

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

has produced unacceptable inequities that can be corrected only with legislation; 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. 30-A MRSA §272, sub-§4**, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

**4. Deputy district attorney.** Each district attorney may designate one full-time assistant district attorney or, if there is no full-time assistant district attorney, one part-time assistant district attorney to be the deputy district attorney. In the absence of the district attorney, the deputy shall act in the district attorney's place and ~~shall have~~ has the authority, duties and responsibilities of the district attorney. ~~Notwithstanding any other provision of law, any full-time assistant district attorney designated as a deputy district attorney may receive a salary up to 90% of the salary designated for the district attorney.~~

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

Effective April 18, 1995.

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**CHAPTER 40**

**S.P. 230 - L.D. 596**

**An Act to Expand the Uses of the Economic Opportunity Fund**

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

**Whereas**, the current scope of the Economic Opportunity Fund limits the type of economic development activities that can be supported with the fund; and

**Whereas**, numerous nonprofit and regional organizations exist in the State that provide needed economic development services to businesses and communities throughout the State; and

**Whereas**, the current limitations of the fund prevent the State from utilizing the fund to leverage

federal grants for economic development purposes; and

**Whereas**, the effectiveness of the fund could be increased by allowing organizations to expand funds through grants to business entities and by allowing use of funds to leverage federal grant funds; and

**Whereas**, federal funds already approved and received by the State for the purpose of stimulating economic development will be jeopardized without immediate expansion of the scope of the fund to allow more flexible use of funds; 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 §13090-B, sub-§4** is enacted to read:

**4. Local and regional organizations.** Notwithstanding other provisions of this section, for fiscal years 1994-95 and 1995-96 the department, upon application, may provide grants to local and regional nonprofit organizations up to a total amount of \$200,000 for the 2 years combined. Funds may be loaned to a private business entity or expended in a manner that is approved by the department and offers the prospect of stimulating economic growth. This subsection is repealed July 1, 1996.

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

Effective April 18, 1995.

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**CHAPTER 41**

**S.P. 95 - L.D. 235**

**An Act to Provide the Maine Legislature with Additional Financial Information**

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

**Whereas**, the Legislature lacks electronic access to the budget management system; and

**Whereas**, the budget management system contains financial information important to the review and analysis of budgets in State Government; 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 §1667-A** is enacted to read:

**§1667-A. Access to budget management system data**

Notwithstanding any other provision of law, the State Budget Officer shall provide the Office of Fiscal and Program Review with electronic access, including report-writing capabilities, to those aspects of the budget management system presently referred to as the "budget analyst tool," except for those specific aspects of the system involved in budget recommendations that have been made or are being considered by the Governor or Governor-elect but have not yet been transmitted to the Legislature. For purposes of this section, "budget management system" and "budget analyst tool" include information used by the Bureau of the Budget to develop, analyze and review budgeted and actual revenue and expenditure information.

Notwithstanding any other provision of law, the Legislative Council shall provide the Bureau of the Budget, upon the bureau's request, with enacted budget bills in a data processing form that permits the electronic conversion of data to the budget management system.

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

Effective April 18, 1995.

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**CHAPTER 42**

**H.P. 151 - L.D. 199**

**An Act Concerning the Competitive Bidding Process in Cooperative Projects between the State and the Maine Technical College System**

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

**Sec. 1. 5 MRSA §1825-B, sub-§2, ¶E**, as enacted by PL 1989, c. 785, §2, is amended to read:

E. The purchase is part of a cooperative project between the State and the University of Maine System or the Maine Technical College System involving:

- (1) An activity assisting a state agency and enhancing the ability of the university system or technical college system to fulfill its mission of teaching, research and public service; and
- (2) A sharing of project responsibilities and, when appropriate, costs; or

See title page for effective date.

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**CHAPTER 43**

**H.P. 45 - L.D. 39**

**An Act to Require an Endorser's Authorization for a Candidate To Use an Endorsement**

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

**Sec. 1. 21-A MRSA §1014-A** is enacted to read:

**§1014-A. Endorsements of political candidates**

**1. Definition.** For purposes of this section, "endorsement" means an expression of support for the election of a clearly identified candidate by methods including but not limited to the following: broadcasting stations, newspapers, magazines, outdoor advertising facilities, direct mails or other similar types of general public political advertising or through computer networks, flyers, handbills, bumper stickers and other nonperiodical publications.

**2. Authorization.** A candidate may not use an endorsement unless the endorser has expressly authorized its use. The communication must clearly and conspicuously state that the endorsement has been authorized. If applicable, the communication must also satisfy the requirements of section 1014.

**3. Civil forfeiture.** A candidate who uses an endorsement without the authorization of the endorser violates this section and is subject to a civil forfeiture of no more than \$200.

**4. Enforcement.** The full amount of the forfeiture is due within 30 days of the commission's determination that an endorsement has been used without the endorser's authorization. The commission