

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.

J.S. McCarthy Company
Augusta, Maine
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

sary draft legislation, to the Joint Standing Committee on Business Legislation with a copy to the Executive Director of the Legislative Council by January 1, 1994. If committee recommendations are not unanimous, the committee shall also provide a minority report, together with majority response.

See title page for effective date.

CHAPTER 30

H.P. 91 - L.D. 121

An Act Relating to the Protection of Public Water Supplies

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

Sec. 1. 35-A MRSA §6113 is enacted to read:

§6113. Water supply protection fund

1. Water supply protection fund. A consumer-owned water utility may establish a water supply protection fund to which a sum may be credited annually from surplus funds. The annual credit may not exceed 5% of the prior year's total revenue. If the utility has established a contingency reserve fund pursuant to section 6112, the utility may not credit any amount to the water supply protection fund unless the contingency reserve fund has reached its maximum pursuant to section 6112, subsection 2.

2. Water supply protection fund maximum. Except as provided in subsections 5 and 7, the maximum amount that may be accumulated in a water supply protection fund is 15% of the most recent year's annual revenue of the utility or \$100,000, whichever is greater. When the water supply protection fund is at the maximum amount permitted, credit may not be made to the fund from surplus funds.

3. Use of water supply protection fund. Except as provided in subsection 4, a water supply protection fund may be used by a consumer-owned water utility only for the acquisition of interests in real property reasonably necessary for the protection of a public water supply, including, but not limited to, the acquisition of conservation easements, access easements, other permanent interests in land or long-term leases of at least 99 years. For purposes of this subsection "protection of public water supply" includes watershed protection, groundwater protection or well-head protection reasonably necessary to minimize the potential for contamination of the consumer-owned water utility's water supply. If the consumer-owned water utility has adopted a watershed control program pursuant to 40 Code of Federal Regulations, Section 141.71 and that program has been approved by the

Department of Human Services, any expenditures from the water supply protection fund pursuant to this section for the purposes of watershed protection must be in conformity with that watershed control program.

4. Withdrawal of money from the fund. A consumer-owned water utility that has accumulated money in its water supply protection fund may remove money from the fund and return that money to the unappropriated retained earnings account if the utility determines that the removal would be in the best interest of the utility's customers.

5. Commission review. If a consumer-owned water utility needs to accumulate more than the maximum amount allowed in the water supply protection fund to acquire interests as provided in subsection 3, the utility shall obtain the approval of the commission before any sum may be allotted to the fund that would cause the fund to exceed the maximum.

6. Accounting treatment of fund. Money in a water supply protection fund is not considered unappropriated retained earnings for the purpose of section 6112, subsection 5, nor is such money considered in determining reasonable revenue requirements under section 310 or 6104.

7. Interest. Except as provided in subsection 4, interest earned on money in a water supply protection fund must remain in the fund and be used solely for the purposes of the fund, notwithstanding the maximum amount permitted in the fund.

See title page for effective date.

CHAPTER 31

H.P. 364 - L.D. 467

An Act to Allow Emergency Interruption of Telephone Service for Law Enforcement Purposes

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

Sec. 1. 35-A MRSA §7507 is enacted to read:

§7507. Emergency interruption of service for law enforcement purposes

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. Critical incident. "Critical incident" means a situation in which there is probable cause to believe that a person is holding a hostage while committing a crime or who is barricaded and resisting

apprehension through the use or threatened use of force.

B. Commanding law enforcement officer. "Commanding law enforcement officer" means a law enforcement officer who has jurisdiction and is in charge at a critical incident.

C. Law enforcement officer. "Law enforcement officer" means a person who by virtue of public employment is vested by law with a duty to maintain public order, to prosecute offenders and to make arrests for crimes.

2. Order. The commanding law enforcement officer at a critical incident may order a previously designated telephone utility security employee to arrange to cut, reroute or divert telephone lines for the purpose of preventing telephone communication by a suspected person with a person other than a law enforcement officer or a person authorized by a law enforcement officer.

3. Security employee designation. A telephone utility shall designate a security employee and an alternate security employee to provide required assistance to law enforcement officers involved in a critical incident.

See title page for effective date.

CHAPTER 32

H.P. 70 - L.D. 100

An Act to Classify the Medomak River

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

Sec. 1. 38 MRSA §467, sub-§5-A is enacted to read:

5-A. Medomak River Basin.

A. Medomak River, main stem.

(1) From its source in the Town of Liberty to the Wagner Bridge Road in the Town of Waldoboro - Class A.

(2) From the Wagner Bridge Road in the Town of Waldoboro to the bridge at old Route 1 - Class B.

B. Medomak River, tributaries - Class A unless otherwise specified.

See title page for effective date.

CHAPTER 33

S.P. 136 - L.D. 427

An Act to Allow Young People to Accompany Their Parents When Voting

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

Sec. 1. 21-A MRSA §681, sub-§3, ¶B, as enacted by PL 1985, c. 161, §6, is amended to read:

B. If a voter is accompanied by a child of 6 ¹² years of age or younger, the child may enter the voting booth with the voter.

See title page for effective date.

CHAPTER 34

H.P. 174 - L.D. 226

An Act to Allow Game Wardens to Receive Remuneration for Serving in Elected Municipal or County Positions

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

Sec. 1. 12 MRSA §7052, sub-§1, as enacted by PL 1979, c. 420, §1, is amended to read:

1. **Conflicts.** Wardens appointed under the authority of section 7051 may hold no other governmental office from which they receive compensation, except elected positions in municipal or county government.

See title page for effective date.

CHAPTER 35

H.P. 111 - L.D. 153

An Act to Revise the Grandfathering Provisions for Acupuncturists

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

Sec. 1. 32 MRSA §12408, sub-§3, ¶B, as enacted by PL 1989, c. 307, §4, is amended to read:

B. Test-based group. The requirements for the test-based group are:

(1) A minimum of 6 months of practicing acupuncture in the State as of August 9, 1989;