

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

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.

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.

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:

1. County officers' salaries. Notwithstanding other sections of this chapter, counties that are not required to obtain legislative approval of their budgets under section 702 are not required to obtain legislative approval of the salaries of county officers under this section. The county commissioners, treasurers, sheriffs, judges of probate, registers of probate and registers of deeds in those counties whose budgets require legislative approval under section 702 are entitled to receive in weekly, biweekly or monthly payments annual salaries from the county treasury as follows:

	<u>1991</u>	<u>1992</u>
A. Androscoggin County:		
(1) <u>Commissioners</u>		
(a) <u>Chair</u>	<u>\$6,346</u>	<u>\$6,346</u>
(b) <u>Members</u>	<u>5,432</u>	<u>5,432</u>
(2) <u>Treasurer</u>	<u>20,396</u>	<u>20,396</u>
(3) <u>Sheriff</u>	<u>27,141</u>	<u>27,141</u>
(4) <u>Judge of Probate</u>	<u>12,319</u>	<u>12,319</u>
(5) <u>Register of Probate</u>	<u>10,400</u>	<u>10,400</u>
(6) <u>Register of Deeds</u>	<u>23,782</u>	<u>23,782</u>
B. Hancock County:		
(1) <u>Commissioners</u>		
(a) <u>Chair</u>	<u>\$7,802</u>	<u>\$7,802</u>
(b) <u>Members</u>	<u>7,281</u>	<u>7,281</u>
(2) <u>Treasurer</u>	<u>9,360</u>	<u>4,000</u>
(3) <u>Sheriff</u>	<u>32,960</u>	<u>32,960</u>
(4) <u>Judge of Probate</u>	<u>16,563</u>	<u>16,563</u>
(5) <u>Register of Probate</u>	<u>16,404</u>	<u>16,404</u>
(6) <u>Register of Deeds</u>	<u>17,604</u>	<u>17,604</u>
C. Kennebec County:		
(1) <u>Commissioners</u>		
(a) <u>Chair</u>	<u>\$7,152</u>	<u>\$7,152</u>
(b) <u>Members</u>	<u>6,744</u>	<u>6,744</u>
(2) <u>Treasurer</u>	<u>9,177</u>	<u>9,177</u>

(3) <u>Sheriff</u>	<u>33,200</u>	<u>33,200</u>
(4) <u>Judge of Probate</u>	<u>17,000</u>	<u>17,000</u>
(5) <u>Register of Probate</u>	<u>22,360</u>	<u>22,360</u>
(6) <u>Register of Deeds</u>	<u>23,400</u>	<u>23,400</u>

D. Penobscot County:

(1) <u>Commissioners</u>		
(a) <u>Chair</u>	<u>\$8,008</u>	<u>\$8,008</u>
(b) <u>Members</u>	<u>7,644</u>	<u>7,644</u>
(2) <u>Treasurer</u>	<u>3,484</u>	<u>3,484</u>
(3) <u>Sheriff</u>	<u>32,457</u>	<u>32,457</u>
(4) <u>Judge of Probate</u>	<u>21,424</u>	<u>21,424</u>
(5) <u>Register of Probate</u>	<u>21,960</u>	<u>21,960</u>
(6) <u>Register of Deeds</u>	<u>20,085</u>	<u>20,085</u>

E. Piscataquis County:

(1) <u>Commissioners</u>		
(a) <u>Chair</u>	<u>\$5,800</u>	<u>\$5,800</u>
(b) <u>Members</u>	<u>5,000</u>	<u>5,000</u>
(2) <u>Treasurer</u>	<u>6,600</u>	<u>6,600</u>
(3) <u>Sheriff</u>	<u>28,000</u>	<u>28,000</u>
(4) <u>Judge of Probate</u>	<u>13,825</u>	<u>13,825</u>
(5) <u>Register of Probate</u>	<u>16,288</u>	<u>16,288</u>
(6) <u>Register of Deeds</u>	<u>18,000</u>	<u>18,000</u>

F. Somerset County:

(1) <u>Commissioners</u>		
(a) <u>Chair</u>	<u>\$5,302</u>	<u>\$5,302</u>
(b) <u>Members</u>	<u>4,560</u>	<u>4,560</u>
(2) <u>Treasurer</u>	<u>10,955</u>	<u>10,955</u>
(3) <u>Sheriff</u>	<u>31,466</u>	<u>31,466</u>
(4) <u>Judge of Probate</u>	<u>17,713</u>	<u>17,713</u>
(5) <u>Register of Probate</u>	<u>18,692</u>	<u>18,692</u>

(6) Register of Deeds 19,202 19,202

M. Washington County:

(1) Commissioners

(a) Chair \$5,116 \$5,116

(b) Members 4,264 4,264

(2) Treasurer 12,500 12,500

(3) Sheriff 29,025 29,025

(4) Judge of Probate 15,252 15,252

(5) Register of Probate 16,800 16,800

(6) Register of Deeds 16,800 16,800

N. York County:

(1) Commissioners

(a) Chair \$4,860 \$4,860

(b) Members 4,860 4,860

(2) Treasurer 5,612 5,612

(3) Sheriff 30,500 30,500

(4) Judge of Probate 13,500 13,500

(5) Register of Probate 21,600 21,600

(6) Register of Deeds 21,600 21,600

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved and applies retroactively to January 1, 1992.

Effective April 9, 1992.

CHAPTER 853

H.P. 1765 - L.D. 2448

An Act Regarding Electronic Banking Terminals

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

Sec. 1. 9-B MRSA §243-A, sub-§3 is enacted to read:

3. Agreement to share electronic terminals. An agreement to share electronic terminals may not prohibit, limit or restrict the right of a financial institution

authorized to do business in this State to charge a customer any fees allowed by state or federal law, or require a financial institution to limit or waive its rights or obligations under this section. This subsection applies to all agreements to share use of electronic terminals in existence on or entered into after the effective date of this subsection.

See title page for effective date.

CHAPTER 854

H.P. 1773 - L.D. 2455

An Act to Create Jobs, Promote Economic Growth and Provide Business Assistance

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

Whereas, the unemployment rate in the State is high, requiring special efforts to stimulate the economy and create jobs; and

Whereas, the current recession has been accentuated by major structural changes in the regional, national and international economies; and

Whereas, this recession points to the need to make significant improvements in how State Government develops, implements and coordinates long-term strategies for economic growth in order to achieve and maintain economic prosperity into the 21st century; and

Whereas, these facts have necessitated the need for State Government, jointly with the private sector and the educational system, to develop and update specific action plans for stimulating long-term economic growth and for State Government to coordinate the delivery of the economic development and business assistance services outlined in the long-term plans; and

Whereas, this Act implements the recommendations of the Maine Jobs Commission, which was established to recommend programs and activities that will create jobs within the State; and

Whereas, in order to provide maximum benefit to the State's economy, these programs and activities need to be initiated before the expiration of the 90-day period; 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,