

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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  
1992

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

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

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

**1991**

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**Sec. 1. 5 MRSA §131-A** is enacted to read:

**§131-A. Payment priority**

Payments made on behalf of the Department of Human Services for aid to families with dependent children and for foster care have priority over other payments and must be made without delay whether or not they are pursuant to a state plan or contract under 45 Code of Federal Regulations, Part 23. The Treasurer of State shall cooperate with other state agencies to accomplish priority payments.

**Sec. 2. 5 MRSA §1502-A** is enacted to read:

**§1502-A. Payment priority**

Payments made on behalf of the Department of Human Services for aid to families with dependent children and for foster care have priority over other payments and must be made without delay whether or not they are pursuant to a state plan or contract under 45 Code of Federal Regulations, Part 23. The Department of Administrative and Financial Services shall cooperate with other state agencies to accomplish priority payments.

**Sec. 3. 22 MRSA §3758, sub-§7** is enacted to read:

**7. Payment priority.** Payments made on behalf of the department for aid to families with dependent children and for foster care have priority over other payments and must be made without delay whether or not they are pursuant to a state plan or contract under 45 Code of Federal Regulations, Part 23. The department shall cooperate with other state agencies to accomplish priority payments.

**Sec. 4. 22 MRSA §4062, sub-§3** is enacted to read:

**3. Priority of payments.** The department shall ensure that payments for foster care made under this subchapter have the same priority as payments for aid to families with dependent children pursuant to section 3758, subsection 7.

See title page for effective date.

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## CHAPTER 748

H.P. 1436 - L.D. 2048

### An Act to Allow Counties to Blanket Bond Part-time Deputy Sheriffs

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

**30-A MRSA §384**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**§384. Chief deputy, deputies, bond; approval and filing**

Before receiving a commission, every person appointed chief deputy under section 383, or appointed a deputy under section 381, ~~must shall~~ give bond to the Treasurer of State with at least 3 sufficient sureties, or with the bond of a surety company authorized to do business in this State as surety, in the sum required by the county commissioners of that county, conditioned for the faithful performance of the duties of that office. The bond of the chief deputy ~~and of each part-time deputy shall~~ must be filed and approved in the same manner as is required for the bond of a sheriff under section 372, subsection 2, and all of that subsection applies to these bonds. The county may furnish a bond for all full-time and part-time deputies, ~~which that~~ complies with this section. That bond must be recorded in the county records and delivered to the State Auditor to be filed.

See title page for effective date.

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## CHAPTER 749

S.P. 814 - L.D. 2013

### An Act Regarding Budget Advisory Committees in Hancock County and Lincoln County

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

**Sec. 1. 30-A MRSA c. 3, sub-c. I, art. 4-B** is enacted to read:

**Article 4-B**

**HANCOCK COUNTY BUDGET ADVISORY COMMITTEE**

**§761. Budget; appropriations; approval**

Notwithstanding sections 2, 701 and 702, in Hancock County the county commissioners may appropriate money, according to a budget, which must be approved by a majority of the county commissioners.

**§762. Interim budget**

If the budget is not approved before the start of a fiscal year, the county shall operate on an interim budget, which may not exceed 80% of the previous year's budget, until a budget is finally adopted.

**§763. Advisory committee**

There is established the Hancock County Budget Advisory Committee as provided in this section.

**1. Municipal officers; election; term.** The municipal officers from each county commissioner district shall choose the budget advisory committee members by the following procedure.

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 at least one municipal officer from each district as a member of the budget advisory committee except, in 1992, at least 3 municipal officers must be selected from each district. The county commissioner shall serve as non-voting moderator for that district caucus. Nominations must be received from the floor. The nominee receiving the most votes is approved as a budget advisory committee member except, in 1992, each caucus shall elect 3 members. The names of those elected by the caucus must be recorded and forwarded to the county commissioners.

B. Budget advisory committee members serve 3-year terms except, in 1992, one member from each district must be elected for a one-year term, one member for a 2-year term and one member for a 3-year term. If a budget advisory committee member ceases to be a municipal officer during the term of membership, that committee member vacates membership and the next district caucus shall elect a qualified municipal officer to serve for the remainder of the unexpired term.

**2. Legislative member.** The Hancock County legislative delegation shall annually select one member of the delegation who resides in Hancock County to serve on the budget advisory committee.

**3. Chair.** The budget advisory committee shall annually select one of its members to chair the committee.

**§764. Public hearing**

The Hancock County commissioners shall hold one or more public hearings on the budget estimate before October 1st and an informational meeting, in conjunction with the budget advisory committee, with the Hancock County legislative delegation before December 1st.

**§765. Budget estimate; submission to advisory committee**

The Hancock County commissioners shall submit a budget estimate to the budget advisory committee no

later than October 1st for the coming year. The budget advisory committee shall review 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.

**§766. 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.

**Sec. 2. 30-A MRSA §797**, as enacted by PL 1989, c. 718, is repealed.

**Sec. 3. Costs not funded.** Notwithstanding the Maine Revised Statutes, Title 30-A, section 5684, any requirements of this Act that result in additional costs to local or county government are not state mandates subject to that section and the State is not required to fund those costs.

See title page for effective date.

**CHAPTER 750****H.P. 1501 - L.D. 2113****An Act to Clarify and Improve the Regulation of Home Food Service Plans**

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

**Sec. 1. 9-A MRSA §3-502, sub-§§1-A and 6** are enacted to read:

**1-A.** In addition to any other right to avoid a contract or sale, the first-time buyer of a home solicitation sale of a home food service plan has the right prior to delivery of the food or nonfood items to cancel the sale until midnight of the 10th day after the date on which the buyer signs an agreement or offer to purchase that complies with this Part.

**6.** If the agreement or offer to purchase requires the seller to deliver a home food service plan, the seller shall allow the first-time buyer of a home food service plan to cancel the plan, without charge, at the time of delivery of the food or nonfood items.

**Sec. 2. 9-A MRSA §3-503-A**, as enacted by PL 1991, c. 239, §1, is repealed.

**Sec. 3. 32 MRSA §4662-A**, as enacted by PL 1991, c. 239, §2, is repealed.

**Sec. 4. 32 MRSA §4664**, as enacted by PL 1969, c. 395, is amended by adding at the end a new paragraph to read: