

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

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 ~~This subsection is repealed on November 7, 1993.~~

Sec. 2. 36 MRSA §4547, as enacted by PL 1991, c. 526, §4, is repealed.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
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
Bureau of Taxation		
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.		

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

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

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

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

DEPARTMENT OF HUMAN SERVICES TOTAL	\$140,000	\$200,000
TOTAL ALLOCATIONS	\$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~~ person ~~shall have been was~~ actually employed in said 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 such the person, and the same ~~shall thereupon~~ must be paid forthwith by the county treasurer to the ~~wife spouse~~ of such 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 such 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

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

Sec. 1. 17-A MRSA §357, sub-§5 is enacted to read:

5. Proof that utility services have been improperly diverted or that devices belonging to the utility and installed for the delivery, regulation or measurement of utility services have been interfered with constitutes prima facie evidence that the person to whom the utility service is being delivered or diverted knowingly created or caused to be created the improper diversion or interference with the devices of the utility.

This inference does not apply unless the person to whom the utility service is being delivered has been furnished the service for at least 30 days.

Sec. 2. 17-A MRSA §357-A, as enacted by PL 1981, c. 668, §1, is repealed.

Sec. 3. 35-A MRSA §2705, first ¶, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

Any A person who commits any of the acts obtains utility services as prohibited in Title 17-A, section 357-A 357, or who otherwise damages, destroys or tampers with property of a utility as provided in Title 17-A, section 805 or 806, is liable in a civil action to the utility owning the property affected. This liability shall be is for all damages suffered by the utility including:

See title page for effective date.

CHAPTER 107

S.P. 173 - L.D. 587

An Act to Conform the Maine Tax Laws for 1992 with the United States Internal Revenue Code

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 would delay the processing of the 1992 income tax returns; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the Maine Income Tax Law and certain other state taxes; 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. 36 MRSA §111, sub-§1-A, as amended by PL 1991, c. 754, §1 and affected by §2, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~1991~~ 1992.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 1992.

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

Effective May 12, 1993.

CHAPTER 108

S.P. 202 - L.D. 638

An Act to Modify Public Utilities Commission Practice and Rules of Evidence

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

Sec. 1. 35-A MRSA §1305, sub-§3, as enacted by PL 1987, c. 141, Pt. A, §6, is amended to read:

3. Evidence. Evidence taken and received by the examiners has the same effect as evidence taken and received by the commission and ~~shall authorize authorizes~~ commission action as though taken and received by it. When objection is made to the admissibility of evidence, examiners authorized to practice before the Supreme Judicial Court shall rule on the admissibility of evidence in accordance with the practice and rules of evidence in civil actions in the Superior Court except as otherwise provided.

Sec. 2. 35-A MRSA §1311, as enacted by PL 1987, c. 141, Pt. A, §6, is repealed and the following enacted in its place:

§1311. Practice and rules of evidence; process service

1. Practice and rules of evidence. In all actions and proceedings arising under this Title, all processes must be served and the practice and rules of evidence are the same as in civil actions in the Superior Court except as otherwise provided.

2. Hearsay. A statement not specifically covered by the hearsay exceptions in the rules of evidence but having equivalent circumstantial guarantees of trustwor-