

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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

Sec. 1. 12 MRSA §6209 is enacted to read:

§6209. Commissioner to keep records

The commissioner shall collect and maintain criminal history record information pertinent to violations of chapters 601 to 627. He may collect and maintain other records and information pertinent to other functions of the department, including the enforcement of civil violations.

Sec. 2. 12 MRSA §7905-A is enacted to read:

§7905-A. Commissioner to keep records

The commissioner shall collect and maintain criminal history record information pertinent to violations of chapters 701 to 721. He may collect and maintain other records and information pertinent to other functions of the department, including the enforcement of civil violations.

Sec. 3. 25 MRSA §1547 is repealed and the following enacted.

§1547. Courts to submit criminal records to the State Bureau of Identification

At the conclusion of any prosecution for any criminal offense, except a violation of Title 12 or Title 29, the clerk of the court shall transmit to the State Bureau of Identification an abstract duly certified on the form provided by the bureau.

Effective September 29, 1987.

**CHAPTER 282**

**H.P. 504 — L.D. 677**

**AN ACT to Make Allocations for the Operating Expenditures of the Intergovernmental Telecommunications Fund of the Department of Administration for the Fiscal Years ending June 30, 1988, and June 30, 1989.**

**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, 1987; 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:

Sec. 1. 5 MRSA §1742, sub-§20-A, as enacted by PL 1985, c. 785, Pt. A, §67, is repealed and the following enacted in its place:

20-A. Utility services. To purchase or contract or approve the purchasing or contracting for electric, water, sewerage and gas services for any department and agency of State Government;

Sec. 2. 5 MRSA §1886, sub-§2-A is enacted to read:

2-A. Maintain central telecommunications services. The deputy commissioner shall maintain and operate central telecommunications services and may:

A. Employ or engage outside technical and professional services that may be necessary for telecommunications purposes;

B. Establish, through the Bureau of Accounts and Control, an Internal Telecommunications Fund Account. This fund shall include, but not be limited to, appropriations made to the program, funds transferred to the program from within the Department of Administration and funds received for telecommunications services rendered to system users;

C. Levy charges, according to a rate schedule approved by the Commissioner of Administration, against all units utilizing telecommunications services; and

D. Submit a budget of estimated revenues and costs to be incurred by the program in the same manner as required for the General Fund in chapters 145 and 149.

Sec. 3. Allocation of fund. In order to provide for the necessary expenses of operation and administration of the Intergovernmental Telecommunications Fund of the Department of Administration, the following amounts, or as much as may be necessary, are allocated from the revenues derived from operations of the fund.

1987-88      1988-89

ADMINISTRATION,  
DEPARTMENT OF

Intergovernmental  
Telecommunications Fund

Positions	(10)	(10)
Personal Services	\$ 269,400	\$ 288,640
All Other	2,777,660	2,789,711

Total	\$3,047,060	\$3,078,351
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**Sec. 4. 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 and range changes which have been approved by the Department of Administration and submitted for legislative review prior to the effective date of this Act.

**Sec. 5. Exclusion.** Exclusive of the provisions of sections 1 and 2, up to \$750,000 for Capital Expenditures may be expended in each fiscal year of the biennium, exclusive of capital items obtained through lease-purchases or other similar agreements consistent with the Maine Revised Statutes, Title 5, section 1587, and other applicable laws. It is the intent of the Legislature that no capital items purchased through the Intergovernmental Telecommunications Fund may be given, transferred, sold or otherwise conveyed to any other department, agency or account, unless the transaction has received specific prior legislative authorization through the budgetary process.

**Sec. 6. Encumbered balance at year end.** At the end of each fiscal year, all encumbered balances shall not be carried more than once.

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

Effective June 12, 1987.

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## CHAPTER 283

H.P. 1128 — L.D. 1538

### AN ACT Allowing Restricted Disclosure of HTLV III Test Results within a Federally-mandated Military Testing Program.

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

5 MRSA §17003, as enacted by PL 1985, c. 711, §2, is amended by adding at the end a new paragraph to read:

This section does not prohibit limited administrative disclosure in conjunction with a mandatory testing program of a military organization subject to Title 37-B.

Effective September 29, 1987.

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## CHAPTER 284

H.P. 1130 — L.D. 1540

### AN ACT Amending the Assumed Payroll of Partnerships and Sole Proprietors in a Self-insured Group.

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

39 MRSA §23, sub-§4, ¶G, as amended by PL 1977, c. 696, §402, is further amended to read:

G. If an employer is a partnership, or a sole proprietorship, and is a member of a self-insurance group associated pursuant to this section, such employer may elect to include as an "employee" any member of such partnership, or owner of such sole proprietorship, for purposes of obtaining workers' compensation coverage under this Act. In the event of such election, the electing employer shall serve upon the group self-insurance association written notice naming the partner or sole proprietor to be covered, and no election shall be deemed to have been made within this Act until such notice has been given. By making such an election, the partnership member or sole proprietor shall be deemed to have stipulated that for premium payment purposes the weekly annual salary or wage of such electing partnership member or sole proprietor is \$200 per week the average weekly wage in the State as computed by the Bureau of Employment Security multiplied by 52 and rounded to the nearest \$100. The assumed average annual wage shall be adjusted as of July 1st using the average weekly wage from the prior calendar year.

Effective September 29, 1987.

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## CHAPTER 285

H.P. 1136 — L.D. 1546

### AN ACT to Make Consistent the Federal Veterans' Reemployment Law.

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

**Sec. 1.** 26 MRSA §811 is repealed and the following enacted in its place:

#### §811. Preservation of status

1. Intent. The intent of this Act is to ensure that members of the state military forces, including the Maine Army and Air National Guards, and the Reserves of the United States Armed Forces will not suffer harm as the result of their military obligations and that an employee returning from military leave from his civilian job shall be treated no differently than any other employee with an approved leave of absence.

2. Military leave of absence. Any member of the military forces, including the Maine Army and Maine Air National Guards and the Reserves of the United States Armed Forces, who, in response to federal or state orders, takes a military leave of absence from a position other than a temporary position in the employ of any