

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

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

Whereas, the Commission to Study the Certificate of Need Law and the Impact of Competitive Market Forces on Ambulatory Health Services, established by Public Law 1989, chapter 588, Part A, section 56, was to submit a report to the Joint Standing Committee on Human Resources by December 15, 1990; and

Whereas, the commission needs additional time to complete the review and revision of its final report; 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. PL 1989, c. 588, Pt. A, §56, sub-§1, ¶B, as amended by PL 1989, c. 919, §16, is further amended to read:

B. The study commission shall study the current and potential impact of competitive market forces on outpatient volumes and the cost, quality and accessibility of ambulatory health services. Its study shall include an evaluation of the advisability of deregulating various outpatient services. Its study must also include evaluation of methods of sizing the Hospital Development Account. The study commission shall submit its recommendations, including any necessary legislation to implement its recommendations, to the Joint Standing Committee on Human Resources by ~~December 15, 1990~~ February 23, 1991. In the course of this study, the commission shall consider the likely impact of deregulating the charges made by hospitals for outpatient services and the elimination of any continuing restrictions on the establishment of preferred provider arrangements.

Sec. 2. PL 1989, c. 588, Pt. A, §56, sub-§5 is amended to read:

5. Sunset. ~~This Part A, section 56 of this Act is repealed December 15, 1990~~ February 23, 1991.

Sec. 3. Retroactivity. This Act applies retroactively to December 15, 1990.

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

Effective May 7, 1991.

CHAPTER 121

H.P. 1259 - L.D. 1827

An Act to Deappropriate Certain Expenditures and to Make Technical Corrections for the Fiscal Year Ending 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 prior to July 1, 1991; and

Whereas, certain technical corrections to Public Law 1991, chapter 9 are needed; 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

Sec. A-1. 5 MRSA §17001, sub-§4, ¶A, as enacted by PL 1985, c. 801, §§5 and 7, is amended to read:

A. The average annual rate of earnable compensation of a member during the 3 years of creditable service as an employee in Maine, not necessarily consecutive, in which ~~his~~ the member's annual rate of earnable compensation is highest. However, if a member is subject to a temporary layoff as a result of a Governor's Executive Order, loss of pay pursuant to an agreement of February 15, 1991 between the Executive Department and the American Federation of State, County and Municipal Employees, Council 93, or days off without pay as authorized by legislative action, the 3-year average final compensation must be determined as if the member had not been temporarily laid off, reduced in pay, or provided days off without pay; or

Sec. A-2. 20-A MRSA §1311, sub-§1, ¶A, as amended by PL 1983, c. 422, §5, is further amended to read:

A. Current operating expenses of the district if the loans are repaid within ~~one year~~ 13 months of the date of borrowing and are limited to an amount reasonably required for current operating expenses;

Sec. A-3. 20-A MRSA §1702, sub-§1, ¶A, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

A. Current operational expenditures of the community school district in an amount not to exceed the gross budget approved by the voters at the annual meeting. These borrowed funds ~~shall~~ must be repaid within the ~~same~~ a month of the end of the fiscal year; and

Sec. A-4. 20-A MRSA §4801, sub-§1, ¶A-1 is enacted to read:

A-1. Notwithstanding paragraph A, in the school year 1990-91 only, up to 2 days of the minimum number of days required may be waived by action of a local school board.

Sec. A-5. 30-A MRSA §5771, sub-§2, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

2. When paid. The tax anticipation notes ~~shall~~ must be paid ~~in~~ within one month after the end of the municipal year in which they were made, except during a transition to a new municipal year the notes ~~shall~~ must be paid within 18 months of the first day of the municipal year in which they were made. The notes issued in anticipation of taxes ~~shall~~ must be paid out of money raised by taxation. The notes issued in anticipation of revenue-sharing money ~~shall~~ must be paid out of money received as a result of revenue sharing.

Sec. A-6. 30-A MRSA §5773, sub-§3, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

3. Funds for educational purposes. The municipal officers of any municipality may borrow in anticipation of any funds or reimbursements that the Legislature has authorized to be paid to municipalities for educational purposes during the municipal year within one month thereafter. The notes ~~shall~~ must be paid from those funds received for educational purposes from state agencies during the municipal year within one month thereafter.

Sec. A-7. State Government closure. Excepting only essential services and federally funded services as determined by the Commissioner of Administration and the Commissioner of Finance, and, for the legislative and judicial branches, the chief administrative officers of those branches, who shall inform those commissioners, all state departments, agencies and offices must be closed May 10, 1991 and May 24, 1991.

Any nonessential service employee who is not required to work because those departments, agencies and offices are closed on those days must take the days off without pay, but for each such day off is entitled to receive an additional day of compensation at the time that the employee leaves state service. Those additional days must be at the employee's present rate of pay or the rate at the time the employee leaves, whichever is higher.

Any essential service employee who works on those days is entitled to receive, in lieu of pay, compensating time off

for such hours worked, and for each such day worked is entitled to receive an additional day of compensation at the time the employee leaves state service. Those additional days must be at the employee's present rate of pay or rate at the time the employee leaves, whichever is higher.

Any fully federally funded employee approved to work on May 10, 1991 or May 24, 1991 is entitled to receive the employee's regular compensation for such time worked.

Any employee not scheduled to work on May 10, 1991 or May 24, 1991 but who has worked or will work the regular work week, loses one day of pay during each affected pay cycle and is otherwise entitled to compensation as provided by this section as if the employee were essential and had worked those days.

No employee leave with pay or unpaid leaves pursuant to the Voluntary Cost Savings Program are allowed for those days.

Sec. A-8. Allotment reserves savings. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, on or before June 30, 1991, the State Budget Officer shall take necessary steps to achieve a minimum level of General Fund savings in allotment reserves of \$4,200,000 in accordance with Executive Order #14 FY 90/91. On or before June 15, 1991, the State Budget Officer shall report to the Joint Standing Committee on Appropriations and Financial Affairs with the amount of allotment reserve savings achieved to date.

Sec. A-9. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

EDUCATION, DEPARTMENT OF

Teachers' Retirement

All Other (\$13,496,516)

Notwithstanding the Maine Revised Statutes, Title 5, section 17151, subsection 2, provides for the deappropriation of funds in the amount of part of the May 1991 payment and the June 1991 payment, which will be deferred until after July 1, 1991.

General Purpose Aid for Local Schools

All Other (40,800,000)

Notwithstanding the Maine Revised Statutes, Title 20-A, section 15005, subsection 1, provides for the deappropriation of funds in the amount of the

June 1991 payment, which may be recorded as an account receivable, which will be deferred until after July 1, 1991. The July 1991 payment must be made on or before July 5, 1991.

General Purpose Aid for Local Schools

All Other (1,900,000)

Provides for the deappropriation of funds due to expenditure reductions.

DEPARTMENT OF EDUCATION TOTAL (\$56,196,516)

FINANCE, DEPARTMENT OF

Executive Branch Departments and Independent Agencies - Statewide

Personal Services (\$1,782,000)

Provides for the deappropriation of funds not required as a result of closing State Government for 2 days. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Budget Officer shall distribute this amount among the executive branch departments and independent agencies of State Government in accordance with May 1991 payroll data presented to the Joint Standing Committee on Appropriations and Financial Affairs.

DEPARTMENT OF FINANCE TOTAL (\$1,782,000)

JUDICIAL DEPARTMENT

Courts - Supreme, Superior, District and Administrative

Personal Services (\$70,000)
All Other (40,000)

Provides for the deappropriation of funds not required as a result of closing State Government for 2 days and due to expenditure reductions.

JUDICIAL DEPARTMENT TOTAL (\$110,000)

LEGISLATURE

Legislative Branch-wide

Personal Services (\$69,000)

Provides for the deappropriation of funds not required as a result of closing State Government for 2 days.

LEGISLATURE TOTAL (\$69,000)

MAINE MARITIME ACADEMY

Maine Maritime Academy - Operations

All Other (\$578,936)

Provides for the deappropriation of funds in the amount of the June 1991 payments, which will be deferred until after July 1, 1991. The July 1991 payment must be made on or before July 5, 1991.

Maine Maritime Academy - Operations

All Other (35,638)

Provides for the deappropriation of funds due to expenditure reductions.

MAINE MARITIME ACADEMY TOTAL (\$614,574)

MAINE TECHNICAL COLLEGE SYSTEM - BOARD OF TRUSTEES

Maine Technical College System - Board of Trustees

All Other (\$2,029,454)

Provides for the deappropriation of funds in the amount of the June 1991 payment, which will be deferred until after July 1, 1991. The July 1991 payment must be made on or before July 5, 1991.

Maine Technical College System - Board of Trustees

All Other (107,137)

Provides for the deappropriation of funds due to expenditure reductions.

**MAINE TECHNICAL COLLEGE SYSTEM
BOARD OF TRUSTEES
TOTAL** (\$2,136,591)

**UNIVERSITY OF MAINE SYSTEM -
BOARD OF TRUSTEES**

**Education and General Activities -
University of Maine System**

All Other (\$11,622,334)

Provides for the deappropriation of funds in the amount of the June 1991 payment, which will be deferred until after July 1, 1991. The July 1991 payment must be made on or before July 5, 1991.

**Education and General Activities -
University of Maine System**

All Other (728,155)

Provides for the deappropriation of funds due to expenditure reductions.

**UNIVERSITY OF MAINE SYSTEM -
BOARD OF TRUSTEES
TOTAL** (\$12,350,489)

**PART A
TOTAL APPROPRIATIONS** (\$73,259,170)

PART B

Sec. B-1. 4 MRSA §153, sub-§3, as amended by PL 1991, c. 9, Pt. E, §1, is further amended to read:

3. Western Aroostook. Western Aroostook consists of the municipalities and unorganized territory known as Hamlin Plt., Cyr Plt., T17 R3, T17 R4, T16 R5, T15 R6, Winterville Plt., T15 R8, T15 R9, T14 R10, T14 R11, T14 R12, T14 R13, T14 R14, T14 R15, T14 R16, and all municipalities and unorganized territory in Aroostook County lying to the west and north of these. The District Court for Western Aroostook must be held at Madawaska, Fort Kent and Van Buren. The presiding judge shall determine the level of service at each location.

Sec. B-2. 36 MRSA §457, as repealed and replaced by PL 1991, c. 9, Pt. EE, is amended to read:

§457. State tax on telecommunications personal property

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Telecommunications business" means a person engaged in the activity of providing interactive 2-way communication services for compensation.

B. "Telecommunications personal property" means personal property used for the transmission of any interactive 2-way communications, including voice, image, data and information. Transmission of communications includes the use of any medium such as wires, cables, community antenna television or other broad band cables, microwaves, radio waves, light waves or any combination of those or similar media. Telecommunications personal property includes qualifying property used to provide telegraph service. Telecommunications personal property does not include property used solely to provide value-added nonvoice services in which computer processing applications are used to act on the form, content, code and protocol of the information to be transmitted, unless those services are provided under tariff approved by the Public Utilities Commission. Telecommunications personal property does not include single or multiline standard telephone instruments. Notwithstanding section 551, telecommunications personal property includes any interest of a telecommunications business in poles.

2. Tax imposed. A state tax is imposed on telecommunications personal property at the rate of 27 mills times the just value of the property. Just value and ownership of the property must be determined as of the April 1st preceding the assessment.

~~**3. Determination of just value.** The state tax is imposed upon the just value and ownership of the property as of April 1st of the taxable year.~~

4. Assessment. The State Tax Assessor shall assess a tax on telecommunications personal property owned or leased by a telecommunications business. Telecommunications personal property owned or leased by a person who is not a telecommunications business must be assessed a tax by the municipal assessor in the municipality in which the property is located on April 1st of the taxable year. The date of assessment of telecommunications personal property by municipalities must be consistent with other property subject to property taxation by the municipalities.

~~**5. Assessment procedure.** The tax on telecommunications personal property of a telecommunications business is assessed in accord with the following:~~

~~A. Beginning in January 1992, an annual assessment must be made in June of that year and is payable in 2 equal payments in the following October and May.~~

~~B. In June 1991, an annual assessment must be made and is payable in 2 equal payments in June 1991 and in October 1991.~~

~~C. An additional assessment must be made in June 1991 to transition the tax imposed by this section to a fiscal year basis and is payable in full in May 1992.~~

5-A. Procedure. The tax on telecommunications personal property of a telecommunications business must be assessed and paid in accordance with the following.

A. The State Tax Assessor shall make a gross tax assessment and a net tax assessment on May 15th of each year. The gross tax assessment equals the just value multiplied by the tax rate. The next tax assessment equals the gross assessment reduced by the amount of the prepayment of estimated tax made for that tax year.

B. For the 1991 tax year, a payment of 1/2 the gross tax assessment must be made no later than October 20, 1991. The remaining 1/2 of the gross tax assessment must be paid no later than May 30, 1992.

C. A prepayment of 1/2 the estimated tax for the subsequent tax year must be paid no later than June 1st of each year. For the purposes of this subsection, the estimated tax for the subsequent year is equal to the gross tax assessment for the current tax year.

D. For tax years subsequent to 1991, a payment must be made no later than June 1st of the year subsequent to the year in which the assessment is made equal to the amount by which the gross tax assessment exceeds the estimated tax paid for that tax year.

6. Amount of assessment. The amount of assessment is as follows:

A. For all assessment made pursuant to subsection 5, paragraphs A and B, the amount of assessment must be equal to 27 mills multiplied by the previous April 1st just value of taxable property.

B. For all assessment made pursuant to subsection 5, paragraph C, the amount of assessment must be equal to 13.5 mills multiplied by the previous April 1st just value of taxable property.

C. The tax assessed by municipal assessors is at the rate of 27 mills for each taxable year. The date of assessment must be consistent with other property subject to property taxation by the municipality.

7. Collection. Taxes assessed by the State Tax Assessor must be enforced as generally provided by this Title. Taxes assessed by municipal assessors must be enforced as other locally assessed personal property taxes.

8. Penalty. Underpayment of the tax imposed by this section and the prepayment of estimated tax required by this section are subject to the penalties imposed by section 187.

Sec. B-3. PL 1991, c. 9, Pt. A, §1, under that part designated "AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF" the 2nd part relating to "Harness Racing Commission" is amended to read:

Harness Racing Commission

Positions - Legislative Count	(-2.0) (-1.0)
Positions - Other Count	(-0.5)
Personal Services	(15,040)
	(1,494)
All Other	23,040
	2,500
TOTAL	8,000
	1,006

Provides for the deappropriation of funds from the elimination of a seasonal, intermittent Veterinarian position and one full-time and one 16-week Pari-mutuel Supervisor position. A 25-week Pari-mutuel Supervisor position for the Northern Maine Fair and the County Raceway is not affected by this deappropriation. Also provides funds for contractual services to handle the seasonal, intermittent veterinarian responsibilities.

Sec. B-4. PL 1991, c. 9, Pt. A, §1, under that part designated "AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF," last line is amended to read:

TOTAL	(371,265)
	(378,259)

Sec. B-5. PL 1991, c. 9, Pt. A, §1, is amended in that part designated "JUDICIAL DEPARTMENT" by striking all that part relating to "Courts - Supreme, Superior, District and Administrative" and inserting in its place the following:

Courts - Supreme, Superior, District and Administrative

Positions - Legislative Count	(-1.0)
Personal Services	(140,000)

Provides for the deappropriation of funds from the layoff of 2 part-time Research Assistant positions and from reduction in personal services resulting from a number of unfilled position vacancies.

Sec. B-6. PL 1991, c. 9, Pt. A, §1, is amended under that part designated "JUDICIAL DEPARTMENT" before the part relating to "Indigent Defense" by inserting the following:

State Court Library Committee

Positions - Legislative Count	(-1.0)
Personal Services	(10,000)

Provides for the deappropriation of funds from the elimination of one full-time Library Assistant position.

Sec. B-7. PL 1991, c. 9, Pt. A, §1, last line is amended to read:

TOTAL APPROPRIATIONS	(\$43,062,448)
	(\$43,069,442)

Sec. B-8. PL 1991, c. 9, Pt. B, §2, under that part designated "HUMAN SERVICES, DEPARTMENT OF" in the part relating to "Intermediate Care - Payments to Providers" the 2nd line is amended to read:

All Other	\$8,267,313
	<u>\$24,569,686</u>

Sec. B-9. PL 1991, c. 9, Pt. B, §2, under that part designated "HUMAN SERVICES, DEPARTMENT OF" in the part relating to "Medical Care - Payments to Providers" the 2nd line is amended to read:

All Other	\$6,235,482
	<u>\$19,351,248</u>

Sec. B-10. PL 1991, c. 9, Pt. B, §2, under that part designated "HUMAN SERVICES, DEPARTMENT OF" last line is amended to read:

TOTAL	\$34,190,122
	<u>\$63,608,261</u>

Sec. B-11. PL 1991, c. 9, Pt. B, §2, before that part designated "PUBLIC SAFETY, DEPARTMENT OF" insert the following:

MAINE STATE LIBRARY

Library Development Services

<u>Positions - Other Count</u>	(1.0)
<u>Personal Services</u>	<u>\$2,369</u>
<u>All Other</u>	<u>(2,369)</u>

<u>TOTAL</u>	<u>-\$0-</u>
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Provides funds to reestablish one Laborer II position by the transfer of funds between line items.

Sec. B-12. PL 1991, c. 9, Pt. B, §2, last line is amended to read:

TOTAL ALLOCATIONS	\$34,440,404
	<u>\$63,858,543</u>

Sec. B-13. PL 1991, c. 9, Pt. B, §3, that part designated "MAINE STATE LIBRARY" is repealed.

Sec. B-14. PL 1991, c. 9, Pt. I, §9 is amended to read:

Sec. I-9. Report. The Department of Human Services, Bureau of Income Maintenance and the ~~Maine State Housing Authority~~ Division of Community Services shall jointly study alternatives to maximize the use of available federal funds and any other funds to provide services for low-income citizens. Their report must be submitted to the Joint Standing Committee on Appropriations and Financial Affairs by ~~June 30, 1991~~ June 1, 1991.

Sec. B-15. PL 1991, c. 9, Pt. Q, §1, under that part designated "EXECUTIVE DEPARTMENT," in that part relating to "Administration - Executive Governor's Office," 3rd to 6th lines are amended to read:

Positions - Legislative Count	(-1.5)
	<u>(-1.0)</u>

Eliminates one full-time and one part-time vacant Governor's Special Assistant positions position.

Sec. B-16. PL 1991, c. 9, Pt. Q, §1, under that part designated "EXECUTIVE DEPARTMENT" is amended by inserting at the end the following:

Blaine House

<u>Positions - Legislative Count</u>	<u>(-0.5)</u>
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Eliminates a vacant part-time Governor's Special Assistant position.

Sec. B-17. PL 1991, c. 9, Pt. Q, §2, under that part designated "HUMAN SERVICES, DEPARTMENT OF" in that part relating to "Disability Determination - Division of," the 2nd to 11th lines are amended to read:

Positions - Other Count	(-16.0)
	<u>(-15.5)</u>

Provides for the elimination of the following vacant positions: two Account Clerk I positions, one Clerk I position, 4 Clerk Typist II positions, 2 one part-time Disability Claims Adjudicator VR positions position, 2 Disability Claims Examiner positions, one Disability Claims Hearing Officer position, 3 Human Services Aide III positions, and 2 Word Processing Operator positions.

Sec. B-18. Retroactivity. This Part applies retroactively to March 14, 1991.

PART C

Sec. C-1. PL 1991, c. 9, Pt. A, §1, under that part designated "CONSERVATION, DEPARTMENT OF" in that part relating to "Division of Forest Fire Control," 2nd line is repealed and the following enacted in its place:

Positions - Other Count (-5.0)

Sec. C-2. PL 1991, c. 9, Pt. A, §1, under that part designated "CONSERVATION, DEPARTMENT OF" in that part relating to "Division of Forest Fire Control," last sentence is amended to read:

Provides for the deappropriation of funds through the elimination of ~~4~~ 5 full-time ~~and one part-time~~ Watchperson positions as a result of closing the fire towers at Johnson Hill, Chase Hill, Agamenticus Mountain, Norway Bluff, Green Mountain and termination of plans to consolidate field facilities.

Sec. C-3. PL 1991, c. 9, Pt. A, §1, under that part designated "EDUCATION, DEPARTMENT OF" in that part relating to "State Agency Clients," first line is repealed and the following enacted in its place:

General Purpose Aid for Local Schools

Sec. C-4. PL 1991, c. 9, Pt. A, §1, under that part designated "EDUCATION, DEPARTMENT OF" in the 2nd part relating to "Governor Baxter School for the Deaf," 5th to 8th lines are amended to read:

Provides for the deappropriation of funds from the elimination of 3 vacant positions: ~~two one full-time and one~~ one full-time and one part-time Teacher of the Deaf positions and one Watchperson position.

Sec. C-5. PL 1991, c. 9, Pt. A, §1, under that part designated "HUMAN SERVICES, DEPARTMENT OF" in that part relating to "Bureau of Elder and Adult Services," 7th to 14th lines are amended to read:

Provides for the deappropriation of funds from the Bureau of Elder and Adult Services, grants to Area Agencies on Aging, general operating expenses and the elimination of 2 Social Services Program Specialist I positions, one Clerk Typist III position and ~~the transfer of one Clerk Typist II position salary to federal funds.~~

Sec. C-6. PL 1991, c. 9, Pt. A, §1, under that part designated "HUMAN SERVICES, DEPARTMENT OF" in that part relating to "Legal Services - Human Services," 4th to 6th lines are amended to read:

Provides for the deappropriation of funds from the ~~transfer~~ elimination of 2 Assistant Attorney General positions ~~to federal funds.~~

Sec. C-7. PL 1991, c. 9, Pt. B, §2, under that part designated "EXECUTIVE DEPARTMENT" in the first part relating to "Planning Office," 2nd line is amended to read:

Positions - Other Count (1-0) (0.5)

Sec. C-8. PL 1991, c. 9, Pt. B, §2, under that part designated "PUBLIC SAFETY, DEPARTMENT OF" in that part relating to "Criminal Justice Academy," 5th to 9th lines are amended to read:

Provides funds for the continuation of 2 Planning and Research Associate II positions and one Clerk Stenographer ~~I~~ III position to administer the Federal Drug Control and Systems Improvement Grant.

Sec. C-9. PL 1991, c. 9, Pt. B, §3, under that part designated "HUMAN SERVICES, DEPARTMENT OF," that part relating to "Bureau of Health" is repealed.

Sec. C-10. PL 1991, c. 9, Pt. B, §3, under that part designated "HUMAN SERVICES, DEPARTMENT OF," last line is amended to read:

TOTAL	\$815,962
	<u>\$811,000</u>

Sec. C-11. PL 1991, c. 9, Pt. B, §3, last line is amended to read:

TOTAL ALLOCATIONS	\$1,452,253
	<u>\$1,447,291</u>

Sec. C-12. PL 1991, c. 9, Pt. Q, §1, under that part designated "ADMINISTRATION, DEPARTMENT OF" in that part relating to "Office of the Commissioner - Administration," 3rd and 4th lines are amended to read:

Eliminates one vacant ~~Assistant to the Commissioner - Policy and Planning~~ Assistant Director Management/Budget Policy position.

Sec. C-13. PL 1991, c. 9, Pt. Q, §1, under that part designated "DEFENSE AND VETERANS' SER-

VICES, DEPARTMENT OF," that part relating to "Military Training and Operations" is amended to read:

Military Training and Operations

Positions - Legislative Count (-7.0)
Positions - Other Count (-1.5)

Eliminates 3 vacant Building Custodian positions, one vacant Heavy Equipment Operator position, one vacant Laborer II position, one vacant Plumber II position and one vacant Military Training Officer position. Also eliminated are 2 vacant intermittent Building Custodian positions, and 3 vacant seasonal Building Custodian positions, one vacant project Clerk Typist II position and one vacant project Data Entry Operator position.

Sec. C-14. PL 1991, c. 9, Pt. Q, §1, that part designated "FINANCE, DEPARTMENT OF" is amended to read:

FINANCE, DEPARTMENT OF

Bureau of Taxation

Positions - Legislative Count (-2.0)
Positions - Other Count (-0.5)

Provides for the elimination of one vacant Senior Revenue Agent position, one vacant Revenue Agent position and one seasonal Clerk H I position.

Bureau of Accounts and Control

Positions - Legislative Count (-0.5)

Provides for the elimination of one vacant part-time Laborer I position and one vacant intermittent Data Entry Specialist position.

Sec. C-15. PL 1991, c. 9, Pt. Q, §1, under that part designated "INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF," that part relating to "Office of the Commissioner - Inland Fisheries and Wildlife" is amended to read:

Office of the Commissioner - Inland Fisheries and Wildlife

Positions - Legislative Count (-3.0)

Provides for the elimination of the following vacant positions: a Clerk Typist II position, a Division Director of Inland Fisheries and Wildlife position, ~~a~~ an intermittent Clerk Stenographer I position and an intermittent a Clerk Stenographer III position.

Sec. C-16. PL 1991, c. 9, Pt. Q, §1, under that part designated "INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF" in that part relating to "Fisheries and Hatcheries Operations," 2nd line is amended to read:

Positions - Legislative Count (-4.0) (-2.0)

Sec. C-17. PL 1991, c. 9, Pt. Q, §1, under that part designated "PUBLIC SAFETY, DEPARTMENT OF" in that part relating to "Drug Enforcement Bureau," first line is amended to read:

~~Drug Enforcement Bureau~~
Intergovernmental Drug Enforcement

Sec. C-18. PL 1991, c. 9, Pt. Q, §1, under that part designated "SECRETARY OF STATE, DEPARTMENT OF THE," that part relating to "Administration - Secretary of State" is amended by adding after the 2nd line the following to read:

Positions - Other Count (-0.5)

Sec. C-19. PL 1991, c. 9, Pt. Q, §1, that part designated "WORKERS' COMPENSATION COMMISSION" is repealed and the following enacted in its place:

WORKERS' COMPENSATION COMMISSION

Workers' Compensation Commission

Positions - Legislative Count (-10.0)
Positions - Other Count (-1.0)

Eliminates 6 vacant Clerk Typist II positions, one vacant Clerk Typist III position, one vacant Data Entry Operator position, one vacant Workers' Compensation Assistant position, one Workers' Compensation Regional Administrator position and 2 vacant seasonal Paralegal Assistant positions.

Office of Employment Rehabilitation

Positions - Legislative Count (-4.0)

Eliminates a vacant Accountant I position, one vacant Clerk Typist III position, one vacant Data Entry Operator position and one vacant Rehabilitation Assistant Administrator position.

Sec. C-20. PL 1991, c. 9, Pt. Q, §1, last 4 lines are amended to read:

Legislative Count	(-168.5)	(-166.5)
Other Count	(-13.5)	(-16.0)
TOTAL	(-182.0)	(-182.5)

Sec. C-21. PL 1991, c. 9, Pt. Q, §2, under that part designated "ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF" in that part relating to "Office of Energy Resources," 2nd line is amended to read:

Positions - Other Count	(-1.5)	(-2.0)
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Sec. C-22. PL 1991, c. 9, Pt. Q, §2, under that part designated "EDUCATION, DEPARTMENT OF" in that part relating to "Administration - Vocational Education," 2nd line is amended to read:

Positions - Other Count	(-0.5)	(-1.0)
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Sec. C-23. PL 1991, c. 9, Pt. Q, §2, under that part designated "LABOR, DEPARTMENT OF" in that part relating to "Job Partnership Training," 3rd to 10th lines are amended to read:

Provides for the elimination of the following vacant positions: one Accountant II position, one Clerk ~~IV~~ II position, one Clerk Stenographer III position, one Clerk Typist II position, one Management Analyst I position, one Planning and Research Associate II position and one Property Officer position.

Sec. C-24. PL 1991, c. 9, Pt. Q, §2, last 3 lines are amended to read:

Positions - Other Count	(-171.0)	(-171.5)
TOTAL	(-171.0)	(-171.5)

Sec. C-25. PL 1991, c. 9, Pt. Q, §3, under that part designated "ADMINISTRATION, DEPARTMENT OF" in that part relating to "Bureau of Public Improvements - Capital Construction and Repairs," 3rd to 8th lines are amended to read:

Eliminates a vacant Civil Engineer I position, a vacant

Clerk Typist III position and a vacant Engineering Technical H III position. Positions established by financial order carry no head count.

Sec. C-26. PL 1991, c. 9, Pt. Q, §3, that part designated "BOARD OF THE MAINE CHILDREN'S TRUST FUND" is repealed.

Sec. C-27. PL 1991, c. 9, Pt. Q, §3, under that part designated "ENVIRONMENTAL PROTECTION, DEPARTMENT OF" in that part relating to "Laboratory Special Revenue Account," first line is amended to read:

Laboratory Special Revenue Account Administration - Environmental Protection

Sec. C-28. PL 1991, c. 9, Pt. Q, §3, under that part designated "HUMAN SERVICES, DEPARTMENT OF," that part relating to "Division of Laboratory Services" is repealed.

Sec. C-29. PL 1991, c. 9, Pt. Q, §3, last 3 lines are amended to read:

Positions - Other Count	(-49.5)	(-47.5)
TOTAL	(-49.5)	(-47.5)

Sec. C-30. PL 1991, c. 9, Pt. Q, §4, under that part designated "TRANSPORTATION, DEPARTMENT OF" in that part relating to "Highway and Bridge Improvement," 3rd to 5th lines are amended to read:

Positions - Other Count	(-3.5)	(-3.0)
TOTAL	(-9.5)	(-9.0)

Sec. C-31. PL 1991, c. 9, Pt. Q, §4, last 3 lines are amended to read:

Positions - Other Count	(-3.5)	(-3.0)
TOTAL	(-20.0)	(-19.5)

Sec. C-32. PL 1991, c. 9, Pt. Q, §6, under that part designated "FINANCE, DEPARTMENT OF" in that part relating to "Lottery Operations," 2nd line is amended to read:

Positions - Legislative Count	(-0.5)	(-1.0)
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Sec. C-33. PL 1991, c. 9, Pt. Q, §7, under that part designated "FINANCE, DEPARTMENT OF" in that part relating to "Alcoholic Beverages - General Operations," 2nd line is amended to read:

Positions - Legislative Count	(-20.0)	(-21.0)
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Sec. C-34. PL 1991, c. 9, Pt. Q, §8, under that part designated "AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF," that part relating to "Seed Potato Board" is amended to read:

Seed Potato Board

Positions - Other Count (-0.5)

Provides for the elimination of 14 vacant Seed Potato Inspector positions that are not assigned position counts.

Sec. C-35. PL 1991, c. 9, Pt. Q, §13, after that part designated "PART Q POSITION TOTALS," is amended to read:

1990-91

Position Summary

General Fund	(-182.0)	(-182.5)
Federal Expenditures	(-171.0)	(-171.5)
Other Special Revenue	(-49.5)	(-47.5)
Highway Fund	(-20.0)	(-19.5)
Federal Block Grant		(-1.0)
Miscellaneous Funds	(-34.5)	(-36.5)
TOTAL POSITIONS	(-458.0)	(-458.5)

Sec. C-36. Retroactivity. This Part applies retroactively to March 14, 1991.

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

Effective May 8, 1991.

CHAPTER 122

H.P. 722 - L.D. 1026

An Act to Alter the Mandate of the Maine Low-level Radioactive Waste Authority to Include Reduction of Low-level Radioactive Waste

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

38 MRSA §1530 is enacted to read:

§1530. Volume and curie content reduction

The authority shall investigate options for reducing the volume and curie content of low-level radioactive waste and may recommend to generators any volume or curie content reduction options that are economically and technologically feasible and that are permitted by all applicable federal and state laws.

See title page for effective date.

CHAPTER 123

H.P. 142 - L.D. 212

An Act Concerning Nighttime Business Operation

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

17 MRSA c. 106 is enacted to read:

CHAPTER 106

CONVENIENCE STORE OPERATION

§3321. Store security

A person may not keep open a convenience store 24 hours a day unless the store has:

1. Drop safe. A drop safe that is bolted to the floor, installed in the floor or weighs at least 500 pounds;
2. Conspicuous sign. A conspicuous sign in the store entrance that states that between the hours of 9 p.m. and 5 a.m. the cash register contains \$50 or less, that there is a safe in the store and that the safe is not accessible to the employees; and
3. Limited cash. During the hours of 9 p.m. to 5 a.m., no more than \$50 cash available and readily accessible to employees.

For the purposes of this section, a convenience store means a retail store that specializes in the sale of a limited quantity and variety of consumable items in their original containers.

Notwithstanding Title 17-A, section 4-A, a person who violates any of the provisions of this section commits a crime that is punishable by a fine of not more than \$100 or by imprisonment for 30 days, or by both, for the first offense; and by a fine of not more than \$500 or by imprisonment for 60 days, or by both, for the 2nd offense occurring within one year following the first conviction. Any offense subsequent to the 2nd offense and occurring within 2 years of conviction is punishable by a fine of not more than \$1,000 or by imprisonment for 90 days, or by both. A complaint charging violation of this section may not issue later than 5 days after its alleged commission.

Each day that a violation of this section occurs is considered a separate offense.

In addition to any criminal penalties provided in this section, the Attorney General, district attorney or any resident of a municipality in which a violation is claimed to have occurred may file a complaint with the Superior Court to enjoin a violation of this section. The Superior Court has original jurisdiction of the complaints and authority to enjoin the violations.

See title page for effective date.