

# 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. 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 B, §75, is repealed.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 C-1. 5 MRSA §12004-I, sub-§12**, as enacted by PL 1987, c. 786, §5, is repealed.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 C-2. 20-A MRSA §202, sub-§2**, as enacted by PL 1981, c. 693, §§5 and 8, is repealed.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 B, §74, is repealed.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 D-1. 5 MRSA §12004-I, sub-§16**, as enacted by PL 1987, c. 786, §5, is repealed.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 D-2. 20-A MRSA §6203**, as amended by PL 1985, c. 295, §29, is repealed.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 E-1. 5 MRSA §12004-I, sub-§18**, as enacted by PL 1987, c. 786, §5, is repealed.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 E-2. 20-A MRSA §260**, as amended by PL 1985, c. 295, §28, is repealed.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

5 years of the date of that person's application for employment, has been convicted of a 2nd offense of violating section 2078 or section 2081, subsection 1, paragraph A or B.

**2. Affidavit required.** Retail licensees shall require a person applying for employment as a retail employee to furnish to the licensee an affidavit stating that the applicant has not been convicted of a first offense of violating section 2078 or section 2081, subsection 1, paragraph A or B, within 5 2 years of the date of the affidavit. Retail licensees shall require a person applying for employment as a retail employee to furnish to the licensee an affidavit stating that the applicant has not been convicted of a 2nd offense of violating section 2078 or section 2081, subsection 1, paragraph A or B, within 5 years of the date of the affidavit. The affidavit must be executed at the time of application. The Bureau of Liquor Enforcement shall develop the affidavit required by this section and make single copies of that affidavit available to retailers.

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

Effective June 4, 1993.

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## CHAPTER 255

S.P. 305 - L.D. 938

### An Act Regarding Visually Impaired Voters

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 21-A MRSA §602, sub-§6,** as enacted by PL 1985, c. 161, §6, is amended to read:

**6. Size.** The Secretary of State shall determine the size of the ballots. With the permission of the Secretary of State, the clerk may make a reasonable number of enlarged specimen ballots and enlarged ballots in order to assist voters who are visually impaired.

**Sec. 2. 21-A MRSA §602, sub-§6-A** is enacted to read:

**6-A. Record.** The clerk shall record and report to the Secretary of State the number of enlarged specimen ballots and enlarged ballots made for visually impaired voters.

**Sec. 3. 21-A MRSA §629, sub-§4** is enacted to read:

**4. Booth for the visually impaired.** The clerk shall equip at least one of the voting booths at the voting place with an enlarged instruction poster and specimen ballot, a magnifying device and an adjustable lamp for improved lighting.

**Sec. 4. 21-A MRSA §672, sub-§3** is enacted to read:

**3. Assistance in reading the ballot.** A voter who is illiterate or visually impaired or has another disability that makes it difficult to read a ballot may request that the ballot be read to that voter.

See title page for effective date.

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## CHAPTER 256

H.P. 166 - L.D. 218

### An Act to Exempt Certain Greenhouse and Nursery Owners from Licensing Fees

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

**Sec. 1. 32 MRSA §1901, sub-§1,** as enacted by PL 1991, c. 785, §4 and affected by §5, is repealed.

**Sec. 2. 32 MRSA §1901, sub-§1-A** is enacted to read:

**1-A. Fees.** The following provisions apply to the fees payable for a license issued under this section.

**A.** An applicant who has a nursery stock retail sales area in excess of 150 square feet or gross annual sales of nursery stock in excess of \$500 shall pay a license fee of \$25 per year.

**B.** An applicant who has gross annual sales of nursery stock of \$500 or less and a nursery stock retail sales area of 150 square feet or less shall pay a license fee of \$5 per year.

**C.** Educational institutions are exempt from the license fee.

See title page for effective date.