

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

2. Promotion; recruitment. The bureau center shall disseminate widely information; and application forms and otherwise publicize the program so as to attract the attention and interest of as many college students as possible; and shall receive the completed application blanks of those students interested, as well as answering inquiries for further details and information.

3. Participation of state agencies. The bureau center shall acquaint state department heads and administrators with the program and its advantages, encouraging the greatest possible participation by state departments and agencies.

4. Selection. Applications of interested students received by the bureau shall center must be processed in accordance with procedures to be established by the bureau center.

5. Placement. The bureau center shall place students with participating agencies of State Government.

6. Orientation. The bureau center shall arrange an orientation for interns and supervising state personnel prior to commencement of student work within a state office, and may conduct special programs during the internship to insure that students obtain a broad understanding of State Government.

7. Coordination. The bureau center shall coordinate the activities of the interns with the various state participating state agencies to the maximum advantage of the program.

8. Annual report. The bureau center shall render an annual report by the end of each calendar year on the operation of the State Government Internship Program which ~~shall be considered as~~ is a public document. Copies of the report shall must be filed with the Legislature.

Sec. 3. 5 MRSA §§295 and 296, as enacted by PL 1967, c. 493, are amended to read:

§295. Conditions of employment

1. Temporary unclassified service. Interns ~~be~~ are considered ~~as~~ temporary unclassified employees of the State. The employing department or agency may discharge an intern for cause with one week advance notice to the intern and bureau the Margaret Chase Smith Center for Public Policy. The Bureau of Public Administration center may reassign an intern or release ~~him~~ the intern from the program with one week advance notice to the intern and the state agency when it is considered in the best interest of the program.

2. Salary. The Bureau of Public Administration Margaret Chase Smith Center for Public Policy shall determine from time to time ~~with the advice of the internship committee~~ an appropriate minimum salary for in-

terns, which ~~shall~~ must be paid by the participating state department or agency. The Bureau of Public Administration Margaret Chase Smith Center for Public Policy may negotiate the placement of an intern within State Government, and to further the purposes of the intern program, may make funds from this chapter available to the intern.

3. Internship training. Participating state departments and agencies shall release intern personnel to participate on duty time in orientation or training activities planned by the Bureau of Public Administration Margaret Chase Smith Center for Public Policy as part of the internship program.

§296. Acceptance of gifts, bequests, grants, aid

The Bureau of Public Administration Margaret Chase Smith Center for Public Policy is authorized to accept gifts, bequests and endowments for purposes consistent with the objectives of this chapter, and to accept federal, private foundation and other grants and matching funds when determined to be in the best interests of the program.

Sec. 4. 36 MRSA §318, first ¶, as amended by PL 1985, c. 779, §79, is further amended to read:

The State Tax Assessor may establish, either on ~~his~~ the assessor's own initiative or in conjunction with professional or educational agencies, or both, a program of training to meet the needs of the State of Maine for a sufficient supply of competently trained assessors. Where possible, such training ~~shall~~ must be conducted by the Bureau of Public Administration Margaret Chase Smith Center for Public Policy of the University of Maine System or an institution of higher education. For such purposes, the State Tax Assessor may designate what programs either within or outside the State are acceptable for these training purposes.

Sec. 5. P&SL 1965, c. 185 is repealed.

See title page for effective date.

CHAPTER 79

S.P. 324 - L.D. 976

An Act to Deorganize the Town of Greenfield

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, the citizens of the Town of Greenfield have taken a preliminary vote on the deorganization of the town and a final vote and the deorganization must take effect before the 90-day period after adjournment has elapsed; 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. 20-A MRSA §8451, sub-§2, ¶D, as amended by PL 1991, c. 518, §17, is further amended to read:

D. Region 4. SOUTHERN PENOBSCOT COUNTY. Units located in this region include: Alton; Amherst; Aurora; Bangor; Bradley; Brewer; Dedham; Glenburn; Great Pond Plantation; Greenbush; ~~Greenfield~~; Hermon; Milford; Old Town; Orono; Orrington; Osborn Plantation; Veazie; School Administrative District No. 22 (Hampden, Newburgh and Winterport); School Administrative District No. 23 (Carmel and Levant); School Administrative District No. 38 (Dixmont and Etna); School Administrative District No. 63 (Clifton, Eddington and Holden); and School Administrative District No. 64 (Bradford, Corinth, Hudson, Kenduskeag and Stetson).

Sec. 2. Deorganization of Town of Greenfield. The Town of Greenfield in Penobscot County is deorganized, except that the corporate existence, powers, duties and liabilities of the town survive for the purposes of prosecuting and defending all pending suits to which the town is, or may be, a party and all needful process arising out of any suits, including provisions for the payment of all or any judgments or debts that may be rendered against the town or exist in favor of any creditor.

Sec. 3. Unexpended school funds. The treasurer of the town or any other person who has custody of the funds of the town shall pay to the Treasurer of State all unexpended school funds that, together with the credits due the town for school purposes, are to be used by the State Tax Assessor to settle any school obligations contracted by the town before deorganization. Any unexpended school funds remaining with the Treasurer of State after all the obligations have been met must be added to the Unorganized Territory Education and Services Fund, as established in the Maine Revised Statutes, Title 36, chapter 115.

Sec. 4. Withdrawal from School Union 90. The Town of Greenfield is withdrawn from School Union No. 90.

Sec. 5. Assessment of taxes. The State Tax Assessor shall assess the real and personal property taxes in the Town of Greenfield as of April 1, 1993 as provided in Title 36, chapter 115.

Sec. 6. Referendum; certificate to Secretary of State. Notwithstanding Title 30-A, section 7209, the municipal officers of the town shall submit this Act to the legal voters of the Town of Greenfield by ballot at a special election held as soon as practicable after passage of this Act. This election must be called, advertised and conducted according to the Maine Revised Statutes, Title 30-A, sections 2528 and 2532. The town clerk shall prepare the required ballots on which the clerk shall reduce the subject matter of this Act to the following question:

“Do you favor the deorganization of the Town of Greenfield?”

The voters shall indicate their opinion on this question by a cross or check mark placed against the word “Yes” or “No.” Before becoming effective, this Act must be approved by at least 2/3 of the legal voters voting at the special election, and the total number of votes cast for and against the acceptance of this Act at the election must equal or exceed 50% of the total number of votes cast in the town for Governor at the last gubernatorial election.

The municipal officers of the Town of Greenfield shall declare the result of the vote. The town clerk shall file a certificate of the election result with the Secretary of State within 10 days from the date of the election.

Sec. 7. Effective date. Section 6 of this Act takes effect when approved. Sections 1 to 5 and section 7 of this Act take effect on July 1, 1993, if deorganization is approved by the voters of the Town of Greenfield pursuant to section 6 of this Act.

Sec. 8. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1993-94	1994-95
CONSERVATION, DEPARTMENT OF		
Maine Land Use Regulation Commission		
All Other	\$10,000	
Provides funds for the cost of mapping and related expenses. This appropriation is contingent upon approval by the voters of the Town of Greenfield. If approved,		

these expenditures will be offset by an equal increase of undedicated General Fund revenue.

DEPARTMENT OF CONSERVATION	_____	
TOTAL	\$10,000	

EDUCATION, DEPARTMENT OF

Education in the Unorganized Territory

All Other	\$404,000	\$418,000
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Provides funds for the cost of educating students in the Town of Greenfield. This appropriation is contingent upon approval by the voters of the Town of Greenfield. If approved, these expenditures will be offset by an equal increase of undedicated General Fund revenue.

DEPARTMENT OF EDUCATION	_____	_____
TOTAL	\$404,000	\$418,000

TOTAL APPROPRIATIONS	\$414,000	\$418,000
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved unless otherwise indicated.

Effective pending referendum, unless otherwise indicated.

CHAPTER 80

H.P. 45 - L.D. 61

An Act to Establish a Consistent Expiration Date for Shellfish Licenses and Marine Worm Digger's Licenses

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

Sec. 1. 12 MRSA §6301, sub-§2, as amended by PL 1985, c. 52, §1, is further amended to read:

2. Expiration. A license or certificate issued by the commissioner expires on December 31st of the year in which it is issued, except that ~~a shellfish sanitation certificate, authorized under section 6856, shall expire on April 30th of each year.;~~

A. A depuration certificate issued under section 6856 expires on April 30th of each year;

B. A shellfish license issued under section 6601 expires on April 30th of each year; and

C. A marine worm digger's license issued under section 6751 expires on April 30th of each year.

Sec. 2. Application. This Act applies to all shellfish and marine worm digger's licenses valid on the effective date of this Act.

Sec. 3. One-time transfer from gas tax fund. Notwithstanding any other provision of law, the Department of Marine Resources is authorized to fund working capital for its Shellfish Fund and its Marine Worm Fund by a transfer of money from the department's gas tax fund to cover a one-time cash flow shortfall in the Shellfish Fund and Marine Worm Fund in fiscal year 1993-94. These funds must be returned to the gas tax fund prior to July 1, 1994.

See title page for effective date.

CHAPTER 81

S.P. 82 - L.D. 195

An Act to Increase the Penalty for Abuse of Animals

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

Sec. 1. 7 MRSA §4016, as enacted by PL 1987, c. 383, §3, is amended to read:

§4016. Violation

Any person who violates this chapter commits a civil violation for which a forfeiture of \$500 not less than \$100 or more than \$1,000 for each offense may must be adjudged and for which such other relief as may be necessary to restore the animal to good health or to ameliorate the effects of cruelty and to ensure that the animal is well cared for may be ordered.

Sec. 2. 17 MRSA §1031, sub-§3, as enacted by PL 1987, c. 383, §4, is amended to read:

3. Penalty. Cruelty to animals is a Class D crime. In addition to any other penalty authorized by law, the court shall impose a fine of not less than \$100 for each violation of this section.

See title page for effective date.

CHAPTER 82

H.P. 149 - L.D. 201

An Act to Establish a Statute of Limitations for Claims against Titles to Property Acquired for Nonpayment of Taxes