

# 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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1992**

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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D-1. In addition to the penalties provided under paragraphs B, C and D, the court shall order the defendant to participate in the ~~alcohol and other drug safety training operating under the influence program for first offenders with an aggravated operating under the influence offense and multiple offenders~~ Weekend Intervention Program administered by the Office of Substance Abuse, as defined in Title 5, chapter 521. The court may waive the ~~first offender with an aggravated operating under the influence or multiple offender intervention program~~ Weekend Intervention Program under Title 5, section 20073-A, subsection 3, if the court finds that the defendant has completed a residential treatment program, or its equivalent, subsequent to the date of the offense.

**Sec. 16. 29 MRSA §1312-D, sub-§2-A**, as amended by PL 1991, c. 622, Pt. Y, §12, is further amended to read:

**2-A. Special licenses for Driver Education and Evaluation Programs participants.** Following the expiration of the total period of suspension imposed on a ~~first time~~ first-time offender pursuant to Title 15, section 3314 or section 1312-B, the Secretary of State shall issue a special license or permit to the person if the Secretary of State receives written notice that the person has completed the assessment components of the alcohol and other drug program as set out in Title 5, section 20073-A. First offenders with an aggravated ~~operating under the influence~~ offense as defined in Title 5, section 20071, subsection 4-B are entitled to received a special license after completion of the evaluation provided by the Office of Substance Abuse. A special license or permit may not be issued under this section to 2nd and subsequent offenders.

**Sec. 17. Special purpose audit.** The State Auditor shall issue a separate special purpose audit report based on agreed upon procedures of the Office of Substance Abuse and the Driver Education and Evaluation Programs, including a review of the programs' participation in federal maintenance of effort requirements for substance abuse programs. The State Auditor shall submit findings to the joint standing committees of the Legislature having jurisdiction over audit and program review, human resources and appropriations and financial affair matters by July 1, 1992.

**Sec. 18. Funding; appropriation.** Funds appropriated to the Office of Substance Abuse may not be less than the revenue generated through fees by the Driver Education and Evaluation Programs. The Driver Education and Evaluation Programs must be funded at the level needed to provide the required services to all clients in a timely manner.

**Sec. 19. Retroactivity.** That section of this Act that amends the Maine Revised Statutes, Title 5, section 20078, subsection 8 applies retroactively to July 1, 1992.

See title page for effective date.

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## CHAPTER 851

**H.P. 1755 - L.D. 2441**

### **An Act Concerning Fuel Oil and Coal Used in Manufacturing Processes**

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

**Sec. 1. 36 MRSA §1760, sub-§9-G** is enacted to read:

**9-G. Fuel oil or coal.** Fuel oil or coal, the by-products from the burning of which become an ingredient or component part of tangible personal property for later sale.

See title page for effective date.

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## CHAPTER 852

**H.P. 1768 - L.D. 2451**

### **An Act to Revise the Salaries of Certain County Officers**

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

**Whereas**, it has become necessary to revise the salaries of certain county officials; and

**Whereas**, it is desired to have these revisions retroactive to January 1, 1992; 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:**

**30-A MRSA §2, sub-§1**, as repealed and replaced by PL 1991, c. 541, §1, is repealed and the following enacted in its place: