

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

§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:

In addition to any other right to avoid a contract or sale, the first-time buyer of a home food service plan has the right prior to delivery of the food or nonfood items to avoid the contract or sale until midnight of the 10th day after the date on which the buyer signs a contract subject to this subchapter. If the contract 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 avoid the contract or sale subject to this subchapter, without charge, at the time of delivery of the food or nonfood items.

Sec. 5. 32 MRSA §4681, sub-§3, as amended by PL 1991, c. 239, §3, is further amended to read:

3. Merchandise. “Merchandise” includes any objects, wares, goods, promises, commodities, intangibles, services or other things of value but does not include food, ~~except food sold by directly contacting the consumer in the consumer’s residence~~ or technical or vocational schools located outside of the State that are registered pursuant to Title 20-A, section 9501.

See title page for effective date.

CHAPTER 751

H.P. 1541 - L.D. 2174

An Act to Protect School Students from Potential Harm

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

Sec. 1. 29 MRSA §1312-D, sub-§12 is enacted to read:

12. Suspension or revocation of school bus operator endorsement. The Secretary of State shall:

A. Permanently revoke the school bus operator endorsement of any person convicted for a violation of section 1312-B who operated a school or private school activity bus during the commission of the offense;

B. Suspend for a period of at least 3 years the school bus operator endorsement of any person convicted for a first violation of section 1312-B. The person whose school bus operator endorsement has been suspended for a first violation of section 1312-B may petition the Secretary of State to restore the endorsement after one year of the suspension has been completed. The petition must include a recommendation from the school superintendent that the endorsement be restored. The Secretary of State may grant the petition with any

conditions, restrictions or terms determined to be in the interest of highway safety; or

C. Suspend for a period of at least 6 years the school bus operator endorsement of any person convicted of a 2nd or subsequent violation of section 1312-B within a 6-year period as defined by section 1312-B, subsection 2, paragraphs F and G.

This subsection applies to offenses that occur after the effective date of this subsection.

Sec. 2. 29 MRSA §2013, sub-§3 is enacted to read:

3. Current endorsement holders. The Secretary of State shall suspend or revoke a school operator’s endorsement as provided in section 1312-D, subsection 12.

See title page for effective date.

CHAPTER 752

S.P. 833 - L.D. 2137

An Act to Amend the Definition of Ambulatory Surgical Facilities

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

Sec. 1. 22 MRSA §1812-E, as enacted by PL 1989, c. 572, §2, is amended to read:

§1812-E. Ambulatory surgical facility

1. Definition. As used in this chapter, unless the context otherwise indicates, “ambulatory surgical facility” has the same meaning as in section 303 means a facility with a primary purpose of providing elective surgical care to a patient who is admitted to and discharged from the facility within the same day. In order to meet this primary purpose, a facility must at least administer anesthetic agents, maintain a sterile environment in a surgical suite and charge a facility fee separate from the professional fee. “Ambulatory surgical facility” does not include:

A. A facility that is licensed as part of a hospital;

B. A facility that provides services or accommodations for patients who stay overnight;

C. A facility existing for the primary purpose of performing terminations of pregnancies; or

D. The private office of a physician or dentist in individual or group practice, unless that facility or