

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

AUDIT, DEPARTMENT OF

Departmental Salary Adjustments

Personal Services (6,200)

TOTAL, DEPARTMENT OF AUDIT (6,200)

FINANCE, DEPARTMENT OF

Executive Branch Salary Adjustments

Personal Services (288,800)

TOTAL, DEPARTMENT OF FINANCE (288,800)

JUDICIAL DEPARTMENT

Departmental Salary Adjustments

Personal Services (86,400)

TOTAL, JUDICIAL DEPARTMENT (86,400)

LEGISLATURE

LEGISLATIVE COUNCIL

Departmental Salary Adjustments

Personal Services (45,300)

TOTAL, LEGISLATURE (45,300)

SECRETARY OF STATE,
DEPARTMENT OF THE

Departmental Salary Adjustments

Personal Services (13,100)

TOTAL, DEPARTMENT OF THE
SECRETARY OF STATE (13,100)

TREASURER OF STATE

Departmental Salary Adjustments

Personal Services (2,000)

TOTAL, TREASURER OF STATE (2,000)

TOTAL APPROPRIATION, PART N (500,000)

Sec. N-2. Adjustments. Any department and agency listed in section N-1 of this Act is authorized to achieve designated Personal Services savings from their various accounts. The Department of Finance is authorized to achieve the Personal Services savings from all departments and agencies in the executive branch, under the direction of the State Budget Officer. The amounts specified for deappropriation must be achieved only

through the various Personal Services line items. This adjustment may not be applied to any employee earning less than \$30,000 annually as of July 1, 1990. The departments and agencies shall report to the Joint Standing Committee on Appropriations and Financial Affairs no later than October 1, 1990, with their specific plans on the implementation of their respective deappropriations.

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

Effective April 20, 1990, unless otherwise indicated.

CHAPTER 876

S.P. 741 - L.D. 1945

An Act to Authorize a General Fund Bond Issue in the Amount of \$19,000,000 to Finance the Acquisition of Land for Public Purposes and Construction to Replace Churchill Dam

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds for the acquisition of land for conservation, outdoor recreation and wildlife.

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

PART A

Sec. A-1. Authorization of bonds to provide for conservation, outdoor recreation, wildlife and construction to replace Churchill Dam. The Treasurer of State is authorized, under the direction of the Governor, to issue from time to time registered bonds in the name and behalf of the State to an amount not exceeding \$19,000,000 for the purpose of raising funds to acquire lands for conservation, farmland, including development rights, outdoor recreation and wildlife, capital expenditures for improved access to the acquired lands and for construction to replace the Churchill Dam as authorized by section 6. The bonds shall be deemed a pledge of the full faith and credit of the State. The bonds shall not run for a period longer than 15 years from the date of the original issue of the bonds. Any issuance of bonds may contain a call feature at the discretion of the Treasurer of State with the approval of the Governor.

Sec. A-2. Records of bonds issued to be kept by the State Auditor and Treasurer of State. The State Auditor shall keep an account of the bonds, showing the number and amount of each, the date when payable and the date of delivery of the bonds to the Treasurer of State who shall keep an account of each bond showing the number of the bond, the name of the successful bidder to

whom sold, the amount received for the same, the date of sale and the date when payable.

Sec. A-3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no such bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which shall be held by the Treasurer of State and paid by him upon warrants drawn by the State Controller, are appropriated to be used solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 shall lapse to the debt service account established for the retirement of these bonds.

Sec. A-4. Interest and debt retirement. Interest due or accruing upon any bonds issued under this Act and all sums coming due for payment of bonds at maturity shall be paid by the Treasurer of State.

Sec. A-5. Disbursement of bond proceeds. The proceeds of the bonds set out in section 6 shall be expended under the direction and supervision of the Land for Maine's Future Board and the Department of Economic and Community Development, Office of Comprehensive Land Use Planning.

Sec. A-6. Allocations from General Fund bond issue; conservation, outdoor recreation, wildlife and construction to replace Churchill Dam. The proceeds of the sale of bonds shall be expended as follows.

CONSERVATION, DEPARTMENT OF	
Construction to Replace Churchill Dam	
All Other	\$1,000,000
DEPARTMENT OF CONSERVATION	
TOTAL	\$1,000,000

EXECUTIVE DEPARTMENT	
Land for Maine's Future Board	
All Other	\$8,500,000
Acquisitions must be targeted to sites with outstanding recreational, scenic, natural or wildlife values.	

Land for Maine's Future Board	
All Other	1,000,000
Acquisitions of farmland or development rights to farmland to preserve the land for	

its natural, open space, ecological and aesthetic value.

EXECUTIVE DEPARTMENT	
TOTAL	\$9,500,000
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF	
Maine Inland Fisheries and Wildlife Fund	
All Other	\$8,500,000
DEPARTMENT INLAND FISHERIES AND WILDLIFE	
TOTAL	\$8,500,000
TOTAL ALLOCATIONS	\$19,000,000

Sec. A-7. Contingent upon ratification of bond issue. Sections 1 to 6 shall not become effective unless and until the people of the State have ratified the issuance of bonds as set forth in this Act.

Sec. A-8. Appropriation balances at year end. At the end of each fiscal year, all unencumbered appropriation balances representing state money shall carry forward from year to year. Bond proceeds which have not been expended within 10 years after the date of the sale of the bonds shall lapse to General Fund debt service.

Sec. A-9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of ratification of this Act, shall be deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. A-10. Referendum for ratification; submission at general election; form of question; effective date. This Act shall be submitted to the legal voters of the State of Maine at the next general election in the month of November following passage of this Act. The city aldermen, town selectmen and plantation assessors of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a general election, to vote on the acceptance or rejection of this Act by voting on the following question:

"Shall a bond issue for the purchase of public lands to provide access for Maine's people and for construction to replace Churchill Dam in the amount of \$19,000,000 be approved?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate

their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots shall be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if it appears that a majority of the legal voters are in favor of the Act, the Governor shall proclaim that fact without delay, and the Act shall become effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Act necessary to carry out the purpose of this referendum.

PART B

Sec. B-1. 5 MRSA §6207, sub-§2, ¶¶A and C, as enacted by PL 1987, c. 506, §§1 and 4, are amended to read:

A. Contains recreation lands, prime physical features of the Maine landscape, areas of special scenic beauty, farmland or open space, undeveloped shorelines, wetlands, fragile mountain areas or lands with other conservation, wilderness or recreation values;

C. Provides nonmotorized or motorized public access to recreation opportunities or those natural resources identified in this section.

Sec. B-2. 7 MRSA §18 is enacted to read:

§18. Holding of real estate

The commissioner may accept, hold, administer and retain interests in real estate in order to further the purposes of this Title.

Part A - Effective pending referendum.

Part B - See title page for effective date.

CHAPTER 877

H.P. 1732 - L.D. 2391

An Act to Provide for Immediate Income Withholding and a Plan for Periodic Review and Adjustment of Child Support Awards in Support Enforcement Cases of the Department of Human Services

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

PART A

Sec. A-1. 19 MRSA §498-C is enacted to read:

§498-C. Immediate withholding of earnings

1. Withholding order. Beginning November 1, 1990, a decision establishing or modifying a child support obligation under this subchapter must conform with this subsection.

A. The decision must provide for the withholding of amounts payable as child support, effective from the date of the decision, from the responsible parent's earnings, regardless of whether support payments by the responsible parent are in arrears. The withholding order must:

(1) Specify the amount of earnings to be withheld;

(2) Specify the support enforcement case number; and

(3) Direct that upon receipt of a copy of the withholding order any payor of earnings to the responsible parent shall:

(a) Immediately begin to withhold those earnings when earnings are usually paid to the responsible parent; and

(b) Send each amount of earnings withheld to the department at the address set forth in the withholding order within 10 days after each withholding of earnings.

B. This subsection does not apply if:

(1) A party demonstrates and the hearing officer finds that there is good cause not to require immediate withholding under this section; or

(2) A written agreement between the parties providing an alternative arrangement is filed with the hearing officer.

2. Priority of order. Notwithstanding any other law, a withholding order under this section has priority over any previously filed attachment, execution, garnishment or assignment of earnings that is not made for the purpose of enforcing or paying a child support obligation.

3. Obligations of payor of earnings. This subsection governs the obligations of a payor of earnings under this section.

A. Upon receipt of a copy of a withholding order, a payor of earnings to the responsible parent shall:

(1) Immediately begin to withhold earnings of the responsible parent when earnings are usually paid to the responsible parent; and