

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

PART K

Sec. K-1. 25 MRSA §2913 is enacted to read:

§2913. Special security assistance

The commissioner may charge state agencies for security services provided at other state controlled locations pursuant to section 2908 if the security services are mutually agreed upon and confirmed by written contract between the commissioner and each state agency requesting security service. Revenues received under this section must be deposited in a nonlapsing fund and allocated by the Legislature for the purpose of providing the special security assistance.

PART L

Sec. L-1. 12 MRSA §602, sub-§19, as amended by PL 1993, c. 410, Pt. BB, §1, is further amended to read:

19. State Park Reservation System. A State Park Reservation System ~~shall~~ **must** be established and funded as provided in this subsection.

A. The director shall establish a statewide reservation system for overnight camping at state parks with overnight camping facilities incorporating a deposit system and a mechanism for accepting payments by credit card. Baxter State Park, the Allagash Wilderness Waterway, Warren Island and the Public Reserved Lands System are excluded from this system.

B. The money for this program ~~shall~~ **must** be appropriated from the General Fund. A surcharge ~~shall~~ **must** be collected on all reservations ~~to be~~ **and** deposited in the General Fund. If reservations made under this subsection are subsequently cancelled, the Bureau of Parks and Recreation shall retain a cancellation fee that is equal to all direct costs incurred by the bureau in processing the refund.

~~C. The Bureau of Parks and Recreation shall submit a report detailing the effectiveness of the reservation system to the joint standing committee of the Legislature having jurisdiction over energy and natural resources in the Second Regular Session of the 114th Legislature. The committee shall report its findings no later than March 1, 1990.~~

~~D. A fee collected for any reservation made under the provisions of this subsection is nonrefundable.~~

Sec. L-2. Retroactivity. That section of this Part that amends the Maine Revised Statutes, Title 12, section 602, subsection 19 takes effect retroactively to January 1, 1994.

Sec. L-3. General Purpose Aid for Local Schools; lapsed balances. Notwithstanding any other provision of law, \$447,261 in fiscal year 1993-94 in the General Purpose Aid for Local Schools account lapse to the General Fund as a result of construction audit recoveries.

Sec. L-4. Transfer from Boating Facilities Fund. Notwithstanding the Maine Revised Statutes, Title 36, section 2903-A or any other provision of law, \$140,000 must be transferred from the Boating Facilities Fund in the Department of Conservation, Bureau of Parks and Recreation to General Fund undedicated revenue by March 31, 1994.

Sec. L-5. Transfer from Public Improvements - Planning - Construction - Administration program. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, in fiscal year 1993-94, the State Budget Officer may transfer from the Public Improvements - Planning - Construction - Administration program in the Department of Administrative and Financial Services any funds available for capital repairs to state parks to the Capital Construction - Repairs - Improvements - Conservation program in the Department of Conservation.

Sec. L-6. Transfer from Forest Management Special Projects. Notwithstanding any other provision of law, the State Controller may transfer \$692 from the Division of Forest Management Special Projects, Other Special Revenue account in the Department of Conservation to General Fund undedicated revenue by June 30, 1994.

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

Effective March 9, 1994.

CHAPTER 509
H.P. 738 - L.D. 996**An Act to Eliminate Seasonal Liquor Stores**

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

Whereas, currently licensed seasonal liquor stores will be opening for the summer season before that date; and

Whereas, the orderly operation of liquor stores within the State requires that these seasonal stores be eliminated; 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 §401-A, sub-§6, as enacted by PL 1991, c. 591, Pt. Z, §2, is repealed.

Sec. 2. 28-A MRSA §451, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

§451. Agency liquor stores

The ~~commission~~ Bureau of Liquor Enforcement may license and regulate persons as agency liquor stores on an annual, ~~seasonal~~ or temporary basis for the purposes of selling liquor in sealed bottles, containers or original packages to be consumed off the premises.

Sec. 3. 28-A MRSA §453-A, sub-§1, as enacted by PL 1991, c. 622, Pt. K, §6, is amended to read:

1. Bidding to replace state liquor stores. The ~~commission~~ Bureau of Liquor Enforcement shall solicit bids from the general public for each agency liquor store license to be issued. For ~~licenses an~~ agency license to replace an existing state store, the ~~commission~~ Bureau of Liquor Enforcement may not accept a bid lower than 1% of the taxable retail sales of the store being replaced, determined for the fiscal year that ended immediately before the closure of the store.

Sec. 4. 28-A MRSA §453-A, sub-§1-A is enacted to read:

1-A. Bidding to establish or replace agency liquor stores. The Bureau of Liquor Enforcement shall solicit bids from the general public for each agency liquor store license to be issued. For licenses to establish an agency liquor store or replace an existing agency liquor store, the Bureau of Liquor Enforcement may not accept a bid lower than \$2,000.

Sec. 5. 28-A MRSA §453-B, as enacted by PL 1991, c. 622, Pt. K, §6, is repealed and the following enacted in its place:

§453-B. Annual license fee

The annual license fee for an agency liquor store is \$300. The fee must be paid on renewal of the license.

Sec. 6. 28-A MRSA §456-A, as amended by PL 1991, c. 622, Pt. K, §7, is repealed.

Sec. 7. Transition provisions; application to seasonal store licensees.

1. Seasonal agency liquor stores. A location previously licensed to operate a seasonal agency liquor store may convert a past seasonal agency license to a year-round agency license notwithstanding the location requirements of the Maine Revised Statutes, Title 28-A, section 453. A current operator of a location previously licensed to operate as a seasonal agency liquor store has until June 30, 1994 to indicate in writing to the Bureau of Liquor Enforcement the operator's intent to convert to a year-round agency liquor store. A \$2,000 fee must also be submitted to the Bureau of Liquor Enforcement with the operator's written intent. The Bureau of Liquor Enforcement shall issue year-round licenses to those who choose to convert to year-round operation. If the operator of a location previously licensed to operate a seasonal agency liquor store fails to provide timely written notification of intent to convert to year-round operation and to submit the \$2,000 fee, the option to operate a year-round agency liquor store terminates.

2. Transfer of ownership. If a location previously licensed as a seasonal agency liquor store opts to become a year-round agency liquor store and subsequently transfers ownership, the agency license becomes void, and the provisions in Title 28-A, sections 457 and 453-A apply.

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

Effective March 9, 1994.

CHAPTER 510

H.P. 1206 - L.D. 1614

An Act to Amend the Workers' Compensation Laws By Allowing Guarantors of Self-Insurers to Utilize Approved Letters of Credit

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