

# 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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**Sec. 3. 5 MRSA §18801, first ¶**, as enacted by PL 1989, c. 811, §3, is amended to read:

The board shall establish by rule a consolidated retirement plan for participating local districts and other local districts that contract with the retirement system in accordance with section 18804 on the date the consolidated plan is put into operation and at any time after that date.

**Sec. 4. 5 MRSA §18801, sub-§4**, as enacted by PL 1989, c. 811, §3, is amended to read:

**4. Implementation of plan.** The board, as part of its rules, shall set the minimum number of local districts that must contract for participation and the minimum number of members before the plan is put into operation. The rules must contain provisions ~~relating~~ related to the transition from participation in chapter 425 to participation in this plan by local districts and for setting the date when participation of the employees of a participating local district in this plan begins. All local districts that are participating local districts under chapter 425 on the date the plan is put into operation must elect to join the consolidated plan, be transferred to the consolidated plan or withdraw from the system, in accordance with rules established by the board.

**Sec. 5. 5 MRSA §18802, sub-§7**, as enacted by PL 1989, c. 811, §3, is amended to read:

**7. Repeal.** This section is repealed effective June 30, ~~1993~~ 1996.

**Sec. 6. 5 MRSA §18804, first ¶**, as enacted by PL 1989, c. 811, §3, is amended to read:

~~★ All local districts that are participating local districts under chapter 425 on the date the plan is put into operation may contract for participation in the plan in the manner provided in subsection 1 or 2 for other local districts. A participating local district that elects to be transferred into the consolidated plan must contract for participation according to the terms of its transfer, in accordance with rules established by the board. Other local districts may contract for the participation of its their employees in the retirement system under this chapter in the manner provided by subsection 1 or 2.~~

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

Effective June 4, 1993.

## CHAPTER 251

H.P. 799 - L.D. 1085

### An Act Repealing Advisory Boards on Agriculture Matters

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

#### PART A

**Sec. A-1. 5 MRSA §12004-I, sub-§2**, as enacted by PL 1987, c. 786, §5, is repealed.

#### PART B

**Sec. B-1. 5 MRSA §12004-I, sub-§2-A**, as enacted by PL 1991, c. 609, §1, is repealed.

**Sec. B-2. 7 MRSA §2402, sub-§1**, as enacted by PL 1991, c. 609, §2, is further amended by amending the last paragraph to read:

~~With the advice of the Integrated Pest Management Advisory Committee established in section 2403, the~~ The commissioner may expend any remaining General Fund appropriations for publications, educational efforts and other purposes consistent with this section.

**Sec. B-3. 7 MRSA §2403**, as enacted by PL 1991, c. 609, §2, is repealed.

See title page for effective date.

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## CHAPTER 252

H.P. 803 - L.D. 1089

### An Act Repealing Advisory Boards on Education Matters

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

#### PART A

**Sec. A-1. 5 MRSA §12004-I, sub-§7-A**, as enacted by PL 1989, c. 579, §1, is repealed.

**Sec. A-2. 20-A MRSA c. 430-A**, as amended, is repealed.

#### PART B

**Sec. B-1. 5 MRSA §12004-I, sub-§9**, as amended by PL 1989, c. 503, Pt. A, §23, is repealed.

**Sec. B-2. 20-A MRSA §9002**, as amended by PL 1989, c. 503, Pt. B, §75, is repealed.

### PART C

**Sec. C-1. 5 MRSA §12004-I, sub-§12**, as enacted by PL 1987, c. 786, §5, is repealed.

**Sec. C-2. 20-A MRSA §202, sub-§2**, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.

**Sec. C-3. 20-A MRSA §651**, as amended by PL 1989, c. 503, Pt. B, §74, is repealed.

### PART D

**Sec. D-1. 5 MRSA §12004-I, sub-§16**, as enacted by PL 1987, c. 786, §5, is repealed.

**Sec. D-2. 20-A MRSA §6203**, as amended by PL 1985, c. 295, §29, is repealed.

### PART E

**Sec. E-1. 5 MRSA §12004-I, sub-§18**, as enacted by PL 1987, c. 786, §5, is repealed.

**Sec. E-2. 20-A MRSA §260**, as amended by PL 1985, c. 295, §28, is repealed.

See title page for effective date.

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## CHAPTER 253

### H.P. 512 - L.D. 670

#### An Act to Better Preserve and Protect Endangered and Threatened Wildlife in Maine

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

**Sec. 1. 36 MRSA §5284, sub-§1**, as enacted by PL 1983, c. 526, §3, is amended to read:

**1. Maine Endangered and Nongame Wildlife Fund.** Taxpayers who, when filing their return, are entitled to a refund under this Part may designate any part of that refund be paid into the Maine Endangered and Nongame Wildlife Fund established in Title 12, section 7757. Each individual income tax return form ~~shall~~ must contain a designation in substantially the following form: "Contribution to Maine Endangered and Nongame Wildlife Fund: ( ~~→~~ ) \$1; ( ) \$5, ( ) \$10, ( ) \$25 or ( ) Other \$ ."

**Sec. 2. 36 MRSA §5285, sub-§1**, as amended by PL 1987, c. 402, Pt. A, §193, is further amended to read:

**1. Maine Children's Trust Fund.** Taxpayers who, when filing their returns, are entitled to a refund under this Part may designate a portion of that refund, ~~to~~ be paid into the Maine Children's Trust Fund established in Title 22, chapter 1052. Each individual income tax return form must contain a designation in substantially the following form: "Contributions to Maine Children's Trust Fund: ( ~~→~~ ) \$1; ( ) \$5, ( ) \$10, ( ) \$25 or ( ) Other \$ ."

See title page for effective date.

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## CHAPTER 254

### H.P. 737 - L.D. 995

#### An Act to Amend the Laws Concerning the Sale of Alcohol

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

**Whereas**, existing law prohibits for 5 years the employment by retail liquor licensees of persons convicted of certain crimes; and

**Whereas**, the current law is preventing some people from acquiring gainful employment as retail employees on the basis of incidents that occurred long ago; and

**Whereas**, it is essential to change the law to allow people, after waiting a more reasonable period, the opportunity to pursue such employment; 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. 28-A MRSA §703-A**, as enacted by PL 1989, c. 526, §§3 and 28, is amended to read:

#### §703-A. Prohibition of employment of violators as retail employees

**1. Employment prohibited.** ~~No~~ A retail licensee may not employ a person as a retail employee if that person, within ~~5~~ 2 years of the date of that person's application for employment, has been convicted of a first offense of violating section 2078 or section 2081, subsection 1, paragraph A or B. A retail licensee may not employ a person as a retail employee if that person, within