

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

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J.S. McCarthy Company
Augusta, Maine
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PUBLIC LAWS
OF THE
STATE OF MAINE

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1991

county commissioner districts and one representative of the general public from each of the 3 county commissioner districts. Budget advisory committee members serve 3-year terms, except for the initial members whose terms are provided in subsection 2, paragraph B. If a budget advisory committee member who is elected as a municipal officer ceases to be a municipal officer during the term of membership, that committee member shall vacate membership.

(1) If a budget advisory committee member who is elected as a municipal officer vacates, resigns or is unable to complete the term of office to which that member was elected, the next district caucus shall elect a municipal officer to serve for the remainder of the unexpired term.

(2) If a budget advisory committee member who is a representative of the general public resigns or is unable to complete the term of office to which that member was elected, the next district caucus shall elect a representative of the general public to serve for the remainder of the unexpired term.

B. The budget advisory committee shall select annually one of its members to chair the committee.

2. Election. The election of the budget advisory committee members is as follows:

A. Before September 15th of every year, the county commissioners shall notify all municipal officers in the county to caucus by county commissioner districts at a specified date, time and place for the purpose of electing the membership of the county budget advisory committee. Whenever a public member of the budget advisory committee will be elected, the county commissioners must issue a public notice of that fact that includes the date, time and place of the caucus. The county commissioner shall serve as non-voting moderator for that commissioner's district caucus. Nominations must be received from the floor. The nominee receiving the most votes is approved as a budget advisory committee member and serves a term of 3 years, except as provided in paragraph B.

B. In 1991, each caucus shall elect 3 members whose terms are as follows.

(1) One of the members who is a municipal officer shall serve an initial term of one year.

(2) One of the members who is a municipal officer shall serve an initial term of 2 years.

(3) The member who is a representative of the general public shall serve an initial term of 3 years.

§884. Budget estimate; submission to advisory committee

The Sagadahoc County commissioners shall submit a budget estimate to the advisory committee no later than October 1st for the coming year. The advisory committee shall review the budget estimate, hold a public hearing on the budget estimate and make recommendations to the commissioners before November 15th. The county commissioners shall act on the budget in a timely fashion and, in any event, not later than December 15th of the budget year.

§885. Final budget estimates; filing

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

§886. Repeal

This article is repealed on September 1, 1994.

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

Effective June 24, 1991.

CHAPTER 514

H.P. 1344 - L.D. 1941

An Act to Remove Certain Investment Restrictions Concerning Namibia

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

Sec. 1. 5 MRSA §1951, as amended by PL 1987, c. 769, Pt. A, §13, is further amended to read:

§1951. Republic of South Africa

After July 1, 1992, no state funds, including trust funds of the State and funds created pursuant to former chapter 101 or Part 20, may be:

1. **Banks and financial institutions.** Invested or remain invested or be deposited or remain deposited in any bank or financial institution which directly or through its subsidiaries, affiliates or parent has outstanding loans or existing lines of credit to:

A. The Republic of South Africa or its instrumentalities; or

B. ~~Namibia or its instrumentalities; or~~

2. **Corporations; companies.** Invested or remain invested in the stocks, securities or other obligations of any

corporation, company or subsidiary, affiliate or parent of any corporation or company doing business in or with:

A. The Republic of South Africa or its instrumentalities; ~~or~~

B. ~~Namibia or its instrumentalities.~~

Sec. 2. 5 MRSA §1954, as enacted by PL 1987, c. 247, §4, is amended to read:

§1954. Stock-share votes

Until July 1, 1992, the State shall use its stock-share vote in the proceedings or business practices of any bank, financial institution or corporation or company which that does business in South Africa ~~or Namibia~~ to vote for that company to divest its holdings in South Africa ~~or Namibia~~.

See title page for effective date.

CHAPTER 515

S.P. 752 - L.D. 1945

An Act to Promote Work Activities in Correctional Facilities

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

Sec. 1. 5 MRSA §1825-B, sub-§4, as enacted by PL 1989, c. 785, §2, is amended to read:

4. **Registry of suppliers.** Suppliers desiring to have their names entered on a registry of suppliers must submit a request to the State Purchasing Agent in writing. The State Purchasing Agent may prescribe the manner and form in which such a request must be submitted and may limit the number of names of out-of-state bidders on any registry. The name of any supplier entered in such a registry who fails to submit a bid on 3 consecutive proposals or invitations to bid may be removed from the registry at the discretion of the State Purchasing Agent, except that the Department of Corrections remains on any registry until the Department of Corrections requests that the department be removed from that registry.

Sec. 2. 5 MRSA §1826-C, sub-§5, as enacted by PL 1985, c. 359, §3, is amended to read:

5. **Competitive bidding.** The Work Center Purchases Committee shall develop procedures for competitive bidding by eligible work centers only for products and services identified on the work center purchase schedule. ~~Any product or service on the schedule for which no bids are received from a work center shall be~~ If no bid is received from a work center for any product or service on the schedule, the State Purchasing Agent shall confer with the

Department of Corrections to determine whether the Department of Corrections is able to provide the product or service at a fair price. If the State Purchasing Agent and the Department of Corrections do not come to agreement, the product or service must be put out to general bid by the State Purchasing Agent, in accordance with his standard rules and procedures. If only one work center bid is received, the committee shall review the bid and make a determination regarding the fairness of the price and terms of the proposed contract. If the committee determines that the work center should may not be awarded this bid, the contract shall be offered the State Purchasing Agent shall confer with the Department of Corrections to determine whether the Department of Corrections is able to provide the product or service at a fair price. If the State Purchasing Agent and the Department of Corrections do not come to agreement, the contract must be offered for standard competitive bid by the State Purchasing Agent through normal in accordance with standard rules and procedures.

See title page for effective date.

CHAPTER 516

S.P. 614 - L.D. 1618

An Act to Provide Due Process To Participants in the Driver Education Evaluation Program

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

Whereas, it is important to immediately ensure that the constitutional guarantee of due process is provided to all persons, including those whose licenses are suspended for operating under the influence; and

Whereas, there is evidence that some persons are deprived of the due process rights to have their licenses restored; 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. 22 MRSA §7203, sub-§1, as amended by PL 1989, c. 790, §1, is further amended to read:

1. **First offenders; adult.** The alcohol and other drug education, evaluation and treatment program required for clients without a previous alcohol or drug related motor vehicle offense consists of education, assessment, evaluation and treatment components. The division shall provide