

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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

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J.S. McCarthy Company  
Augusta, Maine  
1989

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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

**Sec. 1. 30-A MRSA §386, sub-§1**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. **Full-time deputies.** Full-time deputies shall be compensated at a rate of at least \$21 per day, based on a 7-day work week, or at a rate of at least \$23 per day, based on a 7-day work week, if the deputy has:

A. An associate degree in criminal justice, with an emphasis on law enforcement from an accredited college or university; or

B. Successfully completed the basic training course at the Maine Criminal Justice Academy or its equivalent, as determined by the board of trustees of the academy and has served at least 3 years as a full-time law enforcement officer in the preceding 4 years.

The minimum compensation rate does not apply to any deputy sheriff who is in a probationary period or who is undergoing disciplinary action.

The respective county commissioners shall establish the compensation of full-time deputies for their county. The respective county treasurers shall pay the compensation, together with those incidental expenses which are necessary for the proper enforcement of the laws.

All fees received by full-time deputies for the service of civil process while on duty are deemed fees for the use of the county and shall be paid to the county treasurer for the use and benefit of the county.

**Sec. 2. 30-A MRSA §421**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended by adding at the end a new paragraph to read:

A full-time deputy, whether or not paid a salary, shall receive the fees listed in this section for the service of civil process if made while not on duty.

See title page for effective date.

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## CHAPTER 181

H.P. 323 - L.D. 439

### An Act to Eliminate the Barrel as the Unit Measure of Buyers and Sellers of Potatoes

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

7 MRSA §1008-I is enacted to read:

#### §1008-I. Barrel replaced by hundredweight as a measure

Buyers and sellers of potatoes may not use a barrel as a unit of measure for potatoes. All measures of potatoes must be in pounds.

See title page for effective date.

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## CHAPTER 182

S.P. 175 - L.D. 332

### An Act Concerning Amendments to the Community Industrial Buildings Programs

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

Whereas, there are municipalities which currently cannot compete for financing for a community industrial building because a community industrial building remains unoccupied in the labor market areas of which these municipalities are a part; and

Whereas, one of these buildings has been unoccupied for 7 years; and

Whereas, the municipalities which are ineligible under current law would like to apply immediately for community industrial building funding; 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 §13083, sub-§1, ¶¶B and C**, as enacted by PL 1987, c. 534, Pt. A, §§17 and 19, are amended to read:

B. Within the separate rural and urban accounts, preference shall be given to projects in economically deprived areas within labor market ~~districts~~ areas declared to be in need of economic development assistance by the Department of Labor.

C. Not more than one unoccupied community industrial building project may be financed in a labor market area at any one time, except as provided in paragraph D.

**Sec. 2. 5 MRSA §13083, sub-§1, ¶¶D and E** are enacted to read:

D. If a community industrial building remains unoccupied for 3 or more years immediately following completion of the building, the labor market area in which the building is located may be authorized one new community industrial building, provided that:

(1) No more than 2 unoccupied community industrial buildings are financed under this article in a labor market area in which a community industrial building remains unoccupied for 3 or more years; and

(2) No more than one unoccupied community industrial building is financed at any one time under this article in a municipality.

E. The Department of Economic and Community Development shall charge interest on loans or funds provided under this article to the local development corporation for a community industrial building that remains unoccupied for 3 or more years following completion of the building. The department shall adopt rules under the Maine Administrative Procedure Act, Title 5, chapter 375, with respect to rates of interest, the duration of interest payments and any other terms to which local development corporations shall be subject under this paragraph.

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

Effective May 26, 1989.

## CHAPTER 183

H.P. 257 - L.D. 369

### An Act to Amend the Special Warehouse Storage Facilities Provision

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

**28-A MRSA §1371, sub-§1**, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

**1. Certificate of approval for special storage facilities.** Notwithstanding the importation restrictions of sections 2073 and 2077, the commission may issue certificates of approval authorizing the direct importation of malt liquor, wine or spirits from suppliers located in foreign countries or other states into special warehouse storage facilities located within the State that are under the direct supervision and control of the certificate of approval holder or into a public warehouse with the approval of the commission.

See title page for effective date.

## CHAPTER 184

H.P. 843 - L.D. 1175

### An Act to Describe the Division of Southern Cumberland of the 9th Maine District Court

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

**4 MRSA §153, sub-§8** is repealed and the following enacted in its place:

**8. Southern Cumberland.** Southern Cumberland consists of the municipalities of Pownal, North Yarmouth, Yarmouth, Cumberland, Falmouth, Cape Elizabeth, Scarborough, Portland, South Portland, Westbrook, Gorham, Gray, New Gloucester and Windham. The District Court for Southern Cumberland shall be held at Portland.

See title page for effective date.

## CHAPTER 185

H.P. 579 - L.D. 783

### An Act to Increase Fees for Bail Commissioners

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

**15 MRSA §1023, sub-§5**, as amended by PL 1987, c. 870, §3, is further amended to read:

**5. Fees.** A bail commissioner shall receive a fee not to exceed ~~\$17~~ **\$25** for the charges pursuant to which the defendant is presently in custody. The bail commissioner shall submit such forms as the Judicial Department shall direct to verify the amount of fees received under this subsection. The sheriff of the county in which the defendant is detained may create a fund for the distribution by the sheriff or the sheriff's designee for the payment in whole or in part of the ~~\$17~~ **\$25** bail commissioner fee for those defendants who do not have the financial ability to pay that fee.

See title page for effective date.

## CHAPTER 186

H.P. 785 - L.D. 1097

### An Act to Conform the Scope of Prior Convictions When Used to Enhance the Penalty for Negotiating a Worthless Instrument

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