

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
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PUBLISHED BY THE REVISOR OF STATUTES
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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

CHAPTER 257

S.P. 290 - L.D. 772

An Act Relating to the Knox County Budget Process

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

Whereas, it is desired to obtain the benefits of participation by local officials at the earliest possible time; and

Whereas, the Knox County Budget Advisory Committee established by this Act must meet at least 90 days prior to the end of the fiscal year; 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:

30-A MRSA c. 3, sub-c. I, art. 4-A is enacted to read:

Article 4-AKNOX COUNTY BUDGET COMMITTEE§751. Knox County budget committee

In Knox County, there is established a budget committee to carry out the purposes of this article. As used in this article, "county commissioners" means the county commissioners of Knox County.

1. Membership. The budget committee consists of 9 members who are elected from districts defined in section 757 and as provided in this subsection. Each committee member shall serve a 4-year term, with the exception of the initial committee members whose terms are described in section 757.

A. Budget committee members must be elected on the Tuesday following the first Monday of November in each even-numbered year beginning in 1994.

B. Nominations for the office of budget committee member must be nonpartisan and be made by petition in accordance with Title 21-A, chapter 5, subchapter II, except that candidates need not verify by oath or affirmation that they are not enrolled in a party and the number of signatures of voters must be at least 25 and not more than 40 on a nomination petition for a candidate in each district subdivision. The election must be conducted and the results deter-

mined as provided for in the election of county commissioners in section 61. Costs for reproduction and distribution of ballots must be paid by Knox County.

C. The budget committee shall elect annually a chair from among its members.

D. A vacancy occurring on the budget committee must be filled by the committee, subject to confirmation by a majority of the county commissioners, for the balance of the unexpired term. The person appointed to fill the vacant office must be from the same municipality or unorganized territory as the person vacating the office.

E. Members shall serve without compensation.

F. The county budget committee shall review the itemized estimated budget prepared by the county commissioners, prepare a proposed budget and after a public hearing approve a final budget.

§752. Budget committee organization

The budget committee shall conduct its meetings in public at county buildings. The county commissioners shall direct the county clerk to call an organizational meeting of the budget committee no later than 60 days before the end of the county's fiscal year. The county commissioners shall provide the committee with necessary clerical assistance, office expenses and suitable meeting space, as well as access to county files and information. The budget committee shall select from among its members a chair, vice-chair and secretary. The budget committee shall adopt its own rules or procedures and bylaws.

§753. Budget procedures

1. Proposed budget. The county commissioners shall submit an itemized estimated budget, as described in sections 701, 702 and 7503 in the form of a budget, to the budget committee in a timely fashion no later than 60 days before the end of the county's fiscal year.

2. Budget review process. The budget committee shall review the itemized estimated budget prepared by the county commissioners, together with any supplementary material prepared by each county department or provided by any independent board or institution or another governmental agency. The budget committee shall prepare a proposed budget and may increase, decrease or alter the itemized estimated budget if:

A. The budget committee records in its minutes an explanation for any suggested change in the estimated expenditures and revenues as initially presented by the county commissioners; and

B. The total estimated revenues, together with the amount of county tax to be levied, equals the total estimated expenditures in the proposed budget.

3. Public hearing. The budget committee shall hold a public hearing in the county on its proposed budget before the end of the county's fiscal year and before the final adoption of the budget. Notice of the hearing must be given at least 10 days before the hearing in all newspapers of general circulation within the county. Written notice and a copy of the proposed budget must be sent by mail or delivered in person to the clerk of each municipality in the county. The municipal clerk shall notify the municipal officials of the receipt of the proposed budget.

4. Finality of budget. After the public hearing is completed, the budget committee shall adopt a final budget and transmit that budget to the county commissioners. The county commissioners may not further increase, decrease, alter or revise the budget as adopted by the budget committee, except by unanimous vote of the county commissioners. If the adopted budget is changed by the county commissioners, the budget committee may reject that change by a 2/3 vote of its membership. Those actions are final and are not subject to further action by either the county commissioners or the budget committee.

5. Assessment of taxes. The budget as adopted and changed under subsection 4 is the final authorization for the assessment of county taxes. The approved final budget must be sent to the county commissioners and the county tax authorized is apportioned and collected in accordance with section 706.

6. Interim budget. Until a budget is finally approved, the county shall operate on an interim budget that may not exceed the previous year's budget.

7. Transfer of funds. The county commissioners may transfer funds as provided in section 922.

§754. Budget amendments

The approved final budget governs the expenditures of the county during the fiscal year. Expenses may not be incurred in excess of those shown in the approved final budget. The budget may be revised if the county commissioners prepare and submit a proposed budget amendment to the budget committee for approval. The amended budget becomes effective only after the budget committee has approved the amendment. A report of an approval of a budget amendment must be transmitted to the State Auditor within 15 days of that approval by the budget committee.

§755. Filing of county budget

A copy of the approved final budget and subsequent budget amendments must be filed on forms approved by the Department of Audit with the State Auditor who shall retain them for 3 years.

§756. Initial budget committee selection; process

Notwithstanding other provisions of this article:

1. Nomination. Nominating petitions for election to the initial budget advisory committee must be made available from the Secretary of State and must be accepted for filing from June 1, 1991 to August 1, 1991;

2. Committee selection. The initial election to the budget committee must occur on the Tuesday following the first Monday of November 1991. The committee consists of 9 members elected from the districts defined in section 757 and as provided for in section 751, subsection 1, paragraph B;

3. Organization meeting. The county clerk shall call an organization meeting of the initial budget committee no later than 50 days before the end of the county's fiscal year; and

4. Submission of itemized budget estimate. The county commissioners shall submit an itemized budget estimate to the initial budget committee no later than 50 days before the end of the county's fiscal year.

§757. Budget committee membership districts

One budget committee member must be elected from each of the following districts, with the exception of district 3 which shall elect 2 members at large. The county commissioners shall redistrict these seats by June 1, 1993 and every 10 years thereafter. The budget committee member districts are as follows.

1. District 1. District 1 consists of Criehaven, Isle au Haut, Matinicus Plantation, North Haven, Vinalhaven and St. George. The initial term for district 1 expires on the Tuesday following the first Monday of November 1996.

2. District 2. District 2 consists of South Thomaston and Owl's Head. The initial term for district 2 expires on the Tuesday following the first Monday of November 1994.

3. District 3. District 3 consists of Rockland and elects 2 members at large. The initial term for district 3 expires on the Tuesday following the first Monday of November 1996.

4. District 4. District 4 consists of Camden. The initial term for district 4 expires on the Tuesday following the first Monday of November 1994.

5. District 5. District 5 consists of Hope and Rockport. The initial term for district 5 expires on the Tuesday following the first Monday of November 1996.

6. District 6. District 6 consists of Appleton, Union and Washington. The initial term for district 6 expires on the Tuesday following the first Monday of November 1994.

7. District 7. District 7 consists of Warren and Friendship. The initial term for district 7 expires on the Tuesday following the first Monday of November 1996.

8. District 8. District 8 consists of Thomaston and Cushing. The initial term for district 8 expires on the Tuesday following the first Monday of November 1994.

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

Effective June 7, 1991.

CHAPTER 258

H.P. 878 - L.D. 1269

An Act to Notify the Probation Officer and the Probationer When a Motion Is Filed to Terminate Probation at a Time Earlier Than That Provided for in the Sentence

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

17-A MRSA §1202, sub-§3, as enacted by PL 1975, c. 499, §1, is amended to read:

3. On application of the probation officer, or of the person on probation, or on its own motion, the court may terminate a period of probation and discharge the convicted person at any time earlier than that provided in the sentence made pursuant to subsection 1, if warranted by the conduct of such person. A termination and discharge may not be ordered upon the motion of the person on probation unless notice of the motion is given to the probation officer by the person on probation. Such termination and discharge shall serve to relieve the person on probation of any obligations imposed by the sentence of probation.

See title page for effective date.

CHAPTER 259

H.P. 1053 - L.D. 1542

An Act to Correct Certain Errors and Inconsistencies in the Maine Revised Statutes, Title 17-A

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

Sec. 1. 17-A MRSA §1253, sub-§4, as repealed and replaced by PL 1983, c. 456, §6, is amended to read:

4. Up to an additional 3 days per month may be deducted in the case of those inmates committed to the ~~Maine State Prison, the Maine Correctional Center or assigned elsewhere~~ by the Department of Corrections, who are assigned work and responsibilities within the institution or program ~~which that~~ are deemed to be of sufficient importance to warrant those deductions by the institution head in accordance with policy and guidelines established by the Department of Corrections.

Sec. 2. 17-A MRSA §1253, sub-§5, as repealed and replaced by PL 1983, c. 456, §7, is amended to read:

5. In addition to the provisions contained in subsection 4, up to 2 days per month may also be deducted in the case of those inmates assigned to and participating in minimum security community programs administered by the Department of Corrections ~~outside the Maine State Prison or the Maine Correctional Center~~. These deductions may also apply in the case of those inmates assigned to or participating in minimum security community programs through agencies providing services to the Department of Corrections. These deductions may be authorized for work and responsibilities to include public restitution ~~which that~~ are deemed to be of sufficient importance to warrant those deductions by the institution head in accordance with the Department of Corrections policy and guidelines.

See title page for effective date.

CHAPTER 260

H.P. 897 - L.D. 1294

An Act to Improve the Smoke Detector Laws

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

25 MRSA §2464, sub-§7 is enacted to read:

7. Noninterference. A person may not knowingly interfere with or make inoperative any smoke detector required by this section, except that the owner or the agent of an owner of a building may temporarily disconnect a detector in a dwelling unit or common area only for construction or rehabilitation activities when such activities are likely to activate the detector or make it inactive. The detector must be immediately reconnected at the cessation of construction or rehabilitation activities each day, regardless of the intent to return to construction or rehabilitation activities on succeeding days.

See title page for effective date.

CHAPTER 261

H.P. 829 - L.D. 1195

An Act Concerning Credit Card Surcharges

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

10 MRSA c. 202-B is enacted to read: