

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.

J.S. McCarthy Company
Augusta, Maine
1990

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

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

Effective April 6, 1990.

CHAPTER 790

S.P. 871 - L.D. 2233

An Act to Continue the Driver Education Evaluation Program

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

Whereas, the Driver Education Evaluation Program that educates, assesses, evaluates and treats those who lose their licenses for operating motor vehicles under the influence of alcohol and other drugs will sunset on August 1, 1990; and

Whereas, the sunset of the Driver Education Evaluation Program will eliminate state-administered client services designed for the first, multiple and youthful offender; 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. 22 MRSA §7203, sub-§1, ¶¶B and D, as amended by PL 1987, c. 773, §§11 and 12, are further amended to read:

B. The assessment component, utilizing an assessment instrument, the client's driving record for the past 6 years, 6-year period prior to and ending with the most recent alcohol-related motor vehicle incident and up to one hour an interview with the instructor and designed to make a preliminary assessment regarding the extent of a client's alcohol or other drug use or abuse or potential for abuse. A client may be referred for further evaluation based on the results of his the preliminary assessment;

D. The treatment component, provided by a community-based service provider, designed to address the client's specific problem with or abuse of alcohol or other drugs.

Sec. 2. 22 MRSA §7203, sub-§1-A is enacted to read:

1-A. Multiple offender program offered to first offenders. If the department determines that a first offender must have an evaluation as described in subsection 1, paragraph C, the first offender may choose a private evaluation or participation in the multiple offender residential intervention program described in subsection 3, paragraph A.

Sec. 3. 22 MRSA §7206, sub-§2, ¶D is enacted to read:

D. This subsection applies to first offenders who choose to participate in the multiple offender residential intervention program in accordance with section 7203.

Sec. 4. 22 MRSA §7225, sub-§2, ¶F, as enacted by PL 1987, c. 735, §38, is amended to read:

F. Making a separate written report to the Chief Justice, the Governor and the Legislature not later than May 1st of each year, commencing with 1982 1990, on the enforcement of laws relating to drinking and driving during the preceding calendar year effectiveness of the State's operating under the influence laws and programs. The report shall must contain at least the following information: an analysis of significant characteristics of operating under the influence offenders arrested during each of the previous 3 calendar years. The report must identify, when practical, the relationship between various sanctions, including, but not limited to, fines, jail sentences, substance abuse evaluations and treatment, and rearrest rates.

(1) The number, by county, of arrests for attempting to or operating under the influence;

(2) The number, by county, of revocations of implied consent for each category of offense;

(3) The number and percentage, by court, of convictions, guilty pleas to lesser charges, dismissals, and not guilty for these offenses, for each category of offense;

(4) The number and percentages of successful completion of the Driver Education Evaluation Program;

(5) The number and percentages, by court, of persons whose licenses were suspended; who were fined; and who spent time in jail, for each category of offense;

(6) The average, minimum and maximum, fine, jail sentence and period of license suspension, by court, for each category of operating under the influence offense;

~~(7) The number and percentages, by court, of convictions for operating after suspension and for being a habitual offender; guilty pleas to a lesser charge; dismissals; and not guilty findings;~~

~~(8) The average, minimum and maximum, fine, jail sentence and period of license suspension for operating after suspension and for being a habitual offender, by court; and~~

~~(9) Other items that are considered important to the review of the enforcement of the laws relating to drinking and driving.~~

Sec. 5. PL 1987, c. 773, §12 is repealed.

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

Effective April 6, 1990.

CHAPTER 791

H.P. 1724 - L.D. 2383

An Act to Amend the State Railroad Preservation and Assistance Act

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

Whereas, certain provisions in the State Railroad Preservation and Assistance Act unduly restrict the ability of the Department of Transportation to manage rail lines the department has acquired or leased, hindering the development of freight and passenger rail service in the State; 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. 23 MRSA §7103, sub-§3, ¶¶B and C, as repealed and replaced by PL 1989, c. 398, §7, are amended to read:

B. To conduct periodic condition surveys of rail track and other related facilities; ~~and~~

C. To acquire, lease and maintain rail lines when these actions are determined to be in the best interest of the State;

Sec. 2. 23 MRSA §7103, sub-§3, ¶¶D and E are enacted to read:

D. To lease, purchase and dispose of railroad operating equipment used on rail lines acquired or leased by the State; and

E. To provide financial assistance and to lease or sell railroad operating equipment to short line operators providing rail service to lines acquired or leased by the State. For purposes of this chapter, a short line operator is any railroad having an annual gross revenue from railroad operations of \$5,000,000 or less, or regularly conducting rail service over less than 100 miles of track.

Sec. 3. 23 MRSA §7105, sub-§5 is enacted to read:

5. Department to lease, purchase and dispose of operating equipment. The Department of Transportation may lease, purchase and dispose of railroad operating equipment used on rail lines acquired or leased pursuant to this chapter. The department may provide financial assistance and may lease or sell railroad operating equipment to short line operators providing rail service to those rail lines when determined to be in the best interest of the State.

Sec. 4. 23 MRSA §7106, sub-§§1 and 4, as enacted by PL 1989, c. 398, §7, are repealed.

Sec. 5. 23 MRSA §7106, sub-§5, as enacted by PL 1989, c. 398, §7, is amended to read:

5. State liability. The State shall is not be held liable in any contract pursuant to this section chapter for the leasing or purchasing of equipment, facilities or services; for the delivery of products; for the storage of products; or for any other service or financial commitment that may result from the implementation of this section chapter.

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

Effective April 6, 1990.

CHAPTER 792

H.P. 1736 - L.D. 2397

An Act Concerning Private Wells Contaminated by Hazardous Substances

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

Whereas, clean water is vital to the health and safety of residents of this State; and

Whereas, it is sometimes necessary to install a public water system to ensure clean water; and