

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR  
FIRST REGULAR SESSION  
NON-EMERGENCY LAWS IS  
OCTOBER 13, 1993

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

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**CHAPTER 431****H.P. 43 - L.D. 59****An Act to Change the Manner in Which Debt Service on Jail Facility Bonds Is Repaid to Counties****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 34-A MRSA §1210, sub-§5, ¶D**, as amended by PL 1987, c. 335, §1, is further amended to read:

D. Capital expenditures Annual debt services on jail facility bonds to the extent that ~~it reflects they reflect~~ the actual increase in jail population resulting from net gain of prisoners under Title 17-A, section 1203, subsection 1 and Title 17-A, section 1252, subsection 1, ~~as amended:~~

- (1) Equipment:
  - (a) Furniture and fixtures; and
- (2) Buildings; ~~and~~

**Sec. 2. 34-A MRSA §1210, sub-§5, ¶E**, as enacted by PL 1987, c. 335, §2, is amended to read:

E. Capital expenditures, replacement:

- (1) Equipment:
  - (a) Furniture and fixtures; and
  - (b) Vehicles; ~~and~~

**Sec. 3. 34-A MRSA §1210, sub-§5, ¶F** is enacted to read:

F. Revenues.

See title page for effective date.

**CHAPTER 432****H.P. 48 - L.D. 64****An Act to Establish Minimum Sentence Enhancements for Repeated Convictions for Gross Sexual Assault****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 17-A MRSA §253, sub-§6** is enacted to read:

6. In using a sentencing alternative involving a term of imprisonment for any natural person convicted of violating this section, a court shall, in determining the maximum period of incarceration as the 2nd step in the sentencing process, treat each prior Maine conviction for a violation of this section as an aggravating sentencing factor.

A. When the sentencing class for a prior conviction under this section is Class A, the court shall enhance the basic period of incarceration by a minimum of 4 years of imprisonment.

B. When the sentencing class for a prior conviction under this section is Class B, the court shall enhance the basic period of incarceration by a minimum of 2 years of imprisonment.

C. When the sentencing class for a prior conviction under this section is Class C, the court shall enhance the basic period of incarceration by a minimum of one year of imprisonment.

In arriving at the final sentence as the 3rd step in the sentencing process, the court may not suspend that portion of the maximum term of incarceration based on a prior conviction unless the court is of the opinion that exceptional circumstances justify that suspension in which event the court shall set forth in detail its reasons on the record.

See title page for effective date.

**CHAPTER 433****S.P. 229 - L.D. 700****An Act to Develop and Expand Markets for Recycled Materials****Be it enacted by the People of the State of Maine as follows:**

**Sec. 1. 36 MRSA §2526**, as corrected by RR 1991, c. 2, §134, is amended to read:

**§2526. Solid waste reduction investment tax credit**

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Employing unit" has the same meaning as in Title 26, section 1043.

B. "Solid waste" has the same meaning as in Title 38, section 1303-C.

C. "Waste reduction, reuse or recycling equipment" means structures, machinery, equipment or