

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

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

Twin City Printery
Lewiston, Maine
1989

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

in the period of redemption, the treasurer shall discharge the mortgage in the same manner provided for discharge of real estate mortgages. The fee for recording the discharge shall be borne by the ratepayer.

Sec. 5. Referendum; effective date. Section 2 of this Act shall be submitted to the legal voters of the Brunswick Sewer District on or before April 15, 1990. The election shall be called by the town officers and shall be held at the regular voting places. The election shall be called, advertised and conducted according to the law relating to municipal elections. The town clerk shall reduce the subject matter of section 2 of this Act to the following question:

“Shall the debt limit of the Brunswick Sewer District be increased to \$20,000,000?”

Section 2 of this Act shall take effect immediately upon its acceptance by a majority of the legal voters of the Brunswick Sewer District voting at the election. Failure of approval shall not prevent subsequent elections.

The results of the election shall be declared by the town officers and due certificates of the election results shall be filed by the town clerk with the Secretary of State.

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

Effective pending referendum.

CHAPTER 105

H.P. 1477 — L.D. 2012

AN ACT Directing the Department of Educational and Cultural Services to Study the Issue of Granting Credit for Fee-Based Driver Education Courses.

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

Sec. 1. Study and report. The Department of Educational and Cultural Services shall conduct a study of the issue of granting credit for fee-based driver education courses. In conducting the study, the department shall give due consideration to the benefits to be derived from and the need to encourage broad participation in driver education programs and the constitutional requirement that towns provide public education at their own expense. The department shall examine alternative methods of encouraging participation in driver education and shall report its findings and recommendations to the Legislature by December 15, 1988. In addition to other appropriate considerations, the department shall take into account the effect of its recommendations on the number of certified driver education instructors and on private providers of driver education courses. In con-

ducting the study, the department may request assistance from the Attorney General.

Sec. 2. Review by joint standing committee. The Joint Standing Committee on Education shall review the report of the department and, based on that review, may introduce legislation dealing with driver education to the First Regular Session of the 114th Legislature.

Sec. 3. Termination. This Act shall terminate on December 15, 1989.

Effective August 4, 1988.

CHAPTER 106

S.P. 940 — L.D. 2484

AN ACT to Provide Reimbursement to Certain Employees of the Department of Corrections for Meal Expenses.

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

P&SL 1987, c. 21, Pt. A, §11, is amended by adding at the end a new paragraph to read:

Any employee of the Department of Corrections who would normally be provided, without cost, a meal in an institution in accordance with the Maine Revised Statutes, Title 5, section 8-C, when given an assignment that necessitates that employee being away from that institution at the time of that meal shall be reimbursed, within allowable limits, for a meal purchased.

Effective August 4, 1988.

CHAPTER 107

H.P. 1597 — L.D. 2183

AN ACT to Request the Alcohol and Drug Abuse Planning Committee to Examine the Feasibility of Establishing a Detention and Rehabilitation System for Chronic Operating-Under-the-Influence Offenders and Expanding the Kennebec County Community Alternative Sentencing Program.

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

Sec. 1. Establishment; duties. The Alcohol and Drug Abuse Planning Committee shall examine the feasibility of a facility to detain, and provide rehabilitation and treatment services for, chronic offenders of the operating-under-the-influence laws, Title 29, chapter 11, subchapter V of the Maine Revised Statutes. The committee shall examine the concept of separate detention and rehabilitation facilities for chronic operating-under-

the-influence offenders and how to implement such a system in this State. The committee shall also examine existing projects in other states and other countries, including the facilities in Maryland, Massachusetts and Arizona, and shall specifically report on the projected effectiveness and feasibility of starting a similar pilot project in Maine. The study shall include, but not be limited to, the following:

- A. The feasibility of having the facility operational no later than October 1, 1990;
- B. The feasibility of establishing the facility at an existing state-owned location, preferably in an existing building or facility;
- C. Costs involved in establishing the facility; and
- D. The feasibility of using the facility as part of the overall sentencing mechanism available to courts. Attention should be paid to the possible need for change to the current laws if this option is recommended. This part of the study shall include, but not be limited to, the feasibility of the following aspects of the system:

(1) Whether the time which a convicted offender is sentenced to serve in the facility shall be the sole sentence for operating under the influence or whether the facility shall be used in conjunction with other correctional facilities to allow for transfer when the offender fails or refuses to cooperate in the treatment and rehabilitation program at the facility;

(2) Whether an offender may serve the sentence at the facility before the offender has completed all terms of imprisonment sentenced for any convictions for murder or Class A, B or C crimes; and

(3) The conditions of probation after completion of the sentence in the facility has been served, including: the length of probation, participation in an aftercare program and the possibility of reimbursement to the State for the cost of the offender's sentence at the facility.

Sec. 2. Statewide programs. The Alcohol and Drug Abuse Planning Committee shall examine the Kennebec County Community Alternative Sentencing Program, which provides an alternative to incarceration for first offenders, and study the feasibility of implementing similar programs statewide. The study shall include, but need not be limited to, options for funding mechanisms for such programs, and training needs.

Sec. 3. Report. The committee shall report its findings and recommendations, together with suggested implementing legislation, to the Joint Select Committee on Corrections by October 15, 1988.

Effective August 4, 1988.

CHAPTER 108

H.P.1908 — L.D. 2606

AN ACT to Increase the Debt and Reserve Fund Limits and to Change the Annual Meeting Date of Frye Island Municipal Services Corporation.

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

Whereas, it is desirable to obtain an increase in Frye Island Corporation's allowed indebtedness in order that a new dock may be constructed prior to the summer of 1989; and

Whereas, it is desirable that this change to the corporation's charter be voted on by the members at the annual meeting; and

Whereas, it is desirable to move the annual meeting from the July 4th weekend to Columbus Day weekend because of current conflicts on that weekend and because the proposed budget for the next year is not ready until after the July 4th weekend; and

Whereas, this Act will not take effect in time to allow this change in meeting date unless passed as an emergency; 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. P&SL 1975, c. 138, §4, first ¶, first sentence is amended to read:

The annual meeting of the corporation shall be held on the first Saturday of July immediately prior to the observed Columbus Day holiday in each year.

Sec. 2. P&SL 1975, c. 138, §5, last ¶, last sentence is amended to read:

Notwithstanding any other provision of this Act or any other provision of law, the total outstanding indebtedness of the corporation shall at no time exceed the sum of \$100,000 an amount equal to 7.50% of the corporation's last full state valuation, except as otherwise permitted by the Maine Revised Statutes, Title 30, section 5061.

Sec. 3. P&SL 1975, c. 138, §6, as amended by P&SL 1983, c. 10, is further amended to read: