

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

J.S. McCarthy Company
Augusta, Maine
1995

Sec. 2. 15 MRSA §2115-A, sub-§4, as amended by PL 1987, c. 234, §2, is further amended to read:

4. Time. An appeal taken pursuant to subsection 1, 2 ~~or~~ 2-A shall or 2-B must be taken within 20 days after the entry of the order or such further time as may be granted by the court pursuant to a rule of court, and an appeal taken pursuant to subsection 1 ~~shall~~ must also be taken before the defendant has been placed in jeopardy. An appeal taken pursuant to this subsection ~~shall~~ must be diligently prosecuted.

Sec. 3. 15 MRSA §2115-A, sub-§5, as amended by PL 1987, c. 234, §3, is further amended to read:

5. Approval of Attorney General. In any appeal taken pursuant to subsection 1, 2 ~~or~~ 2-A or 2-B, the written approval of the Attorney General ~~shall~~ be is required; provided that if the attorney for the State filing the notice of appeal states in the notice that the Attorney General has orally stated that the approval will be granted, the written approval may be filed at a later date.

See title page for effective date.

CHAPTER 48

H.P. 385 - L.D. 520

An Act to Stop the Alewives Restoration Program in the St. Croix River

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

Whereas, the bass fishery in the Woodland and Grand Falls flowages along the St. Croix River and its associated tributaries and lakes is extremely valuable to the economy of the State; and

Whereas, alewives and bass compete for the same food source; and

Whereas, that competition could significantly affect the bass fishery; and

Whereas, the alewife run in the St. Croix River normally begins in the first 2 weeks of May; 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. 12 MRSA §6134 is enacted to read:

§6134. Alewives passage; fishways on the St. Croix River

By May 1, 1995, the commissioner and the Commissioner of Inland Fisheries and Wildlife shall ensure that fishways on the Woodland Dam and the Grand Falls Dam, both located on the St. Croix River, are configured or operated in a manner that prevents the passage of alewives.

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

Effective April 27, 1995.

CHAPTER 49

I.B. 2 - L.D. 716

An Act to Repeal the Motor Vehicle Emission Inspection Program

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

Sec. 1. 29-A MRSA §403, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 2. 38 MRSA c. 28, as amended, is repealed.

See title page for effective date.

CHAPTER 50

H.P. 54 - L.D. 48

An Act to Repeal the Motor Vehicle Emission Inspection Program

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

Whereas, current law requires that, after July 1, 1994, cars registered in certain counties must be inspected biennially for air pollution emissions; and

Whereas, many of the details, standards and criteria necessary to conduct the Motor Vehicle Emission Inspection Program have not yet been established; and

Whereas, these details, standards and criteria will have a significant impact on residents of the State, including, but not limited to, owners of older automobiles and sellers of used automobiles; and

Whereas, it is essential that the Legislature be involved in working out these details of the program; 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. 29-A MRSA §403, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is repealed.

Sec. 2. 38 MRSA c. 28, as amended, is repealed.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1995-96	1996-97
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Air Quality Control		
Positions - Other Count	(-4.0)	(-4.0)
Personal Services	(\$171,385)	(\$176,480)
All Other	(21,337)	(21,505)
Deallocates funds no longer required as a result of the repeal of the Motor Vehicle Emission Inspection Program.		
DEPARTMENT OF ENVIRONMENTAL PROTECTION		
TOTAL	(\$192,722)	(\$197,985)

Sec. 4. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Act.

	1995-96	1996-97
SECRETARY OF STATE, DEPARTMENT OF THE		

Administration - Motor Vehicles

Positions - Legislative Count	(-3.0)	(-3.0)
Personal Services	(\$93,380)	(\$92,101)
All Other	(47,496)	(48,921)

Deallocates funds no longer required as a result of the repeal of the Motor Vehicle Emission Inspection Program. The positions eliminated include a Clerk IV position, a Clerk Typist III position, a Clerk Typist II position and a Project Clerk Typist II position.

DEPARTMENT OF THE SECRETARY OF STATE		
TOTAL	(\$140,876)	(\$141,022)

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

Effective April 28, 1995.

CHAPTER 51

S.P. 56 - L.D. 85

An Act to Amend the Laws Concerning Guardianship

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

Sec. 1. 18-A MRSA §5-311, sub-§(c), as repealed and replaced by PL 1985, c. 770, §1, is amended to read:

(c) No owner, proprietor, administrator, employee or other person with a substantial financial interest in a facility or institution ~~which is licensed~~ under Title 22, sections 1817 and 7801, may act as guardian of an incapacitated person who is a resident, as defined in Title 22, section 7901-A, unless the person requesting to be appointed guardian is one of the following:

- (1) The spouse of the incapacitated person;
- (2) An adult child of the incapacitated person;
- (3) A parent of the incapacitated person or a person nominated by the will of a deceased parent; or