

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**THIRD SPECIAL SESSION**

October 1, 1992 to October 6, 1992

**FOURTH SPECIAL SESSION**

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

**FIRST REGULAR SESSION**

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR  
FIRST REGULAR SESSION  
NON-EMERGENCY LAWS IS  
OCTOBER 13, 1993

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  
1993

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

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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subsection 1, paragraph B, subparagraph (6); a vehicle operated by a chief of police, a sheriff or a deputy sheriff; and a vehicle operated by a qualified deputy sheriff or other qualified individual performing court security-related functions and services must emit a blue light or a combination of blue and white light. No other vehicle may be equipped with or display a blue light, except that on any vehicle, or replica of a vehicle, manufactured prior to 1952 and registered under section 114, the taillight may contain a blue or purple insert of not more than one inch in diameter.

See title page for effective date.

## CHAPTER 9

H.P. 38 - L.D. 46

### An Act Concerning Installation of Propane Gas Water Heaters

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

**Sec. 1. 32 MRSA §3301, sub-§5-A** is enacted to read:

**5-A. Propane gas installer.** A "propane gas installer" means a person carrying a certification of qualification issued by the person's employer pursuant to the training requirements and qualifications required by National Fire Protection Association Code Number 58, subsection 1-6 "Qualification of Personnel," 1992 edition.

**Sec. 2. 32 MRSA §3302, sub-§1, ¶B,** as enacted by PL 1977, c. 469, §6, is amended to read:

B. Plumbing by oil burner ~~men~~ technicians, duly licensed under chapter 33, and propane gas installers, provided that this exception only applies to hot and cold water connections to existing piping in the same room where ~~an oil burner is being installed~~ the installation is taking place and does not apply beyond any existing branch connection supplying water; and

See title page for effective date.

## CHAPTER 10

H.P. 161 - L.D. 213

### An Act Concerning the Employment of Personnel by the Department of Inland Fisheries and Wildlife

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

**Sec. 1. 12 MRSA §7034, sub-§2-A,** as amended by PL 1985, c. 785, Pt. B, §69, is further amended to read:

**2-A. Employment of personnel.** The commissioner shall employ, subject to the Civil Service Law, such employees as are necessary to carry out the duties of ~~his organization the department,~~ except that persons in the following positions ~~shall be~~ are appointed by and serve at the pleasure of the commissioner: Deputy Commissioner; Game Warden Colonel; and Assistant to the Commissioner for Public Information.

The Game Warden Colonel ~~shall be~~ is appointed from among the game wardens of the department ~~with the rank of sergeant or higher.~~ In the event that the Game Warden Colonel is not reappointed, ~~he shall have the Game Warden Colonel has~~ the right to be restored to the classified position from which ~~he shall have been the Game Warden Colonel was~~ promoted or to a position equivalent ~~thereto~~ in salary grade in an agency, without impairment of his personnel status or the loss of seniority, retirement or other rights to which uninterrupted service in the classified position would have entitled ~~him the Game Warden Colonel.~~ If his service in that unclassified supervisory position ~~shall have been is~~ terminated for cause, ~~his the~~ right to be ~~so~~ restored ~~shall to that position must~~ be determined by the State Civil Service Appeals Board.

See title page for effective date.

## CHAPTER 11

H.P. 9 - L.D. 16

### An Act to Authorize Financing of Solid Waste Districts on a Per Capita or a State Valuation Basis

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

**Whereas,** methods of financing refuse districts that are flexible and that accommodate regional differences are necessary for effective municipal waste management; 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. 38 MRSA §1724, sub-§1,** as enacted by PL 1983, c. 820, §2, is amended to read:

**1. Authorization.** All of the affairs of a disposal district ~~shall must~~ be managed by an appointed board of directors ~~which shall consist that consists~~ of not less than 3 directors, ~~or not less than 5 directors in disposal districts involving more than one municipality.~~ The exact number of directors ~~shall must~~ be determined in accordance with section 1721. Each director ~~shall be~~ is entitled to the number of votes ~~which that~~ corresponds to the level of population in ~~his that~~ director's municipality as set forth in the following table, unless an alternative method of apportioning votes is approved by a majority vote of the municipal officers representing each member of the disposal district prior to or at the time of formation.

Population	No. of Votes
0 - 1,000	1
1,001 - 2,500	2
2,501 - 5,000	3
5,001 - 10,000	4
10,001 - 15,000	5
15,001 - 25,000	6
25,001 - 35,000	7
35,001 - 50,000	8
50,001 - 65,000	9
65,001 and over	10

A director may not split his votes. In the event a municipality has more than one director, directors from that municipality shall share equally the number of votes for that municipality. A determination of population ~~shall must~~ be made based upon the latest official Decennial Census of the United States by the United States Bureau of Census. A disposal district may alter the number of its directors by submitting the proposed alteration to the voters in the same manner as provided in section 1721, subsection 7. No municipality within any disposal district may have less than one director. A quorum of the directors may conduct the affairs of the district even if there is a vacancy on the board of directors. A quorum is defined as a simple majority of eligible and appointed directors, provided that a majority of the member municipalities are represented. A simple majority of directors present and voting may conduct the affairs of the district.

**Sec. 2. 38 MRSA §1726-A, sub-§4, ¶A,** as enacted by PL 1989, c. 861, is amended to read:

A. When the question is submitted prior to the issuance of any indebtedness by the district, the directors may decide that approval of such an assessment article by the voters of a municipality is a condition of each municipality's continuance as a member of the district, in which case the ballots must include a statement that municipalities that fail to vote in favor of the proposed assessment article are no longer members of the district if the

board determines that it is feasible or practical to constitute a district as a geographic unit made up of the municipalities voting in favor of the proposed assessment article. The ballots must also state ~~that if the article is approved the assessments each year must be allocated among the municipalities that are then members of the district in proportion to the most recent state valuation of those municipalities in accordance with the formula established under section 1754 the method to be used to allocate assessments among the member municipalities if the article is approved.~~ The ballot may not contain a specific fractional share of the assessment to be borne by each member municipality. The votes must be counted in each municipality and the affirmative vote of a simple majority of votes cast in each municipality is required to grant the district assessment powers over all of the municipalities in the district. When 3 or more municipalities are involved in the voting and at least 2 have voted to approve the assessment article submitted to them, rejection of the proposed assessment article by one or more municipalities does not defeat the assessment power with respect to the municipalities voting in favor of it if the board determines that it is feasible or practical to constitute a district made up of the municipalities voting in favor of the article as a geographic unit. In that event, the board shall, immediately after making its findings, issue an amended certificate of organization in the name of the district for a district composed only of the municipalities voting in favor of the assessment article. Upon the issuance of a certificate the municipalities not approving the assessment article are no longer members of the district. The original of the amended certificate must be delivered to the directors of the district and a copy of the certificate attested by the ~~Commissioner of Environmental Protection Executive Director of the Waste Management Agency~~ must be filed and recorded in the office of the Secretary of State. The issuance of the certificate by the board is conclusive evidence of the lawful reorganization of the district. If the board determines that it is not feasible or practical to constitute the district as a geographic unit composed of the municipalities voting affirmatively on the article, the district continues to exist with no assessment power and the municipalities that did not approve the assessment article remain members of the district.

**Sec. 3. 38 MRSA §1726-A, sub-§5,** as enacted by PL 1989, c. 861, is amended to read:

**5. Guaranteed bonds.** If the district has been authorized to issue guaranteed notes and bonds pursuant to section 1754, a contract between the district and a member municipality pursuant to this section may authorize the district to issue notes and bonds that are guar-

anteed pro rata by that member municipality. ~~In these cases~~ If the district established the share of liability of each member municipality for guaranteed notes and bonds using the valuation method set forth in section 1754, subsection 4, paragraph A, the pro rata share of liability of each member municipality authorizing the district to issue guaranteed notes and bonds must be established in accordance with a fraction, the numerator of which is the most recent state valuation of all property of the member municipality authorizing the district to issue the guaranteed notes and bonds and the denominator of which is the most recent state valuation of all property located within all the member municipalities authorizing the district to issue the guaranteed notes and bonds. If the district established the share of liability of each member municipality for guaranteed notes and bonds using the per capita method set forth in section 1754, subsection 4, paragraph B, the pro rata share of liability of each member municipality authorizing the district to issue guaranteed notes and bonds must be established in accordance with a fraction, the numerator of which is the most recent census of all residents of the member municipality authorizing the district to issue the guaranteed notes and bonds and the denominator of which is the most recent census of all residents of all the member municipalities authorizing the district to issue the guaranteed notes and bonds. A member municipality's fractional share of liability for guaranteed notes and bonds authorized pursuant to these contracts may be different from that member municipality's fractional share of liability for guaranteed notes and bonds calculated pursuant to section 1754. The guarantee provisions of this section apply to districts providing limited waste disposal services under this section that have authority to issue bonds and notes guaranteed by member municipalities. A member municipality may not be required to guarantee any portion of the indebtedness issued by a district providing limited waste disposal services under this section unless the municipality has entered into a contract providing for such a guarantee pursuant to this section.

**Sec. 4. 38 MRSA §1754, sub-§1,** as enacted by PL 1983, c. 820, §2, is amended to read:

**1. Guarantee of bonds and notes.** Subject to approval by a vote of the inhabitants of the district, as provided in subsection 2 or 3, the district board of directors may provide by resolution for the issuance, at one time or from time to time, of guaranteed notes and bonds of the district for any purpose for which the district may issue debt. Except as otherwise provided, notes and bonds issued by the district, in accordance with this section, ~~shall~~ must be authorized, issued and sold in the same manner as; and ~~shall be~~ shall be subject to the other provisions of; this subchapter relating to notes and bonds. The principal, premiums, if any, and interest on notes and bonds issued under this section ~~shall~~ must be guaranteed by the member municipalities of the district; and the full faith and credit of the member municipalities ~~shall~~ must be pledged for the guarantee provided in this

section. The share of liability of each member municipality for the guaranteed notes and bonds ~~shall~~ must be established in accordance with a fraction, the numerator of which is the most recent state valuation of all property within the member municipality, and the denominator of which is the most recent total state valuation of all property located within the member municipalities of the district either the valuation method established under subsection 4, paragraph A or the per capita method established under subsection 4, paragraph B.

**Sec. 5. 38 MRSA §1754, sub-§2, ¶C** is enacted to read:

C. To see if the residents of the town (or city) of (name of town or city) will authorize the board of directors of (name of district or proposed district) to proportionally allocate liability for notes (or bonds) of the district based on the (most recent state valuation of property, or the most recent census of residents) of (name of town or city).

**Sec. 6. 38 MRSA §1754, sub-§§4 and 5** are enacted to read:

**4. Establishing share of liability among members.** A district shall establish the share of liability of each member municipality for guaranteed notes and bonds issued under this section as either:

A. A fraction, the numerator of which is the most recent state valuation of all property within the member municipality and the denominator of which is the most recent state valuation of all property located within the member municipalities of the district; or

B. A fraction, the numerator of which is the most recent census of all residents of the member municipality and the denominator of which is the most recent census of all residents of the member municipalities of the district.

The fractional method used to establish the share of liability for guaranteed notes and bonds must be the same for all of the district's member municipalities.

**5. Changes in method for sharing liability apply prospectively.** The fractional share of liability among member municipalities in effect at the time a guaranteed note or bond is issued is the fractional share of liability in effect for the term of that note or bond. An article authorizing a district to issue guaranteed notes or bonds may be amended to change the method used by that district to allocate liability for bonds and notes only by submitting that question to the inhabitants of the district in the same manner as that prescribed in the Maine Revised Statutes, Title 38, section 1754. If a change in the method used to allocate liability for bonds and notes is approved by the inhabitants of the district, the new

method of allocation is effective only for notes or bonds issued after the date the change is approved by the inhabitants of the district.

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

Effective March 23, 1993.

## CHAPTER 12

H.P. 241 - L.D. 320

### An Act to Extend the Reporting Date of the Task Force on Mental Health Education and Licensure

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

**Whereas,** the reporting deadline of the Task Force on Mental Health Education and Licensure is February 1, 1993; and

**Whereas,** the task force requires additional time to complete its work and the deadline must be extended; and

**Whereas,** this extension must occur 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,

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

**Sec. 1. PL 1991, c. 781, Pt. B, §2, 2nd ¶,** last sentence is amended to read:

The task force shall convene no later than August 1, 1992 and issue its final report, with statutory recommendations, no later than ~~February~~ May 1, 1993 to the Governor, the joint standing committee of the Legislature having jurisdiction over education matters, the joint standing committee of the Legislature having jurisdiction over human resources matters and the advisory boards and commissions with jurisdiction over substance abuse and mental health.

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

Effective March 23, 1993.

## CHAPTER 13

S.P. 251 - L.D. 770

### An Act to Amend the Confidentiality Provisions of the Maine Juvenile Code

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

**Whereas,** Medicaid funds for services to juveniles served by the Department of Corrections may not be made available unless the Department of Corrections is permitted to provide presently confidential information to the Department of Human Services; 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. 34-A MRSA §3003, sub-§1,** as amended by PL 1991, c. 314, §27, is further amended to read:

**1. Limited disclosure.** All orders of commitment, medical and administrative records, applications and reports, and facts contained in them, pertaining to any person receiving services from the department, must be kept confidential and may not be disclosed by any person, except that criminal history record information may be disseminated in accordance with Title 16, chapter 3, subchapter VIII, and documents, other than those documents pertaining to information obtained by the department for the purpose of evaluating a client's ability to participate in a community-based program or from informants in a correctional or detention facility for the purpose of determining whether facility rules have been violated, or a victim's request for notice of release, may be disclosed:

A. To any person, if the person receiving services, that person's legal guardian, if any, or, if that person is a minor, that person's parent or legal guardian, gives informed written consent to the disclosure of the documents referred to in this subsection after being given the opportunity to review the documents sought to be disclosed;

B. To any state agency if necessary to carry out the statutory functions of that agency;

C. If ordered by a court of record, subject to any limitation in the Maine Rules of Evidence, Rule 503; and