

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

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1991

proper application by the licensee. The fee for inactive status may not exceed \$80. During inactive status the licensee is required to renew the license biennially, but is not required to meet the education provisions under the rules of the board. The dates on which the licenses expire are as provided in section 1204.

A licensee surrendering a license pursuant to this section may have the license reinstated to active status by demonstrating compliance within the previous biennium with section 1204 and proper application for an active license. Any license placed on inactive status after the effective date of this subsection and remaining inactive for 3 or more years may be reactivated by the applicant being required to successfully pass a license examination at the discretion of the board.

Sec. 12. 32 MRSA §1204, first ¶, as amended by PL 1987, c. 395, Pt. B, §9, is further amended to read:

All licenses issued ~~shall~~ expire October 31st of each biennial period as to master electricians and April 30th of each biennial period as to other licensees ~~and they or other such times the Commissioner of Professional and Financial Regulation designates. All licensees may be renewed there- after for 2-year periods without further examination, upon the payment of the proper renewal fee as set forth in section 1104 and documentation of 6 hours of a current electrical code course every 4 years continuing education as established by rule as the board determines necessary. The expiration dates for licenses issued under this chapter may be established at such other times as the Commissioner of Business Professional and Financial Regulation may designate. The board shall notify everyone registered under this chapter of the date of expiration of his the license and the fee required for its renewal for a 2-year period. The notice shall must be mailed to the person's last known address at least 30 days in advance of the expiration date of his the license.~~

Sec. 13. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1991-92

PROFESSIONAL AND FINANCIAL REGULATION, DEPARTMENT OF

Electricians' Examining Board

All Other \$2,000

Provides funds to promulgate rules regarding inactive licenses.

See title page for effective date.

CHAPTER 532

H.P. 1139 - L.D. 1664

An Act Concerning the State's Escrow Accounts

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 will not terminate until after the beginning of the next fiscal year; and

Whereas, it is to the benefit of the State to implement the provisions of this Act no later than June 30, 1991; 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. 5 MRSA §§135-A and 203-A are enacted to read:

§135-A. Establishment of other special revenue accounts

Except in cases when a state department or agency receives funds that the department or agency is legally required to distribute to or hold on behalf of specifically named persons, and except for the Baxter State Park Authority, all departments or agencies of State Government, in working with the Treasurer of State, are prohibited from establishing trust funds, escrow accounts or other accounts that would not be specifically allocated by the Legislature unless there is a compelling, documented legal reason, as determined by the Treasurer of State, to do otherwise.

§203-A. Accounts established due to court orders or other settlements

Unless specifically ordered by the court to do otherwise, the Attorney General shall work with the Treasurer of State to deposit any revenue or money received as a result of any court order, court settlement or other agreement into an other special revenue account of the State and all interest must be credited to the General Fund. When, pursuant to a court order or settlement, the Attorney General receives money that is specifically designated for anti-trust enforcement or for enforcement of the Maine Unfair Trade Practices Act, the Attorney General is authorized to expend such funds for expert witness fees, copying of documents, transcripts and any other purpose in accordance with the court order. Any interest on such funds, unless otherwise ordered by the court, must be credited to the General Fund. The Attorney General shall provide an accounting

of such funds to the Legislature in a form and as determined by the Office of Fiscal and Program Review.

Sec. 2. Application. Those sections of this Act that enact the Maine Revised Statutes, Title 5, sections 135-A and 203-A apply to all accounts in existence on the effective date of this Act, except that they may not be interpreted to require the Treasurer of State or any department or agency to retroactively recalculate interest earnings to a trust fund or escrow account and to credit the General Fund accordingly.

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

Effective July 8, 1991.

CHAPTER 533

S.P. 640 - L.D. 1688

An Act to Review the Kennebec County Budget Committee

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

Whereas, without emergency action by the Legislature, the law authorizing the Kennebec County Budget Committee to continue operating will be repealed on March 1, 1991; and

Whereas, legislative action is immediately necessary in order to ensure the continuation of the Kennebec County Budget Committee beyond March 1, 1991; 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. 30-A MRSA c. 3, sub-c, I, art. 8, first 2 lines, are repealed and the following enacted in their place:

Article 8

KENNEBEC COUNTY ADVISORY BUDGET COMMITTEE

Sec. 2. 30-A MRSA §861, sub-§2, as enacted by PL 1989, c. 473, is repealed.

Sec. 3. 30-A MRSA §862, as enacted by PL 1989, c. 473, is amended to read:

§862. Kennebec County Advisory Budget Committee

In Kennebec County there is established the Kennebec County Advisory Budget Committee to carry out the purposes of this article. The advisory budget committee consists of 9 elected officials and a subcommittee of 6 nonvoting members of the county legislative delegation or their designees as provided in this section.

1. Membership; elected officials. The 9 advisory budget committee shall consist of 9 members who are elected officials are appointed as provided in this section. The county commissioners shall serve on the committee in an advisory capacity only and may not vote on any committee matters.

A. In 1989 1991 and annually thereafter, the county commissioners shall nominate 3 municipal officers from each commissioner district by August 1st of each year call a meeting of elected officials within each county commissioner district no later than September 15th. The county commissioners shall immediately send to the chair of the Kennebec County legislative delegation a list of the municipal officers nominated by the commissioners. A public notice of the meeting must be issued at least 10 days before the meeting is held. Each commissioner shall serve as the nonvoting moderator of the meeting in that commissioner's district. At the meeting, the elected officials shall nominate a slate of proposed members for the advisory budget committee. Each commissioner shall select one advisory budget committee member from the slate of proposed members within 7 days of the meeting, except for the selection of the initial advisory budget committee as provided in subsection 1-B.

~~B. The Legislature shall promptly approve or disapprove by majority vote the nominations made by the county commissioners and notify the commissioners of its decisions. If any nomination is disapproved, the county commissioners shall promptly submit a replacement nominee to the Legislature for its approval or disapproval until the necessary members have been approved by the Legislature.~~

1-A. Membership; legislative delegation. A subcommittee of 6 members of the Kennebec County legislative delegation or their designees shall serve as nonvoting members of the advisory budget committee.

A. The subcommittee is appointed by the chair and must be ratified by a vote of the legislative delegation.

B. The subcommittee shall serve as a resource to the advisory budget committee and as a liaison to the legislative delegation.

1-B. Initial election. Notwithstanding subsections 1 and 3, in the initial election of the advisory budget commit-