

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1991

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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together with any necessary implementing legislation. The commission shall report to the Joint Standing Committee on Judiciary with respect to its funding from all sources and detailed expenditures of the commission on November 15, 1991, and ~~November 15, 1992~~ February 28, 1993.

**Sec. 2. PL 1989, c. 891, Pt. B, §B-8** is amended to read:

**Sec. B-8. Commencement and continuation of commission.** The commencement and continuation of the commission through ~~November 15, 1992~~ February 28, 1993, are contingent on the commission's successful solicitation of funds from sources other than the General Fund. The chair is authorized to solicit and receive funds on behalf of the commission before its first meeting.

See title page for effective date.

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## CHAPTER 540

H.P. 1371 - L.D. 1955

### An Act to Amend the Maine Administrative Procedure Act

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

**Whereas,** under current law, agencies are required to issue regulating agendas within 100 days after adjournment; and

**Whereas,** this legislation seeks to make changes that will directly affect agencies in issuing those agendas; and

**Whereas,** it is vitally necessary that this legislation be enacted as an emergency measure in order that agencies may comply with the terms of the law in a timely and complete manner; 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 §8060, sub-§6,** as enacted by PL 1989, c. 547, §8, is amended to read:

**6. Application.** Nothing in this section or section 8053-A may be construed to prohibit agencies from adopting emergency rules ~~or rules~~ that have not been listed or

included in the regulatory agenda pursuant to this section.

**Sec. 2. 5 MRSA §8064** is enacted to read:

#### §8064. Limitation

Except for emergency rules, as provided in section 8060, subsection 6, an agency may not adopt any rule unless the agency has complied with the provisions in sections 8053-A and 8060, which includes legislative review of the rule.

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

Effective July 8, 1991.

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## CHAPTER 541

H.P. 1357 - L.D. 1949

### An Act to Revise the Salaries of Certain County Officers

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

**Whereas,** it has become necessary to revise the salaries of certain county officials; and

**Whereas,** it is desired to have these revisions retroactive to January 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 §2, sub-§1,** as repealed and replaced by PL 1989, c. 928, is repealed and the following enacted in its place:

1. County officers' salaries. Notwithstanding other sections of this chapter, counties that are not required to obtain legislative approval of their budgets under section 702 are not required to obtain legislative approval of the salaries of county officers under this section. The county commissioners, treasurers, sheriffs, judges of probate, registers of probate and registers of deeds in those counties whose budgets require legislative approval under section 702 are entitled to receive in weekly, biweekly or monthly payments annual salaries from the county treasury as follows:

|                                | <u>1990</u>    | <u>1991</u>    |                                |                |                |
|--------------------------------|----------------|----------------|--------------------------------|----------------|----------------|
|                                |                |                | <u>(1) Commissioners</u>       |                |                |
| <u>A. Androscoggin County:</u> |                |                | <u>(a) Chair</u>               | <u>\$7,575</u> | <u>\$7,802</u> |
| <u>(1) Commissioners</u>       |                |                | <u>(b) Members</u>             | <u>7,069</u>   | <u>7,281</u>   |
| <u>(a) Chair</u>               | <u>\$6,346</u> | <u>\$6,346</u> | <u>(2) Treasurer</u>           | <u>9,360</u>   | <u>9,641</u>   |
| <u>(b) Members</u>             | <u>5,432</u>   | <u>5,432</u>   | <u>(3) Sheriff</u>             | <u>32,000</u>  | <u>32,960</u>  |
| <u>(2) Treasurer</u>           | <u>20,396</u>  | <u>20,396</u>  | <u>(4) Judge of Probate</u>    | <u>16,081</u>  | <u>16,563</u>  |
| <u>(3) Sheriff</u>             | <u>27,141</u>  | <u>27,141</u>  | <u>(5) Register of Probate</u> | <u>15,926</u>  | <u>16,404</u>  |
| <u>(4) Judge of Probate</u>    | <u>12,319</u>  | <u>12,319</u>  | <u>(6) Register of Deeds</u>   | <u>17,091</u>  | <u>17,604</u>  |
| <u>(5) Register of Probate</u> | <u>10,400</u>  | <u>10,400</u>  | <u>F. Knox County:</u>         |                |                |
| <u>(6) Register of Deeds</u>   | <u>23,782</u>  | <u>23,782</u>  | <u>(1) Commissioners</u>       |                |                |
| <u>B. Aroostook County:</u>    |                |                | <u>(a) District 1</u>          | <u>\$4,000</u> | <u>\$4,000</u> |
| <u>(1) Commissioners</u>       |                |                | <u>(b) District 2</u>          | <u>4,000</u>   | <u>13,000</u>  |
| <u>(a) Chair</u>               | <u>\$2,000</u> | <u>\$2,160</u> | <u>(c) District 3</u>          | <u>4,000</u>   | <u>4,000</u>   |
| <u>(b) Members</u>             | <u>2,000</u>   | <u>2,160</u>   | <u>(d) Chair differential</u>  | <u>300</u>     | <u>350</u>     |
| <u>(2) Treasurer</u>           | <u>8,000</u>   | <u>8,640</u>   | <u>(2) Treasurer</u>           | <u>19,712</u>  | <u>20,304</u>  |
| <u>(3) Sheriff</u>             | <u>20,800</u>  | <u>29,000</u>  | <u>(3) Sheriff</u>             | <u>30,420</u>  | <u>31,333</u>  |
| <u>(4) Judge of Probate</u>    | <u>10,210</u>  | <u>11,550</u>  | <u>(4) Judge of Probate</u>    | <u>12,000</u>  | <u>12,360</u>  |
| <u>(5) Register of Probate</u> | <u>16,560</u>  | <u>17,885</u>  | <u>(5) Register of Probate</u> | <u>17,644</u>  | <u>18,174</u>  |
| <u>(6) Register of Deeds</u>   |                |                | <u>(6) Register of Deeds</u>   | <u>19,712</u>  | <u>20,304</u>  |
| <u>(a) Northern District</u>   | <u>16,280</u>  | <u>17,585</u>  | <u>G. Lincoln County:</u>      |                |                |
| <u>(b) Southern District</u>   | <u>16,280</u>  | <u>17,585</u>  | <u>(1) Commissioners</u>       |                |                |
| <u>C. Franklin County:</u>     |                |                | <u>(a) Chair</u>               | <u>\$6,200</u> |                |
| <u>(1) Commissioners</u>       |                |                | <u>(b) Members</u>             | <u>5,725</u>   |                |
| <u>(a) Chair</u>               | <u>\$5,095</u> | <u>\$5,335</u> | <u>(2) Treasurer</u>           | <u>5,700</u>   |                |
| <u>(b) Members</u>             | <u>4,832</u>   | <u>5,059</u>   | <u>(3) Sheriff</u>             | <u>30,000</u>  |                |
| <u>(2) Treasurer</u>           | <u>5,400</u>   | <u>5,654</u>   | <u>(4) Judge of Probate</u>    | <u>13,130</u>  |                |
| <u>(3) Sheriff</u>             | <u>27,040</u>  | <u>28,310</u>  | <u>(5) Register of Probate</u> | <u>16,550</u>  |                |
| <u>(4) Judge of Probate</u>    | <u>12,154</u>  | <u>12,726</u>  | <u>(6) Register of Deeds</u>   | <u>21,200</u>  |                |
| <u>(5) Register of Probate</u> | <u>17,363</u>  | <u>18,179</u>  | <u>H. Oxford County:</u>       |                |                |
| <u>(6) Register of Deeds</u>   | <u>18,521</u>  | <u>19,391</u>  | <u>(1) Commissioners</u>       |                |                |
| <u>D. Hancock County:</u>      |                |                | <u>(a) Chair</u>               | <u>\$5,851</u> | <u>\$6,144</u> |

|                                |                |                |                                |                |                |
|--------------------------------|----------------|----------------|--------------------------------|----------------|----------------|
| <u>(b) Members</u>             | <u>5,331</u>   | <u>5,598</u>   | <u>(3) Sheriff</u>             | <u>29,500</u>  | <u>29,500</u>  |
| <u>(2) Treasurer</u>           | <u>7,047</u>   | <u>7,399</u>   | <u>(4) Judge of Probate</u>    | <u>14,755</u>  | <u>14,755</u>  |
| <u>(3) Sheriff</u>             | <u>29,400</u>  | <u>30,284</u>  | <u>(5) Register of Probate</u> | <u>16,120</u>  | <u>16,120</u>  |
| <u>(4) Judge of Probate</u>    | <u>14,687</u>  | <u>15,421</u>  | <u>(6) Register of Deeds</u>   | <u>17,365</u>  | <u>17,365</u>  |
| <u>(5) Register of Probate</u> | <u>17,535</u>  | <u>18,419</u>  | <u>L. Somerset County:</u>     |                |                |
| <u>(6) Register of Deeds</u>   |                |                | <u>(1) Commissioners</u>       |                |                |
| <u>(a) Eastern District</u>    | <u>17,535</u>  | <u>18,419</u>  | <u>(a) Chair</u>               | <u>\$5,022</u> | <u>\$5,302</u> |
| <u>(b) Western District</u>    | <u>14,888</u>  | <u>15,646</u>  | <u>(b) Members</u>             | <u>4,302</u>   | <u>4,560</u>   |
| <u>I. Penobscot County:</u>    |                |                | <u>(2) Treasurer</u>           | <u>10,344</u>  | <u>10,955</u>  |
| <u>(1) Commissioners</u>       |                |                | <u>(3) Sheriff</u>             | <u>29,685</u>  | <u>31,466</u>  |
| <u>(a) Chair</u>               | <u>\$8,008</u> | <u>\$8,008</u> | <u>(4) Judge of Probate</u>    | <u>16,710</u>  | <u>17,713</u>  |
| <u>(b) Members</u>             | <u>7,644</u>   | <u>7,644</u>   | <u>(5) Register of Probate</u> | <u>17,634</u>  | <u>18,692</u>  |
| <u>(2) Treasurer</u>           | <u>3,484</u>   | <u>3,484</u>   | <u>(6) Register of Deeds</u>   | <u>18,115</u>  | <u>19,202</u>  |
| <u>(3) Sheriff</u>             | <u>32,457</u>  | <u>32,457</u>  | <u>M. Washington County:</u>   |                |                |
| <u>(4) Judge of Probate</u>    | <u>21,424</u>  | <u>21,424</u>  | <u>(1) Commissioners</u>       |                |                |
| <u>(5) Register of Probate</u> | <u>21,960</u>  | <u>21,960</u>  | <u>(a) Chair</u>               | <u>\$5,116</u> | <u>\$5,116</u> |
| <u>(6) Register of Deeds</u>   | <u>20,085</u>  | <u>20,085</u>  | <u>(b) Members</u>             | <u>4,264</u>   | <u>4,264</u>   |
| <u>J. Piscataquis County:</u>  |                |                | <u>(2) Treasurer</u>           | <u>7,500</u>   | <u>12,500</u>  |
| <u>(1) Commissioners</u>       |                |                | <u>(3) Sheriff</u>             | <u>29,025</u>  | <u>29,025</u>  |
| <u>(a) Chair</u>               | <u>\$5,800</u> | <u>\$5,800</u> | <u>(4) Judge of Probate</u>    | <u>15,252</u>  | <u>15,252</u>  |
| <u>(b) Members</u>             | <u>5,000</u>   | <u>5,000</u>   | <u>(5) Register of Probate</u> | <u>16,800</u>  | <u>16,800</u>  |
| <u>(2) Treasurer</u>           | <u>6,200</u>   | <u>6,600</u>   | <u>(6) Register of Deeds</u>   | <u>16,800</u>  | <u>16,800</u>  |
| <u>(3) Sheriff</u>             | <u>24,000</u>  | <u>28,000</u>  | <u>N. York County:</u>         |                |                |
| <u>(4) Judge of Probate</u>    | <u>12,568</u>  | <u>13,825</u>  | <u>(1) Commissioners</u>       |                |                |
| <u>(5) Register of Probate</u> | <u>16,288</u>  | <u>16,288</u>  | <u>(a) Chair</u>               | <u>\$4,860</u> | <u>\$4,860</u> |
| <u>(6) Register of Deeds</u>   | <u>17,256</u>  | <u>18,000</u>  | <u>(b) Members</u>             | <u>4,860</u>   | <u>4,860</u>   |
| <u>K. Sagadahoc County:</u>    |                |                | <u>(2) Treasurer</u>           | <u>5,612</u>   | <u>5,612</u>   |
| <u>(1) Commissioners</u>       |                |                | <u>(3) Sheriff</u>             | <u>30,240</u>  | <u>30,500</u>  |
| <u>(a) Chair</u>               | <u>\$5,000</u> | <u>\$5,000</u> | <u>(4) Judge of Probate</u>    | <u>13,500</u>  | <u>13,500</u>  |
| <u>(b) Members</u>             | <u>4,500</u>   | <u>4,500</u>   | <u>(5) Register of Probate</u> | <u>21,600</u>  | <u>21,600</u>  |
| <u>(2) Treasurer</u>           | <u>8,008</u>   | <u>8,008</u>   | <u>(6) Register of Deeds</u>   | <u>21,600</u>  | <u>21,600</u>  |

**Sec. 2. 30-A MRSA §2, sub-§1-A** is enacted to read:

1-A. Knox County commissioners. At the end of calendar year 1991 the salary of the District 2 county commissioner in Knox County reverts to the same salary paid to the other Knox County commissioners. The 1991 calendar year salary for the District 2 county commissioner in Knox County is not to be construed as a waiver of section 52, subsection 2.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect when approved and applies retroactively to January 1, 1991.

Effective July 8, 1991.

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## CHAPTER 542

H.P. 1373 - L.D. 1958

### An Act Regarding Simulcasting of Harness Racing

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

**Whereas,** statutory changes governing harness racing need to be enacted for this harness racing season, which will be underway before the expiration of the 90-day 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:**

**Sec. 1. 8 MRSA §268,** as amended by PL 1989, c. 882, is further amended by adding after the 2nd paragraph the following:

During 1991, the commission may proceed under the emergency rule-making provisions of Title 5, section 8054, without making findings of emergency when the only changes to be made are regarding the number of simulcast horse races on the same day as any regular track meeting.

**Sec. 2. 8 MRSA §268,** as amended by PL 1989, c. 882, is further amended by adding at the end the following:

The commission may adopt rules allowing interstate simulcasting at a licensee's race track during any regular meeting.

**Sec. 3. Retroactivity.** Section 2 of this Act is retroactive to July 14, 1990.

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

Effective July 8, 1991.

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## CHAPTER 543

H.P. 1142 - L.D. 1667

### An Act to Regulate Sales of Malt Liquor in Kegs

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

**28-A MRSA §714,** as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

#### §714. Malt liquor sales in kegs

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Keg" means a container capable of holding at least 7.75 gallons of liquid.

B. "Off-premises licensee" means a licensee licensed to sell liquor for consumption off the premises.

2. Right of sale and purchase. The commission may not deny the wholesale and retail sale of malt liquor in a keg or any fraction of a keg to a purchaser entitled to purchase malt liquor.

3. Tagging requirement. The sale of malt liquor in kegs is subject to the following.

A. Every keg of malt liquor offered for sale by an off-premises licensee must be tagged in a manner and with a label of a type approved by the Director of the Bureau of Liquor Enforcement identifying the keg. The tag must be supplied and affixed to each keg, without fee, by the wholesaler of the keg.

B. The seller of the keg shall require the purchaser to complete a form designed and approved by the Director of the Bureau of Liquor Enforcement and supplied to the seller by the distributor of the keg. The form must be printed and distributed, without fee, by the wholesaler of the keg. The form must include the name, address and date of birth of the purchaser and the identification number of the keg. The form must summarize the requirements of this section, the penalties for violating any provision of