

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

existing agency liquor store that was licensed before May 1, 1993.

Sec. 3. 28-A MRSA §453, sub-§1, ¶D, as enacted by PL 1991, c. 591, Pt. E, §34, is amended to read:

D. If a state liquor store closes, the commission may grant more than one agency store license in a municipality when the commission considers it appropriate. Agency liquor stores licensed before May 1, 1993 that replace closed state liquor stores are exempt from the distance requirement in paragraph C.

Sec. 4. 28-A MRSA §453, sub-§2, as amended by PL 1987, c. 342, §22, is further amended to read:

2. Replacement of state or agency liquor stores. Except as provided in paragraph A, the ~~The~~ commission may not replace a state or existing agency liquor store which that closes with an agency liquor store if there is another state or existing agency liquor store within 40 3.5 miles. This subsection does not prevent the commission from locating a replacement agency liquor store within 3.5 miles of another replacement agency liquor store for the same town.

A. The commission may replace an agency liquor store if that agency liquor store:

~~(1) Was licensed before December 1, 1979; and~~

~~(2) Is within 10 miles of a state or agency liquor store.~~

Sec. 5. 28-A MRSA §453, sub-§3, as enacted by PL 1987, c. 45, Pt. A, §4, is repealed.

Sec. 6. 28-A MRSA §453-A, sub-§§5-A and 8 are enacted to read:

5-A. Hearings on applications. The commission, in accordance with the provisions of the Maine Administrative Procedure Act, shall conduct a hearing to take testimony, consider comment and deliberate on applications. In addition to giving any notice required by the Maine Administrative Procedure Act, the commission shall give notice of public hearing in writing to any existing agency liquor stores located within 5 miles of the applicant's proposed store location by regular mail at least 15 days prior to the hearing.

8. Measurement of distance. All distances described in this section must be determined by the most reasonable direct route of travel.

Sec. 7. Retroactivity. Sections 1 to 5 of this Act apply retroactively to July 1, 1990.

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

Effective June 16, 1993.

CHAPTER 381

H.P. 1089 - L.D. 1468

An Act to Place Appropriate Citations to Various Boards and Commissions within the Maine Revised Statutes, Title 5, Sections 12004-A to 12004-L

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

Sec. 1. 5 MRSA §12004-A, sub-§5-A is enacted to read:

<u>5-A. Board of Bar Examiners</u>	<u>Set by Supreme Judicial Court</u>	<u>4 MRSA §801</u>
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Sec. 2. 5 MRSA §12004-B, sub-§8 is enacted to read:

<u>8. Committee on Judicial Responsibility and Disability</u>	<u>Set by Supreme Judicial Court</u>	<u>4 MRSA §9-B</u>
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Sec. 3. 5 MRSA §12004-G, sub-§6-A is enacted to read:

<u>6-A. Jail Corrections</u>	<u>Jail Industry Authority, Board of Directors</u>	<u>Not Authorized</u>	<u>34-A MRSA §1211</u>
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Sec. 4. 5 MRSA §12004-G, sub-§19, as enacted by PL 1987, c. 786, §5, is repealed.

Sec. 5. 5 MRSA §12004-G, sub-§§21-A and 26-A are enacted to read:

<u>21-A. Insurance</u>	<u>Maine Self-Insurance Guarantee Association Board of Directors</u>	<u>Not Authorized</u>	<u>39-A MRSA §404</u>
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<u>26-A. Marine Resources</u>	<u>Atlantic Sea Run Salmon Commission</u>	<u>\$25/Day Plus Expenses</u>	<u>12 MRSA §6251-A</u>
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Sec. 6. 5 MRSA §12004-G, sub-§29-A, as enacted by PL 1989, c. 571, Pt. B, §3, is repealed.

Sec. 7. 5 MRSA §12004-I, sub-§§47-A, 47-B and 72-B are enacted to read:

<u>47-A.</u> <u>Human</u> <u>Services</u>	<u>Protection</u> <u>and</u> <u>Advocacy</u> <u>Agency,</u> <u>Advisory</u> <u>Council</u>	<u>Not Autho-</u> <u>rized</u>	<u>5 MRSA</u> <u>§19504,</u> <u>sub-§2</u>
<u>47-B.</u> <u>Human</u> <u>Services:</u> <u>Nursing</u>	<u>Commission</u> <u>on Nursing</u> <u>Supply and</u> <u>Educational</u> <u>Accessibility</u>	<u>Not Autho-</u> <u>rized</u>	<u>32 MRSA</u> <u>§2261</u>
<u>72-B.</u> <u>Occupations:</u> <u>Massage</u> <u>Practitioners</u>	<u>Massage</u> <u>Practitioners</u> <u>Advisory</u> <u>Council</u>	<u>Not Autho-</u> <u>rized</u>	<u>32 MRSA</u> <u>§14302</u> <u>sub-§7</u>

Sec. 8. 5 MRSA §12004-K, sub-§13 is enacted to read:

<u>13.</u> <u>Tribal-State</u> <u>Government</u>	<u>Maine Indian</u> <u>Tribal-State</u> <u>Commission</u>	<u>Per Diem</u> <u>Plus</u> <u>Expenses</u>	<u>30 MRSA</u> <u>§6212</u> <u>sub-§1</u>
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Sec. 9. 5 MRSA §12004-L, sub-§§7 to 10 are enacted to read:

<u>7. Children's</u> <u>Residential Treatment</u> <u>Committee</u>	<u>Not Autho-</u> <u>rized</u>	<u>22 MRSA</u> <u>§8151</u>
<u>8. Human Resource</u> <u>Development Council</u>	<u>Expenses</u> <u>Only</u>	<u>26 MRSA</u> <u>§2005</u>
<u>9. Interdepart-</u> <u>mental Council</u>	<u>Not Autho-</u> <u>rized</u>	<u>34-B MRSA</u> <u>§1214</u>
<u>10. Maine Drug</u> <u>Enforcement Agency</u> <u>Advisory Board</u>	<u>Not Autho-</u> <u>rized</u>	<u>25 MRSA</u> <u>§2954</u>

See title page for effective date.

CHAPTER 382

H.P. 1156 - L.D. 1555

An Act Regarding Tax Anticipation Notes for Fiscal Year 1993-94

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 will not terminate until after the beginning of the next fiscal year; and

Whereas, this legislation must be in effect prior to July 1, 1993 in order to provide for the orderly issuance of the State's tax anticipation notes; 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. 5 MRSA §150, 2nd ¶, as corrected by RR 1991, c. 2, §6, is amended to read:

The Treasurer of State, with the approval of the Governor, may negotiate a temporary loan or loans in anticipation of taxes levied for that fiscal year, but not exceeding a total of that amount of taxes estimated by the Treasurer of State to be collected in the fiscal year in which ~~such~~ the temporary loan or loans, or renewal thereof, is made, provided that ~~such~~ the temporary loans or renewals thereof do not exceed any limitation set forth in the Constitution of Maine, Article IX, Section 14. ~~Such~~ Any such loans may be renewed from time to time as the Treasurer of State, with the approval of the Governor, determines, provided that each loan or renewal thereof must be retired not later than the close of the fiscal year in which ~~such~~ the loan was originally made and for which were levied the taxes in anticipation of the collection of which such loan was originally made; and that each such loan or renewal thereof must comply with the provisions of this section and the Constitution of Maine, Article IX, Section 14. The Treasurer of State shall pay ~~such~~ the loan or loans in anticipation of taxes during such year and there is appropriated for any year in which the Treasurer of State and the Governor ~~deem~~ determine it necessary to borrow in anticipation of taxes the sum of \$30,000,000; except that for fiscal year 1991-92, the sum may not exceed \$150,000,000 ~~and~~; for fiscal year 1992-93, the sum may not exceed \$170,000,000; ~~and for fiscal year 1993-94, the sum may not exceed \$170,000,000.~~

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1993-94

TREASURER OF STATE, OFFICE OF THE

Debt Service - Treasury

All Other \$5,300,000