

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
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Twin City Printery
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1987

PUBLIC LAWS

OF THE

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graph A, and to whom a law enforcement officer is authorized to deliver a summons pursuant to subsection 1, who intentionally fails or refuses to provide to that officer reasonably credible evidence of his name and address is guilty of a Class E crime, provided that he persists in the failure or refusal after having been informed by the officer of the provisions of this subsection. If that person furnishes the officer evidence of his name and address and the evidence does not appear to be reasonably credible, the officer shall attempt to verify the evidence as quickly as is reasonably possible. During the period the verification is being attempted, the officer may require the person to remain in his presence for a period not to exceed 2 hours. During this period, if the officer reasonably believes that his safety or the safety of others then present so requires, he may search for any dangerous weapon by an external patting of that person's outer clothing. If in the course of the search he feels an object which he reasonably believes to be a dangerous weapon, he may take such action as is necessary to examine the object, but he may take permanent possession of any such object only if it is subject to forfeiture. The requirement that the person remain in the presence of the officer shall not be deemed an arrest. After informing that person of the provisions of this subsection, the officer may arrest the person either if the person intentionally refuses to furnish any evidence of his name and address or if, after attempting to verify the evidence as provided for in this subsection, the officer has probable cause to believe that the person has intentionally failed to provide reasonably credible evidence of his name and address.

3. If, at anytime subsequent to an arrest made pursuant to subsection 2, it appears that the evidence of the person's name and address was accurate, he shall be released from custody and any record of that custody shall show he was released for that reason. If, upon trial for violating subsection 2, a person is acquitted on the ground that the evidence of his name and address was accurate, the record of acquittal shall show that was the ground.

4. Any person who fails to appear in court, as directed by a summons served on him pursuant to subsection 1, is guilty of a Class E crime. Upon failure to appear, the court may issue a warrant of arrest. It is an affirmative defense to prosecution under this subsection that the failure to appear was neither intentional nor knowing.

Effective September 29, 1987.

CHAPTER 376

S.P. 602 — L.D. 1765

AN ACT to Amend the Law Pertaining to the
Department of Corrections'
Responsibility to Pay the Board, Care
and Mental Health Treatment Costs of
State Agency Clients in Residential Placements.

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

34-A MRSA §1206, sub-§4, as enacted by PL 1985, c. 789, §§6 and 9, is amended to read:

4. Payment for state agency clients. The commissioner shall authorize payment of approved board, care and mental health treatment costs for all state agency clients in the care or custody of the department who are placed for other than educational purposes in residential placements, as defined in Title 20-A, section 1, subsection 24-A, to the extent of funds appropriated by the Legislature for this purpose. In no event may those payments be authorized in excess of funds appropriated for those costs.

Effective September 29, 1987.

CHAPTER 377

H.P. 1282 — L.D. 1755

AN ACT to Ensure that Salaries, Perquisites
and Other Compensation of Executives
of Regulated Utility Companies are
Just and Reasonable and do not
Unfairly Increase Utility Rates.

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

35-A MRSA §301, sub-§4, ¶B, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

B. May consider whether the utility is operating as efficiently as possible and is utilizing sound management practices, including the treatment in rates of executive compensation.

Effective September 29, 1987.

CHAPTER 378

H.P. 1283 — L.D. 1756

AN ACT Concerning Wholesale Power Purchases
by Consumer-owned Electric Utilities.

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

Sec. 1. 35-A MRSA §3133, sub-§7-A is enacted to read:

7-A. Consumer-owned electric utilities. Extensions of existing wholesale power purchase arrangements by consumer-owned electric utilities, as defined in section 3501, subject to Federal Energy Regulatory Commission

review with respect to rates, are exempt from prior review under this section.

Sec. 2. 35-A MRSA §3134, sub-§4 is enacted to read:

4. Plans of consumer-owned electric utilities. The commission may order the filing of a long-range energy plan, comparable to the plan authorized in this section, by a consumer-owned electric utility, as defined in section 3501. The order shall allow sufficient time for its preparation. A consumer-owned utility may file a comparable plan on its own initiative. Any plan submitted under this subsection may be filed in concert with other consumer-owned electric utilities. A plan is comparable to a plan otherwise authorized in this section if it provides the same or similar data to the fullest extent possible, taking into account the size and resources of the consumer-owned utility.

The plan shall be reviewed by the commission in accordance with subsection 2. If a plan has been approved by the commission, the consumer-owned electric utility shall not agree to the extension of an existing wholesale power contract, exempted from prior review under section 3133, which is not consistent with the plan.

Effective September 29, 1987.

CHAPTER 379

S.P. 600 — L.D. 1760

AN ACT to Assure Accessibility to Newly Constructed and Renovated Educational Facilities.

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

20-A MRSA §15903, sub-§5, as enacted by PL 1981, c. 693, §§5 and 8, is repealed and the following enacted in its place:

5. Inspection and compliance. Review and inspection of school construction projects for compliance with approved plans and specifications shall be provided in accordance with this subsection.

A. If it appears to the commissioner that the school construction project has not been completed in conformity with the approved plans and specifications, the commissioner may cause an inspection of the project to take place.

B. Upon receipt by the commissioner of a written petition from one or more residents of the school administrative unit where the school construction project is located claiming that the project has not been completed in conformity with the approved plans and specifications, the commissioner shall cause an inspection of the project to be made or shall issue a written explanation to the petitioner or petitioners explaining his

refusal to do so. The petitioner or petitioners shall certify as part of the petition that the claim of nonconformance has been brought to the attention of the superintendent of the school administrative unit in which the school construction project is located and that the superintendent has failed to respond in a satisfactory manner to that claim.

C. If an investigation is held, the commissioner shall notify the building committee, or legislative body of the school administrative unit when no building committee exists, of the findings of the investigation and of any changes required. The building committee or legislative body of the school administrative unit shall make the changes within a reasonable period of time. Failure to do so shall render the school administrative unit liable to the penalties provided in section 6801-A.

Effective September 29, 1987.

CHAPTER 380

S.P. 462 — L.D. 1419

AN ACT to Establish a Cancer Prevention and Control Advisory Committee.

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

Sec. 1. 5 MRSA §12004, sub-§10, ¶A, sub-¶(34-A) is enacted to read:

(34-A) Human Services Cancer Prevention and Control Advisory Committee Expenses Only 22 MRSA §1405

Sec. 2. 22 MRSA §1405 is enacted to read:

§1405. Cancer Prevention and Control Advisory Committee

The Cancer Prevention and Control Advisory Committee, established by Title 5, section 12004, subsection 10, shall be appointed by the commissioner and shall consist of a committee of representatives to serve as an advisory body to the Department of Human Services on the operation of the Cancer Registry Program and on the development and maintenance of a coordinated statewide approach to cancer prevention and control.

The committee shall be solely advisory in nature, except that the committee shall review and approve requests for information from the Cancer Registry Program's data base from outside of the Department of Human Services.

The committee shall be composed of not less than 14 members. One half of the members shall be appointed by the Governor and 1/2 of the members shall be appointed jointly by the President of the Senate and the Speak-