

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

§6211. Land for Maine's Future Board-sponsored credit card

1. Land for Maine's Future Board-sponsored credit card. The Land for Maine's Future Board may enter into an agreement with a financial institution, as defined in Title 9-B, section 131, subsection 17, ~~or~~ a credit union, as defined in Title 9-B, section 131, subsection 12, or other credit card issuer to issue a credit card for the benefit of the Land for Maine's Future Board.

2. Agreement. If the Land for Maine's Future Board enters into an agreement with a financial institution ~~or~~ credit union or other credit card issuer in accordance with subsection 1, the Land for Maine's Future Board shall negotiate the most favorable agreement for the Land for Maine's Future Board, considering such factors as:

- A. The rate for the Land for Maine's Future Board's fee by a credit card issuer;
- B. The ability of the financial institution or other credit card issuer to market the card successfully; and
- C. Customer service offered by the financial institution or other credit card issuer.

3. Distribution of proceeds. Funds received by the Land for Maine's Future Board under the agreement with the financial institution ~~or~~ credit union or other credit card issuer must be deposited in the Land for Maine's Future Fund.

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

Effective March 5, 1996.

CHAPTER 517

H.P. 1227 - L.D. 1680

An Act Concerning Portable Scale Tolerances on the Interstate Highway System

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

Sec. 1. 29-A MRSA §2360, sub-§15 is enacted to read:

15. Portable scale allowance factor. For vehicles operating on the Interstate Highway System it is not a violation if the gross vehicle weight or axle weights measured by portable scales approved by the

Department of Transportation do not exceed 104% of the allowable weights provided by section 2355, subsections 1 and 2.

See title page for effective date.

CHAPTER 518

H.P. 1235 - L.D. 1695

An Act to Amend the Laws Regarding Drag Limits in South Bay

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

Sec. 1. 12 MRSA §6954-B, as enacted by PL 1995, c. 278, §1, is amended to read:

§6954-B. Drag limits in South Bay in Lubec

It is unlawful to fish in South Bay in ~~Eastport~~ Lubec, including all waters south and east of a line drawn from Gove Point westerly to Youngs Point, with any one combination of drags or drag in excess of 5 feet 6 inches in width by measuring from the extreme outside edge of the mouth of the drag or drags. In addition, any drag used for the taking of scallops is limited to no more than 8 rings deep. ~~The ring size must be the legal size in effect that applies to a holder of a license or federal permit.~~

See title page for effective date.

CHAPTER 519

H.P. 1241 - L.D. 1701

An Act to Reduce the Number of Legislative Confirmation Hearings

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

Sec. 1. 5 MRSA §13063-A, sub-§3, as enacted by PL 1993, c. 410, Pt. RRR, §1, is amended to read:

3. Board of directors. The Board of Directors of the Maine Education and Training Export Partnership consists of up to 15 members appointed by the Governor, ~~subject to review by the joint standing committee having jurisdiction over economic development matters and confirmation by the Legislature.~~ A majority of the directors must be from the private sector, which includes all organizations outside State Government and Federal Government. The directors must be appointed from the member organizations or must be involved in a related business field or possess

experience or familiarity with education, training, technical assistance or international commerce. The board shall elect a chair from its membership.

The board of directors shall:

- A. Establish membership criteria and a dues structure;
- B. Establish a fee structure associated with participation in partnership contracts;
- C. Establish dues, fees and limited services available to nonmembers; and
- D. Develop the work plan and implementation schedule for the partnership's activities.

Sec. 2. 5 MRSA §13122-C, as enacted by PL 1993, c. 410, Pt. E, §11, is amended to read:

§13122-C. Board of directors

The foundation is governed and all of its powers exercised by a board of directors, which must consist of a minimum of 12 directors from the private sector, a maximum of 10 directors from the public and educational sectors and one director from labor. The President of the Senate and the Speaker of the House of Representatives shall jointly appoint 2 members from the joint standing committee of the Legislature having jurisdiction over economic development matters to serve as ex officio members. Directors from the public sector must be department commissioners or hold equivalent positions and directors from the educational sector must be presidents or vice-presidents or hold equivalent positions. The Governor shall appoint all directors ~~subject to review by the joint standing committee of the Legislature having jurisdiction over economic development matters and to confirmation by the Legislature.~~

Sec. 3. 10 MRSA §373, sub-§1, as amended by PL 1995, c. 322, §3, is further amended to read:

1. Establishment; membership. There is established the Adaptive Equipment Loan Program Fund Board that consists of 9 members as follows: The Commissioner of Education or the commissioner's designee; the Treasurer of State or the Treasurer of State's designee; an experienced consumer lender; a certified public accountant; and 5 persons with a range of disabilities, all to be appointed by the Governor, ~~subject to review of the joint standing committee of the Legislature having jurisdiction over housing and economic development matters, and confirmed by the Legislature.~~ The board shall annually elect a chair from among its members.

Sec. 4. 10 MRSA §1016, sub-§1, as repealed and replaced by PL 1989, c. 878, Pt. F, §1, is amended by amending the first paragraph to read:

1. Membership of board. The Maine Education Assistance Board, as established in Title 5, section 12004-I, subsection 18-A, consists of 7 voting members. One member is the Commissioner of Education or the commissioner's designee, who must be a person in a major policy influencing position. The Governor shall appoint 6 members, ~~subject to review by the joint standing committee of the Legislature having jurisdiction over educational matters and subject to confirmation by the Legislature.~~ The gubernatorial appointees consist of the following.

Sec. 5. 19 MRSA §770-B, sub-§1, ¶A, as enacted by PL 1989, c. 862, §22, is amended to read:

A. The Governor shall name the chair from among the following appointed members:

- (1) Two members who are representatives of the statewide coalition of family crisis services;
- (2) Two members who are representatives of the family counseling profession, one of whom has experience counseling abusers;
- (3) One member who is a representative of ~~the Maine Commission for Women~~ victims of domestic violence;
- (4) Two members who are attorneys with experience in domestic relations cases, one of whom has experience representing victims of domestic abuse;
- (5) One person who was a victim of domestic abuse and used the court system;
- (6) One member who is a district attorney or assistant district attorney;
- (7) One member who is chief of a municipal police department;
- (8) One member who is a county sheriff; and
- (9) The Commissioner of Public Safety or the commissioner's designee.

Sec. 6. 20-A MRSA §11415, sub-§1, as enacted by PL 1987, c. 807, §3, is amended to read:

1. Composition. There ~~shall be~~ are 7 voting members of the authority, 5 of whom ~~shall~~ must be appointed by the Governor, ~~subject to review by the joint standing committee of the Legislature having jurisdiction over education and confirmation by the Legislature.~~

Sec. 7. 27 MRSA §553, sub-§1, as enacted by PL 1989, c. 700, Pt. B, §42, is amended to read:

1. Appointment of chair. The Governor shall appoint the chair of the Maine State Cultural Affairs Council from among the members of the Maine Library Commission, the Maine Historic Preservation Commission, the Maine Arts Commission or the Maine State Museum Commission, provided that the appointed chair is not from the same commission as the previous chair. ~~The appointment is subject to review by the joint standing committee of the Legislature having jurisdiction over state and local government matters and confirmation by the Legislature.~~

See title page for effective date.

CHAPTER 520

S.P. 611 - L.D. 1615

An Act to Amend the Piscataquis County Budget Process

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

Sec. 1. 30-A MRSA §821, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§821. Purpose

The purpose of this article is to establish in Piscataquis County a method of appropriating money for county expenditures, including expenditures for municipal services in the unorganized territory, according to a budget, which ~~shall first must~~ be reviewed by a budget committee ~~and shall then be approved by the Legislature~~. This article amends the statutory method in sections 701 and 702 by creating a committee with authority to review the budget and make recommendations to the county commissioners. ~~The Legislature has authority to approve and amend the budget. The county commissioners have the authority to approve the budget.~~ This article applies only to Piscataquis County.

Sec. 2. 30-A MRSA §825, sub-§§3, 6 and 7, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, are repealed.

Sec. 3. 30-A MRSA §825, sub-§8, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

8. Assessment of taxes. The budget ~~as approved by the Legislature~~ is the final authorization for the assessment of county taxes. The budget ~~shall~~ must be sent to the county commissioners and the county tax authorized ~~shall~~ must be apportioned and collected in accordance with section 706. The budget for the

unorganized territories ~~shall~~ must be sent to the State as provided by section 7503.

Sec. 4. 30-A MRSA §826, as amended by PL 1989, c. 104, Pt. C, §§8 and 10, is further amended to read:

§826. Budget amendments

The approved budget shall govern the expenditures of the county during the fiscal year. No expenses may be incurred in excess of those shown in the approved budget, but the budget may be from time to time revised by the preparation of a proposed amended budget by the county commissioners. This proposed amended budget ~~shall~~ must be submitted to the county budget committee for review. Any recommendations by this committee must be submitted within 10 calendar days. ~~After receiving the recommendation of the budget committee, the county commissioners shall forward the proposed revised budget to the legislative delegation for approval. The delegation has 10 calendar days to render a decision on the proposed revision. Failure of the delegation to render a decision within the specified time is considered an approval of the revision. If the delegation disapproves of the revision, the procedure of section 825, subsection 6, shall be followed. The county commissioners shall submit the proposed revised budget to the Legislature for approval, disapproval or amendment. If approved, the Legislature shall transmit a report of approval of a revised budget to the State Auditor within 15 days of that approval. The amended budget takes effect when approved by the county commissioners. A report of the approval of an amended budget must be transmitted by the county commissioners to the State Auditor within 15 days of that approval.~~

See title page for effective date.

CHAPTER 521

H.P. 1206 - L.D. 1656

An Act to Provide for Confidential Treatment of State and Federal Regulatory Information in the Application Process for Financial Institutions

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

Sec. 1. 9-B MRSA §252, sub-§3-A is enacted to read:

3-A. Confidential treatment of other state and federal regulatory information. Any records or information in the possession of any state or federal