

# 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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der issued by the court is served on the person from whom they need protection; and

**Whereas**, the potential for violence is heightened when a protection order is issued late Friday or on Saturday, and the order can not be served until Monday because under current law, no civil process, including protection from harassment orders and protection from abuse orders, can be served or executed on Sunday; and

**Whereas**, this legislation allows service of protection orders on Sunday; 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. 14 MRSA §705** is amended to read:

**§705. Civil process served on Sunday void; officer liable**

No ~~A~~ person ~~shall~~ may not serve or execute any civil process on ~~the Lord's Day~~ Sunday, but such a service is void; and the person executing it is liable in damages to the party aggrieved as if ~~he~~ the person had no process.

This section does not apply to service or execution of a protection from harassment order issued under Title 5, chapter 337-A or a protection from abuse order issued under Title 19, chapter 14.

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

Effective May 12, 1993.

**CHAPTER 102**

**S.P. 152 - L.D. 484**

**An Act to Amend the Maine Nuclear Emergency Planning Act**

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

**Whereas**, the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas**, certain obligations and expenses incident to the operation of the Maine Emergency Manage-

ment Agency will become due and payable on or immediately after July 1, 1993; 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. 37-B MRSA §956, sub-§1**, as amended by PL 1991, c. 375, §2, is further amended to read:

**1. Fee.** The license holder for any nuclear power reactor operating in this State is assessed a fee of ~~\$167,000~~ \$201,614 for fiscal year ~~1991-92~~; ~~\$144,000~~ \$180,406 for fiscal year ~~1992-93~~; and ~~\$140,000~~ \$199,994 for fiscal year ~~1993-94~~ 1994-95 and annually thereafter. License fees must be paid to the committee and, upon receipt by it, credited to the fund. The committee may waive all or part of this fee if a reactor is shut down for extended periods of time.

**Sec. 2. 37-B MRSA §957**, as amended by PL 1991, c. 375, §4, is further amended to read:

**§957. Disbursements from fund**

Money in the fund may be disbursed only for the preparation and implementation of emergency planning related to nuclear power plants and their fuel-cycle activities. Expenditures may be limited to support of state agency activities, grants to counties, municipalities, interjurisdictional or regional ~~civil~~ emergency preparedness management agencies and contractual services necessary to carry out the purposes of this chapter. Except as provided in section 959, disbursements from the fund may not exceed ~~\$207,842~~ \$247,902 in fiscal year ~~1991-92~~; ~~\$187,574~~ \$229,366 in fiscal year ~~1992-93~~; and ~~\$190,000~~ \$249,994 in fiscal year ~~1993-94~~ 1994-95 and annually thereafter.

**Sec. 3. Allocation of Maine Nuclear Emergency Planning Fund.** Income to the Maine Nuclear Emergency Planning Fund for fiscal years 1993-94 and 1994-95 must be segregated, apportioned and disbursed as designated in the following schedule.

	1993-94	1994-95
<b>DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF</b>		
<b>Radiological Emergency Preparedness Committee</b>		
Positions	(2)	(2)
Personal Services	\$42,864	\$45,306

All Other	153,750	130,100
Capital Expenditures	5,000	5,000

Provides 75% funding for a Planning and Research Associate I position and a CD Operations Officer position. Also provides funds for grants to certain counties, towns and agencies to provide emergency response support for a Maine Yankee Atomic Power Plant emergency and other general operating expenses.

<b>DEPARTMENT OF DEFENSE AND VETERANS' SERVICES</b>		
<b>TOTAL</b>	<u>\$201,614</u>	<u>\$180,406</u>

**Sec. 4. Additional allocation of Maine Nuclear Emergency Planning Fund.** Expected gifts or grants received pursuant to the Maine Revised Statutes, Title 37-B, section 956, subsection 3 must be allocated from the Maine Nuclear Emergency Planning Fund as follows.

	1993-94	1994-95
<b>DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF</b>		
<b>Radiological Emergency Preparedness Committee</b>		
Personal Services	\$14,288	\$15,101
All Other	28,000	29,859
Capital Expenditures	4,000	4,000

Provides 25% funding for a Planning and Research Associate I position and a CD Operations Officer position. Also provides funds for grants to certain counties, towns and agencies to provide emergency response support for a Seabrook Atomic Power Plant emergency and other general operating expenses.

<b>DEPARTMENT OF DEFENSE AND VETERANS' SERVICES</b>		
<b>TOTAL</b>	<u>\$46,288</u>	<u>\$48,960</u>

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

Effective May 12, 1993.

**CHAPTER 103**

**H.P. 379 - L.D. 492**

**An Act to Require Judges to Consider the Desirability of Financial Forfeitures**

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

**Sec. 1. 17-A MRSA §1152, sub-§2, ¶G,** as amended by PL 1989, c. 502, Pt. D, §11, is further amended to read:

G. A fine as authorized by chapter 53. ~~Subject to the limitations of section 1302, such~~ Such a fine may be imposed in addition to the sentencing alternatives in paragraphs B, D, E and F; or

**Sec. 2. 17-A MRSA §1152, sub-§2-B** is enacted to read:

**2-B.** Except when specifically precluded, in choosing the appropriate punishment for every natural person convicted of a crime, the court shall consider the desirability of imposing a sentencing alternative involving a fine either in conjunction with or in lieu of imposing a sentencing alternative involving imprisonment.

**Sec. 3. 17-A MRSA §1152, sub-§3, ¶C,** as amended by PL 1987, c. 769, Pt. B, §3, is further amended to read:

C. A fine as authorized by chapter 53. ~~Subject to the limitations of section 1302, such~~ Such a fine may be imposed in addition to the sentencing alternative in paragraph D; or

**Sec. 4. 17-A MRSA §1302,** as enacted by PL 1975, c. 499, §1, is amended to read:

**§1302. Criteria for imposing fines**

~~No convicted person shall be sentenced to pay a fine unless the court determines that he is or will be able to pay the fine.~~ In determining the amount and method of payment of a fine, the court shall take into account the financial resources of the offender and the nature of the burden that its payment will impose. No person ~~shall~~ may be imprisoned solely for the reason ~~that he~~ the person will not be able to pay a fine.

See title page for effective date.

**CHAPTER 104**

**H.P. 381 - L.D. 494**

**An Act to Continue the Maine Dairy Farm Stabilization Act**

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

**Sec. 1. 7 MRSA §2954, sub-§14,** as enacted by PL 1991, c. 526, §3, is amended to read: