

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
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1991

A. Has received written notice of the revocation from the Secretary of State;

B. Has been orally informed of the revocation by a law enforcement officer who is aware of the information as a result of records maintained by the Secretary of State, including those obtainable by telecommunications;

C. Has actual knowledge of the revocation; or

D. Is a person to whom written notice was sent in accordance with section 2241, subsection 4.

Sec. 5. 29 MRSA §2298, sub-§2, as enacted by PL 1987, c. 591, is repealed and the following enacted in its place:

2. Offense; penalty. Violation of this section is:

A. A Class D crime if:

(1) The person has no previous convictions for operating after revocation within the previous 5 years; and

(2) The person has no previous convictions for violating section 1312-B within the previous 5 years; and

B. A Class C crime if:

(1) The person has one or more previous convictions for operating after revocation within the previous 5 years; or

(2) The person has one or more previous convictions for violating section 1312-B within the previous 5 years.

The Secretary of State may not grant relief from habitual offender status under section 2296 until at least 3 years after the original date scheduled for eligibility to apply for relief of that status.

See title page for effective date.

CHAPTER 294

H.P. 299 - L.D. 420

An Act Concerning Overboard Discharge Inspection Fees

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

Sec. 1. 38 MRSA §414, sub-§3-A, as repealed and replaced by PL 1991, c. 66, Pt. A, §6, is repealed and the following enacted in its place:

3-A. Inspection of overboard discharges. Except as provided in subsection 3-B, the department shall inspect all licensed overboard discharges. At least twice each calendar year, the department shall inspect all licensed overboard discharges operated on a year-round basis. At least once each calendar year, the department shall inspect all licensed overboard discharges operated no more than 6 months of a calendar year. The department shall assess the costs of inspection as an annual license fee payable by the license holder based on the adjusted gross income of the license holder on the most recent tax return under the federal Internal Revenue Code of 1986, as amended, according to the following schedule:

A. For residential overboard discharges:

(1) License holders with an adjusted gross income equal to or greater than \$30,000 annually - \$100;

(2) License holders with an adjusted gross income equal to or greater than \$15,000 and less than \$30,000 annually - \$75;

(3) License holders with an adjusted gross income equal to or greater than \$7,500 and less than \$15,000 annually - \$50; and

(4) License holders with an adjusted gross income less than \$7,500 - no fee; and

B. For commercial overboard discharge license holders at all income levels - \$100.

Sec. 2. 38 MRSA §414, sub-§3-B is enacted to read:

3-B. Waiver of inspection; reduced fees. Upon receipt of an annual assessment under subsection 3-A, a license holder may apply to the department for a waiver of the requirement of subsection 3-A. With the request for a waiver of the assessment, the license holder must file a copy of a private maintenance contract for the licensed overboard discharge, in effect for the assessment period, that provides for inspection of the discharge at least as frequently as required in subsection 3-A. The commissioner shall grant a waiver of the requirements of subsection 3-A with the following conditions:

A. The license holder shall file a copy of the results of each inspection with the department within 30 days after each inspection; and

B. The license holder shall pay an annual waiver fee of \$30.

A license holder who is granted a waiver under this subsection and does not comply with the conditions of the waiver is required to pay the entire assessment under subsection 3-A for that year. In addition, the commissioner may not grant a waiver for the next year to that license holder. The commissioner may revoke the license as provided in the Maine Administrative Procedure Act if a license holder is granted a waiver but does not comply with the conditions of the waiver and does not pay the assessment. Failure to pay the annual waiver fee or the assessment under subsection 3-A is a civil violation.

On or before January 1, 1993 the commissioner shall report to the joint standing committee of the Legislature having jurisdiction over natural resource matters on the number of waivers granted and the compliance record of licensed overboard discharges operating under waivers in comparison with the compliance record of other licensed overboard discharges. The commissioner shall also report on the adequacy of the annual waiver fee to support the department's efforts to monitor the compliance of licensed overboard discharges that receive waivers under this subsection.

Sec. 3. Allocation. The following funds are allocated from the Maine Environmental Protection Fund to carry out the purposes of this Act.

	1991-92	1992-93
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Maine Environmental Protection Fund		
All Other	(\$36,540)	(\$36,540)
Provides for the deallocation of general operating funds due to a reduction in dedicated revenue.		

See title page for effective date.

CHAPTER 295

H.P. 800 - L.D. 1146

An Act to Increase the Collection of Child Support Payments

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

Whereas, delinquent payments for child support endanger the health and welfare of Maine children; 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 legisla-

tion 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. 8 MRSA §378, as enacted by PL 1987, c. 505, §2, is amended to read:

§378. Assignment of prizes

No right of any person to a prize drawn may be assignable, except that payment of any prize drawn may be paid to the estate of a deceased prize winner, and except that any person pursuant to an appropriate judicial order or an administrative order relating to child support may be paid the prize to which the winner is entitled. The bureau ~~shall be~~ is discharged of all further liability upon payment of a prize pursuant to this section.

Sec. 2. 8 MRSA §416, sub-§1, as enacted by PL 1983, c. 732, §1, is amended to read:

1. Prizes over \$5,000; certified list. All prizes over \$5,000 ~~shall be~~ are awarded to holders of winning tickets as provided in this section. Within one week after any drawing or selection of prize winning tickets, the commission shall deliver to each of the party states a certified list of the tickets to which prizes are awarded and the amount of each such prize. Upon delivery of the certified list and voucher of the commission, moneys sufficient for the payment of those prizes may be withdrawn from the prize account established in section 415, subsection 2. The commission shall each month provide each party state with a record of all such withdrawals. Payment of prizes ~~shall be~~ is made by the commission, or its designee, to holders of the tickets to which prizes are awarded, except that payment of any prize drawn may be paid to the estate of a deceased prize winner, and except that any person, pursuant to an appropriate judicial order or an administrative order relating to child support, may be paid the prize to which the winner is entitled. The commission, and its officers, agents and employees ~~shall be~~ are discharged of all further liability upon payment of a prize pursuant to this section.

Prior to paying any winnings that must be paid directly by the commission, the commission shall determine whether the lottery winner is on a list, provided by any of the party states, of persons who owe to that state a child support debt that has been liquidated by judicial or administrative action. If the winner is on a list of persons who owe child support debts, the commission shall suspend payment of winnings and notify the winner of its intention to offset the winner's child support debt against the winnings. The commission shall notify the winner of the winner's right to request a hearing before the creditor agency in the party state within 15 days of the winner's receipt of that notice. The hearing is limited to the questions of whether the debt is liquidated and whether post-liquidation events have affected