

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWELFTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1984 to June 20, 1985
Chapters 384-End

AND AT THE

FIRST SPECIAL SESSION

November 13, 1985

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

J.S. McCarthy Co., Inc.
Augusta, Maine
1985

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
CONTINUED

and

FIRST SPECIAL SESSION

of the

ONE HUNDRED AND TWELFTH LEGISLATURE

1985

1985, except for sections 4 and 5 which shall become effective 90 days following adjournment.

Effective September 19, 1985, unless otherwise indicated.

CHAPTER 403

H.P. 673 - L.D. 956

AN ACT to Make Supplemental Allocations from
the Highway Fund and Changing Certain
Provisions of the Law Necessary for
the Proper Operation of State
Government for the Fiscal Years
Ending June 30, 1986, and
June 30, 1987.

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable on or immediately after July 1, 1985; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. 1. 25 MRSA §1502, as amended by PL 1979, c. 51, §1, is further amended by adding after the 2nd paragraph a new paragraph to read:

The State Police may provide patrol services to the Maine Turnpike. The Chief of the State Police may charge the Maine Turnpike Authority for these services. Revenues received are allocated for the purpose of funding the cost of patrolling the Maine Turnpike.

(2) The scope of the hearing shall include whether, by a preponderance of the evidence:

(a) There was probable cause to believe that the person had not attained his ~~20th~~ 21st birthday and that the person was operating or attempting to operate a motor vehicle while having 0.02% or more by weight of alcohol in his blood;

(b) The person operated or attempted to operate a motor vehicle;

(c) At such time the person had 0.02% or more by weight of alcohol in his blood; and

(d) At such time the person had not attained his ~~20th~~ 21st birthday.

(3) A certificate duly signed and sworn to pursuant to section 1312, subsection 8, shall be prima facie proof of facts stated therein and that the person taking a specimen of blood or breath was authorized by section 1312, subsection 6, that the equipment, chemicals and other materials used in the taking of the blood specimen or a breath sample were of a quality appropriate for the purpose of producing reliable test results, that any equipment, chemicals or materials required by section 1312, subsection 6, to be approved by the Department of Human Services were in fact approved, that the sample tested by the person certified under section 1312, subsection 6, was in fact the same sample taken and that the percentage by weight of alcohol in the blood was, at the time the blood or breath sample was taken, as stated in the certificate.

(4) If it is determined after hearing that there was not the requisite probable cause for blood-alcohol test administration or that the person had attained his ~~20th~~ 21st birthday at the time of operation or attempted operation or that the person did not operate or attempt to operate a motor vehicle while having 0.02% or more by weight of alcohol in his blood, the suspension shall be removed immediately and the Secretary of State shall delete any record of the suspension.

Sec. 2. Supplemental Allocation of Highway Fund. Income to the Highway Fund for the next 2 fiscal years, from July 1, 1985, to June 30, 1986, and from July 1, 1986, to June 30, 1987, shall be segregated, apportioned and disbursed as designated in the following schedule.

	<u>1985-86</u>	<u>1986-87</u>
<u>PUBLIC SAFETY, DEPARTMENT</u>		
<u>OF</u>		
State Police		
Personal Services	\$ 24,263	\$ 24,316
All Other	8,364	8,365
Total	<u>\$ 32,627</u>	<u>\$ 32,681</u>
<p>Provides for transfer of 75% of funding related to one position from Trip Permit Control to reflect proper funding sources.</p>		
Trip Permit Control		
Positions	(-6)	(-6)
Personal Services	(\$188,970)	(\$189,351)
All Other	(28,497)	(29,472)
Capital Expenditures	<u>(25,016)</u>	<u>(13,780)</u>
Total	<u>(\$242,483)</u>	<u>(\$232,603)</u>
<p>Provides for transfer of 5 positions and related funding to Motor Carrier Safety and one position and related funding to Traffic and Safety Division to reflect proper funding sources.</p>		
State Police		
Personal Services	(\$ 92,604)	(\$ 94,873)
All Other	(22,786)	(24,085)
Capital Expenditures	<u>(21,412)</u>	<u>(11,872)</u>
Total	<u>(\$136,802)</u>	<u>(\$130,830)</u>
<p>Provides for transfer of 75% of funding related to 4 positions to Motor Vehicle Inspection to reflect</p>		

	<u>1985-86</u>	<u>1986-87</u>
proper funding sources.		
Motor Vehicle Inspec- tion		
Positions	(4)	(4)
Personal Services	\$138,205	\$138,484
All Other	32,046	33,435
Capital Expenditures	<u>21,412</u>	<u>11,872</u>
Total	\$191,663	\$183,791
Provides for transfer of positions and funding from State Police to reflect proper funding sources.		
State Police		
Positions	(-11)	(-11)
Personal Services	(\$222,500)	(\$227,670)
All Other	(26,585)	(28,525)
Capital Expenditures	<u>(2,100)</u>	<u></u>
Total	(\$251,185)	(\$256,195)
Provides for transfer to Administration - Public Safety to es- tablish an adminis- trative account in the Highway Fund.		
Motor Vehicle Inspec- tion		
All Other	(5,217)	(5,321)
Provides for transfer to Administration - Public Safety to es- tablish an adminis- trative account in the Highway Fund.		
Safety Program		
Positions	(-2)	(-2)
Personal Services	(\$35,180)	(\$35,591)
All Other	<u>(18,433)</u>	<u>(6,418)</u>
Total	(\$53,613)	(\$42,009)
Provides for transfer to Administration - Public Safety to es- tablish an adminis-		

	<u>1985-86</u>	<u>1986-87</u>
trative account in the Highway Fund.		
Trip Permit Control		
All Other	(4,472)	(4,561)
Provides for transfer to Administration - Public Safety to es- tablish an adminis- trative account in the Highway Fund.		
Administrative - Pub- lic Safety		
Positions	(11)	(11)
Personal Services	\$257,680	\$263,261
All Other	71,650	61,908
Capital Expenditures	<u>2,100</u>	
Total	<u>\$331,430</u>	<u>\$325,169</u>

Provides for transfer of positions and related funding from State Police, Motor Vehicle Inspection, Safety Program and Trip Permit Control in order to establish an administrative account in the Highway Fund. (See preceding 4 items.)

State Police		
Positions	(-17)	(-17)
Personal Services	(\$385,118)	(\$425,049)
All Other	(22,935)	(25,209)
Capital Expenditures	<u>(181,715)</u>	<u>(23,243)</u>
Total	<u>(\$589,768)</u>	<u>(\$473,501)</u>

Reflects transfer of 17 State Police uniform positions to a proposed dedicated account into which revenues from the Maine Turnpike Authority will accrue to cover the cost of enforcement services.

	<u>1985-86</u>	<u>1986-87</u>
State Police		
Positions	(18)	(18)
Personal Services	\$ 56,096	\$273,023
All Other	80,472	157,119
Capital Expenditures	240,703	
Total	<u>\$377,271</u>	<u>\$430,142</u>

Provides 75% Highway Fund share for 17 rural patrol troopers and 1 clerk - stenographer, including 9 rural patrol troopers to replace rural patrol troopers now assigned to the investigation of child abuse and sexual assault cases. These positions will be effective on January 1, 1986, only if the necessary 25% General Fund share is appropriated. If the 25% General Fund share is not appropriated, then this allocation will not be used for any other purpose and will lapse back to the Highway Fund.

State Police		
Positions	(6)	(6)
Personal Services	\$109,556	\$113,048
All Other	1,811	1,870
Capital Expenditures	1,853	
Total	<u>\$113,220</u>	<u>\$114,918</u>

Provides 75% Highway Fund share for 4 positions related to civilian support services and 2 police communication officer positions. These positions will be effective only if the necessary 25% General Fund share is appropriated. If the 25%

1985-86

1986-87

General Fund share is not appropriated, then this allocation will not be used for any other purpose and will lapse back to the Highway Fund.

State Police

Capital Expenditures

\$47,209

\$11,203

Provides 75% Highway Fund share for new capital equipment purchases for communications; Troop B; Troop A; Automotive Maintenance; supply; crime lab; organized crime unit; and radio maintenance. Allocation will be effective only if the necessary 25% General Fund share is appropriated. If the 25% General Fund is not appropriated, then this allocation will not be used for any other purpose and will lapse back to the Highway Fund.

State Police

Capital Expenditure

\$712,500

Provides 75% Highway Fund share of new crime lab. Allocation will be effective only if the necessary 25% General Fund share is appropriated. If the 25% General Fund share is not appropriated, then this allocation will not be used for any purpose and will lapse back to the Highway Fund.

	<u>1985-86</u>	<u>1986-87</u>
Safety Program		
Positions	(1)	(1)
Personal Services	\$25,234	\$25,331
All Other	<u>1,893</u>	<u>1,900</u>
Total	\$27,127	\$27,231

Provides funding for a program manager position to provide day-to-day direction to the bureau's highway safety programs.

Administration - Public Safety		
Personal Services	1,143	412
All Other	<u>86</u>	<u>31</u>
Total	\$1,229	\$ 443

Provides funding for a reclassification approved by the Department of Personnel (Clerk Typist II to Account Clerk I).

DEPARTMENT OF PUBLIC SAFETY
TOTAL

\$ 550,736	(\$ 19,442)
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SECRETARY OF STATE, DEPARTMENT OF THE

Administration - Motor Vehicles		
Positions	(2)	(2)
Personal Services	\$ 49,780	\$ 54,234
All Other	1,674	1,824
Capital Expenditures	<u>3,014</u>	<u> </u>
Total	\$ 54,468	\$ 56,058

Provides funding for increased data processing staff.

Administration - Motor Vehicles		
Positions	(1)	(1)
Personal Services	\$17,615	\$18,994
All Other	3,059	3,105
Capital Expenditures	<u>6,784</u>	<u> </u>
Total	\$27,458	\$22,099

	<u>1985-86</u>	<u>1986-87</u>
Provides funding to facilitate additional overview of the Municipal Registration Program.		
Administration - Motor Vehicle		
Personal Services	\$60,000	\$60,000
All Other	<u>2,018</u>	<u>2,018</u>
Total	\$62,018	\$62,018
Provides funding for expanded office hours for the Motor Vehicle Division main office and 9 branch offices.		
Administration - Motor Vehicles		
All Other	5,520	5,520
Provides funding for a comprehensive training program for the professional development of driver examiner personnel.		
Administration - Motor Vehicles		
Positions	(3)	(3)
Personal Services	\$ 43,710	\$47,132
All Other	27,907	28,022
Capital Expenditures	<u>30,263</u>	<u> </u>
Total	\$101,880	\$ 75,154
Provides funding for additional licensing and registration facilities in the southern portion of the State.		
Administration - Motor Vehicles		
Positions	(1/2)	(1/2)
Personal Services	\$31,411	\$21,941
All Other	<u>1,737</u>	<u>675</u>
Total	\$33,148	\$22,616
Provides funds for conversion of the Af-		

firmative Action Of-
ficer from 20 hours
to 40 hours and per-
sonnel actions al-
ready approved.

DEPARTMENT OF THE SECRE-
TARY OF STATE
TOTAL

	<u>1985-86</u>	<u>1986-87</u>
	\$ 284,492	\$ 243,465

TRANSPORTATION, DEPART-
MENT OF

Highway and Bridge Im-
provement

Positions	(35)	(35)
Personal Services	\$578,634	\$609,132

Provides funding for
35 additional engi-
neering positions
which are projected
to be required on the
basis of anticipated
program levels due to
increases in both
federal and state
transportation taxes.

Highway and Bridge Im-
provements

Capital Expenditures	(\$578,634)	(\$609,132)
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Reallocates funds
from the Capital Ex-
penditures line-item
for the funding of 35
positions already in-
cluded in Personal
Services.

State Aid Highway Con-
struction - General

Positions	(-36)	(-36)
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Transfers authorized
personnel to the
Highway Collector
Road Program.

Highway Collector Road
Program

Positions	(36)	(36)
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	<u>1985-86</u>	<u>1986-87</u>
Transfers authorized personnel from State Aid Highway Construc- tion - General		
DEPARTMENT OF TRANSPORTA- TION		
TOTAL	\$ 0	\$ 0
TOTAL PART A	\$ 835,228	\$ 224,023

Sec. 3. Adjustments to allocations. Allocations may be increased or adjusted by the State Budget Officer with the approval of the Governor to specifically cover those adjustments determined to be necessary under any salary plan approved by the Legislature and those reclassifications or range changes which have been approved by the Department of Personnel and submitted for legislative review prior to the effective date of this Act.

Sec. 4. Encumbered balances at year end. At the end of each fiscal year, all encumbered balances shall not be carried more than once.

PART B

Supplemental allocation of federal funds. Income to the Department of Transportation for the fiscal year ending June 30, 1986, shall be segregated, apportioned and disbursed as designated in the following schedule.

	<u>1985-86</u>
<u>TRANSPORTATION, DEPARTMENT OF</u>	
Transportation Service	
All Other	\$25,000
Provides federal funding to implement Maine's Coastal Man- agement Program. Au- thorization is pro- vided for the funds to be transferred from the State Plan- ning Office Account to the Department of Transportation.	

PART C

Sec. 1. 23 MRSA §1803, sub-§2, ¶C, as repealed and replaced by PL 1983, c. 800, §1, is repealed and the following enacted in its place:

C. Three thousand two hundred and fifty dollars per mile of roads maintained by the municipality that were maintained by the State between July 1, 1980, and June 30, 1982, except that no municipality may receive less than \$3,500 per mile beginning on July 1, 1985, and no municipality may receive less than \$3,750 per mile beginning on July 1, 1986.

Sec. 2. Proportional distribution of local road assistance funds. It is the intent of the Legislature that Highway Fund money shall be proportionately distributed to all program categories. To insure a proportional distribution, the reimbursement to municipalities, subject to provisions other than the provisions of the Maine Revised Statutes, Title 23, section 1803, subsection 2, paragraph C, shall be increased by the same percentage ratio as the reimbursement to municipalities, subject to the provisions of the Maine Revised Statutes, Title 23, section 1803, subsection 2, paragraph C, is increased.

PART D

Allocation of Special Revenue Fund. Income to the other Special Revenue Fund for fiscal years from July 1, 1985, to June 30, 1986, and from July 1, 1986, to June 30, 1987, shall be segregated, apportioned and disbursed as designated in the following schedule.

	<u>1985-86</u>	<u>1986-87</u>
<u>PUBLIC SAFETY, DEPARTMENT</u>		
<u>OF</u>		
Turnpike Enforcement		
Positions	(23)	(23)
Personal Services	\$591,338	\$593,709
All Other	23,094	25,388
Capital Expenditures	<u>181,715</u>	<u>23,243</u>
Total	<u>\$796,147</u>	<u>\$642,340</u>
Provides funds to transfer from State Police Account 17 State Police Uniform		

1985-86

1986-87

positions and establish 6 new Uniform positions to be funded by the dedicated revenues received from the Maine Turnpike Authority.

Emergency clause. In view of the emergency cited in the preamble, and except where otherwise noted, this Act shall take effect on July 1, 1985.

Effective July 1, 1985, unless otherwise indicated.

CHAPTER 404

S.P. 46 - L.D. 63

AN ACT to Allow the Secretary of State to Issue License Plates for Former Prisoners of War.

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

29 MRSA §252-C is enacted to read:

§252-C. Former prisoners of war; special license plates

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 special designating plates to be used in lieu of regular registration plates to any person who served in the United States Armed Forces and who was a prisoner of war at any time during his tenure of service, when that application is accompanied by a copy of the appropriate military form certifying that the person is a former prisoner of war. This special license plate is issued specifically to former prisoners of war and the privilege of using the special plate is not transferable.

These special designating plates shall be of a design as determined by the Secretary of State.

Effective September 19, 1985.
