

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,
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J.S. McCarthy Company
Augusta, Maine
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

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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

to each client upon entering the program a clear written and oral explanation of the client's rights and responsibilities under the program including the availability of a special license after completion of the education and assessment components. All first offender clients are required to complete the education and assessment component unless otherwise provided by this chapter. The following evaluation and treatment components may be required if necessary:

A. The education component, consisting of at least 9 hours of information utilizing films, lectures and discussion and designed to educate the client about the effects of alcohol and other drugs on his behavior, especially behavior involving the operation of a motor vehicle;

B. The assessment component, utilizing an assessment instrument, the client's driving record for the 6-year period prior to and ending with the most recent alcohol-related motor vehicle incident and an interview designed to make a preliminary assessment regarding the extent of a client's alcohol or other drug use or abuse or potential for abuse. A client may be referred for further evaluation based on the results of the preliminary assessment;

C. The evaluation component, designed to identify abusers of alcohol and other drugs. If the evaluation indicates that treatment for alcohol or other drug abuse is needed, the client will be referred to the appropriate alcohol or other drug treatment service; and

D. The treatment component, provided by a community-based service provider, designed to address the client's specific problem with or abuse of alcohol or other drugs.

Sec. 2. 29 MRSA §1312-D, sub-§§2-A and 2-B are enacted to read:

2-A. Special licenses for driver education evaluation program participants. Following the expiration of the total period of suspension imposed on a first time offender pursuant to subsections 1 and 1-A, section 1312-B, former section 1312-B, subsection 2 or Title 15, section 3314, the Secretary of State shall issue a special license or permit to the person if the Secretary of State receives written notice that the person has completed the education and assessment components of the alcohol and other drug program as set out in Title 22, chapter 1602. A special license or permit is conditioned on the person's satisfactory completion of all of the components of the program. A special license or permit may not be issued under this section to 2nd and subsequent offenders.

2-B. Suspension of special licenses for driver education evaluation program participants. If the person refuses or fails to complete the alcohol and other drug program set out in Title 22, chapter 1062, within 6 months after receiving a special license, the Secretary of State, following notice of such refusal or failure may suspend the

special license until the person completes the program. The suspension must continue until the Secretary of State receives written notification from the driver education evaluation program that the person has satisfactorily completed all components of that program. The Secretary of State shall provide notice of suspension and opportunity for hearing pursuant to Title 5, chapter 375, subchapter IV. The sole issue at the hearing is whether the person has written notification from the driver education evaluation program establishing that the person has satisfactorily completed all components of that program as set out in Title 22, chapter 1602.

Sec. 3. Application. This Act applies to persons who violate the Maine Revised Statutes, Title 29, section 1312-B or Title 15, section 3103, subsection 1, paragraph F after the effective date of this Act.

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

Effective June 25, 1991.

CHAPTER 517

H.P. 1296 - L.D. 1873

An Act to Correct Errors and Clarify Provisions in the Solid Waste Laws

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

Whereas, the tax filing deadline will occur before the expiration of the 90-day period; and

Whereas, this legislation pertains to that tax filing period; 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. 38 MRSA §1303-C, sub-§§25-A and 39-A are enacted to read:

25-A. Responsible party. For the purposes of subchapter II-A only, "responsible party" means any or all of the following persons:

A. The owner or operator of an uncontrolled tire stockpile; and