

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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

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

Sec. 1. 4 MRSA §191, as amended by PL 1989, c. 503, Pt. B, §7, is further amended to read:

§191. State Court Library Committee

The State Court Library Committee, as established in Title 5, section 12004-G, subsection 23, ~~shall consist~~ consists of ~~7~~ 9 voting members, ~~2~~ 3 of whom ~~shall must~~ must be members of the public, 2 of whom ~~shall must~~ must be members of the judiciary and ~~3~~ 4 of whom ~~shall must~~ must be attorneys. Each attorney appointed to the committee ~~must~~ be actively engaged in the practice of law and have an established place of business in a county in which a law library established pursuant to section 193 is located and ~~must~~ be chosen so that each tier has an attorney representative. The members ~~shall be~~ are appointed by and serve at the pleasure of the Chief Justice of the Supreme Judicial Court. The Chief Justice shall designate the chair. The State Law Librarian, the University of Maine School of Law Librarian and the State Court Administrator ~~shall be~~ are ex officio nonvoting members. A quorum ~~shall~~ consists of ~~4~~ 5 of the voting members. The committee shall meet at least 4 times each year. Secretarial assistance ~~shall must~~ be provided by the Administrative Office of the Courts.

Sec. 2. 4 MRSA §193, as amended by PL 1991, c. 671, Pt. M, §1, is further amended by adding after that part related to Tier III libraries the following:

Tier IV libraries must be located in:

Aroostook County, Houlton;

Franklin County, Farmington;

Piscataquis County, Dover-Foxcroft; and

Waldo County, Belfast.

Sec. 3. 4 MRSA §193, as amended by PL 1991, c. 671, Pt. M, §1, is further amended by adding at the end a new paragraph to read:

Notwithstanding the other provisions of this section or any other provision of law to the contrary, during fiscal year 1993-94 and fiscal year 1994-95, the committee is not required to allocate an equal share for each library within a specific tier.

Sec. 4. Funds for Tier IV libraries. The State Court Library Committee is not required to allocate funds for Tier IV libraries for fiscal year 1993-94 and fiscal year 1994-95. The committee may not reduce the allocation for Tier I, Tier II or Tier III libraries below the level allocated for fiscal year 1992-93 in order to allocate funds

for a Tier IV library, unless the County Law Library Committee for that library agrees to a reduced allocation.

Sec. 5. Repeal. Sections 2 and 3 of this Act are repealed July 1, 1995.

See title page for effective date.

CHAPTER 376

H.P. 188 - L.D. 240

An Act to Change the Statutory Provisions Applying to the Dissemination of the Records and Reports Maintained by the State Police

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

Sec. 1. 16 MRSA §614, sub-§1, as amended by PL 1991, c. 729, §3 and c. 837, Pt. B, §5, is repealed and the following enacted in its place:

1. Limitation on dissemination of intelligence and investigative information. Reports or records in the custody of a local, county or district criminal justice agency, in the custody of the Bureau of State Police or the Office of the State Fire Marshal, in the custody of the Department of Corrections, in the custody of the criminal law enforcement units of the Department of Marine Resources or the Department of Inland Fisheries and Wildlife or in the custody of the Maine Drug Enforcement Agency containing intelligence and investigative information are confidential and may not be disseminated if there is a reasonable possibility that public release or inspection of the reports or records would:

A. Interfere with law enforcement proceedings;

B. Result in public dissemination of prejudicial information concerning an accused person or concerning the prosecution's evidence that will interfere with the ability of a court to impanel an impartial jury;

C. Result in public dissemination of information about the private life of an individual in which there is no legitimate public interest and that would be offensive to a reasonable person;

D. Disclose the identity of a confidential source;

E. Disclose confidential information furnished only by the confidential source;

F. Disclose investigative techniques and procedures or security plans and procedures not generally known by the general public; or

G. Endanger the life or physical safety of law enforcement personnel.

Sec. 2. 16 MRSA §621, as enacted by PL 1979, c. 433, §2, is amended to read:

§621. Information and records of the Attorney General

Nothing in this subchapter ~~shall require~~ requires dissemination of information or records of the Attorney General, ~~State Police or Bureau of Identification~~ that are declared to be confidential under Title 5, section 200-D ~~or Title 25, section 1631.~~

Sec. 3. 25 MRSA §1631, as amended by PL 1991, c. 729, §§4 and 5, is repealed.

See title page for effective date.

CHAPTER 377

H.P. 844 - L.D. 1149

An Act to Amend the Enforcement Provisions of the Bureau of Taxation

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

Sec. 1. 36 MRSA §175, sub-§2, as amended by PL 1991, c. 820, §2, is further amended to read:

2. Failure to file or pay taxes; determination to prevent renewal, reissuance or other extension of license or certificate. If the State Tax Assessor determines that any person who holds a state-issued license or certificate of authority to conduct a profession, trade or business has neglected or refused to file any returns at the time required under this Title or to pay any a tax liability due under this Title that has been demanded, other than taxes due pursuant to Part 2, and the person continues to fail to file or pay after at least 2 specific written ~~requests to~~ do so notices, each giving 30 days to respond, are sent by certified mail or served by a civil officer, then the assessor shall notify the person in writing that refusal to file the required tax return or to pay the overdue tax liability may result in loss of license or certificate of authority. If the person continues for a period in excess of 30 days from notice of possible denial of renewal or reissuance of a license or certificate of authority to fail to file or show reason why the person is not required to file or if the person continues not to pay, the State Tax Assessor shall notify the person in writing of the determination to prevent renewal, reissuance or extension of the license or certificate of authority by the issuing agency. A review of this determination is available by requesting a petition for reconsideration under section 151, subject to appeal to the Superior Court in accordance with the

Maine Administrative Procedure Act. Either by failure to proceed to the next step of appeal or by exhaustion of the steps of appeal, the determination of the assessor's right to prevent renewal or reissuance becomes final unless otherwise determined by appeal. In any event, the license or certificate of authority in question remains in effect until all appeals are taken to their final conclusion.

Sec. 2. 36 MRSA §175, sub-§6 is enacted to read:

6. Certificate of good standing. The State Tax Assessor must issue a certificate of good standing to the licensee conditioned upon an agreement to complete obligations under this Title. If the licensee fails to honor the agreement, the State Tax Assessor may notify the licensee and the licensing authority to the determination to revoke the license. A review of this determination is available by requesting a petition for reconsideration under section 151, subject to appeal to the Superior Court in accordance with the Maine Administrative Procedure Act. Either by failure to proceed to the next step of appeal or by exhaustion of the steps of appeal, the determination of the assessor's right to revoke becomes final unless otherwise determined by appeal. The licensing board shall on receipt of the finalized notice to revoke, revoke the license within 30 days. The bureau and the licensee may agree to nonbinding mediation for an agreement to complete obligations.

Sec. 3. Report. The State Tax Assessor shall report to the joint standing committee of the Legislature having jurisdiction over taxation matters for the first session of the 117th Legislature on the operation, efficiency and effectiveness of collecting taxes through the power to prevent renewal, reissuance or other extension of license or certificate of authority to conduct a profession, business or trade.

See title page for effective date.

CHAPTER 378

H.P. 966 - L.D. 1297

An Act to Amend Certain Laws Governing Solid Waste Management

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

Whereas, without emergency action in the First Regular Session of the 116th Legislature, industrial boilers that combust certain mixed paper, corrugated cardboard or office paper to generate heat, steam or electricity will not be exempt from the definition of solid waste facility after July 1, 1993; and