRSA §222, sub-§§5 and 6 are enacted to read:

5. Staff support. Designate an employee of the department to oversee the Maine Agricultural and Internship Training Program; and

6. Report. Report to the joint standing committee of the Legislature having jurisdiction over agricultural matters no later than March 1st of each odd-numbered year on activities relating to the implementation of this chapter.

Sec. 4. Commissioner's report. The Commissioner of Agriculture, Food and Rural Resources shall report to the Joint Standing Committee on

Agriculture, Conservation and Forestry no later than December 1, 2001 on the implementation of a program to identify individuals interested in farm apprenticeships or in purchasing a farm and to establish a network of information to facilitate farm transfers and any other initiatives relating to the responsibilities of the commissioner under the Maine Revised Statutes, Title 7, chapter 8-B.

See title page for effective date.

CHAPTER 169

H.P. 378 - L.D. 480

An Act Concerning the State Board of Funeral Service

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

Sec. 1. 32 MRSA §1400, sub-§3, as enacted by PL 1967, c. 253, §1 and amended by PL 1997, c. 210, §40, is further amended to read:

3. Funeral establishment. "Funeral establishment" means every place or ~~premise~~ premises devoted to or used in the care and preparation for the funeral and burial of human remains or maintained for the convenience of the bereaved for viewing or other services in connection with the human remains or as the office or place for carrying on the profession of funeral service.

Sec. 2. 32 MRSA §1400, sub-§5, as enacted by PL 1967, c. 253, §1 and amended by PL 1997, c. 210, §40, is further amended to read:

5. Practice of funeral service. "Practice of funeral service" ~~shall mean~~ means the engagement of a person engaged in the care or disposition of the human remains or in the practice of disinfecting and preparing by embalming or otherwise the human remains for the funeral service, transportation; of human remains to the place of burial or cremation, or the practice of helping to meet the emotions and disposition of the bereaved, or in the practice of funeral directing or embalming as presently known, whether under these titles or designations or otherwise. It shall mean a person who makes "Practice of funeral service" also means making arrangements for funeral services or who sells selling funeral supplies to the public or who makes making financial arrangements for the rendering of such services or the sale of such supplies. "Practice of funeral service" does not mean the ownership or operation of a cemetery, crematorium, mausoleum or columbarium or any other facility used for burial of human remains. "Practice of funeral service" does not include the transportation of human remains by an authorized person.

A license for the practice of funeral service as used in this chapter shall be is the license given to a person who is engaged in the practice of funeral service as above defined.

Sec. 3. 32 MRSA §1451, 2nd ¶, as amended by PL 1989, c. 450, §16, is further amended to read:

The board may adopt rules consistent with law governing ~~the care, preparation, transportation, cremation, burial or disposition of dead human bodies, and governing the practice of~~ funeral service, including but not limited to licensing or registration, or both, of practitioner trainees, practitioners of funeral service, funeral directors, embalmers, funeral attendants, funeral home establishments and branches. These rules shall do not become effective unless adopted in conformity with the ~~Maine Administrative Procedure Act~~, Title 5, chapter 375, subchapter II.

See title page for effective date.

CHAPTER 170

H.P. 427 - L.D. 548

An Act to Repeal the Requirement that the Kennebec County Budget be Approved by the Legislature

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

Sec. 1. 30-A MRSA c. 3, sub-c. I, art. 8 is amended by repealing the article headnote and enacting the following in its place:

Article 8

KENNEBEC COUNTY BUDGET COMMITTEE

Sec. 2. 30-A MRSA §862, as amended by PL 1991, c. 533, §3 and affected by §10, is further amended to read:

§862. Kennebec County Budget Committee

In Kennebec County there is established the Kennebec County ~~Advisory~~ Budget Committee to carry out the purposes of this article. The ~~advisory~~ budget committee consists of 9 elected officials and a subcommittee of 6 nonvoting members of the county legislative delegation or their designees as provided in this section.

1. Membership; elected officials. The 9 ~~advisory~~ budget committee members who are elected officials are appointed as provided in this section.

~~A. In 1991 and annually thereafter~~ Annually, the county commissioners shall call a meeting of elected officials within each county commissioner district no later than September 15th. A public notice of the meeting must be issued at least 10 days before the meeting is held. Each commissioner shall serve as the nonvoting moderator of the meeting in that commissioner's district. At the meeting, the elected officials shall nominate a slate of proposed members for the ~~advisory~~ budget committee. Each commissioner shall select one ~~advisory~~ budget committee member from the slate of proposed members within 7 days of the meeting, ~~except for the selection of the initial advisory budget committee as provided in subsection 1-B.~~

1-A. Membership; legislative delegation. A subcommittee of 6 members of the Kennebec County legislative delegation or their designees shall serve as nonvoting members of the ~~advisory~~ budget committee.

A. The subcommittee is appointed by the chair and must be ratified by a vote of the legislative delegation.

B. The subcommittee shall serve as a resource to the ~~advisory~~ budget committee and as a liaison to the legislative delegation.

~~**1-B. Initial election.** Notwithstanding subsections 1 and 3, in the initial election of the advisory budget committee in 1991, 3 members are elected from each county commissioner district. One member from each district is appointed for a term of 3 years, one member from each district is appointed for a term of 2 years and one member from each district is appointed for a term of one year.~~

2. Duties. The ~~advisory~~ budget committee shall review the budget estimates prepared by the county commissioners, hold public hearings in the county and submit their recommendations to the county commissioners.

3. Term of office. The term of office for an ~~advisory~~ a budget committee member who is an elected official is 3 years, provided that an ~~advisory~~ a budget committee member remains an elected official in the elected official's municipality. ~~This subsection does not apply to the initial advisory budget committee members whose terms are described in subsection 1-B.~~

4. Vacancies. The county commissioners shall appoint an elected official to fill any vacancy occurring on the ~~advisory~~ budget committee. A vacancy must be filled from the commissioner district in which the vacancy occurred and is for the balance of the unexpired term.