

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

Penmor Lithographers
Lewiston, Maine
2005

Sec. 1. 30-A MRSA §2006 is enacted to read:

§2006. Misuse of municipal seal

A person may not use or display an imitation, likeness, imprint, representation, facsimile or copy of a seal of a municipality except by written permission of the municipality from the municipal clerk. A municipality may file an action in Superior Court applying for an order to enjoin a person from using or displaying the municipal seal in violation of this section. A violation of this section is a Class E crime.

See title page for effective date.

CHAPTER 294

H.P. 1082 - L.D. 1537

An Act To Repeal Certain Boards and Commissions

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

Sec. 1. 3 MRSA §959, sub-§1, ¶C, as amended by PL 2003, c. 600, §1, is further amended to read:

C. The joint standing committee of the Legislature having jurisdiction over business, research and economic development matters shall use the following list as a guideline for scheduling reviews:

- (1) Maine Development Foundation in 2005;
- (5) Department of Professional and Financial Regulation, in conjunction with the joint standing committee of the Legislature having jurisdiction over banking and insurance matters, in 2007;
- (19) Department of Economic and Community Development in 2005;
- (23) Maine State Housing Authority in 2007;
- (32) Finance Authority of Maine in 2009;
- ~~(33) Petroleum Advisory Committee in 2009;~~
- (36) Board of Dental Examiners in 2011;
- (37) Board of Osteopathic Licensure in 2011;

(38) Board of Licensure in Medicine in 2011;

(41) State Board of Nursing in 2011;

(42) State Board of Optometry in 2011;

(45) State Board of Registration for Professional Engineers in 2011; and

(50) Maine Science and Technology Foundation in 2007.

Sec. 2. 5 MRSA §56, as amended by PL 2003, c. 681, §2, is repealed.

Sec. 3. 5 MRSA §12004-G, sub-§26-A, as enacted by PL 1993, c. 392, §1, is repealed.

Sec. 4. 5 MRSA §12004-G, sub-§31-B, as enacted by PL 1989, c. 875, Pt. L, §§1 and 4, is amended to read:

31-B.	Maine Small Business	Not Authorized	5 MRSA §13032
	<u>and Entrepreneurship</u>		
	Commission		

Sec. 5. 5 MRSA §12004-H, sub-§6, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 6. 5 MRSA §12004-I, sub-§2-D, as renumbered by RR 1991, c. 2, §11, is repealed.

Sec. 7. 5 MRSA §12004-I, sub-§2-F, as enacted by PL 2001, c. 96, §2, is repealed.

Sec. 8. 5 MRSA §12004-I, sub-§50-A, as enacted by PL 1997, c. 792, §1, is repealed.

Sec. 9. 5 MRSA §12004-I, sub-§52-B, as enacted by PL 1995, c. 694, Pt. A, §1, is repealed.

Sec. 10. 5 MRSA §12004-I, sub-§72-B, as enacted by PL 1993, c. 381, §7, is repealed.

Sec. 11. 5 MRSA §12004-K, sub-§11-A, as enacted by PL 1997, c. 411, §1, is repealed.

Sec. 12. 5 MRSA §12004-L, sub-§12, as enacted by PL 1999, c. 785, §1, is repealed.

Sec. 13. 5 MRSA c. 438, as amended, is repealed.

Sec. 14. 5 MRSA §19135, as enacted by PL 1999, c. 785, §3, is amended to read:

§19135. Annual report

The cabinet shall provide an annual report to the joint standing committee of the Legislature having

jurisdiction over appropriations and financial affairs, the joint standing committee of the Legislature having jurisdiction over criminal justice matters, the joint standing committee of the Legislature having jurisdiction over education and cultural affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters; and the Chief Justice of the Supreme Court ~~and the Council on Children and Families~~. A copy of the report must be made available to the public.

Sec. 15. 7 MRSA §1031, as amended by PL 1987, c. 99, §1, is repealed.

Sec. 16. 7 MRSA §1033, as amended by PL 2001, c. 164, §1, is repealed.

Sec. 17. 7 MRSA §1033-A, as corrected by RR 1997, c. 2, §28, is amended to read:

§1033-A. Duties of the commissioner

1. Inspection fee. After considering the recommendations of the Maine Potato ~~Quality Control Board~~, as provided in section 1033, subsection 2, ~~paragraph G~~, and after considering available money appropriated from the General Fund, the commissioner shall set the inspection fee for potatoes packed in Maine bags pursuant to rules adopted pursuant to the Maine Administrative Procedure Act, Title 5, chapter 375.

2. Statement of basis for fee. Upon request of the Maine Potato ~~Quality Control Board~~, the commissioner shall provide to the board and other interested parties a written statement of the basis for the fee established under this section.

3. Maine bag grades. Pursuant to the rule-making provisions of the Maine Administrative Procedure Act, the commissioner shall adopt the official grade or grades for potatoes to be packed in Maine bags. The commissioner ~~and the Maine Potato Quality Control Board~~ shall jointly prepare proposed rules. These rules as finally adopted become effective on August 1st, 1988 and may be amended only annually thereafter, with amendments becoming effective on August 1st of the year in which adopted. A Maine bag grade may not be less than United States No. 1.

Sec. 18. 7 MRSA §1034, as amended by PL 1987, c. 99, §15, is further amended to read:

§1034. Inspection

As a part of an annual plan proposed and approved pursuant to section 1033, subsection 4, the Maine Potato Board may employ inspectors and may require payments for inspection at a rate and schedule to be established by rule by the commissioner. The

commissioner ~~and the Maine Potato Quality Control Board~~ shall jointly develop proposed rules.

Sec. 19. 7 MRSA §1035, as repealed and replaced by PL 1987, c. 99, §16, is repealed.

Sec. 20. 10 MRSA §1678, as amended by PL 2001, c. 352, §6, is repealed.

Sec. 21. 20-A MRSA §12733, first ¶, as enacted by PL 1993, c. 392, §2 and amended by PL 2003, c. 20, Pt. OO, §2 and affected by §4, is further amended to read:

The program shall provide a sequence of combined school and workplace education and training that has a specific industrial or occupational focus. Students participate in the program for up to 3 years and, while doing so, must be enrolled in a State community college or other publicly supported secondary or postsecondary school. The program shall offer a curriculum based on industry skill standards recommended ~~by the Skill Standards Board established in section 12734~~. Participants who demonstrate that they have met these skill standards are entitled to a certificate of skill mastery that describes the competencies achieved by the students.

Sec. 22. 20-A MRSA §12734, as amended by PL 1995, c. 515, §3, is repealed.

Sec. 23. 24-A MRSA §4321, sub-§2, as enacted by PL 1997, c. 792, §3, is amended to read:

2. Director. The Director of the Consumer Health Care Division, referred to in this section as the "director," is the head of the Consumer Health Care Division. The director is appointed by the superintendent ~~in consultation with the Consumer Health Care Division Advisory Council~~ and is subject to the approval of the Commissioner of Professional and Financial Regulation. The director is subject to the Civil Service Law.

Sec. 24. 24-A MRSA §4322, as enacted by PL 1997, c. 792, §3 and amended by PL 2003, c. 689, Pt. B, §7, is repealed.

Sec. 25. 32 MRSA §14302, sub-§7, as amended by PL 1997, c. 681, §3, is repealed.

Sec. 26. 36 MRSA §7104, as amended by PL 2003, c. 643, §8, is repealed.

See title page for effective date.