

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.

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

formed by the owner of one of the vehicles carried on the trip; and

D. Loading and unloading of vehicles does not occur at any wharf or dock used by the Casco Bay Island Transit District for its scheduled service.

3. Statement of fees. The tariff includes the statement of the hourly fee of the carrier and the minimum fee of the carrier, which may not be less than one hour at the hourly fee.

For the purposes of this section, the term "unscheduled transportation" means transportation that is provided on demand, not pursuant to any published or announced schedule and not as a part of a pattern of an operator in providing transportation at a regular or pre-set frequency.

§5101-E. Unscheduled tours, charters and water taxi services

The commission shall adopt rules governing unscheduled tours, charters and water taxi services.

§5101-F. Exemptions

Sections 5101-A to 5101-D do not apply to the operations of any ferry service to the extent that those operations involve service to Chebeague Island and to none of the other islands served by the Casco Bay Island Transit District.

The Chebeague Transportation Company is not required to seek or hold a certificate of public convenience and necessity under section 5101 for ferry service between Chebeague Island and the mainland of Cumberland County north of Tukeys Bridge.

Sec. 3. 35-A MRSA §5102, sub-§2, as enacted by PL 1987, c. 475, §2, is amended to read:

2. Emergency. Persons providing emergency transportation, including transportation relating to emergency planning activities, under this Title are not public utilities subject to the jurisdiction of the commission.

Sec. 4. 35-A MRSA §§5110 and 5111 are enacted to read:

§5110. Lapse of unused certificates

Any certificate issued pursuant to this chapter that has not been used by the holder during the 2-year period prior to the effective date of this section lapses on the effective date of this section. Any other certificate issued under this chapter, other than a certificate for the transportation of mail, that is not used within 2 years after the date of its issuance lapses 2 years after the date of its issuance. Any certificate issued prior to the effec-

tive date of this section for the transportation of mail that is not used within 5 years of the date of issuance lapses 5 years after the date of its issuance.

§5111. Repeal; report

1. Repeal. Section 5101-D is repealed on July 15, 1994. Any tariff or certificate issued by the commission under that section terminates on that date, except that any carrier receiving a permit, or an expansion of an existing permit, under section 5101-D who has, prior to July 15, 1994, entered into a single project contract for the unscheduled transportation of freight may complete that contract provided that the contract is completed by November 15, 1994. The termination of any certificate granted under section 5101-D does not affect any other certificate previously issued and held by an operator at the time of the issuance of any certificate pursuant to that section.

2. Report. The commission, together with the Casco Bay Island Transit District and any other holder of a certificate of public convenience and necessity under this chapter authorized to transport unscheduled freight under section 5101-D who wishes to participate, shall prepare a report on whether section 5101-D should be continued. The report must include recommendations regarding the soundness of the policy embodied in that section and whether the provisions should be continued or modified. The report must be submitted to the joint standing committee of the Legislature having jurisdiction over utility matters on or before January 1, 1994.

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

Effective March 30, 1992.

CHAPTER 775

H.P. 1683 - L.D. 2363

An Act Concerning Water Utilities

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

Whereas, utilities need to obtain financing immediately in order to construct facilities to meet the requirements of the federal Safe Drinking Water Act in a timely 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. 30-A MRSA §5903, sub-§13 is enacted to read:

13. Water utility. "Water utility" means an entity as defined in Title 35-A, section 102, subsection 22.

Sec. 2. 30-A MRSA §5953, sub-§1, ¶D, as enacted by PL 1991, c. 605, §4, is amended to read:

D. Borrow money and make the borrowing proceeds available to the municipality or water utility at terms agreed upon by the bank and the municipality.

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

Effective March 30, 1992.

CHAPTER 776

S.P. 937 - L.D. 2396

An Act to Clarify the Maine Juvenile Code

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

Sec. 1. 15 MRSA §3307, sub-§1-A, as amended by PL 1991, c. 493, §19, is further amended to read:

1-A. Release of identity. No law enforcement officer, officer of the court or juvenile caseworker may release the identity of any juvenile until a petition is filed charging the juvenile with a juvenile crime described in subsection 2. This section does not preclude the release of the identity of a juvenile to a complainant or victim if a juvenile caseworker decides not to file a petition in accordance with section 3301, subsection 5, paragraph A or B or if the juvenile caseworker requests the prosecuting attorney to file a petition in accordance with section 3301, subsection 5, paragraph C.

Sec. 2. 15 MRSA §3314, sub-§3, as repealed and replaced by PL 1989, c. 599, §8, is amended to read:

3. Disposition for violation of section 3103, subsection 1, paragraph E or F. When a juvenile has been adjudicated as having committed the juvenile crime under section 3103, subsection 1, paragraph E or F, the court may impose any of the dispositional alternatives contained in subsection 1. Any incarceration ~~which that~~ is imposed may be part of a disposition pursuant to subsection 1, paragraph F or H. Any incarceration in a county jail shall detention facility must be in a county jail

facility designated by the Department of Corrections as a place for the secure detention of juveniles in subsection 1, paragraph H.

A. For an adjudication under section 3103, subsection 1, paragraph F, the juvenile's license or permit to operate a motor vehicle, right to operate a motor vehicle or right to apply for or obtain a license ~~shall~~ must be suspended by the court for a period of 180 days. The period of suspension ~~shall~~ may not be suspended by the court. The court shall give notice of the suspension and take physical custody of an operator's license or permit as provided in Title 29, section 2241-H. The court shall immediately transmit a certified abstract of the suspension to the Secretary of State. A further suspension may be imposed by the Secretary of State pursuant to Title 29, section 1312-D, subsection 1-A.

Sec. 3. 15 MRSA §3314, sub-§4, as amended by PL 1991, c. 493, §24, is further amended to read:

4. Medical support. Whenever the court commits a juvenile to the Maine Youth Center or to the Department of Human Services or places a juvenile on a period of probation, it shall notify the juvenile's parents or legal guardian and, after hearing, may, as justice may demand, require the parent or legal guardian to provide medical insurance for or contract to pay the full cost of any medical treatment, mental health treatment, substance abuse treatment and counseling that may be provided to the juvenile while the juvenile is committed, including while on entrustment or on probation.

See title page for effective date.

CHAPTER 777

H.P. 1727 - L.D. 2418

An Act to Permit Washington County to Establish a Budget Committee

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

Sec. 1. 30-A MRSA c. 3, sub-c. I, art. 13 is enacted to read:

Article 13

WASHINGTON COUNTY BUDGET ADVISORY COMMITTEE

§900. Budget; appropriations; approval

Notwithstanding sections 2, 701 and 702, in Washington County the county commissioners may appropri-