

# MAINE STATE LEGISLATURE

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

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

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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  
1990

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

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

**January 3, 1990 to April 14, 1990**

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Whereas, these individuals do not have the ability to go home or to another location in order to smoke; 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:

22 MRSA §1580-B, sub-§4 is enacted to read:

**4. Smoking in state mental health institutes.** Residents of a state mental health institute may smoke in a designated smoking area. The designated smoking area must be enclosed and adequately ventilated. State mental health institutes shall design and implement smoking cessation programs for residents. Smoking by employees at state mental health institutes is governed by section 1580-A.

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

Effective March 23, 1990.

## CHAPTER 716

H.P. 1624 - L.D. 2246

### An Act to Ensure the Effective Use of Grants in the Office of the State Archivist

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

5 MRSA §94, as enacted by PL 1973, c. 625, §16, is amended to read:

#### §94. Maine State Archives

The office of the State Archivist ~~shall be~~ is a bureau within the Department of the Secretary of State and ~~shall be organized in the manner~~ consists of at least 2 organizational units as the State Archivist and the Secretary of State ~~shall deem~~ determine best suited to the accomplishment of the functions and purposes of this chapter. One organizational unit consists of the State Archivist and immediate support staff. It shall be The office is known as the Maine State Archives. The State Archivist ~~shall be~~ is the official custodian of the archival resources of the State.

See title page for effective date.

## CHAPTER 717

H.P. 1582 - L.D. 2191

### An Act to Facilitate the Disclosure of the Mobile Home Statutory Warranty

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

Sec. 1. 10 MRSA §1404, first ¶, as repealed and replaced by PL 1973, c. 754, §1, is amended to read:

~~The manufacturer shall provide a written warranty with each new mobile home. The dealer shall countersign the warranty and certify that: To the best of his knowledge, A statutory warranty is hereby established under which both the manufacturer and the dealer certify that to the best of their knowledge, the new mobile home is free from any substantial defects in materials and workmanship. The dealer shall deliver the written warranty to the buyer at the time of sale and the warranty shall contain the following terms:~~

Sec. 2. 10 MRSA §1404, sub-§5, as enacted by PL 1973, c. 754, §2, is amended to read:

**5. Responsibility.** That while the manufacturers of any or all appliances may also issue their own warranties, the primary responsibility for appropriate corrective action under the warranty rests with the dealer and manufacturer, and the consumer should report all complaints to the dealer and manufacturer initially; and

Sec. 3. 10 MRSA §1404, sub-§6 is enacted to read:

**6. Warranty supplemental.** That this statutory warranty is in addition to any express warranty provided by the manufacturer or dealer and any warranty created by state or federal law, including the implied warranties of merchantability and fitness for a specific purpose. The Manufactured Housing Board, in consultation with the Department of the Attorney General, shall prepare a written warranty form that contains the terms of subsections 1 to 5 and shall ensure that this warranty form is distributed to all dealers and manufacturers doing business in this State.

See title page for effective date.

## CHAPTER 718

H.P. 1250 - L.D. 1748

### An Act to Amend the Procedure for Approval of the Lincoln County Budget

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

30-A MRSA c. 3, sub-c. I, art. 5-A is enacted to read:

#### ARTICLE 5-A. LINCOLN COUNTY BUDGET

##### §791. Budget; appropriations; approval

Notwithstanding sections 2, 701 and 702, in Lincoln County the county commissioners may appropriate money, according to a budget, which must be approved by a majority of the county commissioners.

##### §792. Interim budget

If the budget is not approved before the start of a fiscal year, until a budget is finally adopted, the county shall operate on an interim budget which may not exceed 80% of the previous year's budget.

##### §793. Advisory committee

There is established a Lincoln County Budget Advisory Committee as provided in this section.

1. Municipal officers; election; term. The municipal officers from each county commissioner district shall choose the budget committee members by the following procedure.

A. Before September 15th of every year, the county commissioners shall notify all municipal officers in the county to caucus by county commissioner districts at a specified date, time and place for the purpose of electing at least one municipal officer from each district as a member of the county budget committee except, in 1990, at least 3 municipal officers must be selected from each district. The county commissioner shall serve as nonvoting moderator for that district caucus. Nominations must be received from the floor. The nominee receiving the most votes is approved as a budget committee member except, in 1990, each caucus shall elect 3 members. The names of those elected by the caucus must be recorded and forwarded to the county commissioners.

B. Budget committee members serve 3-year terms except, in 1990, one member from each district must be elected for a one-year term, one for a 2-year term and one for a 3-year term. If a budget committee member ceases to be a municipal officer during the term of membership, the committee member vacates membership and the next district caucus shall elect a qualified municipal officer to serve for the remainder of the unexpired term.

2. Legislative member. The Lincoln County legislative delegation shall annually select one member of the delegation who resides in Lincoln County to serve on the budget committee.

3. Chair. The budget committee shall annually select one of its members to chair the committee.

##### §794. Public hearing

The Lincoln County commissioners shall hold one or more public hearings on the budget estimate before October 1st and an informational meeting, in conjunction with the advisory committee, with the Lincoln County legislative delegation before December 1st.

##### §795. Budget estimate; submission to advisory committee

The Lincoln County commissioners shall submit a budget estimate to the advisory committee no later than October 1st for the coming year. The advisory committee shall review the budget estimate and make recommendations to the commissioners before November 15th. The county commissioners shall act on the budget in a timely fashion and, in any event, not later than December 15th of the budget year.

##### §796. Final budget estimates; filing

A copy of the final budget estimates shall be filed, on forms approved by the Department of Audit, with the State Auditor, who shall retain them for 3 years.

##### §797. Repeal

This article is repealed on July 1, 1993.

See title page for effective date.

## CHAPTER 719

H.P. 1606 - L.D. 2219

### An Act Concerning the Bulk Transfer Provisions of the Uniform Commercial Code

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

11 MRSA §6-102, sub-§(3) is amended to read:

(3) The enterprises subject to this Article are all those whose principal business is the sale of merchandise from stock, including hotels, restaurants and other enterprises that serve food and those ~~who~~ enterprises that manufacture what they sell.

See title page for effective date.