

# 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**

---

---

collected pursuant to this provision remains in the special fund administered by the Maine Labor Relations Board and that fund does not lapse. The executive director is authorized to collect any sums due and payable pursuant to this provision through civil action. In such an action, the court shall allow litigation costs, including court costs and reasonable attorney's fees, to be deposited in the General Fund if the executive director is the prevailing party in the action.

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

Effective April 3, 1992.

## CHAPTER 799

H.P. 1714 - L.D. 2399

### An Act to Reestablish the Mining Excise Tax Trust Fund Board of Trustees

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

**Sec. 1. 5 MRSA §451**, as enacted by PL 1981, c. 711, §2, is repealed.

**Sec. 2. 5 MRSA §452**, as enacted by PL 1981, c. 711, §2, is amended to read:

#### §452. Mining Excise Tax Trust Fund

There is created a separate trust fund to be known as the Mining Excise Tax Trust Fund, referred to in this chapter as the "fund," to replace the loss to the State of a nonrenewable natural resource, to protect the State's environment and to protect municipalities from any adverse impact resulting from mining of metallic minerals.

**1. Nonlapsing fund.** The fund shall ~~may~~ not lapse.

**2. Investment.** The Treasurer of State shall invest the fund in accordance with section 138.

**3. Principal limit.** ~~The principal amount of the fund shall not exceed \$10,000,000.~~

**Sec. 3. 5 MRSA §453-A** is enacted to read:

#### §453-A. Board of trustees

The Mining Excise Tax Trust Fund Board of Trustees, as established in section 12004-G, subsection 33-B and referred to in the chapter as the "board," consists of 5 members, at least one of whom must be a resident of the unorganized territory.

**1. Appointment.** The members of the board are appointed by the Governor and are subject to review by the joint standing committee of the Legislature having jurisdiction over taxation matters and to confirmation by the Legislature.

**2. Terms.** Of the initial members one serves a term of one year, one serves a term of 2 years, one serves a term of 3 years, one serves a term of 4 years and one serves a term of 5 years. Upon the expiration of the initial terms, members are appointed to serve 5-year terms. Members may be reappointed. Members serve until their successors are appointed and qualified.

**3. Vacancies.** A vacancy is filled for the expiration of the term to which the member has been appointed.

**Sec. 4. 5 MRSA §454**, as enacted by PL 1981, c. 711, §2, is repealed.

**Sec. 5. 5 MRSA §454-A** is enacted to read:

#### §454-A. Powers and duties of board

**1. Authorize expenditures.** The board may authorize any expenditure of the fund. An expenditure of funds or transfer of responsibility may be made only with the concurrence of at least 3 members of the board.

**2. Employ staff as necessary.** The board may employ staff necessary to carry out the purposes of this chapter.

**3. Reinvestment of funds.** The board may direct the Treasurer of State to reinvest any portion of the income earned by the fund with the principal of the fund. Earned income that is reinvested is not considered principal of the fund under section 455, subsection 1, paragraph B.

**4. Expenditures from excise tax revenues.** The board is responsible for expenditures from excise tax revenues in accordance with Title 36, chapter 371. The board shall reimburse municipalities for any lost property taxes pursuant to this chapter and Title 36, chapter 371.

**5. Biennial report and annual plan.** The board shall prepare:

**A.** A biennial report to be submitted to the Governor and the Legislature. The report must include an audited financial statement of the fund and a listing of activities undertaken by the board in the preceding biennium. The report must be submitted 30 days prior to the convening of each first regular session of the Legislature; and

**B.** An annual general plan of expenditures and activities of the coming year. The general plan

must be submitted to the Legislature for approval 30 days prior to the convening of each regular session.

**Sec. 6. 5 MRSA §12004-G, sub-§33-B** is enacted to read:

<b>33-B.</b>	<u>Board of</u>	<u>Not</u>	<u>5 MRSA</u>
<u>Taxation</u>	<u>Trustees,</u>	<u>Authorized</u>	<u>§453-A</u>
	<u>Mining Excise</u>		
	<u>Tax Trust Fund</u>		

See title page for effective date.

## CHAPTER 800

### H.P. 1723 - L.D. 2412

#### An Act to Implement the Recommendations of the Motorcycle Driver Education Study Committee

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

**Whereas,** the motorcycle riding season will begin prior to 90 days after the Legislature will adjourn; and

**Whereas,** a committee to study motorcycle driver education has recommended steps to improve motorcycle safety on highways of the State; and

**Whereas,** the recommended improvements will not begin until a significant number of permits for the 1992 motorcycle riding season have been issued by the Secretary of State; 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. 29 MRSA §532, 4th ¶,** as amended by PL 1981, c. 696, §§6 and 7, is further amended to read:

The motorcycle, motor driven cycle or moped learner's permit, when issued, will be valid for a period of one year. Failure to complete the driving test within one year from issue date of permit will require reexamination ~~shall~~ may be accepted until 60 days after expiration of ~~said~~ the permit. In the case of a motorcycle or motor driven cycle learner's permit, failure to complete the driving test within one year from issue date of permit

requires another completion of the motorcycle driver education course required by section 583-A before a subsequent permit is issued.

**Sec. 2. 29 MRSA §583-A,** as amended by PL 1991, c. 522, §1, is further amended to read:

#### §583-A. Motorcycle driver education

~~Effective March 1, 1987, notwithstanding~~ Notwithstanding any other provisions of law, no motorcycle or motor driven cycle learner's permit or permission or restriction to operate a motorcycle or motor driven cycle may be issued to any person ~~under 21 years of age,~~ unless that person presents a certificate of successful completion of a prescribed motorcycle driver education program and examination approved by the Secretary of State and given by a certified instructor; ~~the person must demonstrate ability to safely operate a motorcycle in the examination.~~

~~Any person between the ages of 16 and 21 years,~~ who satisfies the Secretary of State that no readily available means of transportation exists to and from a public secondary school, a private secondary school approved for attendance purposes by the Commissioner of Education, a vocational center or a vocational region ~~which~~ that person is attending, may be issued, upon passing the motorcycle or motor driven cycle driver's examination as provided in section 581, a special motorcycle or motor driven cycle permit authorizing that person to drive to and from the school.

**Sec. 3. 29 MRSA §583-B, first ¶,** as amended by PL 1987, c. 415, §22, is further amended to read:

A motorcycle driver education program ~~shall~~ must consist of at least an 8-hour block of instruction directly related to the actual operation of motorcycles and motor driven cycles, emphasizing safety measures designed to ~~insure~~ ensure greater awareness of careful and skillful operation of cycles. A program may also include instruction and riding experience on a motorcycle driving range. The Secretary of State may ~~promulgate~~ adopt rules to prescribe the instructional program and shall approve all the programs.

**Sec. 4. 29 MRSA §583-C,** as amended by PL 1987, c. 415, §23, is further amended to read:

#### §583-C. Instructors

~~No~~ A person may ~~not~~ conduct a motorcycle driver education program unless that person has been certified by the Secretary of State as a qualified instructor.

The Secretary of State ~~shall be~~ is responsible for conducting certification courses for instructors of motorcycle driver education. By rule, the Secretary of State shall establish reasonable qualification standards and re-