

# 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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304-A, subsection 2, which is effective October 1, 1991, with respect to the coverage of major medical equipment and the exemption from review of certain equipment utilized principally for the provision of outpatient services. Its study must include an evaluation of and recommendation regarding the merit of extending regulatory treatment of outpatient equipment beyond October 1, 1995, the date on which a sunset revision is scheduled to occur pursuant to section 4 of this Act. The study commission shall also review the provisions of law relating to health services planning, including those portions of the certificate of need laws and the health care finance laws relating to the Hospital Development Account. This study must consider data available regarding the experiences of hospitals under these provisions during the first 2 years of their effectiveness. The study commission shall submit its recommendations, including any necessary implementing legislation, to the Joint Standing Committee on Human Resources by January 15, 1995.

2. The study commission is composed of 13 members. The President of the Senate shall appoint one Senator, one hospital official and one consumer member representing business. The Speaker of the House of Representatives shall appoint 2 members of the House of Representatives and one consumer member. The Governor shall appoint one representative of the Department of Human Services, one hospital official, one physician, one representative of a 3rd-party payor other than the Department of Human Services, one representative of the Maine Health Policy Advisory Council who is not a health care provider or representative of a health care provider and one consumer member representing labor. The chair of the Maine Health Care Finance Commission shall appoint one representative of the Maine Health Care Finance Commission. All appointments must be made on or before July 1, 1994. The chair of the Legislative Council shall call the first meeting of the commission. The members of the study commission shall elect a chair from among its members.

3. The Maine Health Care Finance Commission shall provide staff to the commission for the duration of the study.

4. The members of the commission who are Legislators are entitled to the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at commission meetings. All members who do not represent state agencies are entitled to expenses for attending meetings upon application to the Executive Director of the Legislative Council.

5. This section is repealed June 15, 1995.

**Sec. 18. Effective date.** Sections 1 to 15 and 17 of this Act take effect on October 1, 1991.

See title page for effective date, unless otherwise indicated.

## CHAPTER 920

S.P. 973 - L.D. 2439

### An Act to Increase the Bonding Limit for the Maine Court Facilities Authority

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

PL 1989, c. 501, Pt. P, §42 is amended to read:

**42. Maine Court Facilities Authority; securities.** Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 1, the Maine Court Facilities Authority is authorized to issue securities, in its own name pursuant to existing statutory authority, in ~~the an~~ amount of ~~\$6,500,000~~ up to \$8,500,000 for the purpose of paying the cost of courthouse projects or parts of projects in West Bath, Brunswick, Auburn, Presque Isle, Dover-Foxcroft, Machias and York County.

See title page for effective date.

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## CHAPTER 921

H.P. 1776 - L.D. 2444

### An Act to Make Supplemental Allocations from the Highway Fund for the Fiscal Years Ending June 30, 1990, and June 30, 1991

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable immediately; 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:

#### PART A

**Supplemental Allocation of Highway Fund.** Income to the Highway Fund for the fiscal years ending June 30, 1990, and June 30, 1991, must be segregated, apportioned and disbursed as designated in the following schedule.

	1989-90	1990-91	Fund reduction in Public Law 1989, chapter 702.		
<b>PUBLIC SAFETY, DEPARTMENT OF</b>				<b>DEPARTMENT OF PUBLIC SAFETY</b>	
<b>State Police</b>				<b>TOTAL</b>	<u>(\$568,300)</u> <u>(\$600,997)</u>
Personal Services	(\$391,200)			<b>SECRETARY OF STATE, DEPARTMENT OF THE</b>	
All Other	(88,800)			<b>Administration - Motor Vehicles</b>	
<b>Total</b>	<u>(\$480,000)</u>			Personal Services	(\$400,000)
Provides for the deallocation of funds from salary savings and related operating costs.				Provides for the deallocation of funds from salary savings.	
<b>State Police</b>				<b>Motor Vehicle Contingency Account - Building</b>	
Personal Services	(\$11,700)	(\$29,200)		All Other	(\$1,000,000)
All Other	(76,600)	(91,600)		Provides for the deallocation of funds that were to be used toward the costs of constructing a new motor vehicle building.	
<b>Total</b>	<u>(\$88,300)</u>	<u>(\$120,800)</u>		<b>Administration - Motor Vehicles</b>	
Provides for the deallocation of funds identified as savings to be generated through operational and procedural changes.				Capital Expenditures	(\$1,300,000)
<b>State Police</b>				Provides for the deallocation of funds due to delayed purchase of hardware and related software.	
Personal Services		(\$50,927)		<b>DEPARTMENT OF THE SECRETARY OF STATE</b>	
All Other		(25,105)		<b>TOTAL</b>	<u>(\$2,700,000)</u>
Capital Expenditures		(47,635)		<b>TRANSPORTATION, DEPARTMENT OF</b>	
<b>Total</b>		<u>(\$123,667)</u>		<b>Administration and Planning</b>	
Provides for the deallocation of the 50% share from the elimination of 5 State Police positions approved in Public Law 1989, chapter 501.				All Other	(\$200,000)
<b>State Police</b>				Provides for the deallocation of funds from the delay in the development of a new highway maintenance payroll system.	
Personal Services		(\$208,495)		<b>Administration and Planning</b>	
All Other		(18,559)		Personal Services	(\$273,323)      (\$79,530)
<b>Total</b>		<u>(\$227,054)</u>		Provides for the deallocation of funds from salary savings and from delays in filling vacant positions.	
Provides for the deallocation of the 50% share for the Traffic Program cost to be reassigned to the Highway Fund.				<b>Bridge Maintenance</b>	
<b>State Police</b>				Personal Services	(\$28,061)      (\$30,564)
Personal Services		\$129,476			
Capital Expenditures		(258,952)			
<b>Total</b>		<u>(\$129,476)</u>			
Provides for the deallocation of funds for equipment purchases that may be deferred and the increase in Personal Services in order to offset the General					

Provides for the deallocation of funds from salary savings and from delays in filling vacant positions.

**Highway and Bridge Improvement**

Capital Expenditures (\$2,500,000)

Provides for the deallocation of funds from the delay in letting contracts for the highway and railroad bridge projects.

**Highway Maintenance**

Personal Services (\$32,374) (\$35,410)

Provides for the deallocation of funds from salary savings and delays in filling vacant positions.

**Highway and Bridge Improvement**

Capital Expenditures (\$2,700,000)

Provides for the deallocation of funds from the reduction of the Highways and Bridges Improvement Program.

**Highway and Bridge Improvement**

All Other (\$200,000) (\$300,000)  
 Capital Expenditures (100,000) (300,000)  
 Total (\$300,000) (\$600,000)

Provides for the deallocation of funds from the reduction in the computer-aided drafting, design, mapping and geographic information system.

**Highway and Bridge Improvement**

Personal Services (\$866,242) (\$1,054,496)

Provides for the deallocation of funds from salary savings and from delays in filling vacant positions.

**Traffic Service**

Personal Services (\$177,873) (\$513,823)  
 All Other (862,127) (1,036,177)  
 Total (\$1,040,000) (\$1,550,000)

Provides for the deallocation of funds by transferring the highway striping program to a federal program.

**Railroad Assistance Program**

Capital Expenditures (\$288,000)

Provides for the deallocation of funds that will be offset through the use of the unencumbered balance forward.

**Bridge Maintenance**

Capital Expenditures (\$257,000)

Provides for the deallocation of funds that will be offset through the use of the unencumbered balance forward.

**Traffic Service**

Capital Expenditures (\$355,000)

Provides for the deallocation of funds that will be offset through the use of the unencumbered balance forward.

**Traffic Service**

All Other (\$150,000) (\$150,000)

Provides for the deallocation of funds from the reduction in the traffic signal maintenance program.

**DEPARTMENT OF TRANSPORTATION**

TOTAL (\$3,790,000) (\$8,700,000)  
 TOTAL ALLOCATION, PART A (\$7,058,300) (\$9,300,997)

**PART B**

**Supplemental Allocation of Highway Fund.**

Income to the Highway Fund for the fiscal years ending June 30, 1990, and June 30, 1991, must be segregated, apportioned and disbursed as designated in the following schedule.

1989-90 1990-91

**ADMINISTRATION, DEPARTMENT OF**

**State Police Headquarters Building Maintenance**

Personal Services \$9,679  
 All Other (9,679)

Total \$ -0-

Provides funds to increase 2 Custodial Worker I

positions from 30 to 40 hours per week.			All Other	30,000	30,000
			Total	\$ -0-	\$ -0-
DEPARTMENT OF ADMINISTRATION TOTAL		\$ -0-	Provides for the transfer of funds from Personal Services to All Other in order better to reflect the intent of Public Law 1989, chapter 515.		
PUBLIC SAFETY, DEPARTMENT OF					
Motor Vehicle Inspection			Administration - Motor Vehicles		
All Other	\$32,200		Personal Services		\$13,431
Provides funds for additional inspection stickers and the increased cost of printing.			Provides funding for the reclassification of a Motor Vehicle Section Manger from range 24 to range 28 as a result of the reorgani- zation of duties.		
Safety Program			Administration - Motor Vehicles		
All Other	\$178,000	\$224,923	All Other		\$27,000
Provides funds for the Implied Consent Testing Program.			Provides funds for additional office space due to overcrowding at the main office facility. (A corre- sponding General Fund appropriation request has also been submitted in Public Law 1989, chapter 702.)		
Traffic Safety			Administration - Motor Vehicles		
Positions		(9.0)	Positions		(0.5)
Personal Services		\$416,990	Personal Services		\$47,400
All Other		37,118	Provides funds to increase from part-time to full-time 3 Motor Vehicle Window Clerk positions.		
Total		\$454,108	DEPARTMENT OF THE SECRETARY OF STATE TOTAL	\$3,250	\$116,831
Provides for the allocation of funds necessary for the continued operation of the State Police Traffic Division.			TRANSPORTATION, DEPARTMENT OF		
DEPARTMENT OF PUBLIC SAFETY TOTAL	\$210,200	\$679,031	Bond Interest - Highway		
SECRETARY OF STATE, DEPARTMENT OF THE			All Other	(\$222,900)	\$397,900
Administration - Motor Vehicles			Provides funds to cover interest cost on outstanding debt in fiscal year 1990-91 by reducing the fiscal year 1989-90 allocation as a result of a delay in the anticipated bond sale and by increasing the allocation in fiscal year 1990-91.		
All Other		\$29,000	Bond Retirement - Highway		
Provides funding for leased office space at the Sanford and Bangor branches.			All Other	\$800,000	(\$550,000)
Administration - Motor Vehicles					
All Other	\$100				
Capital Expenditures	3,150				
Total	\$3,250				
Provides funds for one additional customer service window at the Topsham motor vehicle branch office.					
Administration - Motor Vehicles					
Personal Services	(\$30,000)	(\$30,000)			

Provides funds required to retire outstanding bond issues as they come due in fiscal year 1989-90 and to reduce the allocation in fiscal year 1990-91 as a result of a delay in the anticipated bond sale.

**Highway Maintenance**

All Other	\$250,000	(\$250,000)
Capital Expenditures	1,750,000	(1,750,000)
<b>Total</b>	<u>\$2,000,000</u>	<u>(\$2,000,000)</u>

Provides for the deallocation of funds in fiscal year 1990-91 and the allocation of funds in fiscal year 1989-90 to start this year's maintenance resurfacing early to avoid cold weather paving.

**DEPARTMENT OF TRANSPORTATION**

<b>TOTAL</b>	<u>\$2,577,100</u>	<u>(\$2,152,100)</u>
<b>TOTAL ALLOCATION, PART B</b>	<u>\$2,790,550</u>	<u>(\$1,356,238)</u>

**PART C**

**Sec. C-1. Allocation.** There are allocated from the Highway Fund for the fiscal years ending June 30, 1990, and June 30, 1991, to the departments listed, the sums identified in the following in order to provide for approved reclassifications and range changes.

	1989-90	1990-91
<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
<b>State Police</b>		
Personal Services	\$47,160	\$40,540
<b>Motor Vehicle Inspection</b>		
Personal Services	\$1,320	\$1,887
<b>Administration - Public Safety</b>		
Personal Services	\$3,226	\$4,535
<b>DEPARTMENT OF PUBLIC SAFETY</b>		
<b>TOTAL</b>	<u>\$51,706</u>	<u>\$46,962</u>
<b>SECRETARY OF STATE, DEPARTMENT OF THE</b>		
<b>Administration - Motor Vehicles</b>		
Personal Services	\$40,233	\$19,426
<b>Fuel Use Decal Program</b>		
Personal Services	\$345	\$870
<b>DEPARTMENT OF THE SECRETARY OF STATE</b>		
<b>TOTAL</b>	<u>\$40,578</u>	<u>\$20,296</u>

**TRANSPORTATION, DEPARTMENT OF**

**Highway and Bridge Improvement**

Personal Services	\$3,461	\$5,838
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**DEPARTMENT OF TRANSPORTATION**

<b>TOTAL</b>	<u>\$3,461</u>	<u>\$5,838</u>
<b>TOTAL ALLOCATION, SECTION C-1</b>	<u>\$95,745</u>	<u>\$73,096</u>

**Sec. C-2. Legislative intent.** It is the intent of the Legislature that the reclassifications and range changes represented by the allocation amounts identified in section C-1 be effective upon approval of this Act.

**Sec. C-3. Carrying clause.** Any unencumbered balance in the Department of the Secretary of State, Division of Motor Vehicles Account #05062.1, that was allocated for the purpose of purchasing computer hardware and related software as well as for financing approved in fiscal year 1988-89 for a Division of Motor Vehicles building may not lapse but must be carried forward until June 30, 1991.

**PART D**

**Allocation.** The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

	1989-90	1990-91
<b>TRANSPORTATION, DEPARTMENT OF</b>		
<b>Traffic Service</b>		
Personal Services	\$163,000	\$700,000
All Other	327,000	1,400,000
<b>Total</b>	<u>\$490,000</u>	<u>\$2,100,000</u>
Provides for the allocation of federal funds to complete the highway striping program within a federal program.		
<b>DEPARTMENT OF TRANSPORTATION</b>		
<b>TOTAL</b>	<u>\$490,000</u>	<u>\$2,100,000</u>
<b>TOTAL ALLOCATION, PART D</b>	<u>\$490,000</u>	<u>\$2,100,000</u>

**PART E**

**Sec. E-1. Examination of motor fuel tax evasion.** The Motor Fuel Tax Evasion Committee is established and shall undertake a comprehensive review to evaluate the fiscal impact caused by individuals and businesses who evade paying the motor fuel tax as mandated by the Maine Revised Statutes, Title 36, section 2903, or any other applicable user fees.



1. The committee shall submit a report regarding its comprehensive review of the fiscal impact caused by individuals and businesses that evade paying motor fuel taxes and the effect that evasion has on the transportation system of this State to the Joint Standing Committee on Transportation, along with any implementing legislation, by February 15, 1991, and shall submit a copy of both to the Office of the Executive Director of the Legislative Council.

2. The committee is composed of the following 9 members:

- A. The Commissioner of Transportation or a designee;
- B. The Commissioner of Public Safety or a designee;
- C. The Deputy Secretary of State for the Division of Motor Vehicles or a designee;
- D. The State Tax Assessor or a designee;
- E. Two representatives of the trucking industry, appointed by the Governor;
- F. The Officer-in-Charge, Office of Motor Carriers, Federal Highway Administration, United States Department of Transportation, or a designee;
- G. One Senator appointed by the President of the Senate; and
- H. One member of the House of Representatives appointed by the Speaker of the House of Representatives.

If a vacancy occurs in the membership of the committee, that vacancy must be filled by the appointing authority as provided in this subsection for the remainder of that term.

3. The Governor shall appoint the chair of the committee.

4. Legislative members of the committee are entitled to legislative per diem for every day of attendance at scheduled meetings in accordance with the Maine Revised Statutes, Title 3, section 2. The public members and other members who are not state or municipal employees or employees of councils of government are entitled to expenses only in accordance with the Maine Revised Statutes, Title 5, chapter 379.

5. The Department of Transportation shall provide staff assistance to the committee.

6. The Department of Transportation shall absorb all costs associated with this review, including committee members' compensation, providing staff assistance and

other related expenses utilizing existing budgeted resources.

**Sec. E-2. Authorization of lease with option to purchase or lease-purchase of Division of Motor Vehicles building.** Approval, as required by the Maine Revised Statutes, Title 5, section 1587, is given to the Department of the Secretary of State, Division of Motor Vehicles, to enter into a lease with option to purchase or lease-purchase financing arrangements for a Division of Motor Vehicles building under which the principal for the financing agreements must not exceed \$7,000,000. The rate of interest is estimated to be 6.7% over a 10-year period and would result in a total interest cost of approximately \$2,644,000. The Secretary of State has the authority to encumber, mortgage and otherwise give security interests in the building and real property appurtenant to the building and to guarantee access to property as part of any financing arrangement authorized under this section. The Department of the Secretary of State, Division of Motor Vehicles, shall finance the cost with "All Other" funds within the department's regular budget. The Secretary of State may retain from revenues an amount not to exceed the annual obligation under this financing arrangement as authorized by this section.

**Sec. E-3. Effective date.** Section E-2 of this Act takes effect 90 days after adjournment.

## PART F

**29 MRSA §1312, sub-§9**, as repealed and replaced by PL 1971, c. 547, is amended to read:

**9. Payment for tests.** Persons authorized to take specimens of blood at the direction of a law enforcement officer and persons authorized to perform ~~chemical~~ blood-alcohol tests of specimens by analysis of blood or breath ~~shall~~ must be paid from the ~~General~~ Highway Fund.

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

Effective April 24, 1990, unless otherwise indicated.

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## CHAPTER 922

H.P. 1783 - L.D. 2453

### An Act to Require the State to Provide Full Funding for All Mandates Having an Impact on the Expenses of County and Municipal Governments

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

**30-A MRSA §5684** is enacted to read: