

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

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.

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:

§5684. Funding for mandated programs

1. Mandated program. Any legislation containing a state mandate enacted by the Legislature after July 1, 1991, that requires additional funding, must provide for full funding by the State. The funding requirements to implement the mandate must be identified in the legislation. Any legislation subject to this section for which full funding is not provided may not be enacted.

For the purposes of this section, "state mandate" means any state regulatory or statutory action that requires county or municipal government, or a unit of county or municipal government, to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues, excluding any order issued by a state court or any legislation necessary to comply with a federal mandate.

See title page for effective date.

CHAPTER 923

S.P. 998 - L.D. 2465

An Act to Authorize the Department of Marine Resources to Purchase, Lease or Lease-Purchase Facilities at McKown Point in Boothbay Harbor

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

Sec. 1. 5 MRSA §1587, as amended by PL 1989, c. 237, §1, is further amended by adding at the end a new paragraph to read:

Upon execution of any lease-purchase agreements that exceed the amounts listed above, all departments and agencies shall provide information to the Treasurer of State pertaining to the actual amount of the lease-purchase, including the term and the interest cost of the lease-purchase agreement.

Sec. 2. Authorization of purchase, lease or lease-purchase of a new marine research and office facility. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Marine Resources is authorized to purchase, lease with an option to purchase or enter into lease-purchase financing agreements for a new laboratory and office facility with an outright purchase price of not more than \$8,000,000 to be constructed on the site of the current Department of Marine Resources facility at McKown Point in Boothbay Harbor. The Commissioner of Marine Resources is authorized to encumber, mortgage and otherwise give security interests in the building and real property appurtenant to the facility and to provide for reasonable access to the facility and property as part of any financing arrangement authorized by this Act.

The term of any lease-purchase agreement may not exceed 10 years, totaling \$8,000,000 with interest costs at 8% of approximately \$3,600,000.

All plans, contracts, terms, terms of financing and other terms relating to any agreement reached must be subject to the review of the Joint Standing Committee on Appropriations and Financial Affairs.

See title page for effective date.

CHAPTER 924

H.P. 1803 - L.D. 2474

An Act to Amend the Maine Criminal Code with Regard to Drugs

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

Sec. 1. 17-A MRSA §1102, sub-§1, ¶I, as amended by PL 1989, c. 334, §2, is further amended to read:

I. Unless listed or described in another schedule, all narcotic drugs, including, but not limited to, heroin (diacetylmorphine), methadone, pethidine, morphine and opium. As used in this chapter, "heroin" means any compound, mixture or preparation containing heroin;

Sec. 2. 17-A MRSA §1102, sub-§1, ¶J, as enacted by PL 1977, c. 649, §1, is amended to read:

J. Phencyclidine;

Sec. 3. 17-A MRSA §1102, sub-§1, ¶¶K to M are enacted to read:

K. Lysergic acid diethylamide, and its salts, isomers and salts of isomers;

L. Lysergic acid; and

M. Lysergic acid amide.

Sec. 4. 17-A MRSA §1102, sub-§2, ¶H, as enacted by PL 1975, c. 740, §100, is amended to read:

H. Unless listed or described in another schedule, any of the following hallucinogenic drugs or their salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:

(1) 3, 4 -- methylenedioxy amphetamine;

(2) 5 -- methoxy -- 3, 4 -- methylenedioxy amphetamine;