

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

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

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND TWELFTH LEGISLATURE
1985

B. That provisions be made concerning educational requirements that take into consideration the protection of those currently licensed and the availability of nurses throughout the State.

5. Report; dissolution of commission. The commission shall report its findings to the joint standing committee of the Legislature having jurisdiction over business and commerce by January 1, 1990 and every 2 years thereafter until provisions concerning educational levels, educational requirements and titles have been implemented at which time the commission shall be dissolved.

Effective July 16, 1986.

CHAPTER 725

H.P. 1666 - L.D. 2346

AN ACT Making Allocations from the Highway
Fund and other Funds for the
Expenditures of State Government and
Changing Certain Provisions of the Law
Necessary to the Proper Operations 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 incident to the operation of state departments and institutions will become due and payable immediately; 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

Allocation. There is allocated from the Highway Fund for the fiscal years ending June 30, 1986, and June 30, 1987, to the departments listed, the sums identified in the following:

| | <u>1985-86</u> | <u>1986-87</u> |
|--|----------------|----------------|
| <u>PUBLIC SAFETY, DEPARTMENT</u> | | |
| <u>OF</u> | | |
| State Police | | |
| Personal Services | | \$(34,358) |
| Adjusts allocation to reflect net effect of the following staffing adjustments: New Positions: Laboratory Technician, Laborer I, Clerk Typist III; Deleted Positions: State Police Sergeant (abolished); State Police Trooper (transferred to Motor Vehicle Inspection); State Police Corporal (transferred to Motor Carrier Safety); Various Position Downgrades. | | |
| Motor Vehicle Inspections | | |
| Positions | | (1) |
| Personal Services | | 32,664 |
| All Other | | 115 |
| Adjusts allocation to reflect transfer of State Police Trooper position from State Police in correction of an oversight related to the account reorganization approved during the First Regular Session of the 112th Legislature. | | |

| | <u>1985-86</u> | <u>1986-87</u> |
|---|----------------|----------------|
| Administration - Public Safety | | |
| Positions | | (1) |
| Personal Services | | 21,916 |
| All Other | \$(5,500) | 22,069 |
| Capital Expenditures | 5,500 | 8,050 |
| Allocates funds to reflect transfer of Print Shop from Other Special Revenue Funds to Highway Fund to improve cost allocation process (also provides for additional equipment needs). | | |
| Administration - Public Safety | | |
| Positions | (2) | (2) |
| Adjusts headcount to agree with the actual positions resulting from transfers included in the account reorganization approved during the First Regular Session of the 112th Legislature. | | |
| State Police | | |
| Positions | (-24) | (-24) |
| Adjusts headcount to complete transfer of all State Police positions to the General Fund, as initiated and approved during the First Regular Session of the 112th Legislature, Public Law 1985, chapters 403 and 501. | | |
| DEPARTMENT OF PUBLIC SAFETY | | |
| TOTAL | \$ 0 | \$ 50,456 |

1985-86

1986-87

SECRETARY OF STATE, DEPARTMENT OF

Administration - Motor Vehicles

| | |
|----------------------|--------------|
| Personal Services | \$ 114,177 |
| All Other | 1,509,113 |
| Capital Expenditures | <u>9,900</u> |
| Total | \$1,633,190 |

Provides funds in fiscal year 1986-87 to purchase materials needed to implement a new issuance of registration plates, as well as to hire 11 project employees as follows: 7 manufacturing project employees; 2 laborer project employees; and 2 clerical project employees. These project employees may be hired for a total period of 16 months only.

Administration - Motor Vehicles

| | |
|----------------------|----------------|
| Positions | (4) |
| Personal Services | \$ 44,722 |
| All Other | 527,446 |
| Capital Expenditures | <u>750,000</u> |
| Total | \$1,322,168 |

Provides funding for the purchase of computer hardware and related software and the hiring of 4 computer operators - programmers. Funds not used for these purposes shall lapse back to the Highway Fund.

DEPARTMENT OF SECRETARY OF STATE
 TOTAL

\$2,955,358

| | <u>1985-86</u> | <u>1986-87</u> |
|---|----------------|----------------|
| <u>TRANSPORTATION, DEPARTMENT</u> | | |
| <u>OF</u> | | |
| Highway Maintenance - Summer | | |
| All Other | \$1,000,000 | |
| Provides funds to expand the Depart- ment of Transportation's summer paving pro- gram. | | |
| <hr/> | | |
| DEPARTMENT OF TRANSPORTA- TION | | |
| TOTAL | \$1,000,000 | |
| <hr/> | | |
| TOTAL ALLOCATIONS, PART A | \$1,000,000 | \$3,005,814 |

PART B

Allocation. There is allocated from the Federal Expenditure Fund for the fiscal year ending June 30, 1987, to the departments listed, the sums identified in the following:

| | <u>1986-87</u> |
|--|----------------|
| <u>PUBLIC SAFETY, DEPARTMENT</u> | |
| <u>OF</u> | |
| Safety Program | |
| Positions | (1) |
| Personal Services | \$16,180 |
| All Other | 57 |
| Allocates funds to change a Highway Safety Aide position from part-time to full-time. | |
| Motor Carrier Safety | |
| Unallocated | 65,000 |
| Provides a working capital advance from the Transportation Safety Fund for a federal highway ad- ministration grant that operates on a reimbursement basis. | |

| | |
|---|--------------------|
| | <u>1985-86</u> |
| DEPARTMENT OF PUBLIC SAFETY | |
| TOTAL | <u>\$81,237</u> |
| <u>TRANSPORTATION, DEPARTMENT</u> | |
| <u>OF</u> | |
| Transportation Services | |
| Personal Services | \$ 15,000 |
| All Other | 20,000 |
| Allocates funds to implement part of Maine's Coastal Man- agement Program. | |
| Transportation Services | |
| Capital Expenditures | 5,000,000 |
| Allocates antici- pated federal reve- nue for the Sears Island Cargo Port Project, for a new ferry vessel, and for authorized rail- road projects. | |
| Bridge Construction | |
| Personal Services | 240,000 |
| All Other | 167,500 |
| Capital Expenditures | 411,976 |
| Allocates federal revenues to complete Bridge Construction Program for fiscal year 1987. | |
| DEPARTMENT OF TRANSPORTA- TION | <hr/> |
| TOTAL | \$5,854,476 |
| TOTAL ALLOCATIONS, PART B | <u>\$5,935,713</u> |

PART C

Allocation. There is allocated from the Other Special Revenue Funds for the fiscal years ending June 30, 1986, and June 30, 1987, to the departments listed, the sums identified in the following:

| | <u>1985-86</u> | <u>1986-87</u> |
|--|----------------|----------------|
| <u>PUBLIC SAFETY, DEPARTMENT</u> | | |
| <u>OF</u> | | |
| State Police | | |
| Positions | | (1) |
| Personal Services | \$23,438 | |
| All Other | | 398 |
| Allocates funds to fund a Communications Technician position to meet increased workload. | | |
| Motor Carrier Safety | | |
| Positions | | (1) |
| Personal Services | 31,900 | |
| All Other | | 217 |
| Allocates funds to transfer one State Police Corporal to Motor Carrier Safety (truck weight program), which was inadvertently omitted from the transfer of positions to accounts funded by the Transportation Safety Fund. | | |
| Administration - Public Safety | | |
| Positions | | (2) |
| Personal Services | 48,253 | |
| All Other | | 169 |
| Capital Expenditures | | 17,080 |
| Allocates funds for an Accountant II, Personnel Specialist and capital equipment to meet increased workload and demands from outside agencies. | | |
| Administration - Public Safety | | |
| Positions | | (-1) |
| Personal Services | (21,916) | |
| All Other | | (16,095) |
| Adjusts allocation | | |

| | <u>1985-86</u> | <u>1986-87</u> |
|--|----------------|----------------|
| to permit the transfer of Department Print Shop to improve financial control - responsibility. | | |
| Administration - Public Safety | | |
| Positions | (1) | (1) |
| Personal Services | 10,033 | 10,033 |
| All Other | 1,847 | 10,444 |
| Capital Expenditures | 6,400 | |
| Allocates funds to establish an Accountant I position and allow for the purchase of a computer to set up a seized - forfeited property system in compliance with Public Law 1985, chapter 481. | | |
| Criminal Justice Academy | | |
| All Other | | 1,087 |
| Capital Expenditures | | 15,800 |
| Allocates funds for additional computer equipment (hard disk drive memory to store additional training information and terminals for relocated staff). | | |
| Criminal Justice Academy | | |
| Personal Services | | 2,042 |
| All Other | | 57,364 |
| Allocates funds for the Maine Criminal Justice Academy 50% match for anticipated share of Criminal Justice Block Grant Funds. | | |
| Turnpike Enforcement | | |
| Positions | | (4) |
| Personal Services | | 110,807 |
| All Other | | 9,298 |

| | <u>1985-86</u> | <u>1986-87</u> |
|---|----------------|-----------------|
| Allocates funds for an additional State Police Sergeant position to improve supervisory enforcement to the turnpike, 2 Police Communications Operator positions in lieu of allocated communications costs already charged to the Turnpike Authority and one Mechanic. | | |
| Licensing and Enforcement - Beano - Games of Chance | | |
| All Other | 1,440 | 9,900 |
| Allocates funds to provide 50% of the lease - purchase costs related to a new computer system to maintain licensing information. | | |
| DEPARTMENT OF PUBLIC SAFETY | | |
| TOTAL | <hr/> \$19,720 | <hr/> \$310,219 |
| <u>TRANSPORTATION, DEPARTMENT OF</u> | | |
| Transportation Services | | |
| Capital Expenditures | | \$83,205 |
| Allocates anticipated balance forward of local funds received but not yet expended which are deposited to match federal funds for acquisition of local capital equipment. | | |
| Van-Pool Program | | |
| All Other | | 46,116 |
| Allocates anticipated balance forward in Van-Pool Program. | | |

| | <u>1985-86</u> | <u>1986-87</u> |
|------------------------------|----------------|----------------|
| Van-Pool Services | | |
| All Other | | 18,116 |
| Capital Expenditures | \$28,000 | |
| DEPARTMENT OF TRANSPORTATION | ----- | ----- |
| TOTAL | \$28,000 | \$147,437 |
| TOTAL ALLOCATIONS, PART C | ----- | ----- |
| | \$47,720 | \$457,656 |

PART D

PL 1985, c. 403, Pt. A, §2, under the caption "PUBLIC SAFETY, DEPARTMENT OF," under the heading "State Police - Capital Expenditures \$712,500," last line, is amended by adding a new sentence to read:

Any unencumbered allocation balance remaining on June 30, 1986, shall be carried forward to June 30, 1987, to be used for the same purpose.

PART E

P&SL 1985, c. 18, Pt. A, Sec. 16 is amended to read:

Sec. 16. Unified state budget. The Governor, when submitting the budget to the Legislature, shall submit the budget document and the General Fund, Highway Fund, including all funds pertaining to the Department of Public Safety and the Department of Transportation, and funds of Department of Inland Fisheries and Wildlife bills in a manner that will identify the gross amount of resources for each program. The gross unified budget bills and budget document shall encompass resources from all funds, including, but not limited to: General Fund, Highway Fund, Federal Fund, Federal Block Grant Fund and other special revenue funds. Separate gross unified budget bills shall be submitted for the General Fund, the Highway Fund, including all funds pertaining to the Department of Public Safety and the Department of Transportation, and the Department of Inland Fisheries and Wildlife funds.

PART F

Allocation. There is allocated from the Highway Fund bond issues, highway, bridge and airport improvements the following:

| | <u>1985-86</u> | <u>1986-87</u> |
|---|--------------------|---------------------|
| <u>TRANSPORTATION, DEPARTMENT OF</u> | | |
| Highway and Bridge Improvements | | |
| Capital Expenditures | \$4,000,000 | \$15,000,000 |
| Allocates proceeds of Highway Fund bond issue authorized by Private and Special Law 1985, chapter 71 and passed in November of 1985, but not yet allocated. | | |
| DEPARTMENT OF TRANSPORTATION | | |
| TOTAL | <u>\$4,000,000</u> | <u>\$15,000,000</u> |

PART G

Authorization of the purchase or lease with the option to purchase or lease - purchase certain capital items. Approval as required by the Maine Revised Statutes, Title 5, section 1587, is given to the Department of Public Safety, Bureau of State Police, to enter into purchase or lease with option to purchase or lease - purchase financing arrangements for computer equipment with an outright purchase price of not more than \$35,000. The department and its agencies shall finance the cost with "All Other" and "Capital Expenditures" funds within their regular budget.

PART H

Sec. 1. 29 MRSA c. 5, Art. 1-A is enacted to read:

ARTICLE 1-A

ISSUE OF REGISTRATION PLATES

§131. Registration plate issues

The Secretary of State shall provide a new general issue of registration plates every 6 years for all vehicles required to be registered in this State for operation on Maine highways. The first new general issue of registration plates shall commence on July 1, 1987, and successive new general issues of registration plates shall be issued every 6 years thereafter.

Each new general issue of registration plates as required by this section shall be easily distinguishable from the preceding general issue.

The following design elements are guidelines to be followed by the Secretary of State in the production of new plates to be issued from July 1987 to December 1992. A new plate shall have a white background, identification numbers and letters and the border shall be distinctly navy blue in color with any graphic material appearing in a color distinctly lobster red, featuring an illustration of a lobster. The name of the State "Maine" shall appear centered at the top of the plate and the designation "Vacationland" shall appear centered at the bottom. This guidance is meant to be applied in accordance with the authority held by the Secretary of State in section 110.

The Secretary of State shall adopt rules in accordance with Title 5, chapter 375, to implement this article. In these rules, the Secretary of State may include provisions to protect the integrity of the Maine motor vehicle registration plate, to provide for the issue of replacement plates and any other provisions to facilitate the implementation of this article.

§132. Fees for new issues of registration plates

A fee of \$1 for each registration plate shall be collected by the Secretary of State from the vehicle registrant for new registration plate issues as referred to in section 131. This fee shall be in addition to any other registration fees required by this Title.

Sec. 2. 29 MRSA §191, as amended by PL 1983, c. 455, §10, is repealed and the following enacted in its place:

§191. Reservation of same number

1. Plate issue year. The Secretary of State shall reserve until July 1st the same registration

number for the succeeding registration year for persons who notify the Secretary of State prior to April 1st in writing of their desire to retain their registration number. The fee for retention of the same registration number is \$5.

If a person wishes to retain his registration number and does not have a vehicle to register on July 1st, he may hold his registration number for a maximum of 2 registration years by depositing with the Secretary of State the sum of \$10 for each year. These fees are not refundable and shall not be applied as part payment of the registration fee.

All numbers other than those reserved shall be released and issued in rotation after July 1st, except that a person wishing to select a number out of rotation may do so by paying his registration fee and a reserved number fee of \$5.

Holders of initial plates shall pay the sum of \$15 which shall be credited toward renewal of the initial plates reserved.

2. Nonplate issue year. When a person fails to reregister during a nonplate issue year and the registration remains expired for 6 consecutive months, his reservation of the same number may cease and the number becomes available for reissuance or reassignment, or both.

PART I

29 MRSA §58-B is enacted to read:

§58-B. Central computer system

1. Central computer system; uses. Notwithstanding any other provisions of law, the Secretary of State may purchase and maintain a central computer system for purposes of administering this Title and conducting departmental operations. All other uses must be approved by the Secretary of State or a duly authorized deputy. All purchases made regarding software and hardware equipment shall comply with the provisions of the state laws and rules.

2. Rules. The Secretary of State and his deputies shall develop rules regarding the maintenance and use of information files relating to data processing required by law to be kept confidential and shall distinguish those files from files available under the freedom of access laws.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective April 18, 1986.

CHAPTER 726

H.P. 1431 - L.D. 2022

AN ACT to Amend Watercraft Excise Tax Laws.

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

Sec. 1. 36 MRSA §1503, sub-§2, as enacted by PL 1983, c. 92, Pt. B, §9, is amended to read:

2. Commissioner. "Commissioner" means the Commissioner of Marine Resources Inland Fisheries and Wildlife.

Sec. 2. 36 MRSA §1503, sub-§8, as amended by PL 1983, c. 572, §§7 and 12, is further amended to read:

8. Registration period. "Registration period" means that period commencing upon the issuance of a certificate of number pursuant to Title 12, section 7794 and continuing until December 31st of the calendar year after the year of issuance the last day of the 12th month after the month of issuance.

Sec. 3. 36 MRSA §1503, sub-§9, as enacted by PL 1983, c. 92, Pt. B, §9, is amended to read:

9. Taxable year. "Taxable year" for purposes of section 1504, subsection 5, means from January 1st to December 31st for watercraft subject to the excise tax but not required to be registered under Title 12, section 7794. For watercraft required to be registered under Title 12, section 7794, "taxable year" means the 12-month period of registration.

Sec. 4. 36 MRSA §1504, sub-§3, ¶C, as enacted by PL 1983, c. 92, Pt. B, §9, is amended to read:

C. The ~~commissioner~~ State Tax Assessor shall determine a vessel's established base of operation if 2 or more municipalities disagree over which