

Maine State Library

Digital Maine

Office of Fiscal and Program Review

Legislature

1980

A report of the Joint Standing Committee on Audit and Program Review : Department of Transportation, Department of Public Safety, Secretary of State

Joint Standing Committee on Audit and Program Review

Follow this and additional works at: https://digitalmaine.com/ofpr_docs



A REPORT OF THE
JOINT STANDING COMMITTEE
ON
AUDIT AND PROGRAM REVIEW

Sunset Reviews of Group A-2 Departments and Independent Agencies

DEPARTMENT OF TRANSPORTATION
DEPARTMENT OF PUBLIC SAFETY
SECRETARY OF STATE

SENATE

AMES MCBREAIRTY, DISTRICT 31, CHAIRMAN
THOMAS R. PERKINS, DISTRICT 28
ARROLL E. MINKOWSKY, DISTRICT 14

MARGARET PALMER, COMMITTEE ASSISTANT
ELEN T. GINDER, LEGISLATIVE ASSISTANT

1/27/81
Herring
1/29
W...



HOUSE

GEORGETTE S. BERUBE, LEWISTON, HOUSE CHAIRMAN
SHARON B. BENOIT, SOUTH PORTLAND
DANIEL B. HICKEY, AUGUSTA
HARLAN BAKER, PORTLAND
GREGORY G. NADEAU, LEWISTON
GLEN W. TORREY, POLAND
ROBERT J. GILLIS, JR., CALAIS
SHERRY F. HUBER, FALMOUTH
PHILIP F. PETERSON, CARIBOU
MARJORIE C. HUTCHINGS, LINCOLNVILLE

STATE OF MAINE

ONE HUNDRED AND NINTH LEGISLATURE

COMMITTEE ON AUDIT AND PROGRAM REVIEW

December 17, 1980

Members of the Legislative Council:

Enclosed is the second report of the Joint Standing Committee on Audit and Program Review. In accordance with the Maine Sunset Law, the report briefly summarizes a great deal of factual information and careful deliberations, and presents a number of recommendations for consideration by the Legislature. These recommendations are listed in the green pages at the front of the report, explanations and detailed information are found in the yellow section, and implementing legislation appears in the blue section.

In our second year of Sunset review, the Committee followed the same procedures established last year, and we found that process to work quite well. You will note that the Committee has recommended the "Sunset" of one independent agency. We feel, however, that our review of departmental programs which don't automatically terminate is the most important part of our work.

As a result of this review, the Committee has made 54 recommendations which will improve the efficiency or effectiveness of these programs. The net fiscal impact of our recommendations is \$2,043,620 for FY 1982. This includes a \$955,170 impact on the Highway Fund and a \$1,088,450 impact on the General Fund. This total amount represents both savings from elimination or transfer of programs and freeing up funds which would otherwise not be available.

The Committee has recommended the elimination of three programs: State Police regulation of beano and other games of chance, the Social Medical Coordination program in the Division of Motor Vehicles, and the licensing of ministers who perform marriages. The Committee also recommends the transfer of seven programs from one agency to another in order to operate those programs more efficiently and the transfer of two other programs from one funding source to another to more appropriately reflect the function of those programs.

The Committee's review of Highway Fund programs focused in particular on mechanisms for legislative oversight and control over these programs - rather than a detailed review of program efficiency. Our report contains six administrative recommendations which we feel will improve legislative input to these programs.

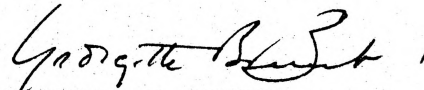
The Committee has asked many questions and collected a great deal of information from the departments under review. We expect this exchange of information to continue through the public hearing process in January. This kind of dialogue about overall program objectives and operations by itself is a promising development in the Legislature's exercise of its oversight role. We have generally had excellent cooperation with the agencies reviewed and we appreciate their assistance because it has made our task much easier.

The Committee recognizes that some of its recommendations may be controversial. However, we urge the full Legislature to consider these proposals carefully, with the understanding that they reflect many hours of study and discussion. Throughout the entire process our major objective has been to make state government more efficient and less costly while continuing to provide high levels of service to the Citizens of Maine.

Sincerely,



JAMES A. McBREAIRTY
Senate Chairman



GEORGETTE B. BERUBE
House Chairman

Enclosures

TABLE OF CONTENTS

LETTER OF TRANSMITTAL	i
SUMMARY OF RECOMMENDATIONS	1
COMMITTEE REPORT	
Department of Transportation	9
Department of Public Safety	26
Department of the Secretary of State	33
Independent Agencies	48
Fiscal Impact of Committee Recommendations	51
APPENDIX A.	54
IMPLEMENTING LEGISLATION	55

SUMMARY OF RECOMMENDATIONS

(The Committee is making three types of recommendations; Statutory, Legislative and Administrative. Statutory changes are included in Part A of the proposed legislation. Legislative changes which affect funding levels are included in Parts B, C, D or E of the legislation. Administrative changes can be implemented by the department without legislative action.)

TYPE OF CHANGE

RECOMMENDATION

MAINE DEPARTMENT OF TRANSPORTATION

- | | |
|-----------------------|---|
| Administrative | 1. Recommend that MDOT review its airport planning process to ensure that total projected aviation activities in local airport master plans reasonably correspond with total projected activities at the state level. (p. 10) |
| Legislative
Part B | 2. Use bond funds previously authorized for airport construction projects for General Fund debt service because these projects cannot be completed for various reasons. (p. 11) |
| Administrative | 3. Recommend that proposed bond authorizations for airport development stipulate that after a specified time period, unspent funds will be used for debt service. (p. 11) |
| Administrative | 4. Recommend that all users of the State Plane pay for its use. (p. 12) |
| Administrative | 5. Recommend that the Bureau of Aeronautics charge users of the State Plane a fee which reflects the actual cost of operation. (p. 12) |
| Statutory
Sec. 28 | 6. Credit all revenues from use of the State Plane to the General Fund. (p. 12) |
| Administrative | 7. Recommend that the Department of Finance and Administration amend the existing state travel rules by requiring that before two or more state employees fly anywhere they check on the availability of the State Plane. (p. 12) |

TYPE OF CHANGE

RECOMMENDATION

- | | |
|------------------------------------|--|
| Legislative
Part B | 8. Eliminate General Fund support for the Augusta State Airport in order to compel the Airport to operate solely on its revenues. Encourage MDOT to explore all possibilities of transferring ownership of the airport to the City of Augusta. (p. 13) |
| Statutory
Sec. 135 | 9. Consolidate and enact in Title 23 all Private and Special Laws governing the operation of various Bureau of Waterways programs. (p. 14) |
| Statutory
Part A, B
Sec. 135 | 10. Establish a formula for the General Fund subsidy to the State Ferry Service which provides that Ferry Service user costs will be more equitably distributed. (p. 14) |
| Statutory
Sec. 135 | 11. Enable municipalities serviced by the Maine State Ferry to reduce the user cost of this service by providing municipalities the option of contributing funds to offset these costs. (p. 16) |
| Administrative | 12. Recommend that MDOT explore the possibility of leasing the Maine State Pier property. If leasing is not possible, MDOT should ensure that rental rates at the Pier are set to maximize Pier income. (p. 16) |
| Legislative
Part B | 13. Eliminate MDOT's current waterborne cargo solicitation and promotion program because of the apparent ineffectiveness of this program and because this work is more appropriately a private sector responsibility. (p. 17) |
| Administrative | 14. Recommend that MDOT provide more complete information to the Legislature when presenting its biennial Highway and Bridge Improvement program. (p. 17) |
| Administrative | 15. Recommend that MDOT present alternative funding levels in its proposals for a biennial Highway and Bridge Improvement Program. (p. 19) |

- Statutory
Sec. 122-124
Sec. 129-133
16. Require that the non-federal costs of railroad grade crossing improvements and signal work be shared equally by the state and the affected railroad(s) while ensuring that municipalities will not be responsible for any of these costs. (p. 20)
- Statutory
Sec. 118
17. Transfer the Access Roads Program from the Highway Fund to the General Fund and make project expenditures subject to available funds. (p. 21)
- Administrative
18. Recommend that various accounts within the Highway Fund allocation be modified to better reflect "program" costs. (p. 22)
- Administrative
19. Recommend that MDOT provide the Transportation Committee with a report on end-of-year balances in all Highway Fund accounts and a statement of encumbered and unencumbered obligations against each account before the Committee begins to review Highway allocations. (p. 23)
- Administrative
20. Recommend that MDOT develop a system whereby it can provide information on the amount of unspent bond funds and funds from current allocations in each of its construction accounts. (p. 24)
- Statutory
Sec. 112-116
Sec. 119-121
Sec. 126-128
Sec. 134
Sec. 216-217
21. Repeal various sections of Title 23 which are outdated in relation to MDOT's activities. (p. 24)
- Statutory
Sec. 125
22. Transfer various railroad statutes that are the responsibility of MDOT from Title 35 to Title 23 where the other MDOT statutes are located. (p. 25)
- Administrative
23. Recommend that the Controller lapse \$450,000 from the current balance in the Public Utilities Commission's Transportation Division dedicated account to the General Highway Fund. (p. 25)

DEPARTMENT OF PUBLIC SAFETY

- | | |
|---|---|
| Administrative | 24. Recommend that the arbitrary 75/25 State Police funding ratio be eliminated and that a program budgeting approach be developed that will allow the Legislature to express its intent about activity levels funded from the Highway Fund and the General Fund. (p. 27) |
| Administrative | 25. Recommend that the Bureau of Maine State Police bill the Maine Turnpike Authority for the full costs of traffic enforcement activities that involve the Airwing. (p. 28) |
| Statutory
Sec. 117 | 26. Clarify legislative intent that toll revenues continue to be used to offset any costs connected with the Maine Turnpike. (p. 28) |
| Administrative | 27. Recommend that as positions which require technical skills become vacant through attrition in the Crime Lab, these positions be open to competition from non-uniformed personnel. (p. 29) |
| Statutory
Part A,B,D and E
Sec. 180-193 | 28. Transfer the responsibility for supervising motor vehicle inspection station activities from the Maine State Police to the Division of Motor Vehicle, Department of the Secretary of State, in order to save approximately \$123,500 annually. (p. 29) |
| Statutory
Sec. 65-99 | 29. Eliminate the Beano/Games of Chance Division of the Maine State Police. (p. 30) |
| Statutory
Part A and B
Sec. 136-137 | 30. Eliminate General Fund support for the Fire Service Training Program in the Department of Educational and Cultural Services and fund this activity from the dedicated fire insurance fund in the State Fire Marshal's Office. (p. 32) |

SECRETARY OF STATE

- | | |
|---|--|
| Statutory
Sec. 1,25,44,196,
201, 205, 208 | 31. Repeal extraneous record-keeping duties of the Secretary of State because these records are also on file in other places and there have been few or no inquiries concerning these documents. (p. 33) |
|---|--|

TYPE OF CHANGE

RECOMMENDATION

- | | | |
|--|-----|--|
| Statutory
Sec. 101-103, 111 | 32. | Eliminate the requirement that ordained ministers of the gospel, clergymen engaged in the service of a religious body and other persons licensed to preach must be licensed by the Secretary of State before they may solemnize marriages. (p. 35) |
| Statutory
Sec. 46-54,56-64,
100, 104-110,197,
200,202,209-215,220 | 33. | Combine the offices of justice of the peace and notary public (p. 36) |
| Statutory
Sec. 218 | 34. | Transfer responsibility for issuing "wheelchair symbols" from the Secretary of State to the Governor's Committee on Employment of the Handicapped. (p. 37) |
| Statutory
Sec. 29-43 | 35. | Transfer responsibility for the administration of the Charitable Solicitations Act from the Secretary of State to the Department of Business Regulation. (p. 37) |
| Statutory
Sec. 55 | 36. | Establish a sliding penalty fee for the late filing of annual corporate reports based on the lateness of the filing. (p. 38) |
| Administrative | 37. | Recommend that the Secretary of State report the costs of providing public information on elections in the Department's request for General Fund appropriations. (p. 38) |
| Statutory
Sec. 27 | 38. | Eliminate the statutory requirement under the Administrative Procedures Act for a second public notice of pending adoption of state agency rules in order to save approximately \$37,500. (p. 39) |
| Administrative | 39. | Recommend that state agencies with substantial costs for providing notices of rule-making and copies of adopted rules explore possible savings which may result from a charge for this information. (p. 40) |
| FINDING | 40. | The "Sunset of Rules" law is not being implemented in a timely fashion. (p. 40) |

TYPE OF CHANGE

RECOMMENDATION

- | | |
|--|--|
| Statutory
Sec. 19 | 41. Establish a procedure for the appointment of the State Archivist which is consistent with the appointments of comparable state officials. (p. 41) |
| Statutory
Sec. 24 | 42. Require that all fees received by the Archives for microfilming and other laboratory services be credited to the General Fund and clarify legislative intent that these fees be based on actual costs including labor. (p. 41) |
| Statutory
Sec. 23 | 43. Require the Maine State Archives to charge an appropriate fee for receiving and processing legislative, judicial, county and municipal archival records. (p. 42) |
| Statutory
Part A,B,C
Sec. 16-18, 20-22,
26, 219 | 44. Transfer the records management program from the Maine State Archives to the Department of Finance and Administration which currently handles similar management, coordination and service functions for all state agencies. (p. 43) |
| Statutory
Sec. 194-195,
Sec. 198-199 | 45. Limit the assistance provided to county and municipal agencies by the Maine State Archives to archival services only. (p. 44) |
| Statutory
Sec. 176 | 46. Increase the fee for reinstating a driver's license after suspension or revocation from \$10 to \$20. (p. 44) |
| Statutory
Part A, D
Sec. 167-175 | 47. Transfer the responsibility for licensing commercial driving schools and their instructors from the Division of Motor Vehicles to the Department of Educational and Cultural Services. (p. 44) |
| Legislative
Part D | 48. Eliminate the Social Medical Coordination program in the Division of Motor Vehicles because of the reduced scope of DMV responsibilities in this area. (p. 45) |
| Statutory
Part A, D
Sec. 138-156,
Sec. 161-166 | 49. Establish a single license plate system in order to save the state an estimated \$100,000 annually. (p. 46) |

TYPE OF CHANGE

RECOMMENDATION

Statutory
Sec. 157-160

50. Increase the annual business registration fee from \$30 to \$50 for car dealers and transporters and from \$10 to \$15 for motorcycle and snowmobile trailer dealers in order to more fully cover the cost of administering the dealer registration program. (p. 46)

Statutory
Sec. 177-179

51. Eliminate mandatory title requirements for vehicles that weigh less than 32,000 lbs. and are more than 10 years old. (p. 47)

INDEPENDENT AGENCIES

Statutory
Sec. 2

52. Continue the following independent agencies under the provisions of the Maine Sunset Law. Some legislative changes are recommended. (p. 48)

State Board of Registration for Professional Engineers

State Board of Registration for Land Surveyors.

Statutory
Sec. 45
Sec. 203-204

53. Transfer the State Board of Registration for Professional Engineers from the administrative control of the Department of Transportation to the Department of Business Regulation. (p. 48)

Statutory
Sec. 45
Sec. 206-207

54. Transfer administrative control of the State Board of Registration for Land Surveyors from the Department of Transportation to the Department of Business Regulation. (p. 49)

Statutory
Sec. 2

55. Eliminate the Penobscot Bay and River Pilotage Commission because it is no longer necessary that a separate state agency regulate this activity. (p. 49)

During 1980, the Audit and Program Review Committee was charged under the Maine Sunset Law with reviewing the work of the Department of Transportation, the Department of Public Safety, the Department of the Secretary of State and four independent agencies. The Committee's Sunset review process is summarized below:

October 1979. The departments and agencies scheduled for review submitted a justification report for each of the 76 programs to be reviewed. These reports are available upon request.

January - March 1980. The Committee conducted 14 public hearings covering each of the justification reports submitted.

April - December 1980. The Committee held 8 full committee meetings and 21 subcommittee meetings to develop the recommendations contained in this report. Included was a meeting with Islesboro residents on Islesboro to get input from island residents on the Maine Ferry Service.

The Committee surveyed 72 state agencies concerning costs related to the Administrative Procedures Act.

One Justification Report was returned to the Department of Public Safety when the Committee found it to be inadequate. The Department subsequently rewrote and resubmitted 16 more detailed reports which the Committee found to be satisfactory.

During the course of the Committee's review, a Management Study of the Department of Transportation was undertaken by the Governor. To eliminate duplicate efforts, Committee staff closely followed the progress of that study.

Because of time and staff limitations, the Committee has not been able to review all 76 programs in depth. Consequently, the absence of findings or recommendations about a departmental program does not necessarily mean that the Committee found that program to be operating efficiently and effectively.

The following report represents the majority opinion of the Committee with respect to each program reviewed, based on information received by the Committee to date. An additional public hearing on each segment of the accompanying "Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law" is planned after the bill is referred back to the Committee in January.

The opinions of individual committee members on each of the recommendations included in this report will be indicated when the Committee reports the bill back to the full Legislature after these hearings.

DEPARTMENT OF TRANSPORTATION

DESCRIPTION

The Maine Department of Transportation (MDOT) is charged with the planning and development of adequate, safe, efficient and balanced transportation facilities and services throughout the state. MDOT has an overall estimated budget of \$135,622,120 in FY 1981. About 59% of this amount is funded from revenues from fuel taxes and license, registration and inspection fees through the General Highway Fund. Another 38% of the department's budget comes from federal revenues which are used primarily for highway construction work. The remaining 3% of Transportation's budget comes from the General Fund (2%) and from non-highway user fees (1%) which are used for non-highway (aeronautics, waterways and mass transit) transportation. MDOT has about 2440 employees.

Although currently undergoing a reorganization, the department has, until recently, included the seven bureaus which are described below. The Commissioner of Transportation is also responsible for three independent boards and commissions under the transportation "umbrella".

Bureau of Aeronautics. The Bureau of Aeronautics is responsible for operating the Augusta State Airport and the state plane, and coordinating and administering airport improvement grants. The Bureau has a 1981 General Fund operating budget of \$505,700 and 12 employees. In 1981 it will also receive \$380,700 in federal revenue and user fees.

Bureau of Waterways. MDOT's 70 Bureau of Waterways employees operate the Maine State Ferry Service and the Maine State Pier. About 60% of the Bureau's total 1981 operating budget of \$2,403,000 comes from the General Fund. The remaining 40% is from user charges.

Bureau of Highways. The Bureau of Highways, with 90% of all of MDOT's employees, is the largest bureau in the department. The Bureau is responsible for all engineering work (project development), construction and maintenance on state highways as well as everything but winter maintenance on improved state-aid highways. About 60% of the Bureau's annual budget of \$121,923,800 comes from the Highway Fund and 39% comes from the federal highway program.

Bureau of Planning. This Bureau does planning for all transportation modes. It has an estimated annual budget of \$1,664,100 and approximately 50 employees.

Bureau of Public Transportation. The eight employees of the Public Transportation Bureau are responsible for administering the \$400,000 General Fund public transportation program, along with various federal mass transit and railroad grants.

Bureau of Administrative Services. Administrative Services handles MDOT's budgeting and accounting activities as well as computer services, internal audits and personnel functions. The Bureau has approximately 70 employees and an annual budget of \$5,522,100.

Bureau of Safety. The Bureau of Safety administers federal highway safety funds, maintains accident data and provides safety training for MDOT personnel. The Bureau has an operating budget of \$1,198,800 and 18 employees.

COMMITTEE FINDING AND RECOMMENDATIONS

BUREAU OF AERONAUTICS

RECOMMENDATION: Recommend that MDOT review its airport planning process to ensure that total projected aviation activities in local airport master plans reasonably correspond with total projected activities at the state level.

Maine completed a state airport system plan in 1977. This plan forecast the overall level of aviation activity for the next twenty years and indicated where new airports may be needed. It also established a target size and development level for each of the airports in the state system.

In addition to the state plan, 14 of the state's 40 publicly-owned airports have completed local master plans. Master plans are currently being developed for 12 other airports. Each master plan includes a more detailed forecast of aviation demand and a list of necessary development projects and completion dates to meet that demand.

This local master planning has been based on the FAA's "unconstrained" approach to forecasting airport needs which considers "all of the elements that tend to create aviation demand, without regard to any constraints, such as airspace, access, limited airport expansion capability, etc., that could limit aviation growth." Since the likelihood of some kind of constraint is high, local master plans for Maine airports may be calling for too much development.

The Committee recommends that as they are completed the Department reconcile local plans with the state plan to ensure that total statewide airport usage as shown on the local master plans is not out of line with the statewide usage projected in the state plan. This will help to ensure that airport development statewide is realistic in terms of projected need.

RECOMMENDATION: Use bond funds previously authorized for airport construction projects for General Fund debt service because these projects cannot be completed for various reasons.

In 1967, Maine citizens authorized the expenditure of bond monies for airport construction projects which have, for the reasons shown below, never taken place.

AIRPORT	UNUSED AUTHORIZATION	REASON FOR NOT UNDERTAKING PROJECT
<u>Lewiston-Auburn</u> Acquire land, clear approaches, extend runway 17-35	<i>Superseded M.V. 11 S.E. 8/11/62 213,774</i> \$248,000	Later determined that extension of runway 17-35 as primary runway was impractical.
<u>Presque Isle</u> Install navigation aids	<i>100,000</i> 100,000	FAA paid for installation.
<u>Wiscasset</u> Extend runway to 3400 ft.	<i>30,000</i> 30,000	No local participation.
<u>Rumford</u> Construct new airport	<i>25,000</i> 25,000	Area residents turned down airport referendum.
	<u><i>428,774</i></u> \$403,000	

The bonds were sold and these monies are, in effect, "sitting" in one of MDOT's aeronautics accounts.

The Attorney General has ruled that when these funds cannot be used for the projects for which they were appropriated, the money may be used for debt service on these bonds. The Committee recommends that the balance in this account be used for debt service and that the Treasurer's General Fund debt service appropriation be reduced accordingly.

RECOMMENDATION: Recommend that proposed bond authorizations for airport development stipulate that after a specified time period, unspent funds will be used for debt service.

In general, more recent bond authorizations proposed by the Legislature have included some kind of language to address the above problem of approved but unutilized bond funds. The Committee recommends that all future bond authorizations which list funding for specific projects include a standard provision that after 10 years unencumbered funds shall be expended on debt service. This will also establish a uniform time frame within which localities need to raise their share of the proposed construction projects.

RECOMMENDATION: Recommend that all users of the State Plane pay for its use.

The Bureau of Aeronautics supervises the operation of the State Plane which costs nearly \$80,000 a year. The Director of the Bureau of Aeronautics is required to charge all user agencies "amounts sufficient to reimburse the Bureau of the full operating cost of the aircraft." However, the Governor's Office has a policy of not paying for its use of the plane.

The Committee finds that all agencies, including the Governor's Office, receive an appropriation that can be used for travel expenses. Therefore, the Committee recommends that the Governor's Office be charged for its use of the plane in accordance with the law.

RECOMMENDATION: Recommend that the Bureau of Aeronautics charge users of the State Plane a fee which reflects the actual cost of the operation.

Revenues from user fees in FY 1980 were only \$17,300. In terms of the \$80,000 annual expense, user charges are obviously too low to offset the plane's operating cost.

The Committee recommends that the Bureau develop a fee schedule which reflects the actual cost of operation of the plane in order to recover as much of these costs as possible.

RECOMMENDATION: Credit all revenues from use of the State Plane to the General Fund.

The statutory requirement to "reimburse the bureau" for operating costs implies a dedicated account. However, a 1977 Appropriations Act required that all fees be credited to the General Fund. Since the State Plane is funded from the General Fund, the Committee feels that any revenues should offset those expenditures.

The Committee recommends that legislative intent be clarified by amending the statutes to reflect current practice of crediting all revenues to the General Fund.

RECOMMENDATION: Recommend that the Department of Finance and Administration amend the existing state travel rules by requiring that before two or more state employees fly anywhere they check on the availability of the State Plane.

Maximizing State Plane usage will minimize the hourly cost of that usage and result in the most efficient operation of the State Plane program.

In order to maximize usage, the Committee recommends that whenever two or more state employees are traveling to one location they check with the Bureau of Aeronautics to find out if the State Plane would be less expensive than a commercial or charter flight, and whether the plane is available. The Committee suggests that this recommendation be implemented administratively by the Department of Finance and Administration.

RECOMMENDATION: Eliminate General Fund support for the Augusta State Airport in order to compel the Airport to operate solely on its revenues. Encourage MDOT to explore all possibilities of transferring ownership of the airport to the City of Augusta.

The Maine State Airport in Augusta provides both commercial and general aviation facilities for the Augusta area. The airport employs three maintenance personnel and three custodians. It shares management and clerical services with the Bureau of Aeronautics. Total costs of operation have averaged \$137,000 per year over the last two years. Revenues are generated through leasing agreements with airport tenants, landing fees, and a percentage of the annual gross revenues of the fixed base operator. Total revenues have averaged about \$85,000 per year over the last two years. The difference between revenues and expenditures has historically been made up through a General Fund appropriation.

The Committee finds that the Augusta airport is not substantially different from any other air-carrier airport in the state. Many of the benefits of the local airport accrue to the Augusta area independent of state government, yet only a fraction of the state subsidy is met by local citizens through state taxes. This places an unequal burden on residents of those cities and towns in the state who must support their own airport through property taxes as well as the "State" airport through their state taxes.

As an enterprise fund, the airport is intended to be as nearly self-sustaining as possible. The Committee recommends that the airport operate at a level consistent with its revenues and should not, therefore, receive a General Fund subsidy. The Bureau of Aeronautics has outlined a schedule of possible changes whereby the airport could at least break even within two to three years. The Committee encourages the Bureau to implement these changes as soon as possible.

The Committee further recommends that the Department of Transportation do whatever it can to assist in transferring ownership and control of the airport facilities to the City of Augusta. This recommendation is made because the Committee recognizes that the state cannot force the city to take control of the airport. Alternatively, however, the Committee realizes that reduced appropriations to the airport may cause changes in operation that would inconvenience local citizens, and appreciates the willingness of the Augusta City Council to discuss the situation.

BUREAU OF WATERWAYS

RECOMMENDATION: Consolidate and enact in Title 23 all Private and Special Laws governing the operation of various Bureau of Waterways programs.

There is no statutory basis for programs conducted by MDOT's Bureau of Waterways. All legislative direction concerning the operation of the Maine Ferry Service, the Maine State Pier and the Maine Port Authority has been through Private and Special laws passed originally in 1929 and amended many times. Because Private and Special laws are not indexed, it is difficult for anyone outside the Department to understand what MDOT's responsibilities with respect to Waterways are.

The Committee recommends that the contents of these Private and Special laws be consolidated and enacted in the statutes to make it easier for anyone interested in Waterways operations to find the relevant legislative mandates.

RECOMMENDATION: Establish a formula for the General Fund subsidy to the State Ferry Service which provides that Ferry Service user costs will be more equitably distributed.

The Maine State Ferry Service was established in 1957 when the Legislature mandated that the Maine Port Authority take over existing island ferry routes which had been operated either by the towns themselves or by private firms. When MDOT was created in 1973 the Ferry Service became a departmental responsibility.

Since 1973, Ferry Service operating costs have increased 255%. Revenues have increased 23% over the same period. This means that the General Fund support for the ferries has increased from 22% to 56% of total operating costs. Capital costs since 1973 primarily reflect debt service on \$2,500,000 in general obligation bonds which will be paid off in 1985, but a new bond authorization for replacement ferries is expected to be submitted to the 110th Legislature. In 1979, voters also approved a bond authorization package which included \$445,000 in improvements to Ferry Service facilities.

Major fare increases took place in 1973, 1979, and June of 1980. The 1979 increase was 20% over the 1973 rate, and this year fares have gone up an additional 10%. This 30% price increase from 1973 to 1980 is less than the rate of inflation over the same period which means that in terms of "real" cost ferry tickets are less expensive now than in 1973.

The Committee finds that the Ferry Services serves the interests of all the people of Maine in that it provides access to unique parts of the state which would otherwise be inaccessible to most Maine residents. For this reason, it is appropriate that taxpayers in general should underwrite part of Ferry Service costs.

The Legislature has not established a policy concerning the share of cost which should be borne by the users and by the General Fund. The absence of an explicit policy has meant that the islanders have not known what to expect in the way of fare increases, and also that there has been no basis for projecting General Fund needs from year to year.

Lack of a clearly stated pricing policy has resulted in ferry rates that do not reflect an equal share of total costs from route to route i.e. some lines are subsidized more heavily than others. In 1980 fares on one route paid for 65% of the cost on that route, but only 32% of costs were recovered from fares on another route. With the exception of the June 1979 fare increase, recent rate changes have been flat percentage increases on all routes. There has not been any attempt to reduce the differences between routes.

The Committee recommends that a policy be established statutorily with regard to the General Fund subsidy to the Ferry Service. Specifically, it recommends that the state pay for all capital and maintenance costs and 40% of all operating costs. Users would be required to pay for the other 60% of operating costs from fare revenues.

Capital and maintenance costs are separated from operating costs because these costs may vary from year to year depending on the age of particular vessels. Since these costs are hard to predict, separating them before defining necessary user revenues will simplify fare projections and eliminate the concern that a particular route is expensive because it has an old boat with large maintenance expenses.

The Committee further recommends that fares on each ferry route be set to recover the 60% share of that route's cost. This will allow islanders to trade off demands for different or improved service against cost. Islands which request additional service will pay for 60% of the cost of that extra service. If ways can be found to reduce costs on a particular run, the users will benefit directly from the savings.

This recommendation would result in a savings to the General Fund in FY 1982 of an estimated \$160,000. This amount represents a 12% decrease in the total General Fund contribution and a 20% increase over planned fare revenues.

RECOMMENDATION: Enable municipalities serviced by the Maine State Ferry to reduce the user cost of this service by providing municipalities the option of contributing funds to offset these costs.

Once the revenues from each ferry route are set to produce the same proportion of total operating costs, the municipalities served by a particular route may have an increased interest in making decisions as communities about the level of service they want and are willing to pay for.

The Committee recommends that municipalities served by ferry routes be given the option of providing a municipal subsidy for their ferry routes. For example, a community may decide to fund 5% of total operating costs from municipal revenues. Fare revenues would then need to cover only 55% of these costs.

Some ferry users have advocated special fares for year-round island residents. The legality of such proposals has been questioned, however. Optional municipal participation provides a method for shifting the burden of ferry service costs within the community through the property tax.

RECOMMENDATION: Recommend that MDOT explore the possibility of leasing the Maine State Pier property. If leasing is not possible, MDOT should ensure that rental rates at the Pier are set to maximize Pier income.

The Maine State Pier was built in 1921 by the Maine Port Authority. Its operation was taken over by the newly-created MDOT in 1973. Since 1973 when MDOT assumed Pier ownership, operating costs have risen 225%. Revenues have fluctuated, but have never covered more than 81% of the operating costs.

In FY 1980 an average of one vessel every 2½ weeks docked at the Pier to either take on or discharge cargo. There were two eight-week periods in which no cargo vessels docked. An analysis of cargo through the Pier in that year indicates that in net tons 64% of the cargo was wood pulp exported by a New Hampshire firm. Another 10% was sardines imported into the United States through Portland. In terms of revenue from Pier activities, the leasing of storage, office and dock space and fishing related services (fuel, ice, etc.) are nearly as important as the cargo operation; 43% of all revenues come from the non-cargo area.

Limited Pier usage probably reflects the fact that facilities there are inadequate to handle modern container vessels. Since containers are generally a much more economical way of shipping all but specialized bulk cargoes, most steamship lines are converting to this kind of operation.

The Committee recognizes that the Pier provides a potential for import-export trade and helps to open up markets and resources to Maine businesses. The Pier does supply a service to some Maine firms, and a cargo port is one part of a complete transportation system. On the other hand, the potential for a "break-even" operation of the current facility under MDOT management appears to be remote.

The Committee recommends that the state continue its ownership and maintenance responsibilities. It recommends further that MDOT explore leasing the operation of the Pier to a private stevedore firm which could provide services similar to those now being offered to Maine firms. Such a lease arrangement would reduce General Fund cost by an estimated \$232,900 (FY 1982) in addition to any revenue the lease itself might generate. If the Pier operation is leased, thirteen state positions would be eliminated.

If MDOT cannot find a private concern willing to lease the Pier operation, the Committee recommends that the Department make every effort to assure that rental rates for storage, office and dock space are comparable with rates for similar privately-owned space in the Portland area. MDOT estimates that some leases may currently be as much as 40% below other comparable rents in the area.

RECOMMENDATION: Eliminate MDOT's current waterborne cargo solicitation and promotion program because of the apparent ineffectiveness of this program and because this work is more appropriately a private sector responsibility.

Two Bureau of Waterways employees are responsible for promoting Maine piers (the Maine State Pier and the privately-owned facilities at Searsport) and soliciting additional cargo for transit through these piers. These individuals provide advice on tariff schedules, duties, customs procedures and other import-export matters to potential shippers who might use Maine facilities.

The Committee finds that promotion of private pier facilities is more appropriately left to the private sector. Given this finding, and the current modest level of import-export activity, the Committee recommends that this promotion program be eliminated. This will result in the elimination of two General Fund positions and a savings of approximately \$52,000 annually.

BUREAU OF PLANNING

RECOMMENDATION: Recommend that MDOT provide more complete information to the Legislature when presenting its biennial Highway and Bridge Improvement program.

Each biennium MDOT presents to the Legislature its plan for construction and reconstruction of roads and bridges for the coming two years. This plan is called the Highway and Bridge Improvement Program.

The Committee finds that past Improvement programs have not necessarily represented a complete picture of MDOT's capital improvement activities. The 1980-81 program submitted to the Legislature included some projects which will be partly funded during the 1982-83 biennium. On the other hand, the projects and activities which were to be fully funded with the \$118 million which the Legislature was being asked to authorize were not clearly spelled out.

For example, \$41.5 million of interstate funds were available and were programmed during the biennium, yet the Improvement Program for 1980-81 included only \$25.7 million worth of interstate projects. The \$15.8 million difference is for projects for which commitments had been made but which were not shown in the program.

In addition, as part of its planning process, MDOT must do preliminary engineering (PE) in one biennium so that a project is ready to go to the construction stage in the following biennium. Some PE funds were identified in the 1980-81 Program, but other funds, eventually used to finance listed projects, are "borrowed" for additional PE work. As long as the projects getting the PE work are subsequently funded, these PE costs will be "repaid". However, if the Legislature chose not to authorize those particular projects in future years, it would still have to provide funds to pay for the PE costs.

Further, because costs exceeded available funding during the 1978-79 biennium, some low priority projects listed in that program were "deferred". "Deferred" sometimes meant that projects appeared in the next program with a request for additional funding. In other cases, there was no request for additional funding. The project was effectively killed -- yet there was no notation of this fact to the Legislature.

Finally, in the 1978-79 biennium the actual cost of programmed projects (excluding interstate projects) eventually exceeded programmed funds by \$4.2 million. To deal with this, some projects were deferred and some were switched to other "unprogrammed" federal funds. There was approximately \$4.1 million in federal allocations which the department used but which had not been included in an improvement program presented to the Legislature.

The Committee finds that the current process provides MDOT with enough internal flexibility to adjust to changing cost estimates and unplanned project delays. Within the framework of the current system, however, the Committee recommends that the department provide more (and more specific) information to the Legislature about the Transportation program. This information would, in turn, allow the Legislature to provide more meaningful direction to the overall focus and scope of this major state program.

Specific information to be provided should include:

- a summary of the status of projects in previous programs by biennium. This summary should include all projects added or expanded, projects deferred, estimated vs. actual costs and estimated vs. actual federal funds allocated;
- funds specifically programmed for the coming biennium (rather than mixing funds for the next two bienniums);
- all projects programmed for the coming biennium;
- clear identification of supplemental funding as a result either of deferrals from a previous biennium or because of expanded project cost;
- funds set side for PE work.

RECOMMENDATION: Recommend that MDOT present alternative funding levels in its proposals for a biennial Highway and Bridge Improvement program.

MDOT's policy is to propose to the Legislature a Highway and Bridge Improvement Program which will "use up all projected available federal dollars" plus whatever state match money is required. The department does not indicate individual priorities for the projects listed in the proposed Improvement Program.

The Legislature, therefore, has little information about the impact of any change from MDOT's proposed level of funding. For example, when the 109th Legislature reduced the Highway and Bridge Improvement allocation it had no way of knowing which projects would be affected. This lack of information also limits the Legislature's ability to address the decisions it needs to make -- maintenance vs. improvements, improvement and/or maintenance vs. a tax increase.

The Committee recommends that future Highway and Bridge Improvement programs indicate which projects would be undertaken if:

- (1) state funds sufficient to match all anticipated federal dollars are authorized;
- (2) state funding at 20% over this "match" amount is authorized;
- (3) state funding at 20% less than the "match" amount is authorized.

The Legislature would then have a better perspective of project priorities and the impact of changes it might make in allocations or bond authorization proposals.

BUREAU OF HIGHWAYS

The Committee reviewed the Grade Crossing Improvement and Access Road programs which are within the Bureau of Highways.

RECOMMENDATION: Require that the non-federal costs of railroad grade crossing improvements and signal work be shared equally by the state and the affected railroad(s) while ensuring that municipalities will not be responsible for any of these costs.

Current statutes define a funding formula for sharing the cost of improvements to roadways where they cross railroads, depending on whether the crossing is on a state or state-aid highway or town way. In all cases, the railroad involved must pay 50% of the cost of at grade crossings and 10% of separated grade (bridge) crossings. The remaining costs are paid by the state and/or the municipality. The Highway Fund Allocation Act has included a specific allocation for the state's share of this cost.

In recent years, however, the availability of relatively large amounts of federal dollars for this work has meant that MDOT has largely ignored the statutory funding requirements. Funds from the Highway and Bridge Construction allocation have been used to make up most of the necessary "match" for these federal dollars.

The Committee recommends that the statutory formula be modified so that municipalities are no longer required to contribute to the non-federal match on any railroad crossing project. (The railroads will continue to be required to provide 50% of the non-federal match.) This recommendation will bring the statutes into line with recent practice with respect to municipalities.

The Committee further recommends that in the future MDOT assess the railroads for their share of improvement costs in accordance with statutory mandates.

Based on the 1980-81 Railroad Improvement Program, this recommendation would result in an additional \$94,900 in revenue to the Highway Fund.

RECOMMENDATION: Transfer the Access Roads Program from the Highway Fund to the General Fund and make Project expenditures subject to available funds.

The Access Road program was established in 1963 as an economic development program to assist privately-owned ski areas and publicly-owned industrial parks. The state, through the Highway Fund, pays for 50% of the cost of construction of up to four miles of road at each area. Municipalities and the owners of the ski areas/industrial parks each pay 25% of the cost of construction. Since 1964, eleven projects have been undertaken: 6 ski areas and 5 industrial parks. Nine of these are completed, with work remaining at Saddleback and Machias.

The program was significantly changed in 1977 by adding "or reconstructed" to the statutes and expanding eligible mileage from 2 to 4. No reconstruction has yet been done, but as access roads become older and begin deteriorating requests for reconstruction funds may develop.

Since 1963, total allocations from the Highway Fund for this program have amounted to \$400,000 and municipalities have contributed \$285,800.

The Committee finds that this is primarily an economic development program. Such programs, if determined necessary by the Legislature, are more appropriately funded through the General Fund than the Highway Fund. Therefore, the Committee recommends that the Access Road program be eliminated as a Highway Fund activity. Future funding for such projects should be through a request for a General Fund appropriation. The existing balance of \$61,000 should, however, remain available to the two projects for which the money was appropriated.

Since MDOT has not requested any funds for this program for the coming biennium, this recommendation will not have any immediate fiscal impact.

BUREAU OF ADMINISTRATIVE SERVICES

RECOMMENDATION: Recommend that various accounts within the Highway Fund Allocation Act be modified to better reflect "program" costs.

Legislative input to many of MDOT's ongoing activities is limited to establishing funding levels for these programs. For example, the Highway statutes simply provide that MDOT shall maintain state and improved state-aid highways and bridges outside compact areas. This responsibility costs the state roughly \$1 million each week and represents about 65% of the total MDOT Highway Fund Allocation. The Legislature's only impact on the level and kind of maintenance work is through its allocation of funds which is further limited by the large size and lack of detail in the maintenance accounts. The characterization of the Highway Fund accounts as "boulders and gravel" seems to be apt.

The Committee recommends that three new accounts be established to clarify the costs of the three specific maintenance programs. These programs are:

Snow plow reimbursements. Snow plow reimbursements to towns amount to about \$2.2 million annually and are included in the Winter Maintenance allocation. Payment levels are established by statute. Nevertheless, a clear statement of legislative priorities between this and other programs would result in a better informed public on highway funding issues.

Summer overlay paving program. The popular summer paving "skinny-mix" program paved 857 miles in FY 1980 at a cost of about \$7.4 million dollars (27% of the total summer maintenance account). In FY 1981, 524 additional miles (less than half the amount planned at the beginning of the biennium) were paved.

The maintenance paving program is a distinct activity which is clearly presented to the Legislature as a proposed program at the beginning of each biennium. This proposal could be expanded or reduced by the Legislature, depending on budget priorities. Creating a separate allocation would clarify legislative intent with regard to the approved scope of this activity each year.

Picnic areas. Currently there are three separate allocations funding picnic areas and roadside turnouts. These are: The Highway and Bridge Improvement allocation which funds construction of new picnic areas; the Picnic Area allocation which has been used to purchase and replace picnic area equipment; and about \$450,000 from the Summer Maintenance account for maintenance activities. The 109th Legislature, on the recommendation of the department, eliminated the Picnic Area allocation altogether because equipment from closed picnic areas could be used temporarily for replacements.

Combining all picnic area costs into one account would clarify the full cost of this program. It would also allow the Legislature to provide more specific direction to the department about the relative priority of this program.

Further, the Committee recommends that the balance of the Winter and Summer Maintenance accounts be combined into a single Road Maintenance account. Despite the titles, these accounts fund many of the same activities. The difference depends only on when the activity is carried out. For example, pot hole patching done on November 14 is charged to Summer Maintenance. The same work done a day later would be charged to Winter Maintenance. Only about half of Winter Maintenance expenditures go for snow plowing and related "winter" activities. Thus the Committee finds that maintaining two separate accounts serves no useful purpose.

RECOMMENDATION: Recommend that MDOT provide the Transportation Committee with a report on end-of-year balances in all Highway Fund accounts and a statement of encumbered and unencumbered obligations against each account before the Committee begins to review Highway allocations.

At the end of FY 1979, MDOT had unencumbered balances in Highway Fund accounts amounting to about \$46,900,000. Questions were raised during the 109th Legislature about whether these funds could be used to offset the Highway Fund's anticipated revenue shortfall. The Committee has reviewed both FY 1979 and FY 1980 end-of-year balances in light of these questions.

The Committee finds that to a large extent the availability of these balances for other purposes is a matter of judgment about the nature of previous legislative commitments. There is no absolutely right or wrong answer to the question of whether funds could have been diverted from these accounts to help offset revenue shortfalls. One might have concluded that only minimal funds (\$2,977,000 in FY 1980) were available for reallocation or one might conclude that these balances represented a fairly substantial resource (\$14,361,000 in FY 1980) in time of "crisis".

These issues are appropriate matters for discussion by the Transportation Committee and the Legislature as a whole. To ensure that this discussion is based on commonly agreed upon information, the Committee recommends that each year the Transportation Committee be provided with a report on all end-of-year balances along with a statement of all encumbered and unencumbered obligations against each account.

RECOMMENDATION: Recommend that MDOT develop a system whereby it can provide information on the amount of unspent bond funds and funds from current allocations in each of its construction accounts.

As part of its review of MDOT financial practices, the Committee notes that there is no way of determining what portion of MDOT's construction account balances is bond funds and what is current revenue allocations.

There is a Constitutional prohibition against using bond funds for current operations. The inability to distinguish between bond funds and current allocations could present a serious problem if the Legislature wished to reallocate funds from a construction account to a maintenance account.

Consequently, the Committee recommends that MDOT develop procedures by which unspent balances from bond allocations can be accounted for separately.

OTHER TRANSPORTATION RECOMMENDATIONS

RECOMMENDATION: Repeal various sections of Title 23 which are outdated in relation to MDOT's current activities.

In reviewing M.R.S.A. Title 23 (Highways) the Committee recommends that the following sections be repealed because they are no longer relevant to the operation of the department.

Section 55. Allows any employee of MDOT to be assigned to collect the gas tax if he would otherwise be unemployed.

Sections 251-254. Allow the department to construct "Parkways" and "Freeways" as a means of separating commercial traffic from non-commercial.

Section 953. Prohibits planting trees, shrubs, flowers, etc. in a manner so as to obstruct the view of any billboard.

Sections 2251-2252. Subject any person who maliciously destroys, injures, passes or attempts to pass a non-Turnpike tollgate or a toll bridge by a fine of not more than \$50.

Sections 2301-2406. Require County Commissioners to license ferries, and require ferrymen to clear snow from frozen ferry passage so that travelers may safely walk across the passageway.

Section 2955. Prohibits any municipality from placing turf in the traveled part of any highway, street or town way unless the turf is cut fine or covered up.

Section 3051. Requires 6 inches of gravel to be placed on any city or town highway improved after the 10th day of August.

Section 3053. Requires bids for any bridge work over \$1,000 to be submitted in two ways - one using concrete as the primary construction method and one using Maine granite.

Section 4205, subsections 1-5. Establish various boards and committees that no longer exist within the department.

RECOMMENDATION: Transfer various railroad statutes that are the responsibility of MDOT from Title 35 to Title 23 where the other MDOT statutes are located.

The Public Utilities Commission formerly had responsibility for all railroad statutes contained in M.R.S.A. Title 35. In 1975 this responsibility was transferred to MDOT.

The Committee recommends that the appropriate sections of the statutes be repealed from Title 35 and enacted in Title 23 in order to group all of MDOT's railroad responsibilities together for easier reference.

RECOMMENDATION: Recommend that the Controller lapse \$450,000 from the current balance in the Public Utilities Commission's Transportation Division dedicated account to the General Highway Fund.

In reviewing Highway Fund accounts, the Committee notes that the Public Utilities Commission receives various fees for permits it issues to highway carriers operating in Maine. These fees are deposited in a dedicated account which is used to cover PUC administrative costs. In practice, these funds support the cost of operating the PUC's Transportation Division.

The statutes provide that the fees collected are not to be used for revenue purposes, but that any balances available should be deposited in the General Highway Fund. Despite relatively large balances in recent years, no funds were lapsed to the Highway Fund at the end of FY 1980. The State Auditor indicates that \$450,000 was not necessary to fund the Division's 1981 activities and thus could have lapsed. (See Appendix A.)

The Committee recommends that this amount be transferred to the General Highway Fund.

DEPARTMENT OF PUBLIC SAFETY

DESCRIPTION

The Department of Public Safety was established to coordinate and manage the state law enforcement responsibilities of the State of Maine. Department programs cost nearly \$13,890,000 annually, and there are about 500 full time employees. Public Safety receives about 61% of its operating funds from the General Highway Fund, 29% from the General Fund, and the remaining 10% from various dedicated revenues and federal grants.

There are six Divisions within the Department, each of which is described briefly below.

Bureau of Maine State Police. Clearly the largest division in the Department, the Bureau of State Police accounts for 87% of total expenditures and 86% of total personnel. This includes 315 uniformed officers, 107 non-uniformed personnel. The Bureau is responsible for enforcing the motor vehicle statutes on all highways and important ways outside city and town compact areas and enforcing criminal statutes statewide. Other duties include administration of the state motor vehicle inspection station program, traffic accident and criminal records storage and retrieval, licensing of beano and other games of chance, executive security, uniform crime reporting and the crime laboratory.

The Bureau is divided statewide into eight troops, three criminal investigation divisions and a headquarters section. Two of the troops specialize in traffic enforcement on the interstate system and the Maine Turnpike while the other six are considered rural troops responsible for criminal enforcement as well as traffic control. Headquarters provides law enforcement assistance throughout the state with programs such as uniform crime reporting, the crime lab, and the bureau of identification.

Division of Special Investigations. Closely aligned in purpose with the Bureau of State Police, this Division is charged with investigating violations of all state drug control laws, especially those involving hard drugs. The Division is only authorized three full time state-funded employees, but acquires the services of many more by utilizing "loaned agents" from various state, county and local law enforcement agencies. Total expenditures are expected to be about \$192,000 in FY 1981.

Office of the State Fire Marshal. This office is primarily responsible for the investigation of fires and explosions to determine cause and origin, and the inspection of buildings for compliance with fire safety standards. The Division consists of the State Fire Marshal and an assistant, a Supervisor of Patient Care Facilities, a Plans Examiner, one fire investigator and 15 inspectors/investigators. The Commissioner of Public Safety has assigned four State Police troopers to the Office as fire investigators, for a total complement of 27 full time employees. Expenditures are expected to be nearly \$638,000 in 1981, funded entirely from a special tax on fire insurance premiums.

Bureau of Liquor Enforcement. This Bureau is responsible for the enforcement of all state liquor laws and Maine Liquor Commission rules and regulations, the investigation of illegal sales/trafficking of liquor within Maine, and investigating any illegal importation of liquor into the state. The Bureau has 19 field personnel (including the director) and accounts for 3.3% of departmental expenditures. The Bureau is funded entirely from the General Fund.

Maine Criminal Justice Academy. The Academy serves as a central training facility for all law enforcement, corrections and criminal justice personnel in the state. Located in Waterville, the school offers a curriculum that meets the requirements of the Mandatory Police Training Law, the Mandatory Corrections Training Law, and provides basic training for State Troopers. The Academy employs fourteen full time people and operates on a budget of about \$425,800 including some dedicated revenues and federal grants.

Bureau of Capitol Security. The Bureau is the smallest division of the Department of Public Safety. It is responsible for the safety and security of all parks, grounds and buildings maintained by the state at the seat of government. There are nine full time officers and expenditures are estimated to be about \$141,000 annually.

COMMITTEE FINDINGS AND RECOMMENDATIONS

BUREAU OF MAINE STATE POLICE

RECOMMENDATION: Recommend that the arbitrary 75/25 State Police funding ratio be eliminated and that a program budgeting approach be developed that will allow the Legislature to express its intent about activity levels to be funded from the Highway Fund and the General Fund.

The Bureau of State Police receives 75% of its operating funds from the Highway Fund and 25% from the General Fund. This ratio is arbitrary to the extent that it has changed over time without a great deal of consideration for actual program levels. The ratio has ranged from 90/10 in the late 1940's to 50/50 in the late 1950's, and presently stands at 75/25. As part of the appropriations process, a total budget figure is estimated for the Bureau, reviewed by the Governor and the Legislature, and then the amount to be allocated is split 75/25. This procedure has raised many questions regarding the amount of State Police time spent on enforcement of traffic laws versus that spent on General Fund activities.

The Committee finds that this method of funding the State Police does not clearly reflect legislative intent. In fact, the ratio limits allocations from the Highway Fund exactly three times that appropriated from the General Fund, regardless of intent or level of activity. For example, 80% of a field trooper's time is highway related, yet only 75% of his cost is charged to the Highway Fund. Alternatively, 100% of a Beano/Games of Chance corporal's time should be non-highway related, yet only 25% of this cost is charged to the General Fund.

The Committee recommends that State Police budget requests be presented to the Legislature in two parts independent of any set percentage. The budget should reflect those programs and levels of activity that are highway related and those that are General Fund related. Then if the Legislature wants to decrease (or increase) highway patrol time, it can do so without worrying about a corresponding cut (or increase) in a General Fund activity. Likewise, if the Legislature decided to reduce expenditures in the Crime Lab, it could do so without

worrying about the effect of the cut on a highway related activity such as rural patrol. This method should enable the Legislature to establish policy and express its intent more clearly than in the past.

While this recommendation will not produce any savings, it should eliminate some confusion and misunderstanding with regard to State Police funding. The Bureau's new method of accounting by "responsibility center" should facilitate the implementation of this recommendation.

RECOMMENDATION: Recommend that the Bureau of Maine State Police bill the Maine Turnpike Authority for the full costs of traffic enforcement activities that involve the Airwing.

Current agreements between the Maine Turnpike Authority and the State Police require the Authority to make full reimbursement of the expenses of traffic law enforcement on the Maine Turnpike. Full reimbursement covers salary, fringes and all other expenses, including vehicle operations. In effect, this means fully funding Troop G of the State Police.

Since 1978, the Airwing of the State Police, working with ground troops, has been providing VASCAR enforcement patrols throughout the state. Many patrol hours have been flown over the Maine Turnpike. For example, of the total 164 hours of "clocking time" in 1978, 61 hours were spent enforcing traffic law on the Turnpike. However, the Bureau received no reimbursement for this activity from the Turnpike Authority. By including pilot time, spotter time and operational costs, approximately \$2,500 in additional expenditures should have been billed to the Authority in 1978.

The Committee finds that as long as the air patrol is an efficient traffic enforcement tool, its cost when used on the Maine Turnpike should be reimbursed as part of the overall reimbursement for traffic enforcement.

RECOMMENDATION: Clarify legislative intent that toll revenues continue to be used to offset any costs connected with the Maine Turnpike.

Current statutes create a Maine Turnpike Division within the Department of Transportation as soon as construction bonds are paid off, sometime in 1982 or 1983. This same law dedicates all revenues derived from the remaining Turnpike tolls to a number of specific purposes. The law implies that State Police funding will continue, but it is not explicit.

The Committee recommends that the statute be amended to include the phrase "state enforcement of traffic laws" in order to clarify legislative intent that all costs connected with the Maine Turnpike be paid for from toll revenues.

RECOMMENDATION: Recommend that as positions which require technical skills become vacant through attrition in the Crime Lab, these positions be open to competition from non-uniformed personnel.

The Crime Lab provides scientific examination of evidence from crimes committed anywhere in the state for both the State Police and other law enforcement agencies. The unit consists of seven uniformed State Police officers (a director, three fingerprint examiners, two firearms examiners and a serologist) and two non-uniformed personnel (a secretary and a photographer).

The Committee finds that none of these positions require the incumbent to have the extensive specialized training of a State Trooper and should, therefore, be positions for which "civilians" could apply. Using non-uniformed personnel in these jobs would release well trained troopers to the field where their expertise and background is greatly needed.

RECOMMENDATION: Transfer the responsibility for supervising motor vehicle inspection station activities from the Maine State Police to the Division of Motor Vehicles, Department of the Secretary of State, in order to save approximately \$123,500 annually.

The Inspection Section of the Maine State Police is responsible for inspecting nearly 1800 vehicle inspection stations statewide to ensure that they and other inspection facilities meet the statutory requirements, rules and regulations governing official inspection stations. This Section also examines and certifies inspection mechanics, designs and distributes inspection stickers to each station, and inspects school buses twice annually (in addition to two inspections conducted by a certified inspection station.) These duties are performed by nine uniformed officers and two clerks at an estimated cost of \$378,100 which does not include the cost of printing the stickers (\$82,000 for the biennium).

The Department of the Secretary of State has indicated that the Division of Motor Vehicles can provide the same level of services as the State Police at an estimated cost of \$254,600. DMV already has an investigation/inspection

section handling car dealers, and will only need seven additional investigators and two clerks. The cost of stickers is expected to be constant, no matter which department orders them. One-time startup costs in DMV (\$50,900 to purchase vehicles) should be offset by decreasing capital expenditures requested by the State Police for its inspection section and through other capital savings, i.e. not having to replace six to eight State Police cruisers.

The Committee finds that the inspection station program should be transferred from State Police to the Secretary of State, Division of Motor Vehicles, in order to save more than \$123,000 annually without reducing services.

The Committee further recommends that the staff of the DMV not be increased, as requested, by one position above the staff level necessary to carry out the program as it currently operates. This position was proposed by DMV in order to record additional information that could be used in situations such as investigations of odometer roll-back.

RECOMMENDATION: Eliminate the Beano/Games of Chance Division of the Maine State Police.

Beano legislation was first passed in 1943, and Games of Chance regulation followed in 1973. Each program has two major functions: Licensing and enforcement. Licenses are issued on a weekly or monthly basis for \$2, \$5 or \$20 depending on the length of time and type of organization requesting the license. Enforcement functions include investigation, inspection and spot checking local organizations conducting the games. The Division operates with three uniformed officers (plus a supervisor) and two clerical people which the Department indicates are really too few to deal with the statewide program effectively.

Municipal officials and/or local chiefs of police are able to issue permits and licenses for everything from amusement and liquor licenses to concealed weapons. Given this local authority, it is unclear to the Committee why the State Police retain sole responsibility to regulate Beano.

The Committee feels that licensing and especially enforcing the statutes could be handled more effectively at the local level. Municipal officials already have to sign the State Police license authorizing the games, which means that the only additional costs to the towns would be actually issuing the licenses. The Committee further recommends that municipalities set and keep the license fees in order to recover these costs.

State Police involvement in Beano/Games of Chance will continue to a limited extent. Printers and distributors of gambling devices will still obtain their license from the Bureau, but with no printers and only seven distributors doing business in the state, an entire Division is unnecessary. Also, in many rural areas, troopers already serve as the "local law enforcement agency". Investigation of alleged criminal involvement in local Beano games thus would be part of these troopers (or the regional detective division's) normal responsibilities.

This recommendation would eliminate two uniformed positions and two clerical positions. One sergeant position would remain to handle other licensing functions within the Bureau. This program is funded from the dedicated revenues from Beano/Games of Chance license fees. Excess revenues are deposited in the General Fund. The net fiscal impact of this recommendation (lost revenues offset by reduced costs) is a loss of \$9,200 in revenue to the General Fund.

DIVISION OF SPECIAL INVESTIGATION

During the Committee's review, a number of concerns were raised regarding DSI. Primary among these were:

- (1) DSI's relationship with the Maine State Police. Even though it is a separate Bureau within the Department of Public Safety, the justification report for the Division was included with those for State Police. It became obvious to the Committee that the State Police considered DSI to be a police unit within the Bureau of State Police.
- (2) The part time status of the Director of DSI. The Acting Director maintained his rank as a Captain in the Bureau of State Police and even headed up some special units within the Bureau while serving as Director of DSI.
- (3) Questions of reciprocity in terms of the "loaned agent" concept of staffing. DSI was staffed by officers "loaned" for various lengths of time from local, county and state law enforcement agencies. Some jurisdictions felt they never got back what they put in, and this issue actually caused a major supporter to pull out of the program for a short period of time.
- (4) Whether or not the program was properly funded. State funds for this program were used to pay loaned officers \$50 per week in addition to their normal salaries they continued to receive from their permanent employers.

As the Committee was exploring these issues, a major shake-up occurred which was intended to solve some of the apparent problems.

The Committee was unable to review and evaluate the revamped Division of Special Investigation in the time remaining under its mandate to review all departments and agencies by December 31, 1980. Therefore, the Committee does not have any recommendations concerning DSI at this time.

OFFICE OF THE STATE FIRE MARSHAL

RECOMMENDATION: Eliminate General Fund support for the Fire Service Training Program in the Department of Educational and Cultural Services and fund this activity from the dedicated fire insurance fund in the State Fire Marshal's Office.

The State Fire Marshal is charged with protecting the lives and property of Maine citizens through building inspection, fire investigation and public education programs. The Office is funded through a tax of 3/4 of 1% of all fire insurance premiums. These funds are dedicated to "administering all fire preventive and investigative laws, rules and regulations and in educating the public in fire safety."

The state provides additional fire related training and education in three forms: A 4-year degree program (with a specialization in Fire Science) at the University of Southern Maine; a 2-year degree program (in Fire Science Technology) at various Vocational Technical Institutes throughout Maine; and a Fire Service Training (FST) program through the Department of Educational and Cultural Services. FST provides upon request any of fifteen different seminars to organized fire departments statewide. The program is funded by the state and federal government at no expense to the local department utilizing the service.

The Committee finds that the Fire Service Training Program would be more appropriately funded from the dedicated fire insurance fund than from the General Fund. The fire insurance fund is specifically aimed at reducing fire losses through better training for fire fighting personnel and reduced losses will, in the long run, result in lower fire insurance costs.

The FST program can be adequately funded over the next biennium from the insurance fund without major changes in program levels. This recommendation will save \$69,750 in the General Fund.

The Committee notes that the operation of the Fire Service Training Program will be examined in more depth when the Department of Educational and Cultural Services is the subject of a future Sunset review.

DEPARTMENT OF THE SECRETARY OF STATE

DESCRIPTION

The Department of the Secretary of State is charged with various state record-keeping responsibilities including those associated with motor vehicle operations. The Secretary oversees an estimated annual budget of \$5,907,000 (of which 83% comes from the Highway Fund and 17% comes from the General Fund) and a staff of about 328 employees. The Department has three distinct divisions:

Public Administration Division. The Public Administration Division is responsible for administering the Secretary of State's responsibilities for corporation records, uniform commercial code filings, election activities and numerous miscellaneous record-keeping activities. These range from lobbyist registration to appointing notaries public and providing "official copies" of a variety of important state documents. The Division has 27 full time employees. Nearly all of its \$631,000 operating budget comes from the General Fund.

Maine State Archives. The Archives is responsible for records management, photo reproduction and document restoration services, and organization and preservation of state documents with archival value. The Archives has an annual General Fund budget of \$390,000 and 17 employees.

Division of Motor Vehicles (DMV). DMV, the largest division in the Department, is funded from the General Highway Fund. It has an annual budget of \$4,886,000 and approximately 284 employees. DMV is primarily a licensing and revenue raising agency which is responsible for all driver license and vehicle registration activities.

COMMITTEE FINDINGS AND RECOMMENDATIONS

PUBLIC ADMINISTRATION DIVISION

RECOMMENDATION: Repeal extraneous record-keeping duties of the Secretary of State because these records are also on file in other places and there have been few or no inquiries concerning these documents.

One of the major functions of the Public Administration Division is to maintain files of various state records. These files are used to establish an undisputed "official" copy of public documents. The Division is also a visible central location for making records readily available to the public.

The Committee has reviewed the statutes mandating the Secretary of State to maintain various kinds of records. It recommends elimination of six of these mandates. In all but one case, the same records are also filed with another agency which would be just as (or more) logical a place for the public to inquire about the information. In the last instance, the filing requirement no longer serves any real function.

The six mandates which the Committee recommends be repealed are:

1) 1 MRSA §8, sub-§4 mandates filing of documents relating to acquisition or relinquishment of legislative jurisdiction over land or other areas. These documents must also be recorded in the registry of deeds in the affected county. The Secretary receives few inquiries for this information.

2) 5 MRSA §136 mandates filing of the State Treasurer's monthly reports listing the banks and places in which state funds have been kept. The Committee recommends that the Treasurer himself maintain these files and make them available to the public. This seems the logical place for an interested person to come to. The Secretary of State currently receives about six inquiries per year for this information.

3) 30 MRSA §2002, sub-§4 mandates filing of reports of boundary line commissioners in municipal boundary disputes. Boundary disputes are resolved by the Superior Court which receives a copy of the same report. The Secretary of State has had perhaps one inquiry for this information in the last four years.

4) 32 MRSA §502 mandates maintenance of the records of the Maine Board of Chiropractic Examination and Registration. Such records were last filed with the Secretary in 1963. There have been no recent requests for this information. The more appropriate place for public inspection of these records would be the Board itself.

5) 32 MRSA §1309 and §1679 mandate maintenance of rosters of registered professional engineers and land surveyors. The Secretary of State has not had any calls for this information. An individual in search of this information would more logically contact the Board of Registration itself. The Committee also recommends deletion of the requirement that such rosters be filed with the clerk of each county court.

6) 10 MRSA §3605 requires the Secretary of State to register log-marks. With the end of the log drives, distinctive marks used to identify ownership of logs are seldom used. There have been no requests for new registrations in the last five years.

Since none of these legislative mandates represents any substantial effort on the part of the Public Administration Division, eliminating them will not result in any measurable savings. These are "housekeeping" recommendations which will simplify the statutory obligations of the Secretary of State.

RECOMMENDATION: Eliminate the requirement that ordained ministers of the gospel, clergymen engaged in the service of a religious body and other persons licensed to preach must be licensed by the Secretary of State before they may solemnize marriages.

Currently notaries public, justices of the peace and other individuals licensed by the Secretary of State may solemnize marriages. ^{1/} To apply for a license a clergyman must complete an application form and pay a \$5 application fee. The Public Administration Division processes these applications.

The Secretary of State does not verify the information on the application form. In 1979 the Legislature also provided that religious bodies themselves could be licensed to cover all their clergy. In such cases the individual performing the ceremony would not be listed with the Secretary of State.

The total number of current licensees is unavailable, because the Secretary has no way of knowing when licensees die or leave the state. There are, however, at least 4000 to 4500 licensees, in addition to 21,500 justices of the peace, notaries and attorneys with the power of notaries who may officiate at weddings in Maine.

There are, therefore, a very large number of people who may officiate at weddings; there is no verification of information provided on license applications; and the Secretary of State may not have a complete list of all those who may officiate. For these reasons, the Committee finds that the licensing process does not serve any significant public need and can be eliminated.

Several statutory provisions will still ensure that marriages are correctly recorded. First, there will be no change in the qualifications of those permitted to solemnize marriages. Only the licensing paperwork will be eliminated. Clarifying language will specify that it is the responsibility of the person officiating to file the completed certificate with the appropriate municipal clerk(s). It is this filing which records the marriage with the state. The statutes will continue to provide a \$100 fine for persons willfully performing marriages in violation of the law. The statutes will also continue to provide that if two people think they have been properly married, a later finding that the person officiating was unqualified will not void the marriage.

Eliminating the licensing requirement will reduce General Fund revenues by about \$1,500 to \$1,700 annually but will free up about 5% of one clerk typist's time in the Secretary of State office.

1/ Marriages solemnized by Quakers and members of the Baha'i faith are exempted from this requirement.

RECOMMENDATION: Combine the offices of justice of the peace and notary public.

There are an estimated 12,500 justices of the peace and 7,500 notaries in Maine. Justices are appointed by the Governor, while notaries are appointed by the Secretary of State. The Secretary of State, however, renews the commissions for both.

These two offices have virtually the same authority within the state. For out-of-state transactions, however, the title "notary public" and/or the use of an official seal is much more likely to be accepted.

The Committee finds that maintaining these two offices is confusing and inconvenient to the public. In some cases, either may be used, and in other cases the notary's signature must be obtained.

The Committee recommends that this duplication be resolved by providing that future justices of the peace be appointed by the Secretary of State with all the powers of notaries, and should be known officially as "Justice of the Peace/Notary Public". All other references to justices should be eliminated from the statutes. Notaries public would continue to be appointed by the Secretary of State.

The establishment of a single title (notary public) as the uniform requirement for official purposes would eliminate public confusion over this office. The Committee further recommends that the Secretary of State be prohibited from refusing to appoint or renew a commission solely because the applicant is from a specific geographic area or is a member of a specific political party.

The Committee also recommends that the notary's seal be made optional because of the expense involved in having a seal made.

RECOMMENDATION: Transfer responsibility for issuing "wheelchair symbols" from the Secretary of State to the Governor's Committee on Employment of the Handicapped.

The Secretary of State is required to accept applications and issue "wheelchair symbols" which are used to identify buildings accessible to handicapped and elderly persons. The Governor's Committee on Employment of the Handicapped (GCEH) is mandated to set standards which a building must meet before displaying this symbol. The GCEH is provided staff support by the Bureau of Rehabilitation within the Department of Human Services.

In practice, the Secretary of State issues and receives application forms and then forwards these forms to the Bureau of Rehabilitation which reviews the application. If a building meets the GCEH standards, the Bureau notifies the Secretary who then issues the symbol.

The Committee finds that the application process will be speeded up if the applicant dealt directly with the Bureau of Rehabilitation which makes the decision, rather than going through the Secretary of State.

Since only a small number of applications are processed each year, this recommendation will free up a minimal amount of staff time within the Division of Public Administration.

RECOMMENDATION: Transfer responsibility for the administration of the Charitable Solicitations Act from the Secretary of State to the Department of Business Regulation.

The Charitable Solicitations Act requires registration by charitable organizations (with some exceptions) and by professional fund raisers. Organizations which receive more than \$30,000 in gross contributions must also file financial reports.

Administration of this Act was probably assigned to the Secretary of State because of his role as the custodian of public records. A major function of the Charitable Solicitations Act is to provide a mechanism for better public information about fund raisers. The Secretary of State does not actively enforce this law, however, because funds were never appropriated for administering this Act.

The Committee finds that to the extent that registration and financial reporting by fund raisers serves a consumer protection function, the Charitable Solicitations Law implies regulatory action by the state. This kind of regulation is similar to other statutes such as the Transient Sales and Business Opportunities laws which are administered by the Department of Business Regulation.

The Committee recommends that administration of this Act be transferred to the Department of Business Regulation. The Charitable Solicitation Act overlaps somewhat with the Auctioneer's Law, already administered by Business Regulation. That department has more general expertise in the licensing and regulation of professions than does the Secretary of State. It also has an established system for automatically handling much of the paperwork involved.

At present, registration fees amount to about \$1,200 annually which is deposited in the General Fund. Consistent with similar programs administered by Business Regulation, the Committee recommends that these registration fees be dedicated to covering the administrative costs of the program. This recommendation will thus result in a \$1,200 loss of General Fund revenue.

RECOMMENDATION: Establish a sliding penalty fee for the late filing of annual corporate reports based on the lateness of the filing.

All corporations doing business in Maine are currently required to file an annual report with the Secretary of State prior to June 1 each year. The report must include the names and addresses of the corporation, its clerk or agent, and the officers and directors; the number and par value of shares; and information on the last meeting when officers were elected. The Secretary of State mails out blank forms and a notice of the filing deadline to every registered corporation in January of each year. In addition to the \$25 filing fee there is a flat \$25 penalty for all late reports.

About 10% of all reports are late; 85% are more than 30 days late. The Committee recommends that instead of the flat late fee, the penalty for late filing should be increased \$25 for each month the report is late. For example, a corporation filing a report in August would be subject to a \$75 penalty. There will, however, be a maximum penalty of \$300.

This recommendation will encourage more timely filing of these reports and could generate an estimated \$33,750 in additional General Fund revenues.

RECOMMENDATION: Recommend that the Secretary of State report the costs of providing public information on elections in the Department's request for General Fund appropriations.

The Department of the Secretary of State is charged with supervising the elections process in Maine. Activities include certifying candidates, preparing and printing ballots and other elections materials and certifying elections results through the Public Administration Division.

In addition to these activities, the Secretary of State also does a certain amount of work related to informing the public about the electoral process. This has included: Designing and printing informational material on running for office; specimen ballots and the intent and content of various referendum questions; meeting with town clerks on elections matters; and speaking to high school audiences on the importance of voting. The current cost of these activities is estimated to be about \$15,000 - \$18,000 annually. An estimated 70% of this amount is for publications and the remaining 30% is for staff time and travel expenses.

The Committee recognizes that providing this information to the public is a necessary function of the Secretary of State's Office. It finds that the current level of this activity is appropriate. However, because the Secretary of State is an elected official, the Committee feels that it is important that the extent of these public information activities be a matter of public record. Therefore, the Committee recommends that the Secretary of State estimate the cost of these activities, including staff time and travel expenses, in the Department's biennial request for its General Fund appropriation.

RECOMMENDATION: Eliminate the statutory requirement under the Administrative Procedures Act for a second public notice of pending adoption of state agency rules in order to save approximately \$37,500.

Currently, the Administrative Procedures Act (APA) requires that prior to adopting a state agency rule, notice shall be published twice, 14 days apart, in newspapers "which together have general circulation throughout the state as papers of record." The second notice must be 3 to 10 days prior to adoption of the rule. Agencies are also required to notify persons who have asked to be placed on a mailing list and notify relevant trade or professional groups and publications.

Staff from the Public Administration Division consolidates the newspaper advertising and arranges for its publication on a single weekday. (Wednesday has been chosen.) These notices currently appear in five papers: The Bangor Daily News; the Lewiston Daily Sun; the Kennebec Journal; the Waterville Sentinel; and the Portland Press Herald. Advertising costs, which are paid by the agencies involved, are estimated to be \$75,000 in FY 1982.

The APA became effective July 1, 1978. The two years in which it has been in force have allowed for the familiarization of many Maine citizens with the rule-making process. The consolidation and regular publication of notices since September 1979 have made it much easier for interested persons to find out about

pending rules. For these reasons, the Committee feels that the additional public notice provided by advertising each rule a second time doesn't warrant the \$37,500 this advertising costs. The Committee thus recommends that only one publication notice be required 17 to 24 days prior to public hearing or adoption of the proposed rule.

Each agency which has APA advertising costs will have these costs cut in half. The \$37,500 "savings", however, will not be a lump sum which can be identified and deappropriated.

RECOMMENDATION: Recommend that state agencies with substantial costs for providing notices of rule-making and copies of adopted rules explore possible savings which may result from a charge for this information.

The Administrative Procedures Act (APA) provides that state agencies must maintain mailing lists of individuals who ask to receive notices of rule-making or copies of rules adopted by each agency. The statutes also provide that agencies may charge a fee to cover the cost of providing this information.

The Committee has surveyed 72 state agencies to identify costs associated with these provisions and whether agencies are charging a fee to cover these costs. Forty-two agencies responded and indicated that together they spend nearly \$26,000 providing this information. Three agencies (DEP, Business Regulation and Human Services) account for 78% of this total cost (\$7,900, \$6,950 and \$5,325 respectively.) Only the Bureau of Consumer Protection in the Department of Business Regulation charges a fee for being placed on its mailing list. Four agencies have some charge for copies of adopted rules. Total revenues associated with these provisions were reported to be \$702.

The Committee recognizes that in some cases cost of the paperwork involved in charging a fee may exceed any revenue that may be generated. The Committee recommends, however, that agencies which regularly provide information to the public under the APA review their costs to determine whether savings could be effected by charging a fee either for being placed on a mailing list or for copies of adopted rules.

FINDING: The "Sunset of Rules" law is not being implemented in a timely fashion.

In conjunction with its review of various administrative aspects of the APA the Committee reviewed the implementation of Maine's "Sunset of Rules" law which was enacted in 1977. The law provides that all state agency rules in effect on

January 1, 1979 will automatically expire on January 1, 1984 unless continued by statute. Rules adopted after January 1, 1979 will automatically expire on January 1 of the fifth year of operation unless continued by the Legislature. Standing Committees of the Legislature are mandated to review all agency rules so that they may be continued statutorily.

To date, no inclusive schedule has been established for legislative review of the more than 900 chapters of rules currently in effect. The Joint Standing Committee on Aging, Retirement and Veterans has reviewed five chapters dealing with the Bureau of Veterans Services and will be making recommendations to the 110th Legislature. The Joint Select Committee on the Regulation of Pesticides has been assigned the task of reviewing the eight chapters of rules promulgated by the Board of Pesticide Control.

Given that nearly 40% of the time period for legislative review has passed, and that only 1.4% of the rules have been or are being reviewed, the Committee finds that the legislative review process is behind schedule.

MAINE STATE ARCHIVES

RECOMMENDATION: Establish a procedure for the appointment of the State Archivist which is consistent with the appointments of comparable state officials.

Currently, the State Archivist is appointed by the Secretary of State to a six-year term of office. In general, however, similar state positions (unclassified deputy commissioner and bureau chief positions defined in the statutes) are filled by the respective Commissioners to serve at their pleasure.

The Committee finds that this practice provides for accountability in establishing and carrying out broad policy directives within an agency. The Archivist, as head of a major division within the Department of State is comparable to other positions at the deputy commissioner level and therefore should hold office at the pleasure of the Secretary of State.

However, the Committee recommends that the statute continue to require that the Archivist be qualified by special training or experience in archival or historical work as a condition of employment. This recommendation will become effective on July 1, 1984, at the end of the Archivist's current six-year term.

RECOMMENDATION: Require that all fees received by the Archives for microfilming and other laboratory services be credited to the General Fund and clarify legislative intent that these fees be based on actual costs including labor.

The Maine State Archives operates a photo duplication laboratory which provides microfilming and other reproduction services. An analysis of work orders for fiscal year 1979-80 indicates that 53% of the staff's time was spent

on Archives projects, 42% on work for other state agencies, and 5% for private individuals.

The laboratory cost an estimated \$91,470 in fiscal year 1980, excluding capital costs. It is funded entirely from the General Fund. Current Archives policy is to charge private users and other state agencies only for the cost of the materials used in this "outside" work. These revenues, which amount to about \$5,700 annually, are deposited in a dedicated account and used primarily to purchase additional laboratory equipment.

The Committee finds that the photo duplication laboratory operates a central microfilming service for other state agencies. The Committee recommends that, as a centralized service agency, the Archives should charge other agencies and private individuals for the full cost of those services. Charging actual costs will help agencies to make economic decisions about management and disposition of their records. It will also recover costs attributable to federal and other dedicated fund programs which, under the current system, are being paid for from the General Fund.

The Committee recommends that the full cost of the lab be funded from the General Fund and that the current dedicated account be eliminated. All future revenues would be deposited in the General Fund. The Archives should submit to the Legislature an estimate of lab staff time, other costs and estimated revenues associated with "outside" work when it submits its request for a General Fund appropriation. This will ensure that revenues are keeping up with the cost of services provided to other agencies and the private sector.

RECOMMENDATION: Require the Maine State Archives to charge an appropriate fee for receiving and processing legislative, judicial, county and municipal archival records.

The statutes currently provide that the State Archivist may receive public records from any public officer in Maine. The Archives does have custody of some municipal records and a substantial amount of court records. The Committee recognizes the value of a central repository for all documents of archival merit. It notes, however, that acceptance of large volumes of documents from local and county government and from the legislative and judicial branches may represent a transfer of storage and maintenance obligations which could result in a considerable financial obligation for the state.

The current statute provides that this type of transfer can take place whenever the Archivist is "willing and able" to receive these documents. To facilitate the Archivist's ability to fund maintenance activities resulting from such a transfer, the Committee recommends that all major transfers be accompanied by a charge to cover the costs of receiving and processing the documents accepted by the Archives.

RECOMMENDATION: Transfer the records management program from the Maine State Archives to the Department of Finance and Administration which currently handles similar functions for all state agencies.

Almost every state agency has large quantities of records which must be produced, handled, filed, retrieved, stored and disposed of. Effective management of these records may include bringing in special technical expertise to review agency forms, filing systems and records retention procedures with an eye toward streamlining agency paperwork. A central records management program provides this kind of management expertise to all state agencies as needed. A central records center can also help to reduce records storage costs.

Records management has been a function of the State Archives since its creation in 1965. Over the past six years, however, the share of Archives' resources devoted to the records management program has declined from 37% of total planned expenditures in 1974 to an estimated 14% of total expenditures in 1980. Archival programs have been the agency's first priority.

The Committee recognizes the value of preserving the state's records for historical purposes. It also feels that a sound statewide records management program is important if state government is to be managed efficiently. The Committee finds, however, that the current resources allocated to the records management program do not encourage an active records management program.

Because records management is a central administrative function similar to purchasing or accounting, the Committee recommends that responsibility for records management be transferred from Archives to the Department of Finance and Administration. Its location with other similar functions can help to highlight its central service orientation and perhaps provide additional "clout" to its recommendations through increased coordination with the rest of the department.

The Committee recommends the transfer of five positions and associated funds from Archives to the Department of Finance and Administration. These positions represent about 29% of Archives' current authorized position count, and this recommendation reaffirms legislative intent regarding relative program funding levels. No increase in the total appropriation to these two activities is recommended, however, and the Committee anticipates that there will be no expansion of total costs as a result of this division of the current Archives appropriation.

Space in the Archives wing of the Cultural Building should be divided between the records center and the archives to reflect the state's need for both a records management and an archives program.

RECOMMENDATION: Limit the assistance provided to county and municipal agencies by the Maine State Archives to archival services only.

Current statutes related to the Municipal Records Board and the County Records Board require the State Archivist to provide "advice and assistance" to municipalities and counties "in the establishment and administration of" record programs as well as archival activities.

Since the Committee recommends that records management activities become the responsibility of the Department of Finance and Administration, it also recommends that the Archivist be required only to provide archival services to these Boards.

DIVISION OF MOTOR VEHICLES

RECOMMENDATION: Increase the fee for reinstating a driver's license after suspension or revocation from \$10 to \$20.

The fee for restoring a suspended or revoked driver's license is currently \$10 over and above the regular \$16 license fee. The \$10 fee was enacted in 1971.

The Committee finds that the fee for reissuance is out of line with other current fees. Moreover, the Committee feels the fee should be somewhat higher than the regular issuance fee because it is a form of penalty to poor drivers. Accordingly, the Committee recommends that this fee be increased to \$20.

This increase is estimated to result in an additional \$140,000 in revenue to the General Highway Fund annually.

RECOMMENDATION: Transfer responsibility for licensing commercial driving schools and their instructors from the Division of Motor Vehicles to the Department of Educational and Cultural Services.

The Department of Motor Vehicles is responsible for licensing the state's 51 commercial driving schools and 117 commercial driving instructors. This program is staffed by one person in DMV at an annual cost of \$25,000.

The Department of Educational and Cultural Services (DECS) certifies driver education teachers in the public schools. An estimated 400 teachers are certified to teach driver education in the public schools and about 250 are currently teaching such courses. DECS has two positions assigned to its Division of Transportation, Driver Education and Safety.

Licensing requirements for commercial teachers are the same as the public school certification requirements, and about one-third of all under-17 Drivers Ed students are receiving instruction from the commercial schools. Prior to the mid-1960's the Department of Education was responsible for licensing the commercial schools and teachers.

The Committee finds that both the DECS and the DMV programs are aimed at providing a consistent standard for driver education programs offered throughout the state. Since certification and licensing requirements are the same, it is inefficient to be carrying out this activity in two separate departments. The Committee recommends that the responsibility for commercial schools should be transferred to the Department of Educational and Cultural Services. Revenues from licensing commercial schools and instructors (\$3,000 annually) should be dedicated to offsetting administrative costs of the program.

This recommendation will result in an annual savings to the Highway Fund of \$22,000 and the elimination of one position at the DMV.

RECOMMENDATION: Eliminate the Social Medical Coordination program in the Division of Motor Vehicles because of the reduced scope of DMV responsibilities in this area.

In the past, the Social Medical Coordination program was responsible for overseeing classes for drivers convicted of "operating under the influence of alcohol" - OUI. That program has been transferred to the Department of Human Services. Currently, DMV staff reviews medical information from license application forms and physician reports about medical conditions which might interfere with an individual's ability to drive. This staff also works with the Medical Advisory Committee to develop standards which can be used to judge an individual's ability to drive. With the transfer of the OUI program to Human Services, the Social Medical Coordination program in DMV has declined from five to two positions, a coordinator and a clerk.

The Division of Motor Vehicles views itself primarily as a licensing and revenue raising agency, and feels that the current Social Medical Coordination program is a low priority. Without the "program", routine review of medical self-reports could be accomplished by other personnel. Difficult questions will continue to be referred to the Medical Advisory Board.

The Committee finds that the cost of funding these activities as a separate program is not justified. Consequently, the Committee recommends that the Social Medical Coordinator position be eliminated. This will result in a savings to the Highway Fund of an estimated \$22,000 annually.

RECOMMENDATION: Establish a single license plate system in order to save the state an estimated \$100,000 annually.

Currently, 31 states require two license plates. Some police officials prefer two plates because it improves their chances of recognizing wanted cars and more easily identifying on-coming vehicles which are violating traffic regulations. The reflective nature of license plates also makes an unlit vehicle more visible to an approaching car at night.

On the other hand, 19 states ^{2/} have a single (rear) license plate system. If implemented in Maine, a one-plate system will result in an annual \$100,000 savings to the Highway Fund. The State Police are not aware of any studies which have compared accident rates in states with one and two plates to determine whether more accidents occur or fewer stolen cars are recovered in one plate states.

The Committee finds that the \$100,000 annual savings from going to a one-plate system is substantial. In the absence of specific evidence that having only one plate increases accident risk, the Committee recommends that Maine issue only a single (rear) plate in the future.

RECOMMENDATION: Increase the annual business registration fee from \$30 to \$50 for car dealers and transporters and from \$10 to \$15 for motorcycle and snowmobile trailer dealers in order to more fully cover the cost of administering the dealer registration program.

The Division of Motor Vehicles (DMV) is charged with administering the state's Dealers and Transporters registration statutes. Under this law, new and used car, motorcycle, boat and snowmobile trailer and equipment dealers and vehicle transporters must register and meet certain equipment and insurance requirements before they may do business in the state. Registration is also a prerequisite for receiving dealer plates for use on dealer-owned vehicles.

Three clerical staff work full time on registration and records-keeping activities for the 1900 registered dealers in the state. In addition, DMV's six-person investigator staff spends a quarter of its time in field investigations related to this program. Total cost including the investigators' time in FY 1981 is estimated to be \$98,250. Current revenues from related application and dealer licensing fees are about \$52,100.

The Committee finds that this program is both a mechanism for issuing dealer plates equitably and a consumer protection program. Its consumer protection aspects benefit vehicle purchasers who also, in the long run, are paying for licensing costs.

^{2/} ALA, CONN, DEL, FLA, GA, IDA, IND, KAN, KY, LA, MASS, N MEX, NC, ORE, OKL, PA, SC, TENN AND W VA.

In light of both these functions, the Committee feels that the bulk of the administrative costs of this program should be covered by revenues from fees charged. Consequently, it recommends that annual registration fees be increased from \$30 to \$50, except that motorcycle and boat and snowmobile trailer dealer fees shall be increased from \$10 to \$15.

This recommendation will result in a \$32,500 increase in General Highway Fund revenues.

RECOMMENDATION: Eliminate mandatory title requirements for vehicles that weigh less than 32,000 lbs. and are more than 10 years old.

Maine's mandatory Motor Vehicle Certificate of Title and Anti-theft Act requires that all motor vehicles registered in the state be titled. The title law is aimed both at protecting the interests of lien holders when cars are sold and also at helping to identify stolen vehicles.

The average ten year old car, however, is unlikely to have an outstanding loan on it. It is also much less likely to be stolen than a newer car. An old car is, moreover, apt to change hands more frequently. Under current law, each change of ownership, of course, requires a title transfer which requires paperwork at DMV. In addition, despite the requirement that the Secretary of State be notified when a vehicle is destroyed, DMV is sometimes not notified when cars are scrapped. This means that in the future DMV will be keeping track of many vehicles which are no longer operational. Its files will, in effect, "fill up" with very old cars which are of little or no value. Although the cost of maintaining these files is difficult to estimate, DMV feels these costs could be substantial.

Consequently, the Committee finds that mandatory titling requirements should apply only until an automobile is ten years old. This would be consistent with the provisions of uniform titling statutes enacted in other states (Massachusetts and New Hampshire, for example).

The Committee further finds, however, that titling should remain an option for vehicles more than ten years old. The purchaser of an antique car or a particularly valuable ten year old car should be able to have the vehicle titled for the same reasons that newer cars are titled - to protect lenders and to aid in recovery if stolen. The Committee recommends that DMV take administrative steps to ensure that voluntary titling beyond the tenth year remains a feasible option.

INDEPENDENT AGENCIES

RECOMMENDATION: Continue the following independent agencies under the provisions of the Maine Sunset Law. Some legislative changes are recommended.

State Board of Registration for Professional Engineers

State Board of Registration for Land Surveyors

The Maine Sunset Law provides that specified independent state agencies will automatically terminate according to a set schedule unless continued by the Legislature. The agencies listed above are among those scheduled to terminate June 30, 1981.

The Committee finds that both of these agencies meet a public need which is not duplicated by any other state agency. Consequently, the Committee recommends that both of the agencies be continued.

The Committee also recommends that a third independent agency, the Penobscot Bay and River Pilotage Commission, terminate as scheduled on June 30, 1981 and thus has not included it in the above list.

RECOMMENDATION: Transfer the State Board of Registration for Professional Engineers from the administrative control of the Department of Transportation to the Department of Business Regulation.

The Board of Registration for Professional Engineers examines, certifies and licenses engineers and engineers-in-training practicing in the state, publishes a roster of licensed professionals, makes rules and regulations regarding engineers, conducts hearings, and has the power to revoke or suspend registrations.

The Committee finds that many of the boards and commissions within the Department of Business Regulation provide their memberships and the general public with services similar to those of the Board. Further, the Department of Business Regulation is charged by statute to "license professional and occupational trades" and to "review the functions and operations of all bureaus, board and commissions (within the department) to assure that overlapping functions and operations are eliminated and that each complies fully with its statutory and public service responsibilities."

Therefore, the Committee recommends that the Board of Registration for Professional Engineers be transferred to the Department of Business Regulation in order to realize potential savings in the licensing function and to improve efficiency and accountability.

RECOMMENDATION: Transfer administrative control of the State Board of Registration for Land Surveyors from the Department of Transportation to the Department of Business Regulation.

The State Board of Registration for Land Surveyors examines, certifies and licenses land surveyors and land surveyors-in-training practicing in the state, publishes a roster of licensed professionals, makes rules and regulations regarding land surveyors, conducts hearings, and has the power to revoke or suspend registrations. The Board consists of six members (five experienced land surveyors and a representative of the general public) and employs a part-time secretary. For administrative purposes, the Board reports to the Commissioner of the Department of Transportation.

The Committee finds that many of the boards and commissions within the Department of Business Regulation provide their memberships and the general public with services similar to those of the Board of Registration for Land Surveyors. Further, the Department of Business Regulation is charged by statute to "license professional and occupational trades" and to "review the functions and operations of all bureaus, boards and commissions (within the department) to assure that overlapping functions are eliminated and that each complies fully with its statutory and public service responsibilities". Having reviewed the statutory mandates of the two departments, the Committee feels that the Board is more appropriately located in the Department of Business Regulation.

Therefore, the Committee recommends that the Board of Registration for Land Surveyors be transferred to the Department of Business Regulation in order to realize potential savings in the licensing function and to improve efficiency and accountability.

RECOMMENDATION: Eliminate the Penobscot Bay and River Pilotage Commission because it is no longer necessary that a separate state agency regulate this activity.

The State of Maine has more than 3000 miles of coastline and has three major rivers capable of handling vessels with a draft of more than nine feet, yet the only area presently regulated by a state agency is the Penobscot Bay and River. (The Port of Portland and its two pilots are regulated by a Board of municipal officials.) The Commission consists of three members appointed by the Governor.

It is responsible for making rules and regulations, hearing complaints against pilots and shipowners, setting pilotage rates, and issuing licenses. The Commission is further required by law to submit certain reports annually to the Department of Transportation.

The Committee finds that the Commission performs no unique functions that require its continued existence. Its major activity, issuing licenses to the 12 people eligible for them, is simply a check to insure that the applicant has a valid federal pilot's license, a boat, and is a Maine resident. Its powers to act against the license of a pilot upon receiving a complaint were turned over to the Administrative Court in 1977. This means that the Commission cannot take any meaningful disciplinary action against a pilot. The Commission has never sent its annual reports or budgetary requirements to the Commissioner as required. Finally, the Governor is empowered by existing statutes to handle any of the duties of the Commission.

Based on these findings, the Committee recommends terminating the Penobscot Bay and River Pilotage Commission according to the terms of the Maine Sunset Law, 3 M.R.S.A. §506. At the end of the one year grace period established by law, the following sections of 38 M.R.S.A. should be repealed: 89 through 90-B, 94, 95 and 104. The remaining sections should be amended to conform with other statutes outlining the duties and responsibilities of state pilots.

FISCAL IMPACTS OF COMMITTEE RECOMMENDATIONS

Many of the recommendations included in this report affect the General Fund appropriations or Highway Fund allocations to the department under review. Other recommendations affect General Fund or Highway Fund revenues. The net total impact (reduced expenditures + increased revenues) of the Committee's recommended legislation for FY 1982 is estimated to be \$1,228,320. This includes an \$818,050 impact on the General Fund and a \$410,270 impact on the Highway Fund as shown in Table A. This impact is based on departmental Part I budget requests for the coming biennium.

Fiscal Impact Not Included in the Recommended Legislation. The Committee has made several recommendations which have further fiscal impact but which, for various reasons, are not included in the proposed legislation. These are shown at the bottom of Table A. When combined with the bill, the total impact of the Committee's recommendations for FY 1982 is \$2,043,620 (\$1,088,450 - General Fund and \$955,170 - Highway Fund.)

Longer Term Impact. This total dollar amount for FY 1982 includes a one-time \$853,000. Thus the continuing impact of the Committee's recommendations is \$1,190,620 annually.

Position Count Impact. The net change in employee position counts as a result of the Committee's recommendations is a reduction of ten positions. (See Table B.) Of these positions, four are funded from the General Fund, four from the Highway Fund and two from dedicated revenue accounts.

If MDOT is able to lease the operation of the State Pier to a private stevedoring firm an additional 13 General Fund positions would be eliminated.

TABLE A

FISCAL IMPACTS OF COMMITTEE RECOMMENDATIONS

	General Fund Impact	Highway Fund Impact
<u>Net deappropriations</u>		
Elimination of subsidy to Augusta State Airport	\$ 66,900	\$
Reduced subsidy to State Ferry Service	160,000	
Elimination of Pier solicitation program	52,000	
Transfer of unspent airport bond funds for debt service	403,000*	
Transfer of commercial driving school program to Department of Educational & Cultural Services		24,500
Elimination of front license plates		100,000
Elimination of Social Medical Coordination program		22,000
Transfer of inspection station program to DMV	32,250	91,270
Transfer of Fire Service Training to Fire Insurance Fund	69,750	
	<u>\$ 783,900</u>	<u>\$ 237,770</u>
<u>Revenue increases</u>		
Sliding scale for corporate report late fees	\$ 33,750	\$
Increased microfilming and lab fees - Archives	12,500	
Increased driver's license restoration fee		140,000
Increased car dealers' business registration fee		32,500
	<u>\$ 46,250</u>	<u>\$ 172,500</u>
<u>Revenue decreases</u>		
Elimination of licensing of ministers	\$ (1,700)	\$
Dedication of Charitable Solicitation fees	(1,200)	
Elimination of Beano/Games of Chance program	(9,200)	
	<u>\$ (12,100)</u>	<u>-0-</u>
NET IMPACT OF COMMITTEE'S RECOMMENDED LEGISLATION	\$ 818,050	\$ 410,270
<u>Other Savings/Revenue Increases</u>		
Elimination of second APA notice	\$ 37,500	\$
Leasing of Pier operations	232,900	
Railroad crossing program recommendation		94,900
Lapsing of PUC balance		450,000*
	<u>\$ 270,400</u>	<u>\$ 544,900</u>
TOTAL IMPACT FROM COMMITTEE RECOMMENDATIONS	\$1,088,450	\$ 955,170

* One time savings

TABLE B

NET IMPACT ON POSITION COUNTS

RECOMMENDATION	General Fund Positions	Highway Fund Positions	Other Positions	Net Impact
<u>Known Impacts</u>				
Elimination of Pier solicitation program	-2			-2
Transfer of inspection program from the State Police to DMV (11 positions are eliminated from the State Police and 9 positions are created in DMV)		-2		-2
Elimination of Beano/Games of Chance program			-4	-4
Transfer of Fire Service Training program funding	-2		2	0
Transfer of commercial driving school program to Dept of Education		-1		-1
Elimination of Social Medical Coordination program	—	-1	—	-1
Total Impact	-4	-4	-2	-10
<u>Other Possible Impacts</u>				
Leasing of Pier Operations	-13			
Elimination of Airport Subsidy (Elimination may result in an unknown reduction in Airport Maintenance staff.)				



STATE OF MAINE
 DEPARTMENT OF AUDIT
 AUGUSTA, MAINE 04333
 AREA CODE 207
 TEL. 289-2201

GEORGE J. RAINVILLE
 STATE AUDITOR

LESLIE J. HANN
 DEPUTY STATE AUDITOR
 ROGER A. LAROCHELLE
 DIRECTOR OF DEPARTMENTAL AUDITS
 ROBERT G. REDMAN
 DIRECTOR OF MUNICIPAL AUDITS

November 10, 1980

Committee on Audit and Program Review
 Senator James McBreairty
 Senate Chairman
 Representative Georgette B. Berube
 House Chairman

Dear Senator McBreairty and Representative Berube:

We are responding to your request, dated October 23, 1980, to make a special review of the Public Utilities Commission Transportation Division Fund (Account # 5187.2).

Specifically, you asked that we determine whether the balance of the account at the end of FY 1980 was necessary to defray administrative expenses.

In our opinion, the balance was not necessary.

You also asked what an appropriate balance would have been in light of anticipated 1981 revenues and expenditures.

The answer is an approximate \$400,000.00, to accommodate a reasonable cashflow.

In view of the above, we feel that an amount approximating \$450,000.00 to \$475,000.00 could have been transferred to the General Highway Fund as of June 30, 1980.

We have discussed our findings with Barbara Gottschalk, your legislative aide, and have given her copies of the material which we developed to support our opinions. Please find attached copies of the same material which we gave Barbara.

Barbara has agreed to make a presentation to you during your meeting scheduled for November 13, 1980. If you would like our attendance also, please call this office at 289-2201.

Very truly yours,

George J. Rainville
 State Auditor

Enclosure

State of Maine

In the Year of our Lord, Nineteen Hundred and Eighty-one.

An Act Relating to Periodic Justification of Departments and Agencies of State Government under the Maine Sunset Law.

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

Sec. 1. 1 MRSA §8, sub-§4 is repealed.

Sec. 2. 3 MRSA §507-B, sub-§2 is enacted to read:

2. Agencies scheduled for termination on June 30, 1981.

Pursuant to section 507, subsection 2, paragraph B, the following independent agencies, scheduled for termination on June 30, 1981, are continued without modification or are continued as modified by Act of the Legislature passed prior to June 30, 1981.

A. Agencies continued without modification are:

(1) Maine Turnpike Authority.

B. Agencies continued as modified by Act of the Legislature are:

(1) State Board of Registration for Professional Engineers; and

(2) State Board of Registration for Land Surveyors.

Sec. 3. 4 MRSA §158 is amended to read:

§158. Ex officio, notary public; may administer oaths
Judges and clerks of the District Court are, ex officio, ~~justices-of-the-peace~~ notaries public, and all their official acts, attested by them in either capacity, except those pertaining to the exclusive jurisdiction of judges and clerks of District Courts, are of equal effect. Judges and clerks of the District Court may administer all oaths required by law, unless another officer is specifically required to do it.

Sec. 4. 4 MRSA §169 is amended to read:

§169. Administration of oaths

Judges of the District Court and ~~justices-of-the-peace~~

notaries public may administer all oaths required by law, unless another officer is specially required to do it.

Sec. 5. 4 MRSA §202, first sentence, as amended by PL 1979, c. 540, §6, is further amended to read:

All oaths required to be taken by personal representatives, trustees, guardians, conservators, or of any other persons in relation to any proceeding in the probate court, or to perpetuate the evidence of the publication of any order of notice, may be administered by the judge or register of probate or any ~~justice-of-the-peace-or~~ notary public.

Sec. 6. 4 MRSA §860, last sentence is amended to read:

No person whose name has been struck from the roll of attorneys for misconduct shall plead or manage causes in court under a power of attorney for any other party or be eligible for appointment as a ~~justice-of-the-peace~~ notary public.

Sec. 7. 4 MRSA §951, first sentence is amended to read:

Every A notary public ~~shall-constantly~~ may keep a seal of office, whereon is engraven his name and the words "Notary Public" and "Maine" or its abbreviation "Me.," with the arms of state or such other device as he chooses.

Sec. 8. 4 MRSA §953, 2nd sentence is repealed.

Sec. 9. 4 MRSA §955 is amended to read:

§955. Copies; evidence

The protest of any foreign or inland bill of exchange, promissory note or order, and all copies or certificates by him granted shall be under his hand ~~and-notarial-seal~~

and shall be received in all courts as legal evidence of such the transactions and as to the notice given to the drawer or indorser and of all facts therein contained.

Sec. 10. 4 MRSA §955-A, as last amended by PL 1977, c. 694, §3, is further amended to read:

§955-A. Removal from office

Whenever the Administrative Court, upon complaint, after due notice and hearing, shall find that a notary public ~~er-justice-of-the-peace~~ has performed any duty imposed upon him by law in an improper manner, or has performed acts not authorized by law, the Administrative Court may remove such the notary public ~~er-justice-of-the-peace~~ from office.

Sec. 11. 4 MRSA c. 21 is repealed.

Sec. 12. 4 MRSA §1056, as enacted by PL 1967, c. 206, is amended to read:

§1056. Powers of attorneys

Attorneys at law duly admitted and eligible to practice in the courts of the State shall have all of the powers of ~~justices-of-the-peace-and~~ notaries public and be authorized to do all acts which may be done by ~~justices-of-the-peace-and~~ notaries public with the same effect thereof and have the same territorial jurisdiction.

Sec. 13. 5 MRSA §6, 2nd ¶, as enacted by PL 1975, c. 87, §1, is amended to read:

All persons renewing a commission as a notary public ~~er-justice-of-the-peace-must~~ shall requalify within 30 days after issuance of ~~said the~~ renewal in the manner prescribed by the Secretary of State.

Sec. 14. 5 MRSA §82, as last amended by PL 1979, c. 541, Pt. A, §19, is repealed and the following enacted in its place:

§82. Appointment of notaries public / ~~renewal of commissions.~~ and justices of the peace;

The Secretary of State shall appoint justices of the peace who for the purpose of their official duties shall bear the title "Justice of the Peace/Notary Public." They shall have all the statutory power of a notary public and shall be subject to all statutory requirements and rules applying to notaries public.

The Secretary of State shall have the authority to 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 shall 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 shall not affect the expiration date of a commission.

The Secretary of State, upon receiving notice of the qualification of any notary public, shall immediately notify the register of probate and the clerk of the judicial courts of the county where the officer resides of the officer's appointment and qualification.

Sec. 15. 5 MRS §87, as amended by PL 1969, c. 225, §2, is further amended to read:

§87. Fees payable by public officers

A fee of \$10 shall be paid to the Secretary of State by any person appointed to the office of ~~justice of the peace~~, notary public, commissioner to take depositions and disclosures, disclosure commissioner and commissioner appointed under Title 33, section 251, before ~~such-~~ the person enters upon the discharge of his official duties.

Sec. 16. 5 MRSA §91, as enacted by PL 1973, c. 625, §16, is repealed and the following enacted in its place:

§91. Short title

This chapter shall be known and may be cited as the "Archives Law."

Sec. 17. 5 MRSA §92, as enacted by PL 1973, c. 625, §16, is repealed and the following enacted in its place:

§92. Declaration of policy

The Legislature declares that it is the policy of the State, to the end that the people may derive maximum benefit from a knowledge of state affairs, to preserve its noncurrent records of permanent value for study and research.

Sec. 18. 5 MRSA §92-A, as enacted by PL 1973, c. 625, §16, is repealed and the following enacted in its place:

§92-A. Definitions

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

1. Archives. "Archives" means noncurrent government records that have sufficient value to warrant their permanent preservation and that are in the physical and legal custody of the Maine State Archives.

2. Noncurrent records. "Noncurrent records" means government records no longer needed by an agency and which may be disposed of as provided by law.

Sec. 19. 5 MRSA §93, as repealed and replaced by PL 1977, c. 674, §2, is repealed and the following enacted in its place:

§93. State Archivist

The Secretary of State shall appoint a State Archivist who shall be qualified by special training or experience in archival or historical work. The appointment shall be

subject to review by the Joint Standing Committee on State Government and to confirmation by the Legislature. The State Archivist shall serve at the pleasure of the Secretary of State.

Sec. 20. 5 MRSA §95, first ¶, as enacted by PL 1973, c. 625, §16, is repealed and the following enacted in its place:

The State Archivist shall have the powers and duties established under the following provisions governing the preservation of state records.

Sec. 21. 5 MRSA §95, sub-§3, 3rd sentence, as enacted by PL 1973, c. 625, §16, is repealed and the following enacted in its place:

Restrictions or limitations imposed by law on the examination and use of records transferred to the archives under section 1872, subsection 6, shall remain in effect until removed or relaxed by the State Archivist with concurrence in writing of the head of the agency from which the records were transferred or his successor in function, if any.

Sec. 22. 5 MRSA §95, sub-§§7, 8 and 9, as enacted by PL 1973, c. 625, §16, are repealed.

Sec. 23. 5 MRSA §95, sub-§10, first sentence, as enacted by PL 1973, c. 625, §16, is repealed and the following enacted in its place:

To receive all records transferred to the archives under section 1872, subsection 6, and to negotiate for the transfer of public records from the custody of any public official not governed by section 1872. The State Archivist shall charge a fee sufficient to cover the cost of receiving and processing all transfers from the custody of any public official not governed by section 1872. The fees collected shall be deposited in the General Fund.

Sec. 24. 5 MRSA §95, sub-§13, as enacted by PL 1973, c. 625, §16, is amended by inserting at the end the following new paragraph.

← Fees collected under ~~_____~~ → this subsection shall be deposited in the General Fund.

Sec. 25. 5 MRSA §136 is amended to read:

§136. Monthly exhibits

At the expiration of each month, the Treasurer of State shall prepare an exhibit showing the banks and places in which moneys of the State have been kept or deposited during the preceding month, and the amount at the time of such the exhibit, ~~and file it in the office of the Secretary of State,~~ This exhibit shall be open to public inspection.

Sec. 26. 5 MRSA c. 158 is enacted to read:

CHAPTER 158

RECORDS MANAGEMENT SERVICES

§1871. Definitions

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

1. Agency. "Agency" means any state department, bureau, division, commission, board or other unit of State Government created by law.
2. Commissioner. "Commissioner" means the Commissioner of Finance and Administration.
3. Records. "Records" means any paper, correspondence, form or other document regardless of physical form or characteristics, made or received by any agency of State Government in the transaction of business.
4. Records center. "Records center" means a facility maintained by the State primarily for low-cost storage, servicing and security of the records of state agencies, which must be retained for varying periods of time and need not be maintained in office space and equip-

ment. Legal custody of any records transferred to the records center shall remain with the transferring agency.

5. Records management. "Records management" means a function to provide economy and efficiency in the operations of State Government through the application of management techniques, including, but not limited to, forms management, reports management, communications analysis and design, application of micrographics, methods and procedural analysis and design, and records retention and disposition scheduling.

§1872. Powers and duties

The Department of Finance and Administration shall have the powers and duties under the following provisions relating to the creation, use, maintenance, retention and disposal of state records:

1. Policy and organization. To formulate policies and establish organizational and operational procedures, subject to the approval of the commissioner;

2. Employ assistants. To employ, with the approval of the commissioner and subject to the Personnel Law, such assistants as may be necessary to carry out the purposes of this chapter;

3. Records management programs. To establish, maintain and administer in the executive branch of State Government an active and continuing records management program, including the operation of a records center or centers, for the economical and efficient management of state records;

4. Procedures. To study, analyze, evaluate, develop and recommend procedures, forms, standards and techniques of record making and record keeping to officials of state agencies;

5. Improvements. To recommend improvements in the procedures of state government operations, including forms,

reports, procedures and use of space, equipment, supplies and personnel employed in creating, processing and maintaining state records;

6. Retention and disposition scheduling. To establish retention and disposition schedules, in consultation with heads of state agencies, under which state records no longer possessing sufficient administrative, legal or fiscal value to warrant further keeping for current business are disposed of as provided by this chapter, for planning purposes, the State Archivist shall be provided with copies of retention and disposition schedules as they are established;

7. Destruction of records. To authorize the destruction of records of state agencies disposed of under subsection 6, which have been determined by the State Archivist to have no archival or historical value to the State to warrant permanent preservation;

8. Transfer to the Maine State Archives. To authorize the transfer of records of state agencies disposed of under subsection 6 to the Maine State Archives which have been determined by the State Archivist to have sufficient archival or historical value to the State to warrant permanent preservation. Whenever such a transfer is made, the State Archivist shall transmit an acknowledgement of acceptance of legal custody of the records to the transferring agency, on a form provided, in which the records are described in terms sufficient to identify them and which shall be preserved in the agency;

9. Records center. To operate a records center facility for low-cost storage and retrieval of records of state agencies which must be retained for varying periods of time and need not be retained in office space and equipment;

10. Essential records program. To establish and maintain a program in cooperation with each agency in

State Government for the retention and preservation of records considered essential to the operation of State Government;

11. Rules and regulations. To promulgate such rules and regulations, with the approval of the commissioner, as are necessary for carrying out the purposes of this chapter;

12. Training. To develop and conduct records management training programs for personnel of state agencies;

13. Reports. To obtain such reports from state agencies as are required for the administration of this chapter;

14. Examination of state records. To have the right of reasonable access to and examination of all state records in the performance of the duties outlined in this chapter;

15. Charges and fees. To levy appropriate charges and fees against all state agencies receiving records management services. The charges and fees shall be those fixed in a schedule or schedules prepared and revised as necessary by the commissioner; and

16. Professional and technical services. To provide such professional and technical services to state agencies as may be necessary within funds available for carrying out the purposes of this chapter.

Sec. 27. 5 MRSA §8053, sub-§5, ¶A, as amended by PL 1979, c. 596, §2, is repealed and the following enacted in its place:

A. Arrange for the weekly publication of a consolidated notice of rulemaking of all state agencies, which shall also include a brief explanation to assist the public in participating in the rule-making process. Notice of each rule-making proceeding shall be published 17 to 24 days prior to adoption of any rule;

Sec. 28. 6 MRSA §12, 3rd ¶, as repealed and replaced by PL 1977, c. 678, §26, is amended by adding after the 2nd sentence a new sentence to read:
All fees collected shall be credited to the General Fund.

Sec. 29. 9 MRSA §5003, sub-§3-A is enacted to read:

3-A. Commissioner. "Commissioner" means the Commissioner of ←—————→ Business Regulation.

Sec. 30. 9 MRSA §5004, sub-§1, first sentence, as enacted by PL 1977, c. 488, §1, is amended to read:

The principal officer of every charitable organization which intends to solicit contributions within this State or to have contributions solicited on its behalf within this State shall file a registration statement with the ~~Secretary-of-State~~ commissioner at least 30 days prior to solicitation in each year in which the organization is engaged in solicitation activities.

Sec. 30-A. 9 MRSA §5004, sub-§3, first sentence, as enacted by PL 1977, c. 488, §1, is amended to read:

~~The Secretary-of-State~~ commissioner shall prescribe the form of and issue registration statements.

Sec. 31. 9 MRSA §5005, sub-§1, first sentence, as enacted by PL 1977, c. 488, §1, is amended to read:

The following shall file a financial report with the Secretary-of-State commissioner within 6 months after the close of the organization's fiscal year:

Sec. 32. 9 MRSA §5005, sub-§2, as enacted by PL 1977, c. 488, §1, is amended to read:

2. Fee for financial reports. A fee of \$25 shall be paid to the Secretary-of-State commissioner when any financial report is filed.

Sec. 33. 9 MRSA §5005, sub-§3, first sentence, as amended by PL 1977, c. 696, §360, is further amended to read:

The Secretary-of-State commissioner shall adopt rules and regulations for the reports, which shall be based upon the accounting and reporting procedures set forth in the 'Audit Guides' published by the American Institute of Certified Public Accountants and as may be modified from time to time by the Institute or its successor.

Sec. 34. 9 MRSA §5005, sub-§3, ¶C, as enacted by PL 1979, c. 678, §7, is amended to read:

C. In lieu of a financial statement, the Secretary of-State commissioner may accept a copy of the return filed with the United States Internal Revenue Service by organizations exempt from income tax under the United States Internal Revenue Code and shall require by regulation such other information and documentation as the Secretary-of-State- commissioner may deem appropriate to describe how funds were spent or raised to substantiate the figures in the return, including an accountant's statement, and to prove that the return submitted to the Secretary-of-State commissioner was in fact filed with the United States Internal Revenue Service.

Sec. 35. 9 MRSA §5006, sub-§2, as last amended by PL 1977, c. 696, §363, is further amended to read:

2. Exemption statement. Any charitable organization which claims to be exempt from the registration provisions of this Act and which intends to or does solicit charitable contributions shall submit, to the **Secretary of-State commissioner**, a statement of the name, address and purpose of the organization and a statement setting forth the reason for the claim for exemption. This statement shall be on a form prescribed by the **Secretary of-State- commissioner** and shall be sworn to or affirmed by the principal officer of the charitable organization. For purposes of this section, a charitable organization shall not include persons exempt in paragraph C who are organized for a limited time for the sole purpose of providing immediate relief to a named beneficiary. No registration fee shall be required of any exempt charitable organization.

Sec. 36. 9 MRSA §5007, as enacted by PL 1977, c. 488, §1, is amended to read:

§5007. Out-of-state organization

Any charitable organization, professional fund-raising counsel, professional solicitor or commercial co-venturer having its principal place of business without the State or organized under and by virtue of the laws of a foreign state, which solicits contributions from the people in this State, or acts on behalf of a charitable organization in this State, shall be deemed to have irrevocably appointed the **Secretary-of-State commissioner** as its agent upon whom may be served any summons, subpoena, subpoena duces tecum or other process directed to such charitable organization, professional fund-raising counsel, professional solicitor, commercial co-venturer or to any partner, principal, officer or director thereof, in

any action or proceeding brought by the Attorney General under this chapter.

Sec. 37. 9 MRSA §5008, sub-§1, first sentence, as amended by PL 1979, c. 678, §8, is further amended to read:
No person shall ^{may} act as a professional fund-raising counsel, professional solicitor or a commercial co-venturer before he has registered with the Secretary of-State commissioner.

Sec. 38. 9 MRSA §5008, sub-§1, 2nd and 3rd sentences, as enacted by PL 1977, c. 488, §1, are amended to read: Applications for registration or reregistration shall be in writing, under oath, in the form prescribed by the Secretary-of-State commissioner and shall be accompanied by a fee in the amount of \$100. The applicant shall, at the time of making application for registration or reregistration, file with and have approved by the Secretary-of-State commissioner a bond, in which the applicant shall be the principal obligor, in the sum of \$10,000, with one or more responsible sureties whose liability in the aggregate as such sureties will at least equal that sum.

Sec. 39. 9 MRSA §5008, sub-§3, as enacted by PL 1979, c. 678, §10, is amended to read:

3. Annual reports. A professional fund-raising counsel, professional solicitor or commercial co-venturer shall file an annual report which states the names and addresses of all charitable organizations for whom any solicitation was conducted, the total amount raised and the amount paid to the charitable organization on a form with such verification as the Secretary of-State commissioner shall prescribe by regulation.

Sec. 40. 9 MRSA §5009, first ¶, as enacted by PL 1977, c. 488, §1, is amended to read:

All contracts entered into between a professional fund-raising counsel, a professional solicitor or a commercial co-venturer and any charitable organization, whether or not the organization is exempted under section 5006, shall be in writing and a true and correct copy of each such contract shall be filed, by the professional fund-raising counsel, professional solicitor or commercial co-venturer who is a party thereto, with the ~~Secretary-of-State~~ commissioner prior to services being performed under the contract.

Sec. 41. 9 MRSA §5010, as enacted by PL 1977, c. 488, §1, is amended to read:

§5010. Annual report by ← commissioner

The ~~Secretary-of-State~~ commissioner shall annually, prior to February 1st, make a report to the Governor and the Legislature on the activities of charitable organizations within this State, based on the information filed under ~~the provisions of~~ this chapter.

Sec. 42. 9 MRSA §5011, as enacted by PL 1977, c. 488, §1, is amended to read:

§5011. Public information

All information required to be filed under this chapter shall be public records and shall be available to the public at the office of the ~~Secretary-of-State~~ commissioner.

Sec. 43. 9 MRSA §5016 is enacted to read:

§5016. Fees credited to the department

All fees collected under this chapter shall be credited to the Department of Business Regulation to carry out the purposes of this chapter.

Sec. 44. 10 MRSA §3605 is repealed.

Sec. 45. 10 MRSA §8001, as last amended by PL 1979, c. 606, §2, is repealed and the following enacted in its place:

§8001. Department; agencies within department

There is created and established the Department of Business Regulation to regulate financial institutions, insurance companies, commercial sports and grantors of consumer credit, to license professional and occupational trades and to award just compensation in land condemnations and in certain other claims against the State. The department shall be composed of the following bureaus, boards and commissions:

Board of Examiners on Speech Pathology and Audiology;

Bureau of Banking;

Bureau of Consumer Protection;

Bureau of Insurance;

Electricians' Examining Board;

Oil and Solid Fuel Board;

Maine Athletic Commission;

Real Estate Commission;

State Board of Examiners of Psychologists;

State Board of Social Worker Registration;

State Claims Board;

State Running Horse Racing Commission;

Board of Registration of Substance Abuse Counselors;

State Board of Registration for Land Surveyors; and

State Board of Registration for Professional Engineers.

Sec. 46. 13 MRSA §2691 is amended to read:

§2691. Warrant for calling meetings

When any 5 or a majority of the proprietors of lands or wharves held in common desire a meeting of the proprietors for the purpose of forming a corporation or for

any other purpose, they may make written application signed by them or their agents to any ~~justice-of-the-peace~~ notary public residing in the county in which the lands or wharves are situated. ~~Said-justice~~ The notary shall thereupon issue his warrant calling a meeting at the time and place and for the purposes distinctly stated in the application, directed to one of the proprietors, requiring him to give notice thereof.

Sec. 47. 13 MRSA §2732 is amended to read:

§2732. Officers sworn

The clerk, treasurer, assessors and collector shall be sworn by the moderator or a ~~justice-of-the-peace~~ notary public, and the clerk shall record the votes passed at all meetings.

Sec. 48. 13 MRSA §2861, as last amended by PL 1971, c. 598, §12, is further amended to read:

§2861. Meeting to form parish

Any person of age 18 or older, desirous of becoming an incorporated parish or religious society, may apply to a ~~justice-of-the-peace~~ notary public, who shall issue his warrant to one of them, directing him to notify the other applicants to meet at some proper place expressed in ~~such the~~ such the warrant. He shall give notice of ~~such the~~ such the meeting 7 days at least/holding the same, by posting a notification thereof on the outer door of the meeting-house or place of public worship of ~~such the~~ such the society, if any, otherwise at such place as the ~~justice~~ notary appoints.

Sec. 49. 13 MRSA §2904 is amended to read:

§2904. Refusal of assessors

If the assessors unreasonably refuse, any ~~justice of-the-peace~~ notary public on like application may issue his warrant to one of the applicants, who shall notify such ~~meeting~~ meeting as prescribed in section 2861 or as agreed on by parish vote.

Sec. 50. 13 MRSA §3022 is amended to read:

§3022. Notice of meeting

When 3 or more members of such the church who are voters according to section 3023 shall apply in writing to any justice-of-the-peace notary public in the county for the purpose of incorporating said the church, said-justice the notary shall issue his warrant addressed to one of said- the applicants, stating the time, place and purposes of the meeting and directing him to notify the members of said the church by posting a certified copy of said the warrant in a conspicuous place near the main entrance to the usual place of meeting of such the church and in one other public and conspicuous place in the same town, for 7 days, at least, prior to said the meeting.

Sec. 51. 13 MRSA §3107 is amended to read:

§3107. Owners may incorporate

The owners of a meetinghouse or building for public worship and the pew owners may be incorporated, when any 3 or more of them apply therefor to a justice-of-the-peace notary public, who shall issue his warrant to one of them, stating the time, place and purpose of the meeting, and directing him to notify said the owners by posting a certified copy of it for 14 days on the principal outer door of such the building and in one or more public places in the same town.

Sec. 52. 13 MRSA §3110 is amended to read:

§3110. Meetings of owners

When there has been no meeting of the incorporated pew owners, or proprietors or owners of a meetinghouse or building for public worship for 3 years, a meeting may be called on application of 3 or more members thereof to a justice-of-the-peace notary public, who shall issue his warrant to one of them stating the time, place and

purposes of the meeting, directing him to notify such the meeting by posting a certified copy of said the warrant, 3 weeks before the time of meeting, on the principal outer door of such the building, and in one or more public places in the same town and publishing it in a newspaper published in the county, if any, otherwise in an adjoining county or in the state paper.

Sec. 53. 13 MRSA §3111, first sentence is amended to read:

When a house of public worship is owned by persons of different denominations and when an organized society, or its members, own 5 pews therein, one or more of the minority owning not less than 5 pews may apply to a justice-of-the-peace notary public to obtain a division of the time of occupying the house.

Sec. 54. 13 MRSA §3112, first sentence is amended to read:

At a meeting called under section 3111, the owners, who are not applicants, or if they refuse or neglect, the justice notary who called the meeting may designate another justice notary, and the 2 may appoint a 3rd disinterested person, not an inhabitant of the town in which the house is located, or belonging to the denomination of either party interested.

Sec. 55. 13-A MRSA §1302, sub-§1, first sentence, as amended by PL 1977, c. 130, §25, is further amended to read:

Any corporation required to file an annual report as provided by section 1301 which fails to deliver its annual report for filing on or before June 1st of each year shall pay to the Secretary of State, in addition to the regular annual report fee, the sum of \$25 for each failure-to-so-file-on-time 30-day period, or portion thereof, the report is not filed. In no case shall this penalty exceed \$300.

Sec. 56. 14 MRSA §2002, first sentence is amended to read:

The appraisers may be sworn by the officer without fee or by a ~~justice-of-the-peace~~ notary public, faithfully and impartially to appraise the real estate to be taken, and a certificate of the oath shall be made, stating the date of its administration on the back of the execution by the person who administered it.

Sec. 57. 14 MRSA §2102, first sentence is amended to read:

The debtor may have the amount due ascertained by 3 ~~justices-of-the-peace~~ notaries public chosen, one by the debtor, one by the creditor and the other by those 2.

Sec. 58. 14 MRSA §2704 is amended to read:

§2704. Trustee leaving State discloses before notary

When a person summoned as trustee is about to depart from the State or go on a voyage and not return before his disclosure under oath is required to be served, he may apply to a ~~justice-of-the-peace~~ notary public of the county where he resides for a notice to the plaintiff to appear before ~~said-justice~~ the notary at a place and time appointed for taking his disclosure. On service made and returned according to the order of the ~~justice~~ notary, the examination and disclosure shall be taken and sworn to before him; and being certified and returned to the court, the same proceedings may be had thereon as if it had been in court.

Sec. 59. 14 MRSA §§2706 .. 2708 are amended to read:
§2706. Disclosure sworn to

The disclosure, when completed and subscribed by the trustee, shall be sworn to by him in open court or before ~~some-justice-of-the-peace~~ a notary public.

§2707. Examination of trustee

If the plaintiff thinks proper to examine ~~such~~ the supposed trustee on oath, the answers may be taken in the county in which the trustee resides before a Justice of the Superior Court or a ~~justice-of-the-peace~~ notary public.

§2708. Disclosure under oath

When a trustee has submitted himself to examination on oath in court, his disclosure may be sworn to before a justice of the court or a ~~justice-of-the-peace~~ notary public, and being filed in court, shall have the same effect as if sworn to in open court.

Sec. 60. 14 MRSA §5524, last sentence is amended to read:

A ~~justice-of-the-peace~~ notary public may, at any time before the sitting of the court, bail the party pursuant to ~~such~~ the order.

Sec. 61. 14 MRSA §5541, last sentence, as repealed and replaced by PL 1979, c. 257, §1, is amended to read: Bail commissioners shall have the powers of ~~justices of-the-peace~~ notaries public to administer oaths or affirmations in carrying out their duties.

Sec. 62. 14 MRSA §7153, is amended to read:

§7153. Appraisal

The value shall be ascertained by the appraisement of 3 disinterested men mutually chosen by the parties, or, if they cannot agree, by a ~~justice-of-the-peace~~ notary public in the county.

Sec. 63. 15 MRSA §707, as enacted by PL 1965, c. 356, §25, is amended to read:

§707. Certain District Court clerks may issue process

The Chief Judge of the District Court may authorize any clerk of the District Court, who is also a ~~justice-of-the-peace~~ notary public, to issue process for the arrest of persons charged with offenses, if the Chief Judge of the District Court is satisfied that ~~such~~ the clerk has the necessary training and learning to perform ~~such~~ the function.

Any process issued by a clerk so authorized shall be issued in his capacity as a ~~justice-of-the-peace~~ notary public.

Sec. 64. 16 MRSA §101 is amended to read:

§101. Subpoenas for witnesses

The clerks of the several courts and ~~justices-of-the-peace~~ notaries public may issue subpoenas for witnesses to attend before any court or before persons authorized to examine witnesses, to give evidence concerning any pending matter.

Sec. 65. 17 MRSA §311, sub-§§3, 4 and 5, as enacted by PL 1975, c. 307, §2, are amended to read:

3. License. "License" ~~shall-mean~~ means that written authority from the ~~Chief-of-the-State-Police~~ municipal officers to hold, conduct or operate the amusement commonly known as "Beano" for the entertainment of the public within the State ~~of-Maine~~. A location permit must accompany the license to be valid.

4. Licensee. "Licensee" ~~shall-mean~~ means any organization which has been granted a license by the ~~Chief-of-the-State-Police~~ municipal officers to hold, conduct or operate "Beano" or "Bingo."

5. Location permit. "Location permit" ~~shall-mean~~ means that card issued by the ~~Chief-of-the-State-Police~~ municipal officers, describing the premises or area in which "Beano" may be conducted. ~~Such~~ The location permit must be accompanied by a license. Only ~~such~~ the locations expressly described in the _____>

location permit shall be used for the conduct of any game.

Sec. 66. 17 MRSA §311, sub-§5-A is enacted to read:

5-A. Municipal officers. "Municipal officers" means the mayor and aldermen or councillors of a city, the selectmen or councillors of a town and the assessors of a plantation, in which beano is to be conducted.

Sec. 67. 17 MRSA §312, first sentence, as enacted by PL 1975, c. 307, §2, is amended to read:

No person, firm, association or corporation ~~shall~~^{may} hold, conduct or operate the amusement commonly known as "Beano" or "Bingo" for the entertainment of the public within the State unless a license therefor is obtained from the ~~Chief-of-the-State-Police~~ municipal officers of the town or city in which it is proposed to operate the amusement.

Sec. 68. 17 MRSA §313, as enacted by PL 1975, c. 307, §2, is amended to read:

§313. Application

Any organization desiring to conduct such an amusement shall apply to the ~~Chief-of-the-State-Police~~ municipal officers for a license pursuant to the provisions set forth in this section. The application shall be on forms provided by the ~~Chief-of-the-State-Police~~ city or town clerk, shall be signed by a duly authorized officer of the organization to be licensed,^{and} shall contain the full name and address of the organization and the location where it is desired to conduct the amusement ~~and shall bear the consent of the municipal officers of the town or city in which it is proposed to operate such~~ amusement.

Sec. 69. 17 MRSA §314, first sentence, as enacted by PL 1975, c. 307, §2, is amended to read:

The ~~Chief-of-the-State-Police~~ municipal officers may issue licenses to operate "Beano" or "Bingo" games on a monthly basis to any volunteer fire department or any agricultural fair association or bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic, religious or veteran's organization which was in existence at least 2 years prior to its application for a license, when sponsored, operated and conducted for the exclusive benefit of such the organization by duly authorized members thereof.

Sec. 70. 17 MRSA §314, 2nd ¶, as enacted by PL 1975, c. 307, §2, is repealed and the following enacted in its place:

The fee and time period for the license shall be established by the municipal officers of the town or city in which the amusement is to be held. No such licenses may be assignable or transferrable.

Sec. 71. 17 MRSA §315, as enacted by PL 1975, c. 307, §2, is amended to read:

§315. Seasonal licenses

Notwithstanding section 314, the ~~Chief-of-the-State Police~~ municipal officers may issue seasonal licenses to operate "Beano" or "Bingo" games in bona fide resort hotels, provided they are operated and conducted therein by the management without profit and solely for the entertainment of guests of the hotel registered therein, and provided that charges, if any, to the guests for participation in such the entertainment shall be limited to a maximum of \$2 in any 24-hour period. The fee for such the license shall be ~~\$10 and shall be paid to the Treasurer of State to be credited to the General Fund~~ established by the municipal officers. Hotel and liquor licenses of any such resort hotel licensees shall not be withheld because of the conducting of such in the resort hotel of the game of "Beano" or "Bingo."

Sec. 72. 17 MRSA §316, as enacted by PL 1975, c. 307, §2, is amended to read:

§316. Evidence

The ~~Chief-of-the-State-Police~~ municipal officers may require such ~~he~~ they evidence as ~~he~~ they may deem necessary to satisfy ~~him~~ them that an applicant organization conforms to the restrictions and other provisions of this chapter. Charters, organizational papers, bylaws or other such written orders of founding which outline or otherwise explain the purpose for which organizations were founded shall, upon request, be forwarded to the ~~Chief-of-the-State-Police~~ municipal officers or their designee.

Sec. 73. 17 MRSA §317, first ¶, as enacted by PL 1975, c. 307, §2, is amended to read:

The ~~Chief-of-the-State-Police-~~ municipal officers shall have the power to make and adopt rules and regulations, not inconsistent with law, which ~~he~~ they may deem necessary for the administration and enforcement of this chapter and for the licensing, conduct and operation of the amusement commonly known as "Beano" or "Bingo." ~~He~~ They shall have the power and authority to regulate, supervise and exercise general control over the operation of ~~such~~ the amusement, including, but not limited to, the payment of prizes and the use of equipment. ~~He~~ They shall have the power and authority to investigate as to the direct or indirect ownership or control of any licenses and to revoke or suspend any license for just cause after hearing. In establishing ~~such-~~ the rules and regulations, ~~he~~ they shall, in addition to the standards set forth in other provisions of this chapter, be guided by the following standards setting forth conduct, conditions and activity deemed undesirable:

Sec. 74. 17 MRSA §318, as enacted by PL 1975,
c. 307, §2, is repealed.

Sec. 75. 17 MRSA §320, as enacted by PL 1975,
c. 307, §2, is amended by inserting at the end
← 2 new sentences to read:
No single prize awarded may be in excess of \$200
in value. No more than \$1,000 may be awarded during any
one occasion.

Sec. 76. 17 MRSA §322, as enacted by PL 1975,
c. 307, §2, is amended to read:
§322. Reports

~~The Chief-of-the-State-Police~~ municipal officers
shall require from any organization licensed to oper-
ate "Beano" or "Bingo" whatever reports ~~he deems~~
they deem necessary for the purpose of the adminis-
tration and enforcement of this chapter.

Sec. 77. 17 MRSA §323, first ¶, as enacted by
PL 1975, c. 307, §2, is amended to read:

Any organization making application to the ~~Chief
of-the-State-Police~~ municipal officers to conduct or
operate "Beano" or "Bingo," or any organization licensed
under this chapter to operate "Beano" or "~~Bingo~~,"
"Bingo," shall permit inspection of any equipment,
prizes, records or items and materials used or to be
used in the conduct or operation of "Beano" or "Bingo"
by the ~~Chief-of-the-State-Police~~ municipal officers or
~~his~~ their authorized representative.

Sec. 78. 17 MRSA §324, sub-§3, as enacted by PL 1975,
c. 307, §2, is amended to read:

3. Lucky seven. Lucky seven or similar sealed
tickets may be sold when ~~said~~ the game of chance is
licensed by the ~~Chief-of-the-State-Police~~ municipal
officers and when a valid license certificate is properly
displayed.

Sec. 79. 17 MRSA §325, as enacted by PL 1975,
c. 307, §2, is amended to read:

§325. Penalties

Any person, firm, association or corporation holding or conducting or aiding or abetting in the holding or conducting of ~~such~~ the amusement within the State without a license therefor duly issued by the ~~Chief-of-the State-Police~~ municipal officers, or any person, firm, association or corporation who violates any of the provisions of this chapter or any of the rules or regulations of the ~~Chief-of-the-State-Police~~ municipal officers prescribed by authority of ~~said~~ the chapter, shall be punished by a fine of not more than \$1,000.

Sec. 80. 17 MRSA §330, sub-§3, as repealed and replaced by PL 1977, c. 350, §1, is amended to read:

3. Licensee. "Licensee" ~~shall-mean~~ means a firm, corporation, association or organization licensed by the ~~Chief-of-the-State-Police~~ municipal officers to operate a game of chance.

Sec. 81. 17 MRSA §330, sub-§3-B is enacted to read:

3-B. Municipal officers. "Municipal officers" means the mayor and aldermen or councillors of a city, the selectmen or councillors of a town and the assessors of a plantation, in which the game of chance is to be conducted.

Sec. 82. 17 MRSA §331, sub-§1, as amended by PL 1975, c. 740, §5, is further amended to read:

1. License required. No person, firm, corporation, association or organization ~~shall~~ ^{may} hold, conduct or operate a game of chance within the State unless a license therefor is obtained for the ~~Chief-of-the-State-Police~~ municipal officers of the town or city in which the game

of chance is to be conducted, or the game of chance constitutes "social gambling" as that term is defined by Title 17-A, section 952, subsection 8.

Sec. 83. 17 MRSA §331, sub-§2-A, as enacted by PL 1979, c. 736, §1, is amended to read:

2-A. Games of chance at agricultural fairs. The ~~Chief-of-the-State-Police-~~ municipal officers may issue a license to hold, conduct or operate the game of chance commonly known as "penny falls" or "quarter falls" at any agricultural fair.

Sec. 84. 17 MRSA §332, sub-§1, as enacted by PL 1977, c. 350, §4, is amended to read:

§332. Issuance of license

1. Organizations eligible. Notwithstanding other provisions of law, the ~~Chief-of-the-State-Police~~ municipal officers may issue a license to operate a game of chance to an agricultural society eligible for the state stipend under Title 7, section 62, or to a bona fide nonprofit charitable, educational, political, civic, recreational, fraternal, patriotic or religious organization, or to a volunteer fire department, any of which shall have been founded, chartered or organized in this State prior to its application for a license.

Sec. 85. 17 MRSA §333, as enacted by PL 1973, c. 735, §3, is amended to read:

§333. Application

An application to operate or conduct a game of chance shall be on forms provided by the ~~Chief-of-the-State-Police~~ municipal officers in the town or city in which the game of chance is to be conducted. Such The application shall be signed by a duly authorized officer of the organization. It shall contain the full name and address of the organization, a full

Sec. 87. 17 MRSA §336, sub-§2, as enacted
by PL 1977, c. 350, §6, is amended to read:

2. Disposition of funds reports. Within 6 days after the last day of any period during which a licensed game of chance is conducted, the licensee shall file with the ~~Chief-of-the-State-Police~~ municipal officers a disposition of funds form prescribed and furnished by the ~~Chief-of-the-State-Police~~ municipal officers, detailing for the period the total receipts and expenditures of the game and the disposition of funds. Every statement shall be made under oath by an officer of the licensee or by the member in charge of the conduct of the game.

Sec. 88. 17 MRSA §336, sub-§4, 2nd sentence, as
enacted by PL 1977, c. 350, §6, is amended to read:
All these records shall be open to inspection by the ~~Chief-of-the-State-Police~~ municipal officers or ~~his~~ may
their representative and no licensee ~~shall~~/^{may} refuse the ~~Chief-of-the-State-Police~~ municipal officers or ~~his~~
their representative the right to inspect or audit the records.

Sec. 89. 17 MRSA §339, sub-§1, as repealed and re-
placed by PL 1977, c. 350, §11, is repealed and the following enacted in its place:

1. Issuance of license; fees. The fee and time period for a license issued to an organization to operate a game of chance shall be established by the municipal officers of the town or city in which the game of chance is to be conducted.

Sec. 90. 17 MRSA §339, sub-§2, as repealed and
replaced by PL 1977, c. 350, §11, is repealed.

Sec. 91. 17 MRSA §339, sub-§3, as repealed and
replaced by PL 1977, c. 350, §11, is amended to read:

3. Games of cards. The fee for a license issued to an organization to operate a game of cards, when the organization charges no more than \$1 daily entry fee for participation in the games of cards and when no money or valuable thing other than the \$1 daily entry fee is gambled by any person in connection with the game of cards, shall be ~~\$5-for-each-calendar-year-or-portion thereof~~ established by the municipal officers.

Sec. 92. 17 MRSA §339, sub-§6, as repealed and replaced by PL 1977, c. 350, §11, is repealed.

Sec. 93. 17 MRSA §342, as amended by PL 1975, ^{further} c. 410, §3, is/amended to read:

§342. Reports

The Chief of the State Police shall require from any licensed printer or distributor, ~~or from any or-
ganization authorized to operate a game of chance,~~ whatever reports he deems necessary for the purpose of the administration and enforcement of this chapter.

Sec. 94. 17 MRSA §342-A is enacted to read:

§342-A. Reports from organizations authorized to operate
a game of chance

The municipal officers shall require from any or-
ganization authorized to operate a game of chance what-
ever reports they deem necessary for the purpose of
the administration and enforcement of this chapter.

Sec. 95. 17 MRSA §343, first ¶, as repealed and replaced by PL 1975, c. 410, §4, is amended to read:

The ~~Chief-of-the-State-Police~~ municipal officers shall have the power to make and adopt rules and regulations, not inconsistent with law, which ~~he~~ they may deem necessary for the administration and enforcement of this chapter and for the licensing, conduct and operation of games of chance. ~~He~~ They shall have the power and authority to regulate,

supervise and exercise general control over the operation of ~~such~~ ^{these} games, to investigate as to the direct or indirect ownership or control of any organization conducting a game of chance, and to revoke or suspend any license for just cause after hearing. In establishing ~~such~~ the rules and regulations, ~~he~~ they shall, in addition to the standards set forth in other provisions of this chapter, be guided by the following standards setting forth conduct, conditions and activity deemed undesirable.

Sec. 96. 17 MRSA §343, sub-§4, as repealed and replaced by PL 1975, c. 410, §4, is amended to read:

4. Organized crime. Infiltration of organized crime into the operation of games of chance, ~~or into the printing or distributing of gambling materials;~~

Sec. 97. 17 MRSA §343-A is enacted to read:

§343-A. Rules; printers and distributors

The Chief of the State Police may ————— →
← make and adopt all rules and regulations, as they affect printers and distributors of gambling materials, which he may deem necessary for the administration and enforcement of this chapter.

Sec. 98. 17 MRSA §344, as enacted by PL 1973, c. 735, §3, is repealed and the following enacted in its place:

§344. Fees

All fees collected by the Chief of the State Police under this chapter shall be credited to the General Fund.

Sec. 99. 17 MRSA §345, first ¶, as amended by PL 1975, c. 410, §5, is further amended to read:

Any person, firm, corporation, association or organization making application to the ~~Chief of the~~

~~State-Police municipal officers~~ to conduct or operate a game of chance or any such person, firm, corporation, association or organization authorized under this chapter to operate or conduct a game of chance, shall permit inspection of any equipment, prizes, records, or items and materials used or to be used in the conduct or operation of a game of chance by the ~~Chief-of-the State-Police municipal officers~~ or his ~~their~~ authorized representative.

Sec. 100. 17-A MRSA §506-A, ^{sub-§1,} ~~as~~ enacted by PL 1975, c. 740, §67, is amended to read:

1. A person is guilty of harassment if, without reasonable cause, he engages in any course of conduct with the intent to harass, torment or threaten another person, after having been forbidden to do so by any sheriff, deputy sheriff, constable, police officer or ~~justice-of-the-peace~~ notary public.

Sec. 101. 19 MRSA §63, last sentence is repealed.

Sec. 102. 19 MRSA §121, as last amended by PL 1979, c. 229 is repealed, and the following enacted in its place:

§121. Authorization; license

Every notary public residing in this State may solemnize marriages in this State. / Every ordained minister of the gospel, clergyman engaged in the service of the religious body to which he belongs or person licensed to preach by an association of ministers, religious seminary or ecclesiastical body, whether a resident or nonresident of this State, and of either sex, may solemnize marriages. A copy of the record of any marriage solemnized under the provisions of this section, duly made and kept, and attested or sworn to by the clerk of the town in which the marriage intention was

in
recorded or/which the marriage was solemnized, shall be
received in all courts as evidence of the fact of
marriage. If any person violates this ----->
section, he shall be punished by a fine of not more
than \$100 for each offense, for the use of the town
in which the offense occurred, and the State Registrar
of Vital Statistics shall enforce this section as far
as it comes within his power and shall notify the
district attorney of the county in which the penalty
should be enforced of the facts that have come to his
knowledge, and, upon receipt of the notice, the district
attorney shall prosecute the defaulting person or
persons.

Sec. 103. 19 MRSA §122 is amended to read:

§122. Lack of jurisdiction or authority

No marriage, solemnized before any known inhabitant of the State professing to be a ~~justice-of-the-peace~~ notary public or an ordained or licensed minister of the gospel ~~duly appointed and commissioned~~, is void, nor is its validity affected by any want of jurisdiction or authority in the ~~justice~~ notary or minister or by any omission or informality in entering the intention of marriage, if the marriage is in other respects lawful and consummated with a full belief, on the part of either of the persons married, that they are lawfully married.

Sec. 104. 19 MRSA §532, sub-§5, first sentence,
as amended by PL 1979, c. 733, §9, is further amended
to read:

Consent may be acknowledged before a ~~justice-of-the-peace-or~~ notary public, who is not an attorney nor a partner, associate nor an employee of an attorney for the adopting parents, if consent is given by:

Sec. 105. 19 MRSA §532-C, 3rd ¶, as enacted by PL 1973, c. 791, §2, is amended to read:

If the judge finds that the putative father has waived his right to notice in a document acknowledged before a ~~justice-of-the-peace,~~ notary public or a judge of probate, which document must indicate that the putative father understands the consequences of the waiver of notice, the judge shall rule that only the mother of the illegitimate child must consent to the adoption of the child or execute a surrender and release for the purpose of adoption of the child. The notary public ~~or-justice-of-the-peace~~ may not be an attorney representing either the mother or the possible transferee.

Sec. 106. 21 MRSA §102-A, sub-§1, ¶¶I and J, as repealed and replaced by PL 1975, c. 761, §9, are amended to read:

I. Certification that all information is correct, sworn before a notary public ~~or-a-justice-of-the-peace,-and~~

J. Date of registration ; and

Sec. 107. 21 MRSA §104, as enacted by PL 1977, c. 339, is amended to read:

§104. Applications before notaries public

A ~~justice-of-the-peace,~~ notary public or other authorized person before whom a person completes an application for registration to vote, as provided in section 102-A, shall deliver the application to the registrar before the closed period for the acceptance of registrations in the person's municipality, to be placed on the voting list prior to the next election.

Sec. 108. 21 MRSA §445, sub-§7, ¶A, as repealed and replaced by PL 1977, c. 425, §1, is amended to read:

A. The circulator of a primary petition shall verify

by oath or affirmation before a ~~Notary-Public,~~
~~Justice-of-the-Peace~~ notary public or other
person authorized by law to administer oaths or
affirmations that all of the signatures to the
petitions were made in his presence and that to
the best of his knowledge and belief each signature
is the signature of the person whose name it pur-
ports to be and each ~~such~~ person is enrolled in the
party named in the petition and is a resident of
the electoral district named in the petition.

Sec. 109. 21 MRSA §494, sub-§7, ¶A, as enacted by
PL 1977, c. 425, §2, is amended to read:

A. The circulator of a nomination petition shall
verify by oath or affirmation before a ~~Notary~~
~~Public,-Justice-of-the-Peace~~ notary public or
other person authorized by law to administer oaths
that all of the signatures to the petition were
made in his presence and that to the best of his
knowledge and belief each signature is the
signature of the person whose name it purports to
be and each person is a resident of the electoral
district named in the petition.

Sec. 110. 21 MRSA §1254, sub-§1, first sentence
is amended to read:

When an absentee voter is within the State, he must
mark his ballot in the presence of one of the following
officials: ~~Justice-of-the-peace,-notary-~~ Notary
public, clerk or deputy clerk of a municipality, dedimus
justice or clerk of courts.

Sec. 111. 22 MRSA §2802, 5th sentence is amended
to read:

The person who solemnized the marriage shall add the
title of the office by virtue of which marriage was
solemnized, and his residence ~~and-the-date-of-his-commission.~~

Sec. 112. 23 MRSA §55, as amended by PL 1971,
c. 593, §22, is repealed.

Sec. 113. 23 MRSA §251, as amended by PL 1971,
c. 593, §22, is repealed.

Sec. 114. 23 MRSA §252, as amended by PL 1975,
c. 771, §249, is repealed.

Sec. 115. 23 MRSA §253, as amended by PL 1971,
←c. 593, §22, is repealed.

Sec. 116. 23 MRSA §254, as amended by PL 1971,
c. 593, §22, is repealed.

Sec. 117. 23 MRSA §337, sub-§1, as enacted by PL 1977,
c. 658, §2, is amended to read:

1. Maintenance and operation of the Maine
Turnpike. Maintenance, state enforcement of traffic
laws and operation of the Maine Turnpike, including
any administrative costs specially incurred by the De-
partment of Transportation or any other state agency in
connection with the operation of the Maine Turnpike and
its toll facilities;

Sec. 118. 23 MRSA §703, sub-§2, first sentence, as
last amended by PL 1977, c. 688, §2, is further amended
to read:

The cost of construction or reconstruction shall be paid
50% from the General Highway Fund, subject to available
funds, 25% from the municipality and county if the road is
located in whole or in part in unorganized township or
townships, and 25% from the owner or owners of the ski
area involved or the owner or owners of the industrial
development area involved.

Sec. 119. 23 MRSA §953 is repealed.

Sec. 120. 23 MRSA c. 211 is repealed.

Sec. 121. 23 MRSA c. 213, as amended, is repealed.

Sec. 122. 23 MRSA §2902, 2nd sentence, as repealed and replaced by PL 1971, c. 593, §12, is amended to read: The Department of Transportation may refuse its permission or grant permission on such ~~()~~ terms and conditions as it may prescribe, and the need, if any, for installation, maintenance and operation of signals, gates or other protective measures and may determine whether the expense of building and maintaining so much of ~~said~~ the way as is within the limits of ~~such-the~~ railroad corporation shall be borne by such the corporation ~~or-by-the-municipality-in-which-such-way-is-located~~ or by the State, or the Department of Transportation may apportion such the expense between the railroad corporation and the ~~municipality-or~~ State.

Sec. 123. 23 MRSA §2902, 4th sentence, as repealed and replaced by PL 1971, c. 593, §12, is amended to read: The expense of installing protective devices at crossings ~~on-state-and-state-aid-highways~~ shall be apportioned between such railroad corporation and the State as the Department of Transportation shall ~~()~~ determine.

Sec. 124. 23 MRSA §2902, 5th sentence, as repealed and replaced by PL 1971, c. 593, §12, is repealed as follows: ~~The-expense-of-installing-protective-devices-at-crossings-on-town-ways-shall-be-apportioned-between-the-railroad-corporation-and-the-municipality-as-the-Department-of-Transportation-shall-determine-~~

Sec. 125. 23 MRSA §§2905 - 2928 are enacted to read: §2905. Crossing of public ways

Railroads may cross any public highways in the line of the railroad, but may not pass along ^{public highways} without the written consent of the officials charged by statute with

the duty of maintenance of these ways; but when a rail-
road is hereafter laid out across a public way, it
shall be constructed so as to pass either over or under
the way unless the Department of Transportation,
after notice and hearing, authorizes a crossing at
grade. Before entering upon the construction of any
railroad along or across public ways, the manner and
conditions of crossings shall be determined as provided
by section 2902.

§2906. Ways raised or lowered; course altered

Highways and other ways may be raised or lowered,
or the course of the ^{highways} / may be altered, to facilitate
a crossing or to permit a railroad to pass over or
under the ^{highway} / or at the side of it, on application
to the Department of Transportation, and proceedings
as provided by section 2902, and for such purposes land
may be taken and damages awarded as provided for laying
out highways and other ways. The Department of Trans-
portation may prescribe the manner in which the work
shall be done by the corporation. While the use of any
way is thereby obstructed, a temporary way shall be
provided by the corporation.

§2907. Discontinuance of railroad crossings

Any railroad corporation or the municipal officers
of a city or town in which a public way crosses or is
crossed by a railroad, whether at grade or otherwise,
may file a petition in writing with the Department of
Transportation alleging that the crossing is no longer
required by the public and praying that it may be closed
or discontinued. The Department <-----> shall,
^{receipt of such a petition,} ^{petition,}
upon / appoint a time for hearing on the / after notice
of not less than 10 days to the petitioners, the rail-
road corporation owning or operating the railroad and
the city or town in which the crossing is located.

After the notice and hearing, if the Department
finds that the crossing is no
longer required by the public, it may order that
the crossing
be closed or discontinued. The Department
may close or discontinue railroad
crossings, after notice of not less than 10 days to the
railroad and municipality, or after hearing if re-
quested within the 10 days either by the railroad or
the municipality.

§2908. Damages for neglect

When the corporation unnecessarily neglects to
perform the acts so required, those injured may re-
cover damages in a civil action, commenced within one
year after performance is required.

§2909. Bridges over canals or railroads; repairs;
proceedings where unsafe conditions

A railroad may be carried over or under a canal or
railroad in such manner as not unnecessarily to impede
the travel or transportation on them. The corporation
making the crossing is liable for damages, occasioned by
making the crossing,
in a civil action. Bridges and their abut-
ments, constructed for a crossing of any way, shall be
kept in repair by the corporation, or by persons or
parties running trains on any railroad crossing a
highway or town way. The municipal officers of any
city or town may give notice in writing to persons,
parties or corporations that a bridge required at the
crossing has not been erected, or is out of repair and
not safe and convenient, within the requirements of
section 3651, or that the crossing of any highway or
town way passing the railroad at grade, within their
respective cities or towns, is not made or maintained
safe and convenient as required by this section. Those

<— persons, parties or corporations shall erect or repair the bridge or make the crossing safe and convenient within 10 days from the service of the notice. If they neglect to do so, any one of the municipal officers may apply to the Superior Court to compel the delinquents to erect or repair the bridge or make the crossing. After hearing, the court may make any order on the /which the public convenience and safety require, and may by injunctions compel the respondents to comply with the / order. The officers may, after 10 days from the service of the notice, cause necessary repairs to be made and the expense of the / repairs shall be paid by the persons, parties or corporations whose duty it is to keep the crossing safe and convenient.

§2910. Temporary crossings

A railroad company may, for the purpose of accommodating lumbering operations and for the transportation in ordinary vehicles of wood, coal, ice, hay or other commodities, establish and maintain temporary crossings of any railroad operated by it, by agreement with any person who may request the crossing for its purposes. Upon petition, the Department of Transportation, after notice and hearing, may direct any railroad company to establish and maintain the temporary crossings at such places on its line of road as the Department —————> deems expedient, and after that the railroad company shall establish the crossings and maintain them in accordance with this section and sections 2911 to 2913.

Whenever, in the opinion of the Department,
<————— any temporary railroad crossing established under this section is no longer necessary, the Department <————— may, on its own motion or

on petition of any interested party, after notice and hearing, order the crossing discontinued.

§2911. Crossing signs on each side of track; whistle and bell

At every temporary crossing, established in accordance with section 2910, boards with the words "Temporary railroad crossing, stop, look, listen" distinctly painted←————→on each side, in letters plainly legible, shall be placed on each side line of the railroad right-of-way at the crossing, on a post or other structure, in such position as to be easily seen by persons about to cross the railroad at those places. For any such crossing so established, engine bells shall be rung and engine whistles sounded, as provided in section 2914.

§2912. Precautions at crossings

No team or vehicle may be driven over any crossing unless the team or vehicle is first←————→stopped within a reasonable distance from the nearest rail of the crossing, and the operator, by looking and listening, ←————→determines that nothing is approaching on the tracks of the railroad. Nothing in this section may prevent the Department of Transportation from making such further regulations for safety at any^{such}crossing established under its direction as it←————→deems expedient or necessary.

§2913. Crossings kept open part of year; expense apportioned

Each←————→crossing shall be kept open only during such time each year as the parties interested in the crossing may agree upon, or as the Department of Transportation may specify in cases where the Department————→directs the crossings to be established. When the

Department \leftarrow \rightarrow directs any ^{such} temporary
crossing to be established, it shall determine who shall
bear the expense of establishing and maintaining the
crossing and it may, if it sees fit, apportion the ex-
penditure between the railroad company and the person or
persons who \leftarrow \rightarrow have petitioned for the crossing.
The expense of the crossing signs and the planking
between the rails shall in any event be borne by the
railroad company.

§2914. Signboards at grade crossings; ringing of
engine bells

Every railroad corporation shall cause signboards
with the words "Railroad Crossing" distinctly painted
on each side of the ^{signboards,} / or as a minimum on one side if
signboards are placed facing on-coming traffic in
each direction, in letters plainly legible, to be
placed and constantly maintained at the side of high-
ways and town ways where they are crossed at grade
by those railroads, on posts or other structures, in
such position as to be easily seen by persons passing
upon those ways. Every corporation shall cause a
whistle and a bell of at least 35 pounds in weight to
be placed upon each locomotive used upon its railroad,
and the whistles shall be sounded as a warning beginning
at a distance of 990 feet, on standard or narrow gauge
railroads, from all crossings of those ways on the
same level, unless the Department of Transportation,
upon petition of the corporation or of the municipal
officers or of 10 or more residents of any city or town
in which the crossing is located, after notice and hearing,
shall order the sounding of the whistle to be discon-
tinued in any city or village until further order of the
Department. \leftarrow \rightarrow The bell shall be rung at
a distance of 990 feet, on standard or narrow gauge

railroads, from grade crossings and be kept ringing
until the engine has passed the ^{crossings.} Upon petition
of 10 or more residents of the State, after notice
to the railroad corporation and a public hearing, the
Department~~_____~~, may in writing order
the corporation to give additional warning to travelers
upon those ways by requiring the sounding of the
whistles or the ringing of the bells at other places
where the railroads cross the public ways other than
at grade or run contiguous to the ^{ways,} and the orders shall
have the same force and place the same obligations upon
railroad corporations as when required under this
section.

The Commissioner of Transportation may temporarily
erect experimental signs at certain grade crossings
in lieu of the signboards with the words "Railroad
Crossing" ~~_____~~ as required in this section, for the
purpose of conducting research for the development
of improved signs. The erection of experimental signs
by the Department~~_____~~ at a particular
crossing shall relieve the railroad company using that
crossing from any liability in damages, which might
otherwise arise against that company by the temporary
removal or temporary obliteration of the railroad com-
pany signboard required by this section. The erection
and removal of the temporary signs shall be at the
expense of the Department~~_____~~ and the
removal and reinstallation of signboards with the
words "Railroad Crossing" ~~_____~~ shall also be at the
expense of the Department.

Nothing in this section may prevent the Depart-
ment~~_____~~ from making such further
regulations for safety at any crossing, including a

private, temporary, farm or industrial crossing, as it
← deems expedient or necessary.

§2915. Failure to comply; damages

For unnecessarily neglecting to comply with any
provision of section 2914, the corporation forfeits not
more than \$500. The corporation is liable for damages
for its neglect to comply with these provisions, or
for the neglect of any agent or for the mismanagement
of an engine, to be recovered in a civil action by the
person damaged by the neglect.

§2916. Right of entry

The officers, agents and employees of the Department
of Transportation ← → have the right to enter in and
upon property of any railroad corporation for the pur-
pose of inspecting railroad-highway crossings and
attendant facilities, including grade separation facilities.

§2917. Plant railroad defined

Sections 1251, 1254, 2902, 2905, 2906, 2914 and
section 4217, subsections 2 and 3, so far as appli-
cable, ← → apply to plant railroads. The term
"plant railroad" shall be construed to mean a rail-
road of the owners of any mills, mines, quarries,
gravel pits, log landings or yards, warehouses, store-
houses, stock yards, bulk storage yards, airports,
piers, docks, shipyards, educational institutions,
power plants, gas works, petroleum tank farms or bulk
stations, or other manufacturing, processing or mer-
cantile establishments, and including state and federal
institutions and developments, erected or in process
of erection, which the railroad is located on land
provided or acquired for the purpose by the owners,
← → and whether operated by the owners, or by state
or federal government or an agency thereof, or through
connection with a public railroad under operating con-

tract with it and by operation of its equipment
over the plant railroad.

§2918. Bridges erected by municipalities maintained

Bridges erected by any municipality, over which
any railroad passes, shall be constructed and main-
tained in such manner and condition as to safety as
the Department of Transportation may determine. The
Department <-----> may require the officers
of the railroad company and of the municipality to
attend a hearing in the matter, after such notice
of the hearing to all parties in interest as the De-
partment <-----> deems proper. The
Department <-----> shall determine at the
hearing the repairs, renewals or strengthening of
parts, or if necessary the manner of rebuilding
the bridge required to make the ^{bridge} safe for the
uses to which it is put. The ^{department} shall determine who shall
bear the expenses of the repairs, renewals, strength-
ening or rebuilding, or it may apportion the ex-
pense between the railroad company and the city or town,
as the case may be, in such manner as <-----> deemed
by the Department to be <-----> just and fair and
shall make its report.

§2919. Report of decisions and copies to parties
interested

The department shall make a report in writing of
its <--> decision in all matters named in section 2918,
file the report in the ^{department's} office, and cause a copy of
the decision to be sent by mail to each of the rail-
road corporations and to the municipal officers of the
cities or towns, as the case may be, interested in the
report.

§2920. Speed limit at highway grade crossings

The Department _____ is authorized
to fix a maximum speed limit at which trains may be
run over any grade crossing of a highway or other
way and, when the limit has been fixed by the De-
partment, _____ no engine or train may
be run over the crossings at a greater speed than
that fixed by the Department _____ and no
way may be unreasonably and negligently obstructed
by engines, tenders or cars. Any railroad corporation
forfeits not more than \$100 for every violation of
this section.

§2921. Automatic signals; expense; definition

The Department _____ may _____
_____ require each steam railroad company operating within
this State to install, operate and maintain an automatic
signal, gates or other protective device or to require
a flagman to be stationed at any highway crossing within
this State where, after reasonable notice and hearing,
the department _____ decides that public safety requires
such signal, gates or other protective device or flag-
man as a proper measure of protection. The expense of
installing, operating and maintaining any signal, gates
or other protective device or of providing the flagman
shall be borne by the corporation operating the railroad
passing over the crossing to be protected, except that
at crossings located on state and state aid highways the
expense of installing the signal, gates or other pro-
ductive device shall be apportioned between the corpor-
ation and the State in such proportions as the department
_____ determines. Wherever the term "signal" or "auto-
matic signal" is used in this chapter, it _____ shall be
construed to be an appliance which gives warning of the
approach of a train and which is either audible and
visible by day and by night, or audible or visible as

may be determined by the department. This section shall not apply to railroads of less than standard gauge, nor to the Knox Railroad Company, formerly called Georges Valley Railroad Company.

§ 2922. Crossings designated

The Department of Transportation shall designate by general orders, which may be issued without formal notice or hearing, the grade crossings in this State at which, from all points on the highway or other way within 300 feet of these crossings, and on either side of the ^{crossings,} / measured along the highway or way, a traveler on the way carrying the crossing can have a fair view of an approaching train, engine or car continuously from the time the train, engine or car is 300 feet from the crossing, until it has passed over the ^{crossing,} / either under existing conditions or by bushes, trees, fences, signboards or encroachments being trimmed, cut down or removed.

§2923. Obstructions ordered removed; notice

At every crossing of a highway or other way, except state and state aid highways and a railroad at grade, the municipal officers of the town or unorganized place in which the crossing is located are authorized and required on order of the Department of Transportation to remove embankments and other obstructions within highway limits and to enter upon private property and properly trim, cut down, remove or apply chemical treatment to bushes, and from time to time as may be necessary to cut down and remove trees, fences, signboards and encroachments which obstruct the view of an engine, train or car by a traveler at or near any such crossing. The ~~D~~epartment shall —————→ cause the same to be done on state and state aid highways. The authority of the department in any order to the municipal officers shall not extend beyond the land bounded on a line from a point 300 feet on either side of any such crossing, measured along the highway or other way, and a point 300 feet on either side of any such crossing measured along the railroad right-of-way, for the purpose of enabling —————→ a traveler on any such way, when the traveler is 300 feet or less distant from any such crossing, to

have a fair view of an approaching train, engine or car from one or more angles continuously from the time the train, engine or car is 300 feet from the crossing until it has passed over the crossing.
the / Entry on private property for the purposes stated shall be only after a 10 days' notice, mailed to the last known address of the property owner, and posting of / the notice in a conspicuous place in the municipality.

§2924. Expense of removal paid by municipality; partial state reimbursement

of Transportation
Within such time as the / department / by order directs, the municipal officers or county commissioners shall cause the bushes to be cut down and removed, or chemically treated, and shall cause the trees, fences, signboards or other encroachments to be trimmed, cut down or removed and from time to time, as may be ordered by the department, to keep them ←→ trimmed, cut down or removed, and the expense ←→ shall in the first instance be paid by the municipality where the labor is performed, but, upon the filing with the / department ←→ of proper proof of the payment, 1/2 of any such amount shall be repaid by the State to the municipality, the payment shall be paid from the appropriation for the operation of the / department.

Any expense incurred by the / department ←→ in applying chemical treatment, or to properly trim, cut down or remove and from time to time, as may be necessary, to keep trimmed, cut down and removed, bushes, trees and signboards, shall be borne by the / department.

§2925. Damages; municipality and State to share

If any person claims damages on account of any act done under sections 2923 and 2924, he may, within 2 years after the doing of any such act, petition the Department of Transportation to assess his damages and the department, after reasonable notice to the petitioner and to the interested municipality and, after hearing, shall award such sum as seems proper as damages to be paid by the municipality where ←→ the property is located. Upon proper proof of any such payment, the Governor shall cause 1/2 of the / payment to be paid by the State to the municipality.

§2926. Buildings not removed without owner's consent

Nothing contained in sections 2922 to 2925 authorizes the removal of any building without the consent of the owner.

§2927. Applicability to all railroad

Except where otherwise expressly specified, sections 2921 to 2926 and section 2928~~—————~~ apply to all railroads operated by steam, electric, diesel-electric, diesel-motor, gasoline-electric or gasoline-motor power and engaged in the transportation of freight or passengers in standard railroad freight or passenger cars.

§2928. Railroad company may enter private property

For the purpose of creating and maintaining the fair view mentioned in sections 2921 to 2927 or for the purpose of improving the view at one or more angles, any steam railroad company subject to this chapter may enter upon private property and remove any embankment or other obstruction except a dwelling house. The owner of the property is entitled to damages, and may have the ^{damages} / ^a estimated and paid in / manner provided in Title 35, chapter 51, and there is~~—————~~ the same right of appeal as given in that chapter.

Sec. 23 M RSA §2955, as amended by PL 1971, c. 593, §22, is repealed.

Sec. 23 M RSA §3051, as amended by PL 1971, c. 593, §22, is repealed.

Sec. 23 M RSA §3053, as amended by PL 1971, c. 593, §22, is repealed.

Sec. 23 M RSA §3411, 2nd ¶, as repealed and replaced by PL 1971, c. 593, §13, is repealed and the following enacted in its place:

Appeal from any decision, order or award of the department may be had as provided in section 3413. The Department of Transportation shall apportion the nonfederal expenses pertaining thereto and related damages on state, state aid and town ways as follows: 50% to the Department of Transportation and 50% to the railroad corporation. As to any elimination or alteration made under this

section, the Department of Transportation may determine what work fairly and properly should be regarded as highway construction.

Sec. 23 MRSA §3411, 3rd ¶, as enacted by PL 1977, c. 112, §2, is amended to read:

Notwithstanding the preceding paragraph, the nonfederal cost of reconstruction of railroad grade separation structures carrying the highway over the railroad, including the alterations to the approaches to said structure, ~~on nonfederal-aid-state-aid-highways~~ shall be apportioned as follows: ~~70%~~ 90% to the Department of Transportation, and ~~10%~~ to the railroad corporation ~~and 20% to the municipality or the county having jurisdiction of the roads in any unorganized township in which said structure is located~~, provided that the Department of Transportation may vary the aforesaid percentages of cost as it may deem proper after due consideration of the relative benefits to be derived from such reconstruction.

Sec. 23 MRSA §3411, 4th ¶, as repealed and replaced by PL 1971, c. 593, §13, is amended to read:

The Department of Transportation may make such order relative to the maintenance of crossings at grade or otherwise as it may deem necessary, and may determine whether such expense shall be borne by such railroad corporation, ~~by the municipality in which any such crossing is located~~ or by ~~the State by or through~~ the Department of Transportation; or the Department of Transportation may apportion such expense equitably between such railroad corporation, ~~such municipality~~ and the ~~State by or through the~~ Department of Transportation.

Sec. 23 MRSA §3411, 5th ¶, first sentence, as repealed and replaced by PL 1971, c. 593, §13, is amended to read:

While the use of any way is obstructed in carrying out the foregoing provisions of this section, such temporary way shall be provided as the ~~commission~~ department may order.

Sec. 23, 23 MRSA §3414, as last amended by PL 1977, c. 380, Part B, §6, is repealed.

Sec. 23 MRSA §4205, sub-§§ 1-5, as repealed and replaced by PL 1975, c. 771, §257, are repealed.

Sec. 23 MRSA c. 412 is enacted to read:

CHAPTER 412

WATERBORNE TRANSPORTATION

SUBCHAPTER I

FERRIES

§4401. Definitions

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

1. Capital expenditure. "Capital expenditure" means a Maine State Ferry Service expenditure, including a force account expenditure, which under generally accepted accounting principles is not properly chargeable as an expense of operation and maintenance. For the purposes of this subchapter, capital expenditures shall include debt service or an expenditure to lease property or equipment.

2. Ferry route. "Ferry route" means ferry service provided between 2 locations.

3. Operating expenditure. "Operating expenditure" means any State Maine/Ferry Service expenditure which is not a capital or a repair expenditure and shall include administrative costs.

4. Repair expenditure. "Repair expenditure" means an expenditure for repair of Maine State Ferry Service equipment or property acquired as a result of a capital expenditure.

§4402. Ferry service for North Haven, Vinalhaven, Islesboro, Matinicus Isle, <—> Swan's Island and Frenchboro

It is <—> the duty of the Department of Transportation to operate a ferry route or routes between the mainland and the towns of North Haven, Vinalhaven, Islesboro, Matinicus Isle and Swan's Island for the purpose of transporting vehicles, freight and passengers to and from these towns, and the Department <—> may operate the ferry route or routes to and

from Frenchboro. Ferry service to Matinicus Isle~~()~~ shall be on a once-a-month basis and may be provided by state-owned or privately-contracted vessels. These ferry routes shall be designated as ^{the} "Maine State Ferry Service."

§4403. Charter service

The Department of Transportation may operate a special charter service to Hurricane Island in Knox County, or to ports added or to be added by legislative enactment. The operation of this charter service shall not interfere nor curtail in any way the schedule of the Maine State Ferry Service to ports named in section 4402, or to ports added or to be added by legislative enactment.

§4404. Ferry service between mainland and islands in Casco Bay

Whenever it is determined by the Public Utilities Commission that ferry transportation for persons and property between the mainland and the islands in Casco Bay located within the limits of the City of Portland and the Town of Cumberland can no longer feasibly be provided by private operators at rates established by the Public Utilities Commission, the Department of Transportation shall take such means as ~~()~~ necessary to provide the service, either through contract with private operators or by acquiring and operating the necessary facilities as provided in this section.

§4405. Funding of the Maine State Ferry Service

1. Capital equipment and repair responsibilities. All capital expenditures and repair expenditures shall be paid from the General Fund.

2. State subsidy for ferry service operating costs. There shall be appropriated from the General Fund to the Maine State Ferry Service an amount equal to 40% of the estimated operating expenditures of the ferry service.

3. Tolls. The Department of Transportation shall, in a manner consistent with the Maine Administrative Procedures Act, establish tolls for the use of the various ferry routes of the Maine State Ferry Service. The tolls for each route shall

be set so that revenues from that route shall amount to 60%
of that route's estimated operating expenditures. The sum of
revenues for all routes shall equal 60% of total ^{estimated} ferry service
operating costs.

4. Municipal subsidy for ferry service operating costs.
Any municipality may raise and appropriate funds to offset tolls
otherwise required under subsection 3. The municipality and
the Department \longleftrightarrow may enter into agreements for
this purpose.

5. Separation of funds. Revenues collected under this
section shall at all times be kept in a separate fund distinct
from all other moneys of the State and shall be used for the
operation of the ferry service.

§4406. Student rates

The Department of Transportation shall grant to the Towns
of North Haven, Vinalhaven, Islesboro, Swan's Island and
Frenchboro free use of the scheduled ferry service during the
period September ^{1st} to June ^{15th} each year for the following groups:

1. School functions. When students and their adult
supervisors use the ferry for transportation as part of a
school function or school sponsored activity. Students are
classified as children attending nursery schools or day care
centers, children attending public or private schools approved
by the State to educate students from grades kindergarten to
grade 12, or any one or several of those grades;

2. Accompanying staff. The superintendent of schools,
principal or staff members accompanying students as a part of a
school function or school sponsored activity; and

3. Inter-school trips.
Trips made by students from the mainland schools for the purpose
of visiting the schools of the towns mentioned in this section.

\longleftrightarrow All vehicles used to transport students, as
the term students is defined in this section, are \longleftrightarrow subject to
applicable tariff charges.

\longleftrightarrow The Department \longleftrightarrow may develop
rules and regulations pertaining to the administration of this
section.

SUBCHAPTER II
FOREIGN TRADE ZONES

§4410. Application for foreign trade zones

The Department of Transportation may, ~~on behalf~~ of the State, make applications to the Foreign Trade Zone Board and establish foreign trade zones that are to be located on state-owned, leased or otherwise controlled property. A municipality or group of municipalities may, with the approval of the Department, make applications to the Foreign Trade Zone Board and establish foreign trade zones at other locations. Foreign trade zones shall be established in or adjacent to any ports of entry in the State, where personal property in transit shall be exempt from the stock-in-trade tax and such other taxes and customs as are normally levied in a port of entry.

§4411. Limitations on development

Any development or activity within a foreign trade zone established in the State is subject to the laws which the Departments of Environmental Protection, Conservation, Marine Resources and Inland Fisheries and Wildlife are responsible for administering, as well as any other law which protects the environment.

§4412. Personal property defined

For the purpose of this subchapter, personal property in transit through the areas established under section 4410 is defined as follows: Goods, wares and merchandise moving in interstate or international commerce through these zones, or which were consigned to a warehouse, public or private, within these zones, whether specified when transportation begins or afterward. This property shall not be deprived of exemption because, while in the warehouse, the property is assembled, bound, joined, processed, disassembled, divided, cut, broken in bulk, relabeled or repackaged. The exemption granted shall be liberally construed to effect the purposes of this subchapter. The warehouse

in which these goods, wares or merchandise are stored shall not be owned, in whole or in part, by either the consignee or consignor. This section does not apply to agricultural products.

SUBCHAPTER III

MAINE PORT AUTHORITY

§4420. Purpose

The Maine Port Authority is constituted a public agency of the State for the general purpose of acquiring, constructing and operating any kind of port terminal facility within the State with all the rights, privileges and power necessary. Oil pipelines and other oil off-loading facilities shall be limited to sites in Portland harbor.

§4421. Directors; appointment; president; vacancy

The Maine Port Authority shall consist of a board of 5 directors, who \leftarrow shall be broadly representative of coastal areas of the State. Four directors shall be appointed by the Governor, each to serve for 4 years; except ^{for} the first term, one director shall be appointed for one year, one for 2 years and one for 3 years. The remaining director shall be the Commissioner of Transportation, who shall serve as chairman of the board of directors and president. The directors shall elect a treasurer and such other officers as the board of directors may from time to time deem necessary. Any vacancy shall be filled for the unexpired term by the Governor.

1. Meetings of directors; compensation. All the powers of the Maine Port Authority may be exercised by the board of directors in lawful meeting and a majority of the directors are \leftarrow necessary for a quorum. Regular meetings of the board of directors may be established by bylaw and no notice need be given to the directors of the regular meeting. Each director shall receive from the Maine Port Authority \$25 \leftarrow each for attendance at an official meeting, except the president of the board shall serve without pay and each director shall be reimbursed for necessary expenses incurred in the discharge of his duties as ^a director.

2. Actions at law or in equity. Actions at law or in equity in the courts of this State or before the Public Utilities Commission or Industrial Accident Commission may be brought by or against the Maine Port Authority as if it were a private corporation, except that its property may not be attached, trusted or sequestered, but, if a judgment recovered against it is not paid within 30 days, its personal property may be seized on execution.

§4422. Agreements

The Maine Port Authority and the Department of Transportation may enter into such agreements as the directors and commissioner deem to be in the best interests of the State for the department to acquire, construct, maintain and operate any or all facilities funded from bonds issued under section 4423. Any agreements shall set forth the terms and conditions of the operation and be subject to all the terms and conditions of any trust indenture and covenants relating to revenue bonds. The Maine Port Authority or the Department ~~←—————→~~ may establish, own, operate and maintain such navigational aids in coastal waters adjacent to the shores and harbors of the State as the directors or commissioner deem essential for safety. Any such navigational aids shall conform to and be consistent with any and all federal regulation.

§4423. Bonds

1. Authorization. The Maine Port Authority may ~~←~~ provide by resolution from time to time for the issuance of bonds for the purpose of funding the establishment, acquisition or effectuation of port terminal facilities and things incidental thereto, for construction of proposed facilities and improvement of existing or acquired facilities and for the fulfillment of other undertakings which it may assume. The bonds of the Maine Port Authority do not constitute a debt of the State, or of any agency or political subdivision thereof, but are payable solely from the revenue of the authority, and neither the faith ^{nor} credit nor taxing power of the State, or any political subdivision thereof, is pledged to payment of the bonds. Any provision of any law to

trust company or bank having the powers of a trust company located either within or outside the State. Such a trust indenture may pledge or assign the revenues of the Maine Port Authority or any part of it.

Any indenture may set forth the rights and remedies of the bondholders and the trustee and may restrict the individual right of action of bondholders and may contain such other provisions as the directors may deem reasonable and proper for the security of bondholders. Expenses incurred in carrying out any trust indenture may be treated as a part of maintenance.

5. Rights of bondholders. Provisions may be made for protecting and enforcing the rights and remedies of the bondholders, including covenants as to acquisition of property, construction, maintenance, operation and repair, insurance and the custody, security and application of all moneys.

6. Depositories. Any trust company or bank having the powers of a trust company and located either within or outside the State may act as depositories of the proceeds of the bonds and revenue and may furnish such indemnity or pledge such securities as may be required by the Maine Port Authority.

7. Tax free. The purposes of this subchapter being public and for the benefit of the people of the State, the Maine Port Authority bonds shall at all times be free from taxation by the State.

8. Revenue refunding bonds. The Maine Port Authority may issue revenue refunding bonds for the purpose of refunding the revenue bonds issued under this subchapter. The issuance of any refunding bonds shall be the same as provided for in this subchapter relating to revenue bonds.

9. Default. In the event of default on the bonds and in the event the default continues for a period of 3 months, action may be brought to enforce the rights of the bondholders by insuring that the operation by the directors be in conformity with the covenants of the bonds or indenture.

§4424. Property of the State

All real and personal property owned by and in the name of the Maine Port Authority shall be considered as property of the State and entitled to the privileges and exemptions of property of the State, except insofar as waived by the duly authorized contract or other written instrument of the Maine Port Authority or by this subchapter. The Maine Port Authority and the Department of Transportation shall agree upon and from time to time review the preferred status of property held or controlled by them and necessary to either body's performing its statutory duty and shall arrange to sell, exchange, give or otherwise transfer title or possession of various properties between themselves consistent with sound business management and as may serve the best interest of the State in their opinion and shall be authorized to execute and record a deed or lease between them to effectuate the transfer. The Governor may grant to the Maine Port Authority such rights in submerged land owned by the State and located within harbor limits as may be necessary for the Maine Port Authority to fulfill its powers, duties and obligations.

§4425. Acquisition of land

Land required for improvement to existing facilities or construction of new facilities undertaken by the Maine Port Authority or in cooperation with the Department of Transportation may be acquired for these purposes in the same manner as provided in section 154.

§4426. Conflict of interest

No member, officer or employeë of the Maine Port Authority shall acquire any interest, direct or indirect, in any contract or proposed contract of the authority nor shall any member, officer or employee participate in any decision on any contract

entered into by the authority if he has any interest, direct or indirect, in any firm, partnership, corporation or association which will be party to such contract or financially involved in any transaction with the authority, except this prohibition shall not be applicable to the acquisition of any interest in notes or bonds of the authority issued in connection with any contracts or agreements of the authority or to the execution of agreements by banking institutions for the deposit or handling of authority funds in connection with any contract or to act as trustee under any trust indenture or to utility services, the rates for which are fixed or controlled by a governmental agency.

§4427. Environmental laws

Facilities acquired, constructed, operated or maintained under this subchapter and land upon which the facilities are located shall be subject to such of the environmental laws of the State as would be applicable to private enterprise were the facilities owned or operated by the private sector and further providing that the Department of Transportation and the Maine Port Authority, its successors or assigns, shall be subject to the provisions of Title 38, chapter 3, subchapter II-A.

Sec. 136. 25 MRSA §2399, 2nd ¶, last sentence, as repealed and replaced by PL 1973, c. 727, §1, is amended to read: Said These funds shall be used solely to defray the expenses incurred by the Commissioner of Public Safety in administering all fire preventive and investigative laws, rules and regulations and in educating the public in fire safety and are appropriated for such purposes and to carry out the administration and duties of the Office of State Fire Marshal.

Sec. 137. 25 MRSA §2399, 2nd ¶, as amended by PL 1977, c. 258, is further amended by adding at the end a new sentence to read: These funds shall also be used to defray the expenses of the fire service training program as established in Title 20, chapter 315.

Sec. 137. 29 MRSA §106, 2nd sentence, as repealed and replaced by PL 1979, c. 664, is amended to read:

On and after February 1st, it is lawful to use and display on such vehicles ~~the number-plates~~ a registration plate or a suitable devices device in lieu thereof issued for the registration year.

Sec. 137. 29 MRSA §106, sub-§3, as repealed and replaced by PL 1979, c. 664, is amended to read:

3. Number plates. ~~Number-plates~~ A number plate or a suitable device in lieu thereof furnished for the next registration period for automobiles, motor trucks and truck tractors may be displayed on the first day of the month in which the current registration expires.

Sec. 140. 29 MRSA §110, first 2 sentences are amended to read:

The Secretary of State shall furnish a suitable number plates,--seals plate, seal and other distinguishing marks, without charge, to every person except dealers, manufacturers and holders of transporter registration plates whose vehicle is registered under this Title. Such ~~plates~~ plate shall be of a distinctly different color or shade each year and shall be in such form as the Secretary of State may determine; and shall bear the numerals of the year of issue or the last 2 numerals of said year, the word "Maine" or the abbreviation "Me." in letters not less than 3/4 inch in height, and on plates issued for passenger vehicles for private use, hire cars and trucks, there shall be placed at the bottom thereof in letters not less than 3/4 inch in height the word "Vacationland."

Sec. 141. 29 MRSA §110, 2nd ¶, first sentence is amended to read:

Notwithstanding other provisions of law, the Secretary of State may provide and issue a suitable device in lieu of a new registration number plates plate for any calendar year.

Sec. 142. 29 MRSA §117, as enacted by PL 1967, c. 41,

is amended to read:

§117. Registration for members of Armed Forces returning from overseas duty

The provisions of this Title relative to the registration of motor vehicles and the display of a number plates plate shall not apply to motor vehicles having registrations and displaying plates issued by the Armed Forces of the United States in foreign countries for vehicles owned by military or naval personnel, but said exemption shall be valid only for a period of 45 days after the owner thereof has returned to the United States.

Sec. 143. 29 MRSA §152, first sentence, as amended by PL 1979, c. 439, §7, is further amended to read:

Whoever transfers the ownership or discontinues the use of a registered motor vehicle, trailer or semitrailer and applies to the Secretary of State for registration of another motor vehicle, trailer or semitrailer in the same registration year shall be entitled to a certificate of registration permitting the use of a number plates plate of the proper class of registration thereon upon payment of a transfer fee of \$8, provided the fee is the same as that of the former vehicle.

Sec. 144. 29 MRSA §154, as last amended by PL 1977, c. 481, §5-B, is further amended to read:

§154. Unused plate

The owner, or the surviving spouse, who returns a number plates plate with an affidavit that ~~they-have~~ it has never been used and the Secretary of State is satisfied that the number ~~plates-have~~ plate has never been used, shall be refunded the registration fee paid if such ~~plates-are~~ plate is returned within 120 days of the date of purchase.

Sec. 145. 29 MRSA §191, sub-§1, first ¶, last sentence, as enacted by PL 1977, c. 481, §6, is amended to read:

These deposit fees shall not be applied as part payment of the registration fee when ~~plates-are~~ a plate is issued.

Sec. 29 MRSA §192, as last amended by PL 1975,

c. 589, §5, is further amended to read:

§192. Initial plates

The Secretary of State is authorized to design and to issue, under such regulations as he shall deem appropriate, an initial type registration plates plate or combination of initials and numeric type registration plates plate to be used on passenger motor vehicles or motor vehicles of the station wagon type or pickup trucks or motorcycles or camper vehicles in lieu of other numeric type registration plates. Such plates plate shall be of such design and shall bear such letters or letters and numbers as the Secretary of State shall prescribe, but there shall be no duplication of identification.

The registration plates plate so provided shall be issued only upon application therefor, and upon payment of an annual service fee of \$10. The service fee is to be in addition to the regular motor vehicle registration fee as prescribed by law for the particular vehicle. The amount received for such service fee shall be credited to the General Highway Fund and there shall be allocated annually from the General Highway Fund a sum sufficient to defray the cost of this program.

Application for a registration plates plate as prescribed above, pertaining to owners of passenger vehicles or motor vehicles of the station wagon type or pickup trucks or motorcycles or camper vehicles who are residents of this State and who own an unrevoked and unexpired official amateur radio station license issued by the Federal Communications Commission, except those licensed as novices by the Federal Communications Commission, shall be accompanied by a notarized proof of ownership of such amateur radio station license. Registration-plates A registration plate issued under this paragraph shall be inscribed with the official amateur radio call letters of such applicant as assigned by the Federal Communications Commission.

Application for a new registration plates plate shall be received in the office of the Secretary of State. The Secretary of State may issue a facsimile plate for a 15-day period during the period of production of the semi-permanent plate. The facsimile plate shall be attached to the rear plate bracket.

Sec. 29 MRSA §193, as last amended by PL 1977, c. 78, §166, is further amended to read:

§193. State officials

The Secretary of State shall, upon payment of the fees required in sections 109 and 242, subsection 1, paragraph A and application therefor, by Maine Members of the United States Senate, Maine Members of the United States House of Representatives, Members of the Legislature, Representatives of the Indian Tribes at the Legislature, President of the Senate, Speaker of the House, Secretary of the Senate and Clerk of the House, issue one ~~pair-of~~ specially designed number ~~plates~~ plate for one designated motor vehicle owned or controlled by each of the officials named. Upon request by a Maine Member of the United States Senate or by a Maine Member of the United States House of Representatives, the Secretary of State shall issue an additional ~~pair-of~~ specially designed number ~~plates~~ plate for a 2nd designated motor vehicle owned or controlled by that member. Such specially designed ~~plates~~ plate and ~~their~~ its accompanying registration certificate shall be issued to, and used by, the named officials in lieu of the regular ~~plates~~ plate and registration provided for in section 110 at the option of the named officials. If any of the named officials shall choose to apply for a motor vehicle registration and ~~plates~~ plate as prescribed in section 110, and also request in addition to the regular registration and ~~plates~~ plate, that he or she be issued an additional ~~set-of~~ specially designed ~~plates~~ plate together with ~~their~~ its accompanying certificates of registration, the Secretary of State shall upon receipt of application and the payment of a fee of \$2 issue such special ~~plates~~ plate and registration certificate for such motor vehicle that is currently registered and assigned a regular registration, ~~plates~~ plate. Any specially designed number ~~plates~~ plate issued to any of the named officials shall be valid only during the term of office for which the registrant is elected. In case the office is for any cause vacated during said term, such special number ~~plates~~ plate and registration certificate shall be immediately surrendered to the Secretary of State.

The color, shape, size, lettering and numbering of the

special ~~plates~~ plate shall be determined by the Secretary of State, except the ~~plates~~ plate issued to Members of the House of Representatives, other than the Speaker of the House, shall bear the number of the seat assigned to such member, and except the ~~plates~~ plate issued to the Members of the Senate, except the President of the Senate, shall bear the number of the Senatorial District which the respective Senators represent.

Sec. 29 MRSA §246, 5th ¶, 1st sentence is amended to read:

The Secretary of State shall issue a registration plate ~~or-plates~~ so designed that a farm motor truck registered under this section may be distinguished from commercial vehicles otherwise registered under this section.

Sec. 29 MRSA §251, last ¶ is amended to read:

Any veteran who has lost both legs or the use of both legs and who has registered his motor vehicle without the payment of a fee as provided in this section upon certification by the Veterans Administration shall be issued a special designating ~~plates~~ plate to be used in addition to the regular registration ~~plates~~ plate. Such a designating ~~plates~~ plate shall be issued by the Secretary of State and shall bear the words "Disabled Veteran."

Sec. 29 MRSA §252, first sentence, as amended by PL 1979, c. 74, is further amended to read:

On annual application to the Secretary of State, with the payment of \$1, any handicapped person or the spouse, parents or legal guardian of a handicapped person who has registered a motor vehicle as the motor vehicle of principal use by the handicapped person shall be issued a ~~set-of~~ special designating ~~plates~~ plate to be used in place of the regular registration ~~plates~~ plate or placard to be fixed to the sun visor of a motor vehicle registered by such a person.

Sec. 151. 29 MRSA §252, next to last ¶, first sentence, as amended by PL 1977, c. 194, §2, is further amended to read:

Any person other than a handicapped person or the spouse of a handicapped person issued a ~~set-of~~ special designating ~~plates~~ plate or placard under this section shall be subject to a \$100 fine for use of the special designating ~~plates~~ plate or placard.

Sec. 152. 29 MRSA §252, next to last ¶, last sentence, as amended by PL 1975, c. 16, §3, is further amended to read:

The special designating ~~plates~~ plate or placard shall be suspended if improper use is permitted.

Sec. 153. 29 MRSA §252, last ¶, as enacted by PL 1975, c. 15, §4, is amended to read:

~~These~~ The special designating ~~plates~~ plate shall bear the International Symbol, easily recognizable at a distance, which indicates that the vehicle is owned by a handicapped person.

Sec. 154. 29 MRSA §252-A, as enacted by PL 1979, c. 371, §1, is amended to read:

§252-A. Disabled veterans; special free license plate

The Secretary of State on application and upon evidence of payment of the excise tax required by Title 36, section 1482 shall issue a registration certificate and ~~set-of a~~ special designating ~~plates~~ plate to be used in lieu of a regular registration ~~plates~~ plate to any 100% disabled veteran who served in the United States Armed Forces in a combat zone at any time during his tenure of service when that application is accompanied by certification from the Veterans Administration as to the veteran's disability and receipt of 100% service-connected benefits and a copy of the appropriate military form certifying combat duty service.

~~These~~ The special designating ~~plates~~ plate shall bear the International Symbol, easily recognizable at a distance, and the letters VET which indicates that the vehicle is owned by a disabled veteran.

Sec. 155. 29 MRSA §253, first ¶ is amended to read:

The Secretary of State on application shall issue, without the payment of any fee, a registration certificate and registration ~~plates~~ plate for a motorized invalid chair owned and operated by any invalid person when such application is accompanied by the certification of at least 2 physicians as to such person's physical incapacity.

Sec. 156. 29 MRSA §256, sub-§2, first sentence, as amended by PL 1977, c. 481, §9, is further amended to read:

All county, municipal, school and water district vehicles shall be registered with the Secretary of State who shall furnish a semipermanent ~~plates~~ plate for each vehicle which shall expire at the end of each 10-year semipermanent plate program.

Sec. 157. 29 MRSA §256, sub-§2, 3rd sentence, as enacted by PL 1977, c. 142, is amended to read:

The plate ~~or-plates~~ shall be of a design determined by the Secretary of State.

Sec. 158. 29 MRSA §347, first sentence, as amended by PL 1975, c. 589, §15, is further amended to read:

Except as sections 357 and 358 provide, the annual fee for every license shall be ~~€30~~ \$50.

Sec. 159. 29 MRSA §357, 2nd ¶, first sentence, as enacted by PL 1973, c. 529, §1, is amended to read:

Every manufacturer or dealer in motorcycles or motor driven cycles shall annually pay a fee of ~~€10~~ \$15 for a registration certificate to handle, demonstrate, sell and exchange motorcycles or motor driven cycles.

Sec. 160. 29 MRSA §358, first sentence, as enacted by PL 1973, c. 529, §1, is amended to read:

Every manufacturer or dealer in boat or snowmobile trailers shall annually pay a fee of ~~€10~~ \$15 for a registration certificate to handle, demonstrate, sell and exchange boat or snowmobile trailers.

Sec. 29, 29 MRSA §381, first ¶ is amended to read:

Each number plate displayed shall be horizontal. Not more than one ~~set-of~~ number ~~plates~~ plate shall be displayed upon any vehicle, except as may be otherwise permitted by law.

Sec. 29, 29 MRSA §381, 3rd ¶ is amended to read:

In the case of all motor vehicles, one number plate shall be attached to ~~the-front-and-the-other-to~~ the rear of said vehicle, so that the ~~plates~~ plate and the registered number thereon shall always be plainly visible; except that truck tractors shall display their plate on the front.

Sec. 29, 29 MRSA §381, as last amended by PL 1971, c. 360, §§21 and 22, is further amended by adding at the end a new paragraph to read:

Commencing on July 1, 1981, all front number plates shall be removed no later than such time as registration for 1982 is accomplished. No front number shall be displayed thereafter. When the registration for truck tractors expires in 1982 registration, the rear plate shall be removed and no plate shall be displayed on the rear.

Sec. 29, 29 MRSA §382, 2nd sentence, is amended to read:

Such temporary number plate shall conform to the register number plate and shall be displayed as nearly as possible as provided in this Title for said regular number plate, and such person shall within 24 hours after such loss or mutilation give notice thereof to the Secretary of State and apply for a new number plates plate.

Sec. 29, 29 MRSA §382, 3rd sentence, as last amended by PL 1975, c. 589, §17, is further amended to read:
Thereupon the Secretary of State, if satisfied of the truth of the facts stated in the application, shall supply a new number plates plates upon payment of a fee of \$5 for each plate.

Sec. 29, 29 MRSA §382, last ¶ is repealed and the following enacted in its place:

If the Secretary of State is unable to furnish immediately to any person entitled thereto any plate or marker provided in this

Title, he may issue a temporary certificate with a temporary number plate, which certificate shall be carried and said plate shall be displayed upon said vehicle in the same manner as required for regular certificates and number plates. In case the plate is lost in transportation, and the applicant shall certify in the affidavit that the plate has not been received by him and agrees that if it shall be received at some later date to return it forthwith, the Secretary of State, after a thorough investigation, may furnish the applicant with a 2nd plate without additional charge.

Sec. 29 MRSA §721, sub-§2-A is enacted to read:

2-A. Commissioner. Commissioner means the Commissioner of Educational and Cultural Services.

Sec. 29 MRSA §721, sub-§3 is amended to read:

3. Established place of business. Established place of business means a location approved by the ~~Secretary-of--State~~ commissioner at which the business of a commercial driver education school is transacted and at which its records are kept.

Sec. 7. 29 MRSA §722 is amended to read:

§722. Licenses required; application; fees

No person shall operate a commercial driver education school or act as an instructor unless a license therefor has been secured from the Secretary-of-State commissioner. Applications for such license may be filed with the Secretary-of-State commissioner and shall contain such information and shall be on such form as the Secretary-of-State commissioner may prescribe. Each application for a commercial driver education school license shall be accompanied by an application fee of \$10 which shall not be refunded. If such application is approved by the Secretary of-State commissioner, the applicant upon payment of an additional fee of \$15 shall be granted a license which shall be valid during the calendar year of its issue unless sooner revoked as provided. The renewal fee shall be \$25.

Each application for a commercial instructor's license shall be accompanied by an application fee of \$10, which shall not be refunded. If such application is approved by the Secretary of-State commissioner, the applicant, upon payment of an additional fee of \$5, shall be granted a license which shall be valid during the calendar year of its issue unless sooner revoked. The renewal fee shall be \$15.

All fees collected under this subchapter shall be credited to the Department of Educational and Cultural Services to carry out this subchapter.

Sec. 70. 29 MRSA §722-A, as amended by PL 1973, c. 571, §64, is further amended to read:

§722-A. The commissioner may appoint

The Secretary-of-State commissioner may appoint a driver education teacher, licensed-by-the-Commissioner-of-Educational and-Cultural-Services certified by him under Title 20, section 1751, to give professional driving instruction meeting the need of a licensee or new applicant when a duly licensed commercial instructor is not available within a reasonable distance from his domicile. The fee required by section 722 shall be waived for the purposes of this section.

Sec. 77. 29 MRSA §723, first ¶, as amended by PL 1973,
c. 585, §12, is further amended to read:

The ~~Secretary-of-State~~ commissioner shall not issue a license for a commercial driver education school until the applicant therefor shall have procured and filed with the ~~Secretary-of-State~~ commissioner a certificate showing that the applicant is covered by an automobile bodily injury and property damage liability insurance policy providing coverage as set forth in this Title, approved by the Insurance Superintendent, insuring against any legal liability in accordance with the terms of said policy for personal injury or death of any one person in the sum of \$25,000 and for any number of persons in the sum of \$50,000 and against property damage in the sum of \$10,000, which injury, death or damage may result from or have been caused by the operation of any vehicle being used in carrying out this subchapter. In lieu of such insurance, the applicant may file with said ~~Secretary-of-State~~ commissioner a bond or bonds issued by a surety company authorized to do business in the State in the amount of at least \$25,000 on account of injury to or death of any one person, and subject to such limits as respects injury to or death of one person, of at least \$50,000 on account of any one accident resulting in injury to or death of more than one person, and of at least \$10,000 for damage to property of others.

Sec. 78. 29 MRSA §724, last sentence is amended to read:
In case of loss, mutilation or destruction of a license certificate, the ~~Secretary-of-State~~ commissioner shall issue a duplicate certificate upon payment of a fee of \$1.50.

Sec. 79. 29 MRSA §725, as repealed and replaced by PL 1977,
c. 694, §503, is amended to read:

§725. Rules and regulations

The ~~Secretary-of-State~~ commissioner may adopt rules and regulations prescribing reasonable requirements for obtaining commercial driver education school licenses and commercial instructor licenses.

Sec. 80. 29 MRSA §726, as last amended by PL 1975, c. 731,
§39, is further amended to read:

§726. Records required

Every commercial driver education school licensee shall

keep a record on such forms as the Secretary-of-State commissioner may prescribe showing the name and address of each instructor, the instruction license number of such instructor, the particular type of instruction given and how much time was given to each type of instruction and such other information as the Secretary of-State commissioner may require. ^{The} Such/records shall be open to the inspection of the Secretary-of-State commissioner at all reasonable times but shall be for the confidential use of the Secretary-of-State commissioner. Failure to keep such records shall be a misdemeanor. Every commercial driver education school licensee shall maintain all vehicles used in commercial driver education in safe mechanical condition at all times.

Sec. 5. 29 MRSA §727-A, as enacted by PL 1977, c. 694, §505, is amended to read:

§727-A. Action on application

1. Initial application. After a thorough investigation and a review of the facts then available to him, the Secretary commissioner of-State/shall act upon an application for an initial commercial driver education school license or a commercial instructor license within 90 days after receipt thereof by granting or refusing to grant the license.

If the Secretary-of-State commissioner refuses to grant an initial commercial driver education school license or commercial instructor license, notice shall be given to that applicant that an opportunity for hearing before the Secretary-of-State-commissioner or his deputy shall be provided upon request to show cause why that license should be granted.

2. Renewal application. The Secretary-of-State commissioner, after a thorough investigation, shall act upon an application for renewal of a commercial driver education school license or a commercial instructor license within 90 days after receipt thereof by renewing that license or by filing a written complaint initiating an action before the Administrative Court as provided in Title 4, chapter 25.

After hearing, the Administrative Court may refuse to issue or renew a commercial driver education school license or a commercial instructor license and may refuse the subsequent reapplication for a period not to exceed one year.

Sec. 176. 29 MRSA §2241-D, sub-§1, as enacted by PL 1971, c 544, §102, is amended to read:

1. Fee. Notwithstanding any other provisions of section 2241, before a mandatory suspension, a mandatory revocation or a suspension ordered by the Secretary of State of a person's driving privilege may be terminated or reinstated, there shall be paid to the Secretary of State a fee of ~~10~~ \$20 which shall be in addition to the regular registration or license fee.

Sec. 177. 29 MRSA §2362, sub-§11, as amended by PL 1979, c. 541, Pt. B, §37, is further amended to read:

11. Special mobile equipment. Special mobile equipment as defined in section 1, subsection 14; or

Sec. 178. 29 MRSA §2362, sub-§12, as enacted by PL 1979, c. 541, Pt. B, §38, is amended to read:

12. Special equipment. Special equipment as defined in section 1, subsection 13-A; or

Sec. 179. 29 MRSA §2362, sub-§13 is enacted to read:

13. Certain automobiles and commercial vehicles.
Automobiles and commercial vehicles under a gross vehicle weight of 32,000 pounds that are more than 10 years old.

Sec. 180. 29 MRSA §2501, first sentence, as enacted by PL 1979, c. 464, §5, is amended to read:

Any law enforcement officer in uniform whose duty it is to enforce the motor vehicle laws may stop and examine any motor vehicle for the purpose of ascertaining whether its equipment complies with the requirements of section ~~2502~~ 2503, and the officer may demand and inspect the operator's license, certificate of registration and permits.

Sec. 181. 29 MRSA §2503, sub-§1, first ¶, as enacted by PL 1979, c. 464, §5, is amended to read:

All motor vehicle equipment subject to inspection shall meet the standards set forth in this section and the rules and regulations promulgated by the ~~Chief-of-the-State-Police~~ Secretary of State pertaining to motor vehicle equipment subject to inspection and shall:

Sec. 182. 29 MRSA §2504, sub-§1, as enacted by PL 1979, c. 464, §5, is amended to read:

1. Nonfunctioning equipment. Any equipment as described in section ~~2503~~ 2502 that does not function, does not function sufficiently for the safety of the general public or is loose and not securely attached to the vehicle; and

Sec. 183. 29 MRSA §2505, first ¶, as enacted by PL 1979, c. 464, §5, is amended to read:

If, at the time of inspection, the motor vehicle conforms to the inspection standard, an official inspection sticker furnished by the ~~Chief-of-the-State-Police~~ Secretary of State shall be placed in the lower left-hand corner of the windshield or in the center of the windshield in back of the rearview mirror, as the owner or operator of the vehicle prefers.

Sec. 184. 29 MRSA §2507-A, sub-§§1 and 2, as enacted by PL 1979, c. 673, §14, are amended to read:

1. Motor vehicles required to meet standard. Except as provided in section 2507 regarding vehicles requiring body repair, no dealer or holder of a transporter registration certificate in new or used motor vehicles may permit any vehicle under his ownership or control to be sold or transferred to another person or legal entity for operation upon the highways unless the vehicle meets the inspection standards required by section ~~2502~~ 2503 and the rules and regulations promulgated thereunder.

2. Dealer liable. It is no defense to this section that the dealer or holder of a transporter registration certificate complied with section 2507 or did not know that the vehicle failed to meet the requirement of section ~~2502~~ 2503 and the rules and regulations promulgated thereunder.

Sec. 185. 29 MRSA §2511, first ¶, as enacted by PL 1979, c. 464, §5, is amended to read:

The ~~Chief-of-the-State-Police~~ Secretary of State may license garages as official inspection stations. In order to qualify as an official inspection station, a garage shall meet the requirements of this section and the rules and regulations of the ~~Chief-of-the-State-Police~~ Secretary of State.

Sec. 186. 29 MRSA §2511, sub-§2, as enacted by PL 1979, c. 464, §5, is amended to read:

2. Tools and equipment. Inspection stations shall be equipped with a screen or chart and other equipment approved by the ~~Chief-of-the~~ State-Police Secretary of State to test lights and other motor vehicle equipment subject to inspection.

Sec. 137. 29 MRSA §2512, first sentence, as enacted by PL 1979, c. 464, §5, is amended to read:

The ~~Chief-of-the-State-Police~~ Secretary of State may license fleet inspection stations to inspect 10 or more motor vehicles registered in the name of a single owner.

Sec. 138. 29 MRSA §2513, sub-§§1 and 2, as enacted by PL 1979, c. 464, §5, are amended to read:

1. Performance of inspection. No person other than the holder of a valid inspection mechanic's certificate issued by the ~~Chief of-the-State-Police~~ Secretary of State may perform an inspection, or issue or sign a certificate of inspection.

2. Renewal of inspector certificates. An inspection mechanic's certificate is valid for a period of 5 years from the date of issue. The holder of such a certificate may apply at any time during the final 6 months prior to its expiration without a reexamination and upon payment of a \$1 fee. In the event that the holder of an inspection mechanic's certificate no longer performs inspections, he shall expeditiously remit his license to the ~~Chief-of-the-State Police~~ Secretary of State. The holder of an inspection mechanic's certificate shall notify the ~~Chief-of-the-State-Police~~ Secretary of State of a change of place of employment prior to inspecting any vehicles for the new employer.

Sec. 139. 29 MRSA §2514 and 2515, as enacted by PL 1979, c. 464, §5, are amended to read:

§2514. Examination fee

The ~~Chief-of-the-State-Police~~ Secretary of State shall receive a fee of \$1 with each application requesting examination for the purpose of qualifying for a motor vehicle inspection mechanic's certificate.

§2515. Appeal of decision of the Secretary of State

Before a license as an official inspection station is granted, the premises shall be examined by a representative of the ~~Chief of-the-State-Police~~ Secretary of State and the operator investigated as to his reliability and fitness for that appointment. If any person is aggrieved by the decision of the ~~Chief-of-the-State-Police~~ Secretary of State in refusing approval, he may, within 30 days thereafter, request a hearing before the

~~Chief-of-the-State-Police~~ Secretary of State. If the applicant is aggrieved by the decision at the hearing, the applicant may appeal the decision in accordance with Title 5, Part 18.

Sec. 190 . 29 MRSA §2518, as enacted by PL 1979, c. 464, §5, is amended to read:

§2518. Purchase of inspection stickers

1. Disposition of stickers. Each official inspection station shall stock a sufficient number of stickers to meet their demands at all times. These shall be furnished by the ~~Chief-of-the~~ State-Police Secretary of State at 25¢ each. The stickers shall be made of such material and quality of adhesive as prescribed by the ~~Chief-of-the-State-Police~~ Secretary of State. At the end of the calendar year, or if the station license is suspended, any unused or expired stickers shall, within 5 working days, be returned to the ~~Chief-of-the-State-Police~~ Secretary of State and the purchase price refunded, except that refunds shall not be made for an amount less than \$1.

2. Intent to hire a certified mechanic. In the event that an official inspection station is disqualified as the result of the loss of a certified mechanic, the owner shall, within 5 working days, return all stickers to the ~~Chief-of-the-State~~ Police Secretary of State. The owner of the inspection station may file a statement of intent to hire a certified inspection mechanic within 14 working days, in which case the ~~Chief-of-the~~ State-Police Secretary of State shall hold the returned stickers for the licensee. If a statement of intent as described in this subsection is not filed, the owner shall be subject to the provisions of subsection 1.

Sec. 191 . 29 MRSA §2520, sub-§2 and 3, as enacted by PL 1979, c. 464, §5, are amended to read:

2. Use of counterfeit certificate of inspection. No person may make, have in his possession, issue or knowingly use any imitation or counterfeit of an official certificate of inspection or have in his possession, issue or knowingly use a certificate of inspection that was not issued by an official inspection station in accordance with this Title or the rules and regulations promulgated by the ~~Chief-of-the-State-Police~~ Secretary of State governing motor vehicle inspection.

3. Misrepresentation of vehicle inspection station. No person may in any manner represent any place as an official inspection station unless the station is operating under a valid license issued by the ~~Chief-of-the-State-Police~~ Secretary of State.

Sec. 172. 29 MRSA §2522, first and 2nd ¶¶, as enacted by PL 1979, c. 464, §5, are amended to read:

The ~~Chief-of-the-State-Police~~ Secretary of State is empowered to promulgate necessary rules and regulations for the administration and enforcement of this chapter and to designate any period or periods of time during which owners of any vehicles subject to inspection shall display certificates of inspection or produce a certificate of inspection upon demand of any police officer.

The ~~Chief-of-the-State-Police~~ Secretary of State is authorized to make necessary rules concerning the inspection of special mobile equipment which is registered, but not ordinarily operated over the highway.

Sec. 173. 29 MRSA §2525, as enacted by PL 1979, c. 464, §5, is amended to read:

§2525. Return of unused stickers

Upon suspension, revocation or termination of an inspection license that prevents an official inspection station from performing inspections, the inspection station owner or manager shall immediately return all inspection materials to the ~~Department of Public Safety~~ Secretary of State. The ~~Department of Public Safety~~ Secretary of State shall issue a receipt for the returned materials, and shall refund the cost of unused stickers amounting to \$1 or more.

Sec. 174. 30 MRSA §348, 2nd sentence, as enacted by PL 1973, c. 289, §1, is repealed and the following enacted in its place:

The standards, procedures and regulations shall, as far as practical, follow the program established under the "Archives Law" to govern the preservation of state records, except as

otherwise provided in this chapter, and shall follow the standards for making records set forth in Title 33, chapter 11, subchapter II.

Sec. 25 . 30 MRSA §349, first sentence, as enacted by PL 1973, c. 289, §1, is amended to read:

The State Archivist shall provide advice and assistance to counties in the establishment and administration of county ~~records~~ archival programs.

Sec. 46 . 30 MRSA §349, sub-§4 is repealed and the following enacted in its place:

4. Duplicate report. The commissioners shall make a report of their proceedings to the court.

Sec. 77 . 30 MRSA §2051, sub-§§3 and 4 are amended to read:

3. Petition of 3 voters, if no selectmen. When a town, once organized, is without selectmen, a meeting may be called by a ~~justice-of-the-peace~~ notary public in the county on the written petition of any 3 voters.

4. Petition by voters, if selectmen refuse. If the selectmen unreasonably refuse to call a town meeting, it may be called by a ~~justice-of-the-peace~~ notary public in the county on the written petition of a number of voters equal to at least 10% of the number of votes cast in the town at the last gubernatorial election, but in no case less than 10.

Sec. 207 . 30 MRSA §2215, 2nd sentence, as enacted by PL 1973, c. 625, §201, is repealed and the following enacted in its place:

The standards, procedures and regulations shall, as far as practical, follow the program established under the "Archives Law" to govern the preservation of state records, except as otherwise provided in this chapter.

Sec. 32 . 30 MRSA §2216, first sentence, as enacted by PL 1973, c. 625, §20, is amended to read:

The State Archivist shall provide advice and assistance to municipalities in the establishment and administration of municipal ~~records~~ archival programs.

Sec. 405 . 30 MRSA §4154, first sentence is amended to read:

The members of the said committee mentioned in section 4153, before acting, shall be sworn before a ~~justice-of-the~~

~~peace~~ notary public, and a certificate thereof shall be indorsed on the warrant.

Sec. 251. 32 MRSA §502, 8th sentence is amended to read:

Said records, or duplicates thereof, shall always be open to inspection ~~in-the-office-of-the-Secretary-of-State-during-regular office-hours~~ and shall be prima facie evidence of all matters recorded therein.

Sec. 252. 32 MRSA §576, as amended by PL 1967, c. 205, is further amended to read:

§576. Prohibited practices

No collection agency shall: Threaten to bring legal action in its own name or list the name of a lawyer; use or employ ~~justices-of-the-peace~~ notaries public, constables, sheriffs or or any other officer authorized to serve legal papers in connection with the collection of a claim; use or threaten to use physical violence in connection with the collection of claims; furnish legal advice or otherwise engage in the practice of law or represent that it is competent to do so, or institute judicial proceedings on behalf of others; communicate with debtors in the name of a lawyer or upon the stationery of a lawyer, or prepare any forms or instruments which only lawyers are authorized to prepare; purchase, receive or solicit assignments of claims for the purpose of collection, or institute suits thereon in any court; use instruments which simulate the form and appearance of judicial process; exercise authority on behalf of a creditor to employ the services of lawyers unless the creditor has specifically authorized the agency in writing to do so and the agency's course of conduct is at all times consistent with the true relationship of attorney and client between the lawyer and the creditor; demand or obtain in any manner a share of the compensation for services performed by a lawyer in collecting a claim; publish or cause to be published any list of debtors except for credit reporting purposes or threaten to do so; use "shame cards," "shame automobiles," or similar devices, methods of intimidation or methods contrary to postal regulations to collect accounts; refuse to return any claim or claims upon written request of the creditor, claimant or forwarder after the tender of such amounts, if any, as may be due and owing to the agency; advertise or threaten to

advertise for sale any claim as a means of forcing payment thereof, unless such agency is acting as the assignee for the benefit of creditors or acting under an order of court; refuse or intentionally fail to account to its clients for all money collected within 60 days from the last day of the month in which the same is collected; refuse or intentionally fail to return to the creditor all valuable papers deposited with a claim when such claim is returned, operate under a name or in a manner which implies that such agency is a branch of or associated with any department of the Federal Government or of any state or municipal government, or use any seal, insignia, envelope or other format which simulates that of any government department or agency; commingle money collected for a customer with the agency's own funds or use any part of a customer's money in the conduct of the agency's business; share quarters or office space, or have a common waiting room with a practicing lawyer; make repeated or harassing communications to employers, or make collect telephone calls by subterfuge; engage in the business of lending money to any person, or contact any person for the purpose of securing a loan for any person with which to pay any claim left with it for collection, or recommend any person or persons as a source of funds to pay any such claim; collect or attempt to collect from any person an amount in excess of the amount submitted by the creditor for collection.

Sec. 203. 32 MRSA §1308, 4th ¶ from the end is amended to read:

Not later than August 1st of each year, the board shall submit to the Governor Commissioner of Business Regulation a report of its transactions of the preceding fiscal year ending June 30th and shall transmit to him a complete statement of the receipts and expenditures of the board, attested by affidavits of its chairman and its secretary.

Sec. 207. 32 MRSA §1308, last ¶, as enacted by PL 1977, c. 604, §15, is amended to read:

The board shall submit to the Commissioner of ~~Transportation~~ Business Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 205. 32 MRSA §1309, last sentence, as reenacted by PL 1979, c. 541, Pt. A, §206, is amended to read:
Copies of this roster shall be mailed to each person so registered, ~~placed-on-file-with-the-Secretary-of-State~~ and furnished to the public upon request.

Sec. 206. 32 MRSA §1678, 4th ¶ from the end, as repealed and replaced by PL 1977, c. 604, §19, is amended to read:

On or before August 1st of each year, the board shall submit to the Commissioner of ~~Transportation~~ Business Regulation, for the preceding fiscal year ending June 30th, its annual report of its operations and financial position, together with such comments and recommendations as the commission deems essential.

Sec. 207. 32 MRSA §1678, last ¶, as enacted by PL 1977, c. 604, §19, is amended to read:

The board shall submit to the Commissioner of ~~Transportation~~ Business Regulation its budgetary requirements in the same manner as is provided in Title 5, section 1665, and the commissioner shall in turn transmit these requirements to the Bureau of the Budget without any revision, alteration or change.

Sec. 208. 32 MRSA §1679, as enacted by PL 1967, c. 423, §1, is amended to read:

§1679. Rosters of land surveyors

Rosters, showing the names and places of business of all registered land surveyors, shall be prepared by the secretary of the board during the month of January of each. Copies of these rosters shall be mailed to each person so registered, ~~placed-on-file-with-the-Secretary-of-State-and-clerk-of-courts-and-register-of-deeds-of-each-county~~ and furnished to the public upon request.

Sec. . . 33 MRSA §203, first sentence, as amended by PL 1969, c. 260, is further amended to read:

Deeds and all other written instruments before recording in the registries of deeds, except those issued by a court of competent jurisdiction and duly attested by the proper officer thereof, and excepting plans and notices of foreclosure of mortgages and certain financing statements as provided in Title 11, section 9-401, and excepting notices of liens for internal revenue taxes and certificates discharging such liens as provided in section 664, shall be acknowledged by the grantors, or by the persons executing any such written instruments, or by one of them, or by their attorney executing the same, or by the lessor in a lease or one of the lessors or his attorney executing the same, before a ~~justice-of-the-peace-or~~ notary public having a seal, in the State, or before an attorney-at-law duly admitted and eligible to practice in the courts of the State, if within the State; or before any clerk of a court of record having a seal, notary public, ~~justice-of-the-peace~~ or commissioner appointed by the Governor of this State for the purpose, or a commissioner authorized in the state where the acknowledgment is taken, within the United States; or before a minister, vice-consul or consul of the United States or notary public in any foreign country.

Sec. . . 33 MRSA §203, 3rd ¶ is amended to read:

Any notary public or justice of the peace who is a stockholder, director, officer or employee of a bank or other corporation may take the acknowledgment of any party to any written instrument executed to or by such corporation, provided such notary or justice of the peace is not a party to such instrument either individually or as a representative of such bank or other corporation.

Sec. 211 . . 33 MRSA §304 is amended to read:

§304. --proof before justice after summons

In such case, a ~~justice-of-the-peace-or~~ notary public where the grantor resides or where his land lies, upon application of the grantee or person claiming under him, may summon the grantor to appear before him at a time and place named, to hear the testimony of the subscribing witnesses. The date of the deed, the names of the parties and of the subscribing witnesses to it must be stated in the summons, which must be served

7 days before the time for proving the deed.

Sec. 212. 33 MRSA §305 is amended to read:

§305. --certification

When the ~~justice-or~~ notary at ~~said~~ the hearing is satisfied by the testimony of witnesses that they saw the deed duly executed by the grantor, he shall certify the same thereon, and state in his certificate the presence or absence of the grantor.

Sec. 212. 33 MRSA §352, as amended by PL 1971, c. 469, §1, is further amended to read:

§352. Defective acknowledgments

All records of all deeds and other instruments, including powers of attorney, heretofore made prior to January 1, 1970, for the conveyance of real property in this State, or of any interest therein, and recorded or written out at length in the books of record in the registry of deeds of the county in which said real property lies, the acknowledgment of which was not completed, or was erroneously taken, or was taken by a person not having authority to take such acknowledgment, or where the authority of the person taking such acknowledgment was not completely stated, or was erroneously stated, or where it does not appear whether the authority taking such acknowledgment acted as a notary public, ~~a-justice-of-the-peace~~ or other duly authorized authority for the taking of such acknowledgment, or where no acknowledgment of such deed or other instrument was taken, or where the authority taking such acknowledgment had not signed the same but had attached or had affixed or had stamped thereon his seal of authority, or where the acknowledgment was taken by the grantor or grantee, or by the husband or wife of the grantor or grantee, or the acknowledgment was taken by a magistrate who was a minor, or an interested party or whose term of office had expired at the time of such acknowledgment, or an acknowledgment of which was taken by a proper officer but outside of the territory in which he was authorized to act, or was taken before any person who, at the time of such acknowledgment had received an appointment, election or permission authorizing him to take such acknowledgment, but had not qualified, but who has since such time duly qualified, or where the grantor was acting as a duly authorized agent or in a fiduciary or representative

capacity, or was acting as an officer of a corporation and acknowledged said instrument individually, or where the acknowledgment was taken without the State before any person authorized to take acknowledgments, and using the form of acknowledgment prescribed by the laws of the state or country in which such instrument was executed, or such person has failed to affix to such instrument a proper certificate, showing his authority to act as such magistrate; or where such acknowledgment was not signed by a magistrate of this State or any other state or territory of the United States, or any foreign country, authorized to take such acknowledgment, but such acknowledgment was signed by an ambassador, minister, chargé d'affaires, consul, vice-consul, deputy consul, consul-general, vice-consul-general, consular agent, vice-consular-agent, commercial agent or vice-commercial agent of the United States in any foreign country, who was not qualified to take such acknowledgment, but has since become qualified by law to do so, but which acknowledgment was complete in every other respect; or where the acknowledgment was signed by a proper magistrate but there has been omitted therefrom, his official seal, if he had one, or the names of the grantors, the date and place of acknowledgment, or the words, "personally appeared before me," or a statement that it was acknowledged as the grantor's "free act and deed"; or such certificate of acknowledgment is in the form of an oath, or states merely that the said instrument was subscribed in his presence, or is otherwise informal or incomplete, if signed by a proper magistrate; and all records in any such registry of instruments relating to the title to real property which fail to disclose the date when received for record or the record of which has not been signed by the register of deeds for said county or other duly authorized recording officer, such records are validated.

Sec. 24. 35 MRSA §2, 2nd sentence is amended to read:

No commissioner shall hold any other civil office of profit or trust under the Government of the United States or of this State except the office of Coordinator of Atomic Development Activities or the office of ~~justice-of-the-peace-or~~ notary public, nor shall he serve on or under any committee of any political party.

Sec. 25. 36 MRSA §898, last sentence is amended to read:

If he complies with this demand, he shall receive such credit as the municipal officers, on inspection of the tax lists, adjudge him entitled to, and account for the balance; but if he refuses, he shall forthwith be committed to jail by the officer who so notary public, took him or by a warrant from a ~~justice-of-the-peace/~~ there to remain until he complies.

Sec. 26. P&SL 1929, c. 114, as amended, is repealed.

Sec. 27. P&SL 1957, c. 190, §§1, 4, 4-A, 9 and 11, as amended, are repealed.

Sec. 28. P&SL 1975, c. 19, §3 is amended to read:

Sec. 3. Application. Application for display of the wheelchair symbol shall be made to the ~~Secretary-of-State~~ Governor's Committee on Employment of the Handicapped, who shall obtain and keep on file a supply of symbols.

Sec. 29. Transition clause.

1. Maine State Archives.

A. Authority and duties. The Maine State Archives, a bureau within the Department of the Secretary of State, shall have all legal authority and duties presently delegated to that agency, except for that legal authority and duties as are given to the Bureau of Records Management Services within the Department of Finance and Administration, and as otherwise indicated in this Act.

B. Personnel. Employees of the present Maine State Archives, a bureau within the Department of the Secretary of State, shall remain within the Department of the Secretary of State, except for those employees transferred to the Department of Finance and Administration. The following positions and employees filling those positions in the present Maine State Archives within the Department of the Secretary

of State are transferred to the Department of Finance and Administration: One records management officer; one records management analyst III; one records technical II; one records technician I; and one clerk typist.

C. Regulations. All regulations of the present Maine State Archives within the Department of the Secretary of State which are currently in effect and in operation shall continue in effect until rescinded, amended or changed. Those regulations relating to Records Management Services within the Department of Finance and Administration are removed from the authority of the Maine State Archives within the Department of the Secretary of State.

D. Funds and equipment transferred. That space in the Maine State Cultural Building presently utilized by the Records Management Division within the Department of the Secretary of State, including that portion of the first floor, elevation 108, now utilized as a records center; the maximum security building on the grounds of the Augusta Mental Health Institute presently serving as a records center annex; and the fixed equipment now utilized by these services shall continue to be utilized by these services until such time as adequate facilities and equipment are provided by the Legislature. All movable equipment and supplies in the previously mentioned space shall be transferred to the Department of Finance and Administration. Notwithstanding any other provision of law, all accrued expenditures, assets, liabilities, balances of appropriations, transfers, revenues or other available funds in any account relating to the subdivision to be reallocated to the Department of Finance and Administration pursuant to this Act, shall be transferred to the proper place in the Department of Finance and Administration by the State Controller, upon the recommendation of the Commissioner of Finance and Administration, the State Budget Officer and approval of the Governor.

2. Justices of the peace; notary publics. Whoever is notary public on July 1, 1981 shall continue in office after July 1st until the expiration of his term. Whoever is justice of the peace on July 1, 1981 shall continue in office after July 1st and may have his commission renewed for one additional 7-year term, except that he shall be a notary public as provided in this Act. The commission of any notary or any justice of the peace who becomes a notary pursuant to this Act shall be renewed, excepting for the first renewal of a justice of the peace commission, as provided in Title 5.

Sec. 22. Revision clause. Wherever in the Revised Statutes the words justice of the peace appear or reference is made to that name, they shall be amended to read and mean notary public.

PART B

Adjustments to General Fund. In order to provide for necessary adjustment of the General Fund to implement the recommendations of the Joint Standing Committee on Audit and Program Review, appropriations are decreased by the amounts designated in the following tabulations.

DEPARTMENT OR AGENCY	APPROPRIATION FROM GENERAL FUND	
	1981-82	1982-83
Department of Education and Cultural Services		
Education - Adult Education		
Positions	(-1)	(-1)
Personal Services	\$ (43,866)	\$ (44,165)
All Other	(25,900)	(25,900)
	<u>(69,766)</u>	<u>(70,065)</u>

Eliminate the General Fund share of the Fire Service Training program which will be funded instead from the fire insurance fund in the Office of the State Fire Marshal.

Department of Public Safety		
State Police		
All Other	(32,243)	(32,558)

Eliminate the General Fund share of the cost of the motor vehicle inspection station program which is transferred to the Division of Motor Vehicles in the Department of the Secretary of State.

Department of the Secretary of State		
Archives - Administration		
Positions	(-5)	(-5)
Personal Services	(87,884)	(85,359)
All Other	(7,031)	(6,829)
	<u>(94,915)</u>	<u>(92,188)</u>

Provides for the transfer of 5 positions and funds associated with the records management program from the Archives to the Department of Finance and Administration.

DEPARTMENT OR AGENCY	APPROPRIATION FROM GENERAL FUND	
	1981-82	1982-83
Department of Transportation		
Waterways - Administration		
All Other	\$ (212,000)	\$ (212,000)
Reduces the General Fund Subsidy to the Maine State Ferry Service (\$160,000) and eliminates the Pier solicitation program (\$52,000).		
Aeronautics - Administration		
All Other	(66,900)	(79,000)
Eliminates the General Fund Subsidy to the Augusta State Airport.		
Department of Treasury		
Treasurer - Debt Service		
All Other	(403,000)	(0)
This decrease in appropriation of debt service is offset by a transfer from the bond redemption account of unused bond funds authorized by P&S 1967, c. 178 for airport construction projects.		
TOTAL PART B - GENERAL FUND	\$ (878,824)	\$ (485,811)

D.E. #
8795
MARCH 81
428,774

PART C

Appropriations from General Fund. In order to provide for expenditures of State Government and in order to implement the recommendations of the Joint Standing Committee on Audit and Program Review, the sums designated in the following tabulations are appropriated out of moneys in the General Fund not otherwise appropriated.

DEPARTMENT OR AGENCY	APPROPRIATION FROM GENERAL FUND	
	1981-82	1982-83
Department of Finance and Administration		
Positions	(5)	(5)
Personal Services	\$ 87,884	\$ 85,359
All Other	7,031	6,829
	<hr/>	<hr/>
	94,915	92,188
Provides for the transfer of 5 positions and funds associated with the records management program from the Maine State Archives to the Department of Finance and Administration.		
TOTAL PART C - GENERAL FUND	\$ 94,915	\$ 92,188

PART D

Allocations from the General Highway Fund. In order to provide for expenditures of State Government and in order to implement the recommendations of the Joint Standing Committee on Audit and Program Review, the sums designated in the following tabulations shall be segregated, apportioned and expended as designated in the following schedule:

	ALLOCATION FROM THE HIGHWAY FUND	
	1981-82	1982-83
Department of the Secretary of State		
Motor Vehicles		
Unallocated	\$ (147,371)	\$ (145,784)
Eliminates the Social-Medical Coordination program (\$22,000) and provides for a reduction in allocation due to elimination of the second license plate (\$100,000) and the transfer of the commercial driving school program to the De- partment of Education and Cultural Services (\$24,500).		
Department of Public Safety		
Public Safety - Motor Vehicle Inspection		
Unallocated	(328,168)	(241,092)
Eliminates 7 positions and associated funding for the motor vehicle inspec- tion program which is transferred to the Division of Motor Vehicles.		
State Police		
Unallocated	(99,731)	(96,477)
Eliminates 4 positions and associated funding for the motor vehicle inspec- tion program which is transferred to the Division of Motor Vehicles		
TOTAL PART D - GENERAL HIGHWAY FUND	\$ (575,270)	\$ (483,353)

FINANCIAL/ACCOUNTING ISSUES

There was considerable discussion last spring about the \$46.3 million balance forward (July 1, 1979) in the Highway Fund. This discussion focused on whether or not these funds constituted a "surplus" and whether this money could be used to alleviate the Highway Fund's revenue shortfall. Following is a brief description of the kinds of funds available in the balance, and an attempt to answer several questions which were raised at that time.

Breakdown of the "Balance Forward". MDOT's own figures for FY 1979 and 1980 are attached. The FY 79 balance forward shows \$55.6 million instead of \$46.3 million because DMV, Public Safety and federal balances are also included. The following discussion, however, will focus only on MDOT federal and Highway Fund balances.

MDOT accounts fall into three major categories:

- Construction activities (the Highway Construction, Grade Crossing Protection, RR Crossing, Picnic Areas, Bridge Construction, Special State Aid, Town Bridge, Access Road, Debt Retirement and Bond Interest accounts)
- Statutorily established grants (the State Aid, TRI and Island Refund accounts)
- Maintenance and other activities (all other accounts).

The June 30, 1980 balances (federal and state) in these three areas are shown below:

MDOT BALANCES CARRIED (FY 1980)

	<u>Federal</u>	<u>State</u>	<u>Total</u>	<u>%</u>
Construction	2,660,526	29,263,643	31,924,169	72
Statutory grants	---	7,965,375	7,965,375	18
Maintenance and other	590,832	3,905,796	4,496,628	10
	<u>3,251,358</u>	<u>41,134,814</u>	<u>44,386,172</u>	<u>100</u>

QUESTION: How could the Highway Fund have had a revenue problem last spring when there were \$29.1 million in authorized but unsold Highway Bonds?

This question confuses a cash management policy with the revenue shortfall problem -- it's like mixing apples and oranges.

Bond funds are allocated to various construction accounts at the time the authorizations are approved by the voters -- not when the bonds are sold. This allocation is the point at which these bond authorizations are "used".

On the cash management side, MDOT, in order to minimize debt service payments, has a policy of not selling authorized bonds unless it has had a cash shortage. This policy also reduces overall debt service to the extent that bond sales are timed to coincide with low, rather than high interest rates. MDOT's policy of using cash-on-hand means that at the time the bond funds are allocated to the construction accounts the unsold bonds become part of MDOT's "cash pool".

Last spring the Highway Fund was expected to face a shortage of anticipated new revenues. It did not have a cash-flow problem.

QUESTION: Is it sound fiscal practice for MDOT to have signed contracts for construction projects without encumbering the funds to pay for these contracts?

The balances shown in the construction accounts include funds necessary to pay for contracts which MDOT has signed but for which funds have not yet been encumbered. (Encumbering is the accounting term for subtracting the cost of goods or services from balances available at the time a ^{purchase} agreement is made.) At the end of FY 1980 MDOT had signed \$ 20 million worth of construction contracts for which funds had not been encumbered.

MDOT does not encumber these contracts because about three-quarters of this amount (\$ 15 million) will be reimbursed by the federal government as the projects proceed. To encumber the full cost of all contracts when they are signed would draw down the construction accounts so that many fewer contracts could be carried out at one time.

The current practice may be questioned, but solutions aren't readily apparent. MDOT has proposed that it set up an "accounts receivable" into which anticipated federal reimbursements can be entered, and against which funds can be encumbered. The Controller, however, rejects this idea because a "receivables" account should be a short term arrangement. This is not the case with these federal payments. According to the Controller, other states face this same problem in funding their highway construction programs. The current MDOT practice of not encumbering these funds is a common solution in these other states. MDOT does make an annual year-end report to the Controller on the amount of these unencumbered contracts.

QUESTION: Do the balances forward in Highway Fund accounts at the end of the fiscal year represent a "surplus" of funds which may be reallocated as a response to revenue shortfalls?

There is no easy answer to this question. Table A breaks down these balances and makes a maximum and minimum estimate of amounts which may be available for reallocation by the Legislature. The "minimum funds available" column makes the most restrictive interpretation as to what funds are available (\$2,978,000) while the "maximum funds available" makes the most generous estimate of these funds (\$14,361,000).

TABLE A
ANALYSIS OF 1980 HIGHWAY FUND BALANCES

	FUNDS POTENTIALLY AVAILABLE FOR REALLOCATION	
Total Balance Forward	\$ 44,386,000	\$ 44,386,000
Funds which should/may be excluded from reallocation	Minimum Funds Available	Maximum Funds Available
<u>Construction Accounts</u>		
Encumbered and unencumbered contracts	\$26,128,000	
or		
Bond funds in construction accounts	15,977,000	
	to 29,100,000	
or		
All planned improvements	31,592,000	
<u>Statutory Grants</u>		
Municipal funds in S.A. account	1,000,000	
and		
All funds which have been committed to specific communities	1,045,000 to 6,965,000	
<u>Maintenance and other</u>		
Federal commitments	(591,000)	(591,000)
and		
Encumbered and unencumbered commitments	(961,000)	(961,000)
and		
Funds to cover remaining snow plow obligations	(300,000)	(300,000)
FUNDS POTENTIALLY AVAILABLE FOR REALLOCATION BY THE LEGISLATURE	\$ 2,977,000	\$ 14,361,000

As noted below, it is a matter of judgment as to whether the funds associated with each of the items listed in Table A should be considered "committed" and thus unavailable for reallocation. That judgment depends on one's assessment of past legislative intent and of what constitutes a fiscally responsible action. Funds which may be excluded from reallocation include:

Encumbered and unencumbered contracts. As discussed above, \$20 million should be reserved to back up already-signed construction contracts. In addition, the balances shown include \$6.1 in encumbrances for which funds must also be reserved.

Bond funds restricted to improvement (i.e. construction) projects. The state constitution prohibits using bond funds to pay for current expenses. There is, however, no way of knowing what part of the balances in the construction accounts is bond funds and what part is allocations from current revenues. Table A shows a range of dollars in this category.

The generous way of estimating current revenue allocations in the construction balances would be to apply the percentage of total construction dollars allocated from current revenues over the last three years (43%) to the current construction balance. This would result in the estimate that only about half (\$15.98 million) of this balance is bond money. (Since this amount is less than the \$26.1 million in encumbered and unencumbered contracts, the \$26.1 million is the minimum amount which should be reserved in these accounts.)

On the other hand, if MDOT were always to spend current revenue allocations before bond funds, almost all of the balance forward would be bond monies. Thus an amount equal to the entire \$29.1 million in unsold bonds would not be available for reallocation from the construction accounts.

All allocations for highway improvements. MDOT argues that by funding a Highway and Bridge Improvement Program which has been presented to the Legislature, the Legislature has made a commitment to carry out the construction projects listed in the program. Voters have approved bond issues based on that commitment.¹ Therefore, no money can be reallocated from these accounts.

It should be noted that funds in construction accounts are almost always used as match for federal construction money. Reallocating funds from these accounts to maintenance programs, for example, would probably result in a loss

1

The language in bond authorizations approved by the voters varies from year to year. The 1978-79 referendum question made specific reference to the program "passed...by the 108th Legislature." The 1980-81 language said only that the funds were to be used for "highway and bridge improvements."

of 3 to 4 times as much as the reallocation itself in federal funds.

Municipal funds in the State-aid account. Some municipalities deposit funds which they have raised toward state-aid improvements with MDOT. These funds are held in the State-aid account. The 1980 State-aid balance included about \$1 million in municipal funds.

Funds committed for specific communities.

All three statutory grant accounts (State Aid, TRI and Island Refunds) represent money which has been earmarked for grants to individual municipalities based on various statutory formulas. When these funds are not sufficient to finance a planned improvement project, the municipality doesn't draw down its grant allocation until it can save up enough money to pay for the entire project. The balances in these accounts are funds which communities will sooner or later use to pay for these projects.

It is a question of judgment as to whether these funds need to be allocated and held in full before they are actually needed. Or, is it appropriate for the Legislature to "borrow" from these accounts and pay back this money when the communities in question are actually ready to spend the money? The Legislature did establish a precedent last year that these funds could be "borrowed" -- the State Aid program at the end of FY 1980 had obligations to the municipalities of about \$14 million while the State Aid account only had a balance of \$6.1 million.

The most generous estimate of funds which might be reallocated from these accounts would assume a continuation of this policy and its expansion to the TRI and Island Refund accounts. Assuming a 15% reserve to cover a year when an exceptionally large number of municipalities might "cash in" on funds due them, an estimated \$6.8 million from these accounts would be available for reallocation.

The most conservative estimate of amounts available for reallocation from these grant accounts would assume that no funds are available. The exception made last year in the State Aid account was unavoidable due to an emergency situation, but it may not be fiscally responsible to draw down these accounts further.

Federal funds set aside for specific projects. The total balance forward includes \$591,000 in federal funds for projects for which MDOT had contracted with the federal government to carry out. These funds cannot be reallocated for other purposes.

Encumbered and unencumbered commitments. The balances shown in the "Maintenance and other" accounts (\$4.5 million) include \$657,754 in encumbered funds. In addition MDOT had signed contracts amounting to \$303,000 for planning work for which funds had not been encumbered. Funds should be reserved to cover these obligations.

Funds to cover remaining snow plow obligations. Of the total \$2.2 million which MDOT allocated from the Winter Maintenance account for snow plow reimbursements to towns for FY 1980, about \$1.9 million had actually been paid by June 30. The department still owed communities an estimated \$300,000 for plowing which had been done but for which bills had not yet been submitted and/or paid. Funds must be set aside to cover these anticipated payments.

L.D. 2144

PART T

5 MRSA §1585, as amended by PL 1981, c. 294, is repealed and the following enacted in its place:

§1585. Transfer of unexpended appropriations

1. Transfer procedures. Any balance of any appropriation or subdivision of an appropriation made by the Legislature for any state department or agency, which at any time may not be required for the purpose named in such appropriations or subdivision, may be transferred at any time prior to the closing of the books to any other appropriation or subdivision of an appropriation made by the Legislature for the use of the same department or agency for the same fiscal year subject to review by the joint standing committee of the legislature having jurisdiction over appropriations and financial affairs. Financial orders describing such transfers shall be submitted by the Bureau of the Budget to the Legislative Finance Office 30 days before the transfer is to be implemented.

*NOW HAS NOT EXCEEDED THE
SUM OF
~~100,000~~
21,109
50,000
or 5%*

PART U

INCREASED RETIREMENT BENEFITS FOR TEACHERS,
STATE EMPLOYEES AND THEIR BENEFICIARIES

Sec. 1. Retirement allowances. Notwithstanding the Revised Statutes, Title 5, section 1128, subsection 1, monthly retirement allowances of retired teachers, state employees or their beneficiaries shall be increased by an additional one-time increase of 50¢ for each full year of the member's creditable service. Recipients of survivor or disability benefits or any other recipient whose benefit is based on criteria other than length of creditable service shall receive instead an additional 2% above the regular percentage increase.

Sec. 2. Optional methods of payment; reduced benefits. In the event that a benefit recipient receives a reduced retirement benefit in accordance with options set out in the Revised Statutes, Title 5, section 1126, the monthly retirement allowance of that recipient shall be increased by the amount provided in section 1, reduced by the same percentage by which the recipient's retirement allowance has been reduced.

2:30

Monday

RE

Finance Group

Gen Fund Budget
Account S

SUNSET

LEAD ITEM ISSUES

E + M

PART E

Adjustments to the General Highway Fund. In order to provide for necessary adjustments of the General Highway Fund to implement the recommendations of the Joint Standing Committee on Audit and Program Review, allocations are increased by the amounts designated in the following tabulations:

DEPARTMENT OR AGENCY	ALLOCATIONS FROM THE HIGHWAY FUND	
	1981-82	1982-83
Department of the Secretary of State		
Motor Vehicles		
Unallocated	\$ 336,629	\$ 222,047
Provides for 9 positions and associated funding to support a motor vehicle in- spection station program within the Division of Motor Vehicles		
TOTAL PART E - GENERAL HIGHWAY FUND	\$ 336,629	\$ 222,047

Effective date. Parts B, C, D and E of the Act shall not take effect prior to July 1, 1981.

FISCAL NOTE

This bill makes changes in appropriations and revenues that affect the following Departments: Transportation; Public Safety; the Secretary of State; Educational and Cultural Services; Finance and Administration and Treasury.

Net adjustments to General Fund appropriations for fiscal years 1982 and 1983 are \$783,909 and \$393,623 respectively. Net revenue increases are estimated to be \$34,150 in each year. Therefore, the total fiscal impact of this bill on the General Fund is a net gain of \$818,059 in 1982 and \$427,773 in 1983.

Net adjustments to General Highway Fund Allocations for fiscal years 1982 and 1983 are \$238,641 and \$261,306 respectively. Revenue increases are estimated to be \$172,500 in each year. Thus the total fiscal impact of this bill on the General Highway Fund is a net gain of \$411,141 in 1982 and \$433,806 in 1983.

Statement of Fact

This bill implements the recommendations of the Joint Standing Committee on Audit and Program Review in accordance with the Maine Sunset Law. Part A makes statutory amendments to repeal, modify or leave intact the program reviewed. Parts B and C make adjustments to General Fund appropriations and Parts D and E make adjustments to General Highway Fund allocations.

Section 1 eliminates the unnecessary filing of land jurisdiction documents with the Secretary of State. These documents are also filed with the county registry of deeds.

Section 2 continues state agencies scheduled for termination on June 30, 1981 under the provisions of the Maine Sunset Law.

Section 3-15 eliminate statutory reference to "justices of the peace".

Sections 16-18 shift records management responsibilities from the Maine State Archives to the Department of Finance and Administration.

Section 19 makes the appointment of the State Archivist consistent with the appointments of comparable state officials.

Section 20-22 shift records management responsibilities from the Maine State Archives to the Department of Finance and Administration.

Section 23 requires the State Archivist to charge a fee for receiving and processing documents from outside the executive branch of state government.

Section 24 amends the Archives law so that fees collected shall be deposited in the General Fund.

Section 25 eliminates the filing of monthly Treasurer of State reports with the Secretary of State.

Section 26 establishes a records management program within the Department of Finance and Administration.

Section 27 \longleftrightarrow eliminates the requirement under the provisions of the Maine Administrative Procedures Act that a 2nd notice of proposed rule-making be published in the newspaper.

Section 28 requires that all revenues from use of the State Plane go to the General Fund.

Sections 29 to 43 transfer the administration of the Charitable Solicitations Act from the Department of the Secretary of State to the Department of Business Regulation.

Section 44 repeals provisions for registering log-marks with the Secretary of State.

Section 45 transfers the State Board for Registration of Land Surveyors and the State Board of Registration for Professional Engineers from the Department of Transportation to the administrative control of the Department of Business Regulation.

Sections 46 to 54 eliminate statutory reference to "justice of the peace".

Section 55 establishes an increasing penalty for the late filing of annual reports.

Section 56 to 64 eliminate statutory reference to "justices of the peace".

Section 65 to 99 transfer the administration and licensing of the Beano Games of Chance from the Maine State Police to municipalities, repeal the dedicated fund for the enforcement of Beano Games of Chance statutes and establish maximum prize awards.

Section 100 eliminates statutory references to "justices of the peace".

Sections 101 to 103 eliminate the requirement that ordained ministers of the gospel, clergymen and other persons licensed to preach must be licensed by the Secretary of State before they may solemnize marriages.

Sections 104 to 110 eliminate statutory references to "justices of the peace".

Section 111 eliminates the requirement that ordained ministers of the gospel, clergymen and other persons licensed to preach must be licensed by the Secretary of State before they may solemnize marriages.

Sections 112 to 116 repeal legislation which is outdated as it relates to the Department of Transportation's activities.

Section 117 ensures that toll revenues continue to be used to offset costs of traffic enforcement connected with the Maine Turnpike.

Section 118 eliminates a mandated allocation from the General Highway Fund and makes all access-road projects subject to legislative approval through the appropriations process.

Sections 119 to 121 repeal legislation which is outdated as it relates to the Department of Transportation's activities.

Sections 122 to 124 eliminates mandated municipal participation in railroad grade crossing improvement programs.

Section 125 transfer those sections of the railroad statutes for which the Department of Transportation is responsible from Title 35 to Title 23.

Sections 126-128 eliminate legislation which is outdated as it relates to the Department of Transportation's activities.

Sections 129 to 132 eliminates mandated municipal participation in railroad grade crossing improvement programs.

Section 133 eliminates mandated state allocations from the General Highway Fund to fund grade crossing improvements.

Section 134 eliminates statutory reference to outdated boards and commissions in the Department of Transportation.

Section 135 consolidates Private and Special Laws governing the operation of the various Bureau of Waterways programs and establishes a formula for General Fund support of the Maine State Ferry Service.

Sections 136 and 137 eliminates General Fund support for the Fire Service Training program in the Department of Education and Cultural Services and funds this activity from the dedicated fire insurance fund in the State Fire Marshal's office.

Sections 138 to 156 establish a single license plate system.

Sections 157 to 160 increase the annual dealer license fee for automobile dealers from \$30 to \$50 and for motorcycle, boat and snowmobile trailer dealers from \$10 to \$15.

Sections 161 to 166 establish a single license plate system.

Sections 167 to 175 transfer the responsibility for licensing and regulating commercial driving schools from the Division of Motor Vehicles to the Department of Educational and Cultural Services.

Section 176 increases the driver's license reinstatement fee from \$10 to \$20.

Sections 177 to 179 exempts vehicles that weigh less than 32,000 pounds and are more than 10 years old from mandatory title requirements.

Sections 180 to 193 transfer the responsibilities of the Inspection Section of the Traffic Division within the Bureau of the Maine State Police into the Division of Motor Vehicles.

Sections 194 to 195 eliminate state records management responsibilities with respect to county records.

Sections 196 eliminates the requirement that commissioners in municipal boundary disputes file a copy of their report with the Secretary of State.

Section 197 eliminates statutory references to "justices of the peace".

Sections 198 to 199 eliminate state records management responsibilities with respect to municipal records.

Section 200 eliminates statutory reference to "justice of the peace".

Section 201 eliminates the unnecessary filing of Maine Board of Chiropractic Examination and Registration records with the Secretary of State.

Section 202 eliminates statutory references to "justices of the peace".

Sections 203 to 204 requires that the State Board of Registration for Professional Engineers submit reports to the Department of Business Regulation.

Section 205 eliminates the unnecessary filing of the registered professional engineers roster with the Secretary of State.

Sections 206 to 207 requires that the State Board of Registration for Land Surveyors file reports with the Department of Business Regulation.

Section 208 eliminates the unnecessary filing of the roster of land surveyors with the Secretary of State.

Sections 209 to 215 eliminate statutory reference to "justices of the peace".

Sections 216 to 217 repeal Private and Special Laws which have been enacted in Title 23 as part of the State's Transportation Statutes.

Section 218 transfers the responsibility for issuing "wheelchair symbols" from the Secretary of State to the Governor's Committee on Employment of the Handicapped.

Sec. 219 provides for the transition of the records management program from the Maine State Archives to the Department of Finance and Administration and provides for the transition which would eliminate "justices of the peace".

Sec. 220 eliminates statutory references to "justices of the peace".

