

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

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Sec. 2. 15 MRSA §3314, sub-§3, as repealed and replaced by PL 1989, c. 599, §8, is amended to read: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

ate money, according to a budget that must be approved by a majority of the county commissioners.

§900-A. Interim budget

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

§900-B. Advisory committee

There is established the Washington 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 that, in 1992, at least 3 municipal officers must be selected from each district unless the municipal officers of a district decide that another person from that district would be better qualified. The county commissioner shall serve as nonvoting 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 that, 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 that, 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 Washington County legislative delegation shall annually select one member of the delegation who resides in Washington 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.

§900-C. Public hearing

The Washington 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 Washington County legislative delegation before December 1st.

§900-D. Budget estimate; submission to advisory committee

The Washington 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.

§900-E. 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. 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 778

H.P. 1728 - L.D. 2419

An Act Authorizing Aroostook County to Raise Funds for Renovations to the Aroostook County Jail

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

Whereas, there is an urgent need to construct and install a new master control panel at the Aroostook County Jail; and

Whereas, Aroostook County does not have money specifically appropriated to this year's budget to pay for these necessary improvements; and

Whereas, it is imperative that these renovations begin as soon as reasonably possible; and