

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

C. The commissioner shall conduct at least one public hearing to allow for public comment before establishing or revising the list.

D. The commissioner shall review the list biennially and add or delete species based on new botanical inventory data, taxonomic or other scientific studies or other documentation.

4. Sensitive information. The commissioner may withhold specific information on the location of a species or natural area and its component features if, in the judgment of the commissioner, disclosure of this information would threaten the existence of that species or natural area. The commissioner may not deny a landowner or landowner's designee information about species or natural areas occurring on the landowner's property or withhold this information from usual environmental review procedures of local, state or federal regulatory agencies.

§13079. Natural Areas Conservation Fund

The Natural Areas Conservation Fund is established as a nonlapsing separate account to be administered by the commissioner. Income from gifts, bequests, devises, grants, fees and other sources may be deposited in this fund. All money in the fund and earnings on that money must be used for the investigation, conservation and management of native plants, natural communities, ecosystems or other significant features as described in this chapter and for administrative and personnel costs for the purposes of this section. The commissioner may make grants from the fund to any person, organization, state agency or other entity to undertake inventory and research about rare plants, natural communities, ecosystems or other features of natural areas.

Funds in the Natural Areas Conservation Fund may not be deposited in the General Fund or any other fund except as provided by law. All funds of the Natural Areas Conservation Fund are subject to allocation by the Legislature.

Sec. 16. 5 MRSA §13111, sub-§10, as corrected by RR 1991, c. 2, §17, is repealed.

Sec. 17. 38 MRSA §1453, sub-§7, as enacted by PL 1985, c. 309, §6, is repealed.

Sec. 18. Transition provisions.

1. The Register of Critical Areas and the official list of native endangered and threatened plants of the State, as well as all existing rules and procedures in effect, in operation or adopted by the Critical Areas Program of the State Planning Office and the Maine Natural Heritage Program of the Department of Economic and Community Development or any of its administrative units or officers, are continued in effect until rescinded, revised or amended by the proper authority.

2. All existing contracts, leases, agreements, compacts and grants issued by the Critical Areas Program of the State Planning Office and the Maine Natural Heritage Program of the Department of Economic and Community Development before the effective date of this Act, continue to be valid under the terms of issuance either until expiration or rescision, amendment or revocation and are transferred to the Natural Areas Program within the Department of Economic and Community Development on the effective date of this Act.

3. The Commissioner of Economic and Community Development on behalf of the Natural Areas Program has the authority to enter into contracts or agreements or to apply for grants, modification to grants or money as may be necessary to conduct the work of the Natural Areas Program within the Department of Economic and Community Development. This Act may not be construed to violate any requirements of a granting agency.

4. All balances of funds, transfers, revenues or other available funds in an account or subdivision of an account of the Critical Areas Program of the State Planning Office or the Natural Heritage Program of the Department of Economic and Community Development must be reallocated or reappropriated to the Natural Areas Program within the Department of Economic and Community Development by the State Controller.

5. Subject to the Civil Service Law, any positions authorized and allocated to the Maine Natural Heritage Program of the Department of Economic and Community Development are transferred to the Natural Areas Program within that same department and may continue to be authorized.

6. All records, property, and equipment previously belonging to or allocated for the use of the Critical Areas Program of the State Planning Office or the Maine Natural Heritage Program of the Department of Economic and Community Development become the property of the Natural Areas Program on the effective date of this Act.

Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved, except sections 9 to 14 and 16 take effect on July 1, 1993.

Effective May 6, 1993, unless otherwise indicated.

CHAPTER 93

H.P. 208 - L.D. 270

An Act to Mandate Suspension of a Minor's Operator's License for Possession of Alcohol in a Motor Vehicle

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

Sec. 1. 24-A MRSA §2902-D is enacted to read:

§2902-D. Limitation on surcharge

An insurer may not impose a surcharge or otherwise increase the rate for a motor vehicle insurance policy solely on the basis that the named insured, a member of the insured's household or a person who customarily operates the insured's vehicle has had an operator's license suspended pursuant to Title 28-A, sections 2052 and 2053.

Sec. 2. 24-A MRSA §2914, sub-§4, as amended by PL 1987, c. 138, is further amended to read:

4. The named insured or any operator who either resides in the same household or customarily operates an automobile insured under the policy has ~~his~~ a driver's license suspended, other than a first or 2nd suspension under Title 29, section 2241-G, subsection 1 and subsection 2, paragraph A or a suspension under Title 28-A, section 2052, or revoked during the policy term or, if the policy is a renewal, during its term or the 180 days immediately preceding its effective date.

Sec. 3. 28-A MRSA §2052, sub-§4, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

4. **Minor cannot be charged with both illegal transportation and illegal possession.** ~~If a~~ A minor is charged with illegal transportation under this section, ~~he~~ may not be charged with illegal possession under section 2051. A minor who possesses or consumes liquor in a motor vehicle under the terms of this section must be charged under this section, rather than under section 2051. This subsection does not preclude charges under Title 15, section 3103, subsection 1, paragraph F, when appropriate.

Sec. 4. 28-A MRSA §2053, sub-§1, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed and the following enacted in its place:

1. Court shall suspend license. The court shall suspend the operator's license or right to operate, or right to obtain a license, of a minor found in violation of section 2052 as follows:

- A. Thirty days for the first offense;
- B. Ninety days for the 2nd offense; and
- C. One year for any subsequent offense.

The court shall immediately forward the license to the Secretary of State together with the record of adjudication on the form furnished for reporting convictions and adjudications for violations of Title 29.

Sec. 5. 28-A MRSA §2053, sub-§2, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 6. 28-A MRSA §2053, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

3. Secretary of State shall suspend license. Immediately upon receipt of the record, the Secretary of State shall suspend the license, or right to operate, or right to obtain a license, of the minor for the ~~recommended required period not to exceed 60 days, including the 20-day suspension imposed by the court,~~ without further hearing. The Secretary of State shall also assign demerit points according to Title 29, section 2241, subsection 2.

See title page for effective date.

CHAPTER 94

H.P. 108 - L.D. 150

An Act to Increase the Effectiveness of Child Support Enforcement

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

Sec. 1. 22 MRSA §2761, sub-§6 is enacted to read:

6. Disclosure of social security number. In connection with the preparation and issuance of a birth certificate pursuant to this section, section 2764 or section 2765, each parent shall furnish the social security account number, or numbers if the parent has more than one number, issued to the parent unless the State Registrar of Vital Statistics, in accordance with regulations prescribed by the Secretary of the United States Department of Health and Human Services, finds good cause for not requiring the furnishing of those numbers. The state registrar shall make numbers furnished under this subsection available to the department in its capacity as the state agency administering the State's plan under the United States Social Security Act, Title IV, Part D. Except as required by federal law, those numbers may not be recorded on the birth certificate in such a manner that the numbers would appear on a certified copy of the certificate. Except as required by federal law, the department may not use any social security number, obtained with respect to the issuance of a birth certificate, for any purpose other than for the administration of the State's plan under the United States Social Security Act, Title IV, Part D. The department shall adopt rules to implement this subsection.

See title page for effective date.
