

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

Sec. 8. 27 MRSA §455, as amended by PL 1989, c. 912, §5, is further amended to read:

§455. Determination of amount for acquisition of art

The commission, in consultation with the Bureau of ~~Public Improvements~~ General Services, the ~~Bureau of School Management~~ Department of Education, the Office of Facilities within the University of Maine System or the Maine Technical College System, whichever has budgetary authority over the project, shall determine the minimum amount to be made available for the purchase of art for each public building or facility.

Sec. 9. 27 MRSA §457, sub-§2, as repealed and replaced by PL 1989, c. 912, §6, is amended to read:

2. Procedures for participation of architect. Advise the Bureau of ~~Public Improvements~~ General Services, the ~~Bureau of School Management~~ Department of Education, the Office of Facilities within the University of Maine System and the Maine Technical College System concerning procedures for participation and compensation of the architect in connection with the acquisition of works of art under this chapter;

Sec. 10. 30-A MRSA §7206, sub-§1, ¶A, as amended by PL 1989, c. 700, Pt. A, §131, is further amended to read:

A. The ~~associate commissioner for the Bureau of School Management~~ Commissioner of Education or the associate commissioner's designee ~~within the Department of Education~~;

Sec. 11. 32 MRSA §2202-B, sub-§1, as enacted by PL 1991, c. 591, Pt. III, §24, is amended to read:

1. Fees authorized. The Commissioner of Education may assess fees for certification of nursing assistants ~~and~~ for the competency testing of nursing assistants ~~and~~ for validation of test results to determine eligibility for certification and charge fees for certificates issued ~~and duplicated~~ for out-of-state vocational reciprocity, renewal of certificates and replacement of certificates.

Sec. 12. 32 MRSA §2202-B, sub-§2, ¶¶A, E and F, as enacted by PL 1991, c. 591, Pt. III, §24, are amended to read:

A. For competency testing, \$15 ~~20~~;

E. For converted certificate, \$5; ~~and~~

F. For renewal certificate, \$5; ~~and~~

Sec. 13. 32 MRSA §2202-B, sub-§2, ¶G is enacted to read:

G. For validation of test results, \$5.

Sec. 14. Retroactivity. That section of this Act that amends the Maine Revised Statutes, Title 20-A, section 4504, subsection 2 applies retroactively to December 23, 1991.

See title page for effective date.

CHAPTER 436

H.P. 51 - L.D. 67

An Act to Amend the Public Works Contractors' Surety Bond Law of 1971

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

Sec. 1. 14 MRSA §871, sub-§3, as amended by PL 1989, c. 483, Pt. A, §31, is further amended to read:

3. Surety bonds. Except as provided in Title 5, section 1745, before any contract; exceeding ~~\$50,000~~ \$100,000 in amount; for the construction, alteration or repair of any public building or other public improvement or public work, including highways, is awarded to any person by the State or by any political subdivision or quasi-municipal corporation, or by any public authority, ~~such that that person shall must~~ such that that person shall must furnish to the State or to ~~such the~~ other contracting body, as the case may be, the following surety bonds:

A. A performance bond in an amount equal to the full contract amount, conditioned upon the faithful performance of the contract in accordance with the plans, specifications and conditions thereof. Such bond ~~shall be~~ is solely for the protection of the State or the contracting body awarding the contract, as the case may be; and

B. A payment bond in an amount equal to the full amount of the contract solely for the protection of claimants supplying labor or materials to the contractor or ~~his the contractor's~~ his the contractor's subcontractor in the prosecution of the work provided for in ~~such the~~ such the contract. The term "materials" ~~shall include~~ includes rental of equipment.

When required by the contracting authority, the contractor shall furnish bid security in an amount which the contracting authority considers sufficient to guarantee that if the work is awarded the contractor will contract with the contracting agency.

The bid security may be in the form of United States postal money order, official bank checks, cashiers' checks, certificates of deposit, certified checks, money in escrow, bonds from parties other than bonding companies subject to an adequate financial standing documented by a

financial statement of the party giving the surety, bond or bonds from a surety company or companies duly authorized to do business in the State.

The bid security may be required at the discretion of the contracting authority to assure that the contractor is bondable.

The bid securities other than bid bonds ~~shall~~ must be returned to the respective unsuccessful bidders. The bid security of the successful bidder ~~shall~~ must be returned to the contractor upon the execution and delivery to the contracting agency of the contract and performance and payment bonds, in terms satisfactory to the contracting agency for the due execution of the work.

In the case of contracts on behalf of the State, the bonds ~~shall~~ must be payable to the State and deposited with the contracting authority. In the case of all other contracts subject to this section, the bonds ~~shall~~ must be payable to and deposited with the contracting body awarding the contract.

See title page for effective date.

CHAPTER 437

H.P. 590 - L.D. 794

An Act Establishing the Maine Community Reinvestment Program

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

Sec. 1. 5 MRSA §135, first ¶, as amended by PL 1991, c. 780, Pt. Y, §9, is further amended to read:

The Treasurer of State may deposit the money, including trust funds of the State, in any of the banking institutions or trust companies or state or federal savings and loan associations or mutual savings banks organized under the laws of this State or in any national bank or banks or state or federal savings and loan associations located in the State, except as provided in chapter 161. Before making a deposit, the Treasurer of State must consider the rating of the banking institution, trust company, state or federal savings and loan association or mutual savings bank on its most recent assessment conducted pursuant to the federal Community Reinvestment Act, 12 United States Code, Section 2901. When there is excess money in the State Treasury that is not needed to meet current obligations, the Treasurer of State may invest, with the concurrence of the State Controller or the Commissioner of Administrative and Financial Services and with the consent of the Governor, those amounts in bonds, notes, certificates of indebtedness or other obligations of the United States that mature not more than 24 months from the date of investment or in repurchase

agreements secured by obligations of the United States that mature within the succeeding 24 months, prime commercial paper, tax-exempt obligations or banker's acceptances. The Treasurer of State may participate in the securities loan market by loaning state-owned bonds, notes or certificates of indebtedness of the Federal Government, provided that the loans are fully collateralized by treasury bills or cash. The Treasurer of State shall seek competitive bids for investments except when, after a reasonable investigation, it appears that an investment of the desired maturity is procurable by the State from only one source. Interest earned on those investments of money must be credited to the respective funds, except that interest earned on investments of special revenue funds must be credited to the General Fund of the State. Effective November 1, 1991, interest earned on investments of the Highway Fund must be credited to the General Fund. Interest earned on funds of the Department of Inland Fisheries and Wildlife must be credited to the General Fund. Interest earned on funds of the Baxter State Park Authority must be credited to the Baxter State Park Fund. This section does not prevent the deposit for safekeeping or custodial care of the securities of the several funds of the State in banks or safe deposit companies in this State or any other state, nor the deposit of state funds required by the terms of custodial contracts or agreements negotiated in accordance with the laws of this State. All custodial contracts and agreements are subject to the approval of the Governor.

See title page for effective date.

CHAPTER 438

S.P. 243 - L.D. 736

An Act to Update and Clarify Certain Provisions of Fish and Wildlife Laws

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

Sec. 1. 5 MRSA §12004-I, sub-§69, as amended by PL 1989, c. 503, Pt. A, §34, is repealed.

Sec. 2. 12 MRSA §7001, sub-§23-A, as amended by PL 1985, c. 718, §1, is repealed and the following enacted in its place:

23-A. Muzzle-loading firearm. "Muzzle-loading firearm" means a rifled or smooth-bored firearm that is:

- A. Forty caliber or greater;
- B. Capable of firing only a single charge;
- C. Loaded through the muzzle with powder and a ball or bullet; and