

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

- I. One member of the Senate, appointed by the President of the Senate;
- J. Two members of the House of Representatives, at least one of whom must be from the minority party, appointed by the Speaker of the House of Representatives;
- K. One parent or other consumer who receives a child care subsidy at the time of that parent's or consumer's appointment, appointed by the Governor;
- L. One parent or other consumer of child care services who does not receive a child care subsidy, appointed by the Governor;
- M. One business representative nominated by the Maine Chamber of Commerce and Industry, appointed by the Governor;
- N. One center-based care representative nominated by the Maine Child Care Directors' Association, appointed by the Governor;
- O. One Head Start provider nominated by the Maine Head Start Directors' Association, appointed by the Governor;
- P. One family day-care provider nominated by the Maine Family Day Care Association, appointed by the Governor;
- Q. One person representing Native Americans, appointed by the Governor;
- R. One child care provider who does not receive public funds, appointed by the Governor;
- S. One person associated with a local preschool handicapped project coordination site, appointed by the Governor;
- T. One person nominated by the Coalition for Maine's Children, appointed by the Governor;
- U. One person nominated by the Maine Association of Child Care Resource and Referral Agencies, appointed by the Governor;
- V. One representative of women nominated by the Maine Women's Lobby, appointed by the Governor; and
- W. One provider of child care for school-age children, appointed by the Governor.

Senators and members of the House of Representatives serve for the duration of the legislative terms that they are serving when appointed. Members from state departments serve at the pleasure of their appointing authorities. All other members serve 3-year terms and

may continue to serve beyond their terms until their successors are appointed ~~but may not be appointed to subsequent consecutive terms~~. If a vacancy occurs before a term has expired, the vacancy must be filled for the remainder of the unexpired term by the authority who made the original appointment. If a member is absent for 2 consecutive meetings and has not been excused by the chair from either meeting, the council may remove the member by majority vote. If a nominating organization does not submit nominations within a reasonable period of time, the appointing authority may fill that organization's seat with a member of the public at large.

The council shall determine whether more than 25 members would assist it in its work under subsections 1 and 5. If a majority of the council votes to request the appointment of additional members, the council shall specify the number of additional members needed and shall convey a request for the appointment of those additional members to the Governor, who shall make the appointments.

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

Effective May 16, 2001.

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## CHAPTER 180

### H.P. 445 - L.D. 566

#### **An Act to Allow Vehicles to Travel for Inspection and Repair**

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

**Sec. 1. 29-A MRS §1754, sub-§1, ¶¶C and D**, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, are amended to read:

C. Is sold or transferred to another person, meets inspection standards and displays a valid certificate of inspection issued within 60 days of the sale or transfer; ~~or~~

D. If operated by a dealer or holder of a transporter registration certificate, is operated only from a point of purchase to the licensee's place of business. For the purposes of this paragraph, "point of purchase" includes, but is not limited to, an auto auction, distribution center or another licensed vehicle dealer; or

**Sec. 2. 29-A MRS §1754, sub-§1, ¶E** is enacted to read:

E. Is owned by the dealer or holder of the transporter registration certificate and is operated by the owner or the owner's employee for the sole purpose of traveling to an inspection facility.

See title page for effective date.

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## CHAPTER 181

S.P. 576 - L.D. 1754

### An Act to Amend the Laws of the Maine State Retirement System

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

**Whereas,** this legislation establishes the Consumer Price Index for All Urban Consumers as the benchmark for the cost-of-living adjustment available under the Maine State Retirement System laws because that index is the most reflective of the purchasing power of the dollar for the broadest population of consumers, including retired consumers; and

**Whereas,** current law prescribes that the actuary of the Maine State Retirement System perform investigations of the experience of the retirement system with respect to the factors that affect the cost of the benefits provided by the retirement system as frequently as the actuary considers expedient but at least once in every 3-year period; and

**Whereas,** current law does not accord with recommendations of the actuary and causes significant undue expense and work; and

**Whereas,** immediate enactment of this legislation is necessary to avoid unnecessary expense and work in the year 2001; 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. 3 MRSA §731, sub-§4,** as corrected by RR 1997, c. 2, §5, is amended to read:

**4. Oath.** Each trustee shall, ~~within 10 days after September 19, 1985 and thereafter,~~ within ~~40~~ 30 days after that trustee's appointment ~~or election,~~ take an oath of office to faithfully discharge the duties of a

trustee, in the form prescribed by the Constitution of Maine. This oath must be subscribed to by the trustee making it, certified by the officer before whom it is taken and immediately filed in the office of the Secretary of State.

**Sec. 2. 4 MRSA §1231, sub-§4,** as amended by PL 1999, c. 127, Pt. A, §1, is further amended to read:

**4. Oath.** Each trustee shall, ~~within 10 days after December 1, 1984 or thereafter,~~ within ~~40~~ 30 days after that trustee's appointment ~~or election,~~ take an oath of office to faithfully discharge the duties of a trustee, in the form prescribed by the Constitution of Maine. The oath must be subscribed to by the trustee making it, certified by the officer before whom it is taken and immediately filed in the office of the Secretary of State.

**Sec. 3. 5 MRSA §17001, sub-§9, ¶¶A and B,** as enacted by PL 1985, c. 801, §§5 and 7, are amended to read:

A. The Consumer Price Index for ~~Urban Wage Earners and Clerical Workers: United States City Average, All items, 1967 = 100~~ All Urban Consumers, CPI-U, as compiled by the Bureau of Labor Statistics, United States Department of Labor; or

B. If the index described in paragraph A is revised or superseded, ~~the Consumer Price Index shall be the index represented by the Bureau of Labor Statistics as reflecting most accurately the board must employ the Consumer Price Index compiled by the Bureau of Labor Statistics, United States Department of Labor that the board finds to be most reflective of changes in the purchasing power of the dollar for the broadest population of consumers, including retired consumers.~~

**Sec. 4. 5 MRSA §17102, sub-§4,** as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

**4. Oath.** Each trustee shall, within ~~40~~ 30 days after ~~his the trustee's~~ appointment ~~or election,~~ take an oath of office to faithfully discharge the duties of a trustee, in the form prescribed by the Constitution of Maine.

A. The oath ~~shall~~ must be subscribed to by the trustee making it.

B. The oath ~~shall~~ must be certified by the officer before whom it was taken and immediately filed in the office of the Secretary of State.