

# MAINE STATE LEGISLATURE

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**LAWS**

OF THE

**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

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  
1989

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**PRIVATE AND SPECIAL LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**FIRST REGULAR SESSION**

**of the**

**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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First Regular Session of the ~~114th~~ 115th Legislature by ~~June 4, 1989~~ March 1, 1991.

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

Effective June 2, 1989.

**CHAPTER 36**

**H.P. 470 - L.D. 635**

**An Act to Make Allocations for Various Funds of the Department of Environmental Protection 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 incident to the operation of the department will become due and payable on or immediately after July 1, 1989; 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. Allocation of the Ground Water Oil Clean-up Fund.** Income to the Ground Water Oil Clean-up Fund for the next 2 fiscal years, from July 1, 1989 to June 30, 1990, and from July 1, 1990 to June 30, 1991, shall be segregated, apportioned and disbursed as designated in the following schedule.

|  | 1989-90            | 1990-91            |
|--|--------------------|--------------------|
| ENVIRONMENTAL PROTECTION,<br>DEPARTMENT OF |                    |                    |
| Oil and Hazardous Materials Control        |                    |                    |
| Positions                                  | (22.0)             | (22.0)             |
| Personal Services                          | \$686,166          | \$709,501          |
| All Other                                  | 1,777,565          | 1,781,841          |
| Capital Expenditures                       | 118,205            | 116,680            |
| <b>TOTAL</b>                               | <b>\$2,581,936</b> | <b>\$2,608,022</b> |

**Sec. 2. Allocation of the Maine Coastal and Inland Surface Clean-up Fund.** Income to the Maine Coastal and Inland Surface Clean-up Fund for the next 2 fiscal years, from July 1, 1989 to June 30, 1990, and from

July 1, 1990 to June 30, 1991, shall be segregated, apportioned and disbursed as designated in the following schedule.

|  | 1989-90            | 1990-91            |
|--|--------------------|--------------------|
| ENVIRONMENTAL PROTECTION,<br>DEPARTMENT OF |                    |                    |
| Oil and Hazardous Materials Control        |                    |                    |
| Positions                                  | (16.0)             | (16.0)             |
| Personal Services                          | \$550,744          | \$565,195          |
| All Other                                  | 1,820,355          | 1,918,104          |
| Capital Expenditures                       | 159,800            | 123,490            |
| <b>TOTAL</b>                               | <b>\$2,530,899</b> | <b>\$2,606,789</b> |

**Sec. 3. Allocation of the Maine Hazardous Waste Fund.** Income to the Maine Hazardous Waste Fund for the next 2 fiscal years, from July 1, 1989 to June 30, 1990, and from July 1, 1990 to June 30, 1991, shall be segregated, apportioned and disbursed as designated in the following schedule.

|  | 1989-90          | 1990-91          |
|--|------------------|------------------|
| ENVIRONMENTAL PROTECTION,<br>DEPARTMENT OF |                  |                  |
| Oil and Hazardous Materials Control        |                  |                  |
| Positions                                  | (12.0)           | (12.0)           |
| Personal Services                          | \$375,231        | \$380,335        |
| All Other                                  | 303,420          | 304,492          |
| Capital Expenditures                       | 120,945          | 100,000          |
| <b>TOTAL</b>                               | <b>\$799,596</b> | <b>\$784,827</b> |

**Sec. 4. Allocation of the Radioactive Waste Evaluation Fund.** Income to the Radioactive Waste Evaluation Fund for the next 2 fiscal years, from July 1, 1989 to June 30, 1990, and from July 1, 1990 to June 30, 1991, shall be segregated, apportioned and disbursed as designated in the following schedule.

|   | 1989-90          | 1990-91          |
|---|------------------|------------------|
| ENVIRONMENTAL PROTECTION,<br>DEPARTMENT OF          |                  |                  |
| Technical Studies                                   |                  |                  |
| Positions   | (3.5)            | (3.5)            |
| Personal Services                                   | \$110,806        | \$113,782        |
| All Other   | 39,670           | 40,469           |
| Capital Expenditures                                | 1,450            | 743              |
| <b>TOTAL</b>  | <b>\$151,926</b> | <b>\$154,994</b> |
| Radioactive Waste Evaluation Fund                   |                  |                  |
| Personal Services                                   | \$4,000          | \$4,000          |
| All Other   | 16,306           | 16,306           |
| <b>TOTAL</b>  | <b>\$20,306</b>  | <b>\$20,306</b>  |
| <b>DEPARTMENT OF ENVIRONMENTAL PROTECTION TOTAL</b> | <b>\$172,232</b> | <b>\$175,300</b> |

**Sec. 5. Adjustments to allocations.** Allocations made in sections 1 to 4 may be increased or adjusted by the State Budget Officer with the approval of the Governor, to cover specifically those adjustments determined to be necessary under any salary plan approved by the Legislature, and those reclassifications or range changes which have been approved by the Department of Administration and submitted for legislative review prior to the effective date of this Act.

**Sec. 6. Encumbered balance at year end.** At the end of each fiscal year, all encumbered balances shall not be carried forward more than once.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect July 1, 1989.

Effective July 1, 1989.

**CHAPTER 37**

**H.P. 522 - L.D. 707**

**An Act to Make Allocations for the Administrative Expenses of the Bureau of Alcoholic Beverages, Department of Finance, 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 incident to the operation of the Bureau of Alcoholic Beverages and the State Liquor Commission will become due and payable on or immediately after July 1, 1989; 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. Allocation of fund.** In order to provide for the necessary expenses of operation and administration of the Bureau of Alcoholic Beverages and the State Liquor Commission, the following amounts, or as much as may be necessary, are allocated from the revenues derived from operations of the Alcoholic Beverages Fund.

|   | 1989-90            | 1990-91            |
|---|--------------------|--------------------|
| <b>FINANCE, DEPARTMENT OF</b>                   |                    |                    |
| <b>Alcoholic Beverages - General Operations</b> |                    |                    |
| Positions - Legislative Count                   | (251.0)            | (251.0)            |
| Positions - Other Count                         | (9.5)              | (9.5)              |
| Personal Services                               | \$6,257,989        | \$6,393,542        |
| All Other                                       | 2,674,827          | 2,786,337          |
| <b>TOTAL</b>                                    | <b>\$8,932,816</b> | <b>\$9,179,879</b> |
| <b>Alcoholic Beverages - General Operations</b> |                    |                    |
| All Other                                       | \$402,704          | \$414,785          |
| Provides funds to be used for liquor freight.   |                    |                    |
| <b>DEPARTMENT OF FINANCE</b>                    |                    |                    |
| <b>TOTAL</b>                                    | <b>\$9,335,520</b> | <b>\$9,594,664</b> |

**Sec. 2. Allotments required.** Upon receipt of allotments duly approved by the Governor, based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures from these allocations on the basis of these allotments and not otherwise.

**Sec. 3. Legislative intent.** It is the intent of the Legislature that the allocation of funds by the Legislature, as provided by this Act, shall apply to the administrative expenses only and that these allocations shall be allotted and approved under the Maine Revised Statutes, Title 5. It is not intended to affect the use of the working capital, provided for by the Maine Revised Statutes, Title 28, or other activities required of the State Liquor Commission by the Maine Revised Statutes, Title 28.

**Sec. 4. Adjustments to allocations.** Allocations may be increased or adjusted by the State Budget Officer with the approval of the Governor, to specifically cover those adjustments determined to be necessary under any salary plan approved by the Legislature, and those reclassifications or range changes which have been approved by the Department of Administration and submitted for legislative review prior to the effective date of this Act.

**Sec. 5. Exclusion.** Exclusive of the provisions of sections 1 to 4, up to \$50,000 for Capital Expenditures may be expended in each fiscal year.

**Sec. 6. Feasibility study.** The Bureau of Alcoholic Beverages shall conduct a study on the feasibility of placing a state liquor store on land adjacent to the Maine Turnpike. The director of the bureau shall submit a report, including any necessary implementing legislation, to the Joint Standing Committee on Appropriation and Financial Affairs by December 1, 1989.