

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

1. Notification of interest. The Maine State Housing Authority shall advise the owner agency in writing of its interest in purchasing or otherwise acquiring the surplus land and any improvements on the land or surplus structures or of its decision not to purchase or otherwise acquire any such surplus property within 30 days of receipt of the notification by the Director of the Maine State Housing Authority.

2. Purchase price. If the Maine State Housing Authority offers to purchase the property, the purchase price must be determined as follows.

A. The current market value must be determined by an independent appraiser or by agreement between the Maine State Housing Authority and the owner agency. The Maine State Housing Authority and the owner agency then shall negotiate the ultimate purchase price in good faith in order to achieve the respective goals and mandates of the Maine State Housing Authority and the owner agency.

B. The purchase price may not exceed the current market value of the property as determined in paragraph A.

C. If title to the land or improvements carries a requirement that the property be sold at fair market value, then this requirement prevails over the terms of this subsection.

3. Report. The Maine State Housing Authority shall report to the joint standing committee of the Legislature having jurisdiction over housing and economic development matters 90 days after the 2nd anniversary of the effective date of this section on state surplus land purchased under this section together with any recommendations for improvements.

If any land determined to be surplus is located in a community served by a local public housing authority, as defined in this Title, the Maine State Housing Authority shall offer the first option to purchase the parcel to the local public housing authority. The local public housing authority has 45 days to indicate in writing its desire to acquire the parcel. Other offers to purchase the parcel may not be considered until the 45-day period has passed.

Sec. 6. 30-A MRSA §4907, sub-§1, as amended by PL 1989, c. 6; c. 9, §2; c. 48, §§6 and 31; and c. 104, Pt. C, §§8 and 10, is further amended to read:

1. Limitations on amount of outstanding principal. The Maine State Housing Authority may not at any time have an aggregate principal amount outstanding, in excess of ~~\$885,000,000~~ \$985,000,000 of mortgage purchase bonds secured by the Housing Reserve Fund or a Capital Reserve Fund to which section 4906, subsection 3, paragraph A applies. Mortgage purchase bonds of the Maine State Housing Authority secured by capital reserve funds to which section 4906, subsection 3, para-

graph A does not apply, bond or mortgage insurance, direct or indirect contract with the United States, purchase or repurchase agreement of guaranty with a banking or other financial organization or other credit arrangements securing the bonds may be issued up to \$100,000,000 per calendar year in an aggregate principal amount not to exceed \$300,000,000.

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

Effective April 24, 1990.

CHAPTER 915

H.P. 1690 - L.D. 2340

An Act to Improve the Job Opportunities Zone Act

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

Whereas, the Job Opportunity Zones Act will be repealed on June 30, 1990 without emergency action by the Legislature; and

Whereas, it is the intent of the Legislature to continue the Job Opportunity Zones Act beyond June 30, 1990; 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 §15136, sub-§1, ¶¶G and H are enacted to read:

G. Each area designated as a zone must submit a strategic action plan to identify the following:

- (1) Specific needs of the zone;
- (2) Format for coordinating federal, state and local resources; and
- (3) Activities the zone will undertake to address needs in the zone.

H. Each zone must provide coordinated administrative staffing which may be funded through job opportunity zone grants.

Sec. 2. 5 MRSA §15138, first ¶, as amended by PL 1989, c. 443, §15, is further amended to read:

Agencies of State Government shall cooperate to assess the needs of zones and provide appropriate assistance to these zones. There shall be a committee composed of, at a minimum, the Commissioner of Economic and Community Development, Director of the State Planning Office, Commissioner of Transportation, Commissioner of Labor, Commissioner of Educational and Cultural Services, Executive Director of the Maine Technical College System, Chief Executive Officer of the Finance Authority of Maine and the Director of the Maine State Housing Authority. The committee shall meet quarterly with representatives from each zone to review projects, assess the coordination of existing resources and identify any other potential resources to ensure that the needs of the zones are being addressed to the fullest extent possible.

Sec. 3. 5 MRSA §15138, first ¶, as amended by PL 1989, c. 443, §15, is further amended to read:

Agencies of State Government shall cooperate to assess the needs of zones and provide appropriate assistance to these zones. There shall be a committee composed of, at a minimum, the Commissioner of Economic and Community Development, Director of the State Planning Office, Commissioner of Transportation, Commissioner of Labor, Commissioner of ~~Educational and Cultural Services~~ Education, Executive Director of the Maine Technical College System, Chief Executive Officer of the Finance Authority of Maine and the Director of the Maine State Housing Authority. The committee shall meet quarterly with representatives from each zone to review projects, assess the coordination of existing resources and identify any other potential resources to ensure that the needs of the zones are being addressed to the fullest extent possible.

Sec. 4. 5 MRSA §15138, sub-§7, as amended by PL 1987, c. 769, Pt. A, §25, is further amended to read:

7. Infrastructure Assistance Program. The department shall work with the Department of Transportation, the Department of Environmental Protection and the Public Utilities Commission to develop an infrastructure program for each zone. Such a program ~~shall~~ must include, but not be limited to, short-term and long-term goals and a carefully designed plan of implementation. The plan must include a mechanism to fund infrastructure improvements.

Sec. 5. 5 MRSA §15138, sub-§10, as amended by PL 1987, c. 769, Pt. A, §25, is repealed.

Sec. 6. 5 MRSA §15140, as enacted by PL 1987, c. 542, Pt. I, §§3 and 6, is amended to read:

§15140. Evaluation

The commission, in cooperation with the State Development Office, shall seek independent professional assistance ~~to assist the commission~~ to undertake an objective evaluation of the program. This evaluation ~~shall~~ must be made available to the Governor, the Executive Director of the Legislative Council and the joint standing committee of the Legislature having jurisdiction over economic development, no later than October 1, ~~1989~~ 1991. The department shall fund the evaluation using existing program funds and shall provide all staffing assistance required by the commission.

Sec. 7. 5 MRSA §15141, as enacted by PL 1987, c. 542, Pt. I, §§3 and 6, is repealed.

Sec. 8. 5 MRSA §§15142 and 15143 are enacted to read:

§15142. Authorization of zones

Zones existing before the effective date of this section continue as authorized zones until June 30, 1992. Zones authorized on or after the effective date of this section are authorized for 4 years. A zone's authorization period may not be extended.

§15143. Transition plan

Each zone authorized on or after the effective date of this section shall prepare a transition plan demonstrating a commitment to continue the programs, planning capabilities and staff resources created as a result of its designation as a zone for at least one year beyond the end of its authorization period. The transition plan must be submitted to the department at least 2 years before the end of the zone's authorization period and must include:

1. Summary. A summary of activities initiated in the zone as a result of its designation as a zone;

2. Current status. An assessment of the zone's current economic status; and

3. Transition plan. A detailed description of the programs, planning capabilities and staffing resources developed within the zone as a result of its designation as a zone and a detailed plan showing how the zone will maintain those programs, capabilities and staff for at least one year beyond the end of its authorization as a zone.

The department shall cancel the authorization of a zone not in compliance with this section.

Sec. 9. 10 MRSA c. 110, sub-c. VIII, as amended, is repealed.

Sec. 10. Repeal; effective date. Section 2 is repealed 90 days after adjournment of the Legislature. Section 3 takes effect 90 days after adjournment of the Legislature.

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

Effective April 24, 1990, unless otherwise indicated.

CHAPTER 916

H.P. 1685 - L.D. 2333

An Act to Provide Greater Opportunities for Orphans and Foster Children

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

Sec. 1. 20-A MRSA §5802-A is enacted to read:

§5802-A. Pilot project for state wards

The Department of Education is authorized to designate one residential child care facility providing long-term care for 6 or more children who are in the custody of the Department of Human Services as a pilot project. In school year 1991-92, the Commissioner of Education shall pay to the school unit in which the designated facility is located the school unit's actual local per pupil education expenditure and approved transportation costs for each state ward at the facility. Expenditures for this pilot project may not exceed \$30,000.

Sec. 2. Assessment of implementation of this Act. The Department of Education and the Department of Human Services shall jointly assess the implementation of this Act and submit a written report on the results of their assessment to the Joint Standing Committee on Education by December 1, 1992. The departments shall also submit a copy of their report to the Office of the Executive Director of the Legislative Council. The report must include a summary of the number of students and facilities covered by this Act, the costs of providing educational services to state wards under this Act, an evaluation of the need for the type of facilities provided in this Act and any recommendations for future action.

See title page for effective date.

CHAPTER 917

H.P. 1737 - L.D. 2398

An Act Concerning the Carrying of Firearms and Firearms Safety Programs

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

Whereas, this Act makes a number of changes to the laws regarding the issuance of permits for concealed weapons; and

Whereas, these changes are designed to promote the safe exercise of the right of Maine citizens to bear arms; and

Whereas, emergency enactment of this legislation will discourage a marked increase in concealed weapon permits sought under the current law and thus avoid imposing on and overburdening the resources of local officials charged with issuing concealed weapon permits; 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. 15 MRSA §393, sub-§1, as amended by PL 1977, c. 564, §72, is further amended to read:

1. **Possession prohibited.** No person who has been convicted of any crime, under the laws of the United States, the State of Maine or any other state, ~~which~~ that is punishable by one year or more imprisonment or any other crime ~~which~~ that was committed with the use of a dangerous weapon or of a firearm against a person, except for a violation of Title 12, chapter 319, subchapter III, and no person who has been adjudicated in the State or adjudicated under the law of the United States or any other state jurisdiction to have engaged in conduct as a juvenile that, if committed by an adult, would have been a disqualifying conviction under this subsection, ~~shall~~ may own, have in ~~his~~ his that person's possession or under ~~his~~ that person's control any firearm, unless such a person has obtained a permit under this section. For the purposes of this subsection, a person ~~shall be~~ is deemed to have been convicted upon the acceptance of a plea of guilty or nolo contendere or a verdict or finding of guilty, or the equivalent in a juvenile case, by a court of competent jurisdiction.

Sec. 2. 17-A MRSA §1057 is enacted to read:

§1057. Possession of firearms in an establishment licensed for on-premises consumption of liquor

1. A person is guilty of criminal possession of a firearm if:

A. Not being a law enforcement officer or a private investigator licensed under Title 32, chapter 89 and actually performing as a private investigator, the person possesses any firearm on the premises of a licensed establishment posted to prohibit or restrict the possession of firearms in a manner reasonably likely to come to the attention of patrons, in violation of the posted prohibition or restriction; or

B. While under the influence of intoxicating liquor or drugs or a combination of liquor and drugs or