

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

PART D

Sec. D-1. 22 MRSA §6-A is enacted to read:

§6-A. Service delivery regions

The commissioner shall organize regional service delivery in accordance with the following regional boundaries.

1. Region I. Region I is all of Aroostook County.

2. Region II. Region II is all of Piscataquis County, Penobscot County, Hancock County and Washington County.

3. Region III. Region III is all of Somerset County, Kennebec County, Waldo County, Knox County, Lincoln County and Sagadahoc County and that portion of Cumberland County that includes the municipalities of Brunswick, Freeport and Harpswell.

4. Region IV. Region IV is all of Franklin County, Oxford County and Androscoggin County.

5. Region V. Region V is all of York County and all of Cumberland County except that portion that is part of Region III.

To the greatest extent practicable, the commissioner shall coordinate regional service delivery with the Commissioner of Mental Health and Mental Retardation to maximize the efficiency and effectiveness of services.

Sec. D-2. 34-B MRSA §1201-A is enacted to read:

§1201-A. Service delivery regions

The commissioner shall organize regional service delivery in accordance with the following regional boundaries.

1. Region I. Region I is all of Aroostook County.

2. Region II. Region II is all of Piscataquis County, Penobscot County, Hancock County and Washington County.

3. Region III. Region III is all of Somerset County, Kennebec County, Waldo County, Knox County, Lincoln County and Sagadahoc County and that portion of Cumberland County that includes the municipalities of Brunswick, Freeport and Harpswell.

4. Region IV. Region IV is all of Franklin County, Oxford County and Androscoggin County.

5. Region V. Region V is all of York County and all of Cumberland County except that portion that is part of Region III.

To the greatest extent practicable, the commissioner shall coordinate regional service delivery with the Commissioner of Human Services to maximize the efficiency and effectiveness of services.

Sec. D-3. Transition. In implementing this Part, the Department of Mental Health and Mental Retardation and the Department of Human Services may use all existing forms, letterheads and similar items until supplies of those items are exhausted and may honor all contracts, leases and other agreements until those agreements expire.

Sec. D-4. Effective date. This Part takes effect July 1, 1992.

See title page for effective date, unless otherwise indicated.

CHAPTER 782

H.P. 1443 - L.D. 2055

An Act Concerning the Renewal of Agency Liquor Store Licenses

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

Sec. 1. 28-A MRSA §458 is enacted to read:

§458. Renewal of agency liquor store license; selection of alternate licensee

1. Application by store. The holder of an agency liquor store license shall apply annually to the commission for renewal of that license. An application for renewal must be submitted on a form prepared by the bureau.

2. Review by commission. In reviewing applications for renewal submitted under subsection 1, the commission shall consider the following criteria:

A. The applicant's sales and inventory of liquor;

B. The applicant's sales and inventory of groceries and related items;

C. Any changes in the location of or renovations to the applicant's premises;

D. Any customer complaints of poor service against the applicant's store;

E. Any violations of liquor laws by the applicant; and

F. Records of any bad checks rendered to the commission.

3. Rejection of application; selection of alternate licensee. If the commission denies an application for renewal of an agency liquor store license, the commission may select an alternate licensee in accordance with the criteria set forth in sections 453, 453-A and 453-B. If the alternate licensee held an agency liquor store license in the past, the commission may consider any of the applicable criteria set forth in subsection 2 in considering whether to license the alternate agency liquor store.

4. Purchase of store merchandise by State. If the commission does not renew the agency liquor store license, the commission shall purchase from the agency liquor store all resalable spirits held in inventory by the agency liquor store. The purchase price is the cost at which that agency liquor store purchased the spirits from the commission, minus 10% of that cost.

5. Aggrieved applicant. Any agency liquor store licensee aggrieved by a decision of the commission not to renew an agency liquor store license may appeal the decision by filing a complaint with the Administrative Court and serving a copy of that complaint on the commission. The complaint must be filed and served within 15 days of notification of the agency liquor store licensee by the commission that the license will not be renewed.

See title page for effective date.

CHAPTER 783

H.P. 1451 - L.D. 2063

An Act to Make Electronic Monitoring and Substance Testing Programs Economically Feasible

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

Whereas, the State is experiencing severe economic troubles; and

Whereas, it is vital to increase revenue whenever feasible; 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. 17-A MRSA §1204, sub-§1-B is enacted to read:

1-B. Upon the request of the Department of Corrections, the court shall attach as a condition of probation or intensive supervision that the convicted person pay an electronic monitoring fee, a substance testing fee or both, as determined by the court, for the term of probation or intensive supervision unless the court determines that the convicted person does not have the financial resources to pay these fees. Funds received from probationers or those sentenced to intensive supervision must be deposited into the department's Correctional Program Improvement Fund. These funds must be used to defray costs associated with the purchase and operation of electronic monitoring and substance testing programs, including costs associated with those programs for people who do not have the financial resources to pay the fees.

Sec. 2. 30-A MRSA §1659, sub-§3, ¶I, as enacted by PL 1991, c. 224, is repealed and the following enacted in its place:

I. As a condition of participation of an inmate in a home-release program, the court shall require the inmate to pay a fee, as determined by the court, including an electronic monitoring fee, a substance testing fee or both, unless the court determines that the inmate does not have the financial resources to pay these fees. The fee charged may include the costs associated with a home-release program for people who do not have the financial resources to pay the fees.

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

Effective April 3, 1992.

CHAPTER 784

H.P. 1464 - L.D. 2076

An Act to Make Revisions in Marine Resource Laws

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

Sec. 1. 12 MRSA c. 420, first 2 lines are repealed and the following enacted in their place:

CHAPTER 420

SEAFOOD PRODUCTS INSPECTION PROGRAM

Sec. 2. 12 MRSA §§4681 to 4683, as enacted by PL 1977, c. 249, are amended to read: