

# 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  
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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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(b) Are services performed by an employee of this State or a political subdivision thereof, or any of their instrumentalities as provided in subsection 11, paragraph A-1, subparagraph (1), or by an employee of a nonprofit educational institution which is not an institution of higher education, as provided in subsection 11, paragraph F, subparagraph (21), division (i);

except to the extent that assistance under Title II of the Emergency Jobs and Unemployment Assistance Act of 1974 was paid on the basis of such services; and

Sec. 2. 26 MRSA §1043, sub-§19, ¶D, as enacted by PL 1985, c. 348, §2, is amended to read:

D. Nothing in this subsection may be construed to include as wages any payment which is not included as wages under the Federal Unemployment Tax Act, 26 United States Code, Section 3306(b)(5) and (r), as amended, as of January 1, 1985; and

Sec. 3. 26 MRSA §1043, sub-§19, ¶E is enacted to read:

E. Nothing in this subsection may be construed to exclude from wages any remuneration which is:

(1) Taxable under any federal law that imposes a tax against which credit may be taken for contributions required to be paid into a state unemployment fund; or

(2) Required to be covered under this chapter as a condition for full tax credit against the tax imposed by the Federal Unemployment Tax Act.

Sec. 4. 26 MRSA §1082, sub-§9-A, as enacted by PL 1979, c. 515, §11, is amended to read:

9-A. Refusal to appear. Any person who shall without just cause fail fails or refuse refuses to attend and testify or to answer any lawful inquiry or to produce books, papers, correspondence, memoranda and other records, if it is in his power to do so, in obedience to a subpoena of the commissioner, the commission, the appeal tribunal or the duly authorized representative of either any of them shall be guilty of a Class E crime. Whenever a person refuses to obey a subpoena duly issued by the commissioner, the commission, the appeal tribunal or the duly authorized representative of either any of them, any court of this State within the jurisdiction of which the person resides or transacts business, shall have jurisdiction to issue to that person an order requiring him to appear and produce evidence or testimony and any failure to obey that order may be punished by the court as contempt thereof.

Effective September 29, 1987.

## CHAPTER 339

H.P. 808 — L.D. 1082

### AN ACT Relating to Reimbursement of Counties for Costs Associated with Operations of the County Jails.

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

Whereas, the purpose of this legislation is to help counties in the operation of their jails by adding a surcharge to fines, forfeitures and penalties; and

Whereas, without an emergency clause, this legislation will in effect treat people differently for the same or similar violations simply due to the time at which the violation occurred; and

Whereas, this will not be perceived as equal justice for all; 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. 4 MRSA §116, as enacted by PL 1975, c. 408, §12, is amended to read:

#### §116. Funds of court

All revenue received by the Supreme Judicial or Superior Court from fines, forfeitures, penalties, fees and costs shall accrue to the State, except as otherwise provided under section 1057, Title 12, sections 3055 and 4508, Title 23, section 1653 and Title 29, section 2302.

Sec. 2. 4 MRSA §163, sub-§1, as amended by PL 1979, c. 127, §13, is further amended to read:

1. District Court funds. Except as otherwise provided by law, all fines, bail forfeitures and fees collected in any division of the District Court shall be paid to the clerk thereof, who shall deposit them in a special account within 72 hours of their receipt. Once each month, he shall remit such sums to the Treasurer of State, who shall credit them to the General Fund. At the same time, he shall remit such sums as have been collected in accordance with section 1057.

The court shall file a monthly report with the State Auditor itemizing the amount of fines imposed and to whom each is payable.

Sec. 3. 4 MRSA §1057 is enacted to read:

§1057. Jail Operations Surcharge Fund

1. Fund established. There is hereby established a fund to be known as the Jail Operations Surcharge Fund. This fund shall be maintained by the Treasurer of State for the sole purpose of reimbursing counties for costs associated with operations of the jail system.

2. Surcharge imposed. A surcharge of 10% shall be added to every fine, forfeiture or penalty imposed by any court in this State. All funds collected as a result of this surcharge shall be deposited monthly in the Jail Operations Surcharge Fund.

3. Reimbursement to counties. Monthly, the Treasurer of State shall make payments from this fund to each county in direct proportion to the amount of revenue obtained from all courts within each county, provided a county may not receive an amount greater than the prior year's expenditures on its jail. The amount of total payments made to counties shall equal 2% of the total fines, forfeitures and penalties, including this surcharge, received by the Treasurer of State. The balance remaining in the Jail Operations Surcharge Fund at the end of each month shall accrue to the General Fund.

Sec. 4. 4 MRSA §1156, as enacted by PL 1977, c. 551, §1, is amended to read:

§1156. Fines

Notwithstanding any other provisions of this chapter, a judge of the Administrative Court, in his judicial discretion, may impose a fine of a specific sum, which shall not be less than \$50 nor more than \$1,500 for any one offense, or such other limits as the statutes relating to the licensing question may provide. Such a fine may be imposed instead of or in addition to any suspension, revocation or modification of a license by the court. Section 1057 applies to any fine imposed by this section.

The Administrative Court Judge shall maintain a record of all fines and surcharges received by the court and shall pay the fines into the General Fund of the State Treasury and the surcharges into the Jail Operations Surcharge Fund on or before the 15th day of each month.

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

Effective June 17, 1987.

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**CHAPTER 340**

S.P. 415 — L.D. 1273

**AN ACT to Maintain Lifeguard Services  
in State Government.**

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

Sec. 1. 12 MRSA §602, sub-§10, as amended by PL 1973, c. 460, §19, is further amended to read:

10. Employees. To fix the duties of and to employ permanently or part time such employees and other personnel, subject to the Personnel Civil Service Law, as the bureau may from time to time deem necessary in the discharge of its duties under this chapter; and to accept gifts and bequests of money or other personal property to be used in advancing the recreational and conservation interests in state parks. The Bureau of Parks and Recreation will designate an employee to serve as coordinator of lifeguard training.

Sec. 2. 12 MRSA §602-A is enacted to read:

§602-A. Lifeguard training

The Bureau of Parks and Recreation shall oversee the existing lifeguard training being conducted by the Lifeguard Academy. The training procedures shall be in compliance with the guidelines for open-water lifeguard training, promulgated by the United States Lifesaving Association.

Effective September 29, 1987.

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**CHAPTER 341**

S.P. 608 — L.D. 1798

**AN ACT to Require Maintenance of Financial  
Responsibility by All Motorists.**

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

Sec. 1. 24-A MRSA §2412, sub-§6 is enacted to read:

6. Motor vehicle insurance identification cards. Pursuant to this section, the superintendent, with the advice of the Secretary of State, shall prescribe a uniform motor vehicle insurance identification card form. The superintendent shall require all insurance companies transacting business within this State to provide with each motor vehicle liability insurance policy an insurance identification card for each vehicle, describing the vehicle covered. When an insured has 5 or more motor vehicles registered in this State, the insurer may use the designation "all owned vehicles" on each card in lieu of a specific description. This section is repealed on January 1, 1991.

Sec. 2. 24-A MRSA §2451 is enacted to read:

§2451. Minimum 3-month policy for motor vehicle liability insurance