

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

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PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND TENTH LEGISLATURE

1981

1. Certain persons incapable of contracting marriage. No person who is impaired by reason of mental illness or mental retardation to the extent that he lacks sufficient understanding or capacity to make, communicate or implement responsible decisions concerning his person or property is capable of contracting marriage.

2. Definitions. For purposes of this section, the following terms have the following meanings.

A. "Mental illness" means a psychiatric or other disease which substantially impairs a person's mental health.

B. "Mental retardation" means a condition of significantly subaverage intellectual functioning manifested during a person's developmental period, existing concurrently with demonstrated deficits in adaptive behavior.

Effective September 18, 1981

CHAPTER 403

H. P. 1095 — L. D. 1292

AN ACT to Improve County Budget and Financial Procedures.

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

Sec. 1. 30 MRSA §§ 66 and 67 are enacted to read:

§ 66. County commissioners' authority

The county commissioners shall have final authority over the operation of all county offices by elected or appointed county officers.

§ 67. Civil violation

Any county officer who fails to follow the requirements of this chapter commits a civil violation for which a forfeiture of not more than \$200 may be adjudged.

Sec. 2. 30 MRSA § 252, last ¶, as repealed and replaced by PL 1967, c. 541, § 1, is repealed and the following enacted in its place:

The county treasurer shall keep a record of any transfers between specific line categories or from the contingent account. This record shall be certified by the county commissioners within 30 days of each transfer.

Sec. 3. 30 MRSA § 254, first ¶, 2nd sentence, as repealed and replaced by PL 1977, c. 698, § 3, is amended to read:

They may add that sum above the sum so authorized, not exceeding 2% of that sum, as a fractional division ~~renders convenient~~ necessitates and certify ~~demonstrate~~ that ~~fact~~ necessity in the record of that apportionment, and issue their warrant to the assessors requiring them forthwith to assess the sum apportioned to their town or place, and to commit their assessment to the constable or collector for collection.

Sec. 4. 30 MRSA § 401, 2nd ¶, as amended by PL 1973, c. 567, § 20, is further amended to read:

If the auditor shall find in the course of his audit evidences of improper transactions, ~~or including use of contingency funds for nonemergency purposes and transfer of funds between departments or agencies~~, of incompetence in keeping accounts or handling funds, ~~of failure to comply with this article~~ or of any other improper practice of financial administration, he shall report the same to the district attorney immediately.

Sec. 5. 30 MRSA § 401, 2nd ¶, as amended by PL 1973, c. 567, § 20, is further amended by adding at the end a new sentence to read:

The county commissioners shall be responsible for the proper financial administration of each county department or agency and for approving county expenditures.

Sec. 6. 30 MRSA § 403, 2nd ¶, as enacted by PL 1967, c. 541, § 4, is amended by adding at the end a new sentence to read:

Once a purpose for an account is specified any expenditure from that account must be for the purpose unless the Department of Audit states in writing that an account for that purpose is no longer needed.

Sec. 7. 30 MRSA § 409 is amended to read:

§ 409. Bonds

A county having occasion to issue bonds may make them payable in installments extending over a period ~~of not more than 50 years to be determined by the~~ Legislature.

Sec. 8. 30 MRSA § 411, sub-§ 3, as repealed and replaced by PL 1969, § 278, is amended to read:

3. Statement of assets, liabilities, reserves and surplus. It shall contain a detailed statement of the assets, liabilities, **general, special and capital** reserves and surplus of the county.

Sec. 9. 30 MRSA § 412, as enacted by PL 1969, c. 393, is repealed.

Sec. 10. 30 MRSA § 703 is amended to read:

§ 703. Annual statement of financial standing

Each treasurer shall, at the end of each year in connection with the commissioners, make a statement of the financial condition of the county showing in detail all moneys received into and paid out of its treasury, including a statement in detail of all sums received under ~~Title 18, section 2351~~ **Title 18-A, section 3-914, of the division of moneys among general, special and capital reserve accounts and the amounts remaining in each account, of all federal funds received** and other facts and statistics necessary to exhibit the true state of its finances, including the number of weeks' board and expense of clothing furnished prisoners, and shall publish in pamphlet form a reasonable number of copies for distribution among its citizens.

Sec. 11. 30 MRSA § 801, first ¶, last sentence, as amended by PL 1973, c. 302, is repealed and the following enacted in its place:

The county commissioners may establish reasonable office hours for offices in the county buildings and provide for a county pay scale, for vacations and for sick leave for clerical help.

Sec. 12. 30 MRSA § 801, 2nd ¶ is repealed.

Effective September 18, 1981

CHAPTER 404

H. P. 1272 — L. D. 1487

AN ACT to Establish an Arson Reporting Immunity Act.

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

Sec. 1. 25 MRSA § 2402, as enacted by PL 1977, c. 275, is repealed.

Sec. 2. 25 MRSA c. 316 is enacted to read:

CHAPTER 316

ARSON REPORTING IMMUNITY ACT

§ 2411. Definitions

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

1. Action. "Action" includes nonaction or the failure to take action.