

# MAINE STATE LEGISLATURE

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

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

**SECOND SPECIAL SESSION**  
**September 5, 1996 to September 7, 1996**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 1996 to March 27, 1997**

**FIRST SPECIAL SESSION**  
**March 27, 1997 to June 20, 1997**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 26, 1997**

**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 19, 1997**

**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**  
**1997**

**1. Fund established.** The Municipal Excise Tax Reimbursement Fund, referred to in this section as the "fund," is established as a dedicated, nonlapsing fund.

**2. Deposits.** The Secretary of State shall deposit into the fund all revenue derived pursuant to section 531, subsection 6.

**3. Use of the fund.** The fund must be used as follows.

A. Between July 1st and September 30th, the Secretary of State shall disburse to a participating municipality a sum equal to the difference in the amount of excise tax that would have been collected by that municipality in the prior fiscal year on each commercial motor vehicle under Title 36, section 1482, subsection 1, paragraph C, subparagraph (3) using the manufacturer's suggested retail price from the amount of that excise tax actually collected by that municipality in the prior fiscal year based on the actual purchase price. The Secretary of State shall provide supporting documentation to a municipality regarding the disbursement that municipality receives under this section.

B. By November 1st of the fiscal year in which disbursements are made under paragraph A, the Secretary of State shall transfer from the fund to the Highway Fund a sum equal to the difference in the total revenues derived pursuant to section 531, subsection 6 in the prior fiscal year from the total disbursements made under paragraph A in the current fiscal year.

**4. Municipal participation optional.** Municipal participation in the reimbursement program under this section is optional. A participating municipality must collect and provide to the Secretary of State any information the Secretary of State requires to calculate reimbursement.

**Sec. 3. Transfer of funds.** All revenues derived from the Maine Revised Statutes, Title 29-A, section 531, subsection 6 between July 1, 1996 and the effective date of this Act must be transferred by June 30, 1997 from the Highway Fund to the Municipal Excise Tax Reimbursement Fund created under Title 29-A, section 533-A.

**Sec. 4. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1997-98	1998-99
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SECRETARY OF STATE,  
DEPARTMENT OF THE

#### **Municipal Excise Tax Reimbursement Fund**

All Other	\$300,000	\$306,000
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Allocates funds to reimburse municipalities for the difference between the excise tax based on the manufacturer's suggested retail price versus the actual purchase price for heavy trucks.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect July 1, 1997.

Effective July 1, 1997.

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### **CHAPTER 506**

**H.P. 999 - L.D. 1391**

#### **An Act to Reestablish the State Compensation Commission**

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

**Sec. 1. 3 MRSA §2-B** is enacted to read:

#### **§2-B. State Compensation Commission**

**1. State Compensation Commission; membership.** The State Compensation Commission, established in Title 5, section 12004-G, subsection 26-D and referred to in this section as the "commission," consists of 5 members appointed as follows:

A. Two members, not from the same political party, appointed by the President of the Senate;

B. Two members, not from the same political party, appointed by the Speaker of the House; and

C. One member appointed by a majority of the members appointed under paragraphs A and B, who serves as chair of the commission.

The 5 members must be residents of the State and appointed from the public. A person may not be appointed who is a Legislator at the time of appointment.

All members must be appointed for a term to coincide with the legislative biennium. A vacancy must be filled in the same manner as the original appointment for the balance of the unexpired term.

The members of the commission are entitled to a per diem, expenses and allowances at the same rate as Legislators.

**2. Duties of commission.** The commission must issue its first report no later than January 1, 1998. No later than January 1st of every even-numbered year thereafter, the commission shall submit to the Legislature a report of the commission. The report must contain:

A. A description of the commission's activities;

B. The recommendations of the commission for all regular and special sessions of the next Legislature concerning:

(1) Compensation of Legislators and representatives of Indian tribes, including, but not limited to, all payments for: salaries, meals, housing, travel, mileage and all other expenses and allowances; additional service as President of the Senate, as Speaker of the House or as a member of leadership; and for constituent services; and

(2) Compensation for the Attorney General, the Secretary of State, the Treasurer of State and the State Auditor;

C. The reasons for its recommendations;

D. Drafts of any legislation required to implement its recommendations; and

E. Any other material and recommendations that commission members may wish to submit.

Before reporting as required in this subsection and subsequent to giving public notice, the commission shall hold a public hearing on the report. Subsequent to reporting, the commission shall meet, if requested, with the Governor, the Legislative Council and legislative committees to discuss the report.

**3. Appointments; meetings.** The 4 appointments by the presiding officers must be made no later than 15 days following the effective date of this section. The Executive Director of the Legislative Council must be notified once the selections have been made. Within 15 days of the appointment of the initial 4 members, the Chair of the Legislative Council shall call and convene the first meeting of the commission.

**4. Staff assistance.** The commission shall request staff assistance from the Legislative Council.

**Sec. 2. 5 MRSA §12004-G, sub-§26-D** is enacted to read:

<u>26-D.</u>	<u>State Compens-</u>	<u>Legislative</u>	<u>3 MRSA</u>
<u>Legislature</u>	<u>sation</u>	<u>Per Diem</u>	<u>§2-B</u>
	<u>Commission</u>	<u>and</u>	
		<u>Expenses</u>	

**Sec. 3. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1997-98	1998-99
<b>LEGISLATURE</b>		
<b>State Compensation Commission</b>		
Personal Services	\$2,200	\$2,200
All Other	3,500	2,000
Provides funds for the per diem and expenses of members and, in fiscal year 1997-98 only, funds for public hearing and printing costs.		
<b>LEGISLATURE TOTAL</b>	\$5,700	\$4,200
See title page for effective date.		

## CHAPTER 507

H.P. 1317 - L.D. 1867

### An Act to Protect Victims of Domestic Violence

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

**Sec. 1. 19-A MRSA §652, sub-§8**, as enacted by PL 1995, c. 694, Pt. B, §2 and affected by Pt. E, §2, is amended to read:

**8. Parties under 18 years of age.** The clerk may not issue a marriage license to a person under 16 years of age without:

A. The written consent of that minor's parents, guardians or persons to whom a court has given custody;