

# 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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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:

**14. Effective date of certain prices.** Any new minimum wholesale prices paid to dealers and new minimum retail prices established pursuant to this section are effective on the first Sunday of the calendar month. ~~This subsection is repealed on November 7, 1993.~~

**Sec. 2. 36 MRSA §4547**, as enacted by PL 1991, c. 526, §4, is repealed.

**Sec. 3. Allocation.** The following funds are allocated from the Maine Dairy Farm Stabilization Fund to carry out the purposes of this Act.

	1993-94	1994-95
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>Bureau of Taxation</b>		
Personal Services	\$2,977	\$3,126
All Other	2,265	2,265
Provides for the allocation of funds for the administration of tax revenues to the Maine Dairy Farm Stabilization Fund.		

<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL</b>	\$5,242	\$5,391
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<b>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</b>		
<b>Maine Milk Commission</b>		
All Other	\$3,288,958	\$4,700,609
Provides funds for the Maine Dairy Farm Stabilization Act.		

<b>Maine Milk Commission</b>		
All Other	\$65,800	\$94,000
Provides for the allocation of funds for the administration of the Maine Dairy Farm Stabilization Act.		

<b>DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES TOTAL</b>	\$3,354,758	\$4,794,609
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<b>HUMAN SERVICES, DEPARTMENT OF</b>		
<b>Bureau of Health</b>		
All Other	\$140,000	\$200,000

Provides for the allocation of funds to the Women, Infants and Children Special Supplemental Food Program.

<b>DEPARTMENT OF HUMAN SERVICES TOTAL</b>	\$140,000	\$200,000
<b>TOTAL ALLOCATIONS</b>	\$3,500,000	\$5,000,000

See title page for effective date.

## CHAPTER 105

### H.P. 401 - L.D. 514

#### An Act to Strengthen the State's Support Laws

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

**Sec. 1. 19 MRSA §481**, as amended by PL 1989, c. 834, Pt. B, §8, is repealed.

**Sec. 2. 19 MRSA §483**, as amended by PL 1971, c. 544, §62, is further amended to read:

#### **§483. Earnings of persons sentenced**

When any person is sentenced to hard labor and actually employed in such labor in a county jail or ~~any other~~ another county correctional institution or reformatory on account of any sentence imposed under ~~sections 481 and section 486~~, the keeper of ~~said~~ the jail or other institution or reformatory shall certify at the end of each week to the county commissioners the number of days during which ~~such the~~ the person ~~shall have been was~~ actually employed in the jail, and the county commissioners shall ~~thereupon~~ draw their order upon the county treasurer for a sum equal to 50¢ for each day's hard labor so performed by the person, and the same ~~shall thereupon~~ must be paid forthwith by the county treasurer to the ~~wife spouse~~ spouse of the person or to the guardian or custodian of ~~his or her~~ the person's minor child or children, or to any an organization or individual as trustee ~~which shall be~~ approved by the court imposing the sentence.

**Sec. 3. 19 MRSA §486, last ¶**, as amended by PL 1975, c. 293, §4, is repealed.

See title page for effective date.

## CHAPTER 106

### H.P. 427 - L.D. 546

#### An Act Relating to the Theft of Utility Services