

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
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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
1999

B. That other person is a law enforcement officer in uniform; or

C. Causes a reasonable person to suffer intimidation, annoyance or alarm.

2. For the purposes of this section, "laser pointer" means a hand-held device that emits a visible light beam amplified by the stimulated emission of radiation.

3. It is a defense to a prosecution under this section that at the time of the laser pointer's use the person who intentionally, knowingly or recklessly pointed a laser pointer at another person was justified under chapter 5 in threatening or using physical force upon the other person.

4. Violation of subsection 1, paragraph A or B is a Class D crime. Violation of subsection 1, paragraph C is a Class E crime. As part of every judgment of conviction and sentence imposed, every laser pointer that constitutes the basis for conviction under this section must be forfeited to the State and the court shall so order, unless another person can satisfy the court prior to the judgment and by a preponderance of the evidence that such other person had a right to possess the laser pointer, to the exclusion of the defendant, at the time of the offense.

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

Effective May 13, 1999.

CHAPTER 164

S.P. 731 - L.D. 2081

An Act to Make Commercial Vehicle Weight Limits Consistent with Federal Law

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

Sec. 1. 29-A MRSA §2351, sub-§4, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

4. Interstate Highway System. "The Interstate Highway System" has the same definition as in the United States Highway Act of 1956, except that it does not include that portion of the Maine Turnpike designated Interstate 95 and 495 and that portion of

Interstate 95 from the southern terminus of the Maine Turnpike to the New Hampshire state line.

See title page for effective date.

CHAPTER 165

H.P. 1200 - L.D. 1710

An Act to Amend the Membership of the Information Services Policy Board

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

Sec. 1. 5 MRSA §1887, first ¶, as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

The Bureau of Data Processing shall provide the major data processing services in State Government, including computer operations and programming and applications systems. The bureau, as authorized by the ~~deputy~~ commissioner, shall work to assure consistency in programming services, stability in data processing functions, reliability in the operation and maintenance of systems throughout State Government and responsiveness and flexibility to react to changing situations and needs.

Sec. 2. 5 MRSA §1887, sub-§3, as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

3. Assist the commissioner. The bureau shall assist the ~~deputy~~ commissioner in carrying out ~~his~~ the commissioner's duties and responsibilities.

Sec. 3. 5 MRSA §1888, as amended by PL 1989, c. 857, §33, is further amended to read:

§1888. Noncompliance defined

~~No~~ The purchase of data processing equipment, software or services ~~and no~~ or internal systems development efforts may not be made except in accordance with this subchapter. ~~No~~ An agency may not purchase any data processing equipment, software or services without the prior written approval of the ~~deputy~~ commissioner. ~~The state controller shall~~ State Controller may not authorize payment for data processing equipment, software or services without evidence of prior approval of the purchases by the ~~deputy~~ commissioner.

1. Definition of noncompliance. A state agency is deemed in noncompliance with this subchapter if the agency:

A. Purchases data processing equipment, software or services in noncompliance with this subchapter; and

B. Fails to adhere to the data processing standards established by the ~~deputy~~ commissioner and the board.

2. Penalty. Any state agency found to be in noncompliance as defined in this subsection, ~~shall be~~ is prohibited from acquiring or purchasing data processing equipment, software and services until the ~~deputy~~ commissioner determines that the state agency is in compliance with this subchapter.

A. Notwithstanding the provisions of this section, the ~~deputy~~ commissioner may act to acquire or purchase data processing equipment, software and services to maintain or meet the emergency needs of a state agency.

Sec. 4. 5 MRSA §1890, as amended by PL 1987, c. 402, Pt. A, §51, is further amended to read:

§1890. Intergovernmental cooperation and assistance

The ~~deputy~~ commissioner, ~~with the approval of the commissioner,~~ may enter into agreements with the Federal Government, the University of Maine System and other agencies and organizations as will promote the objectives of this chapter and to accept funds from the Federal Government, municipal and county agencies or from any individual or corporation to be expended for purposes consistent with this chapter.

Sec. 5. 5 MRSA §1891, as amended by PL 1985, c. 819, Pt. B, §§1 and 2, is further amended to read:

§1891. Information Services Policy Board established; purpose of board

The Information Services Policy Board, as authorized by chapter 379, is established to assist the ~~deputy~~ commissioner to meet the purpose and mission of this chapter.

Sec. 6. 5 MRSA §1892, as amended by PL 1997, c. 554, §1, is further amended to read:

§1892. Membership on board; appointment, terms of office and compensation

The board consists of ~~16~~ 11 voting members and ~~2~~ 8 advisory members appointed as provided in this section. For the purpose of this section, the word "designee" means a person in a major policy-influencing position as defined in chapter 71. When appointing a designee, a board member shall select one person to be the sole designee representing the particular agency.

1. Voting members. The voting members of the board consist of:

B. The Commissioner of Administrative and Financial Services or the commissioner's designee;

C. The Commissioner of Human Services or the commissioner's designee;

D. The Commissioner of Labor or the commissioner's designee;

E. The Commissioner of Transportation or the commissioner's designee;

F. The Secretary of State or the Secretary of State's designee;

G. ~~One member~~ Four members appointed by the Governor from the Executive Department; and

H. ~~One member appointed by the Governor representing a criminal justice agency of State Government, one member appointed by the Governor representing a natural resource agency of State Government, and 2 members appointed by the Governor representing the remaining state agencies of State Government;~~

I. Two members, appointed by the Governor who ~~are administrators or managers of data processing systems in the private sector;~~ represent companies recognized for their application of information technology.

J. ~~The Commissioner of Economic and Community Development or the commissioner's designee;~~

K. ~~The Executive Director of the Maine State Housing Authority or the executive director's designee;~~

L. ~~The Chief Executive Officer of the Finance Authority of Maine or the chief executive officer's designee; and~~

M. ~~The Executive Director of the Maine State Retirement System or the executive director's designee.~~

2. Advisory members. ~~Advisory members~~ An advisory member must be appointed by the Legislative Council to represent the agencies of the Legislature that provide research and information to the Legislature and its committees and an advisory member must be appointed by the Chief Justice of the Supreme Judicial Court to ensure that the needs of the Legislature and the Judiciary are known and to inform them of available information, access and innovations to be considered. Advisory members must also be appointed by the Maine State Housing Authority, the

Finance Authority of Maine, the Maine State Retirement System and the Maine Turnpike Authority. In addition, the Chancellor of the University of Maine System and the President of the Maine Technical College System each shall appoint an advisory member to ensure that the needs of state institutions of higher education are known and to encourage the development of compatible information systems and the sharing of information and technologies between educational institutions and agencies of State Government.

3. Terms of office. The voting and advisory members representing state agencies of the Legislature, the Judiciary, the University of Maine System, and the Maine Technical College System and the office of the Governor shall serve for a period that coincides with the term of appointment to the agency they represent or to the term designated by the appointing authority, unless revoked sooner by the appointing authority. The members of the private sector serve 3-year terms, except that the initial term of one member is 2 years and the initial term of the other members is 3 years.

4. Expenses and compensation. All members are entitled to reimbursement for expenses in accordance with chapter 379. Members representing state agencies, the Executive ~~Office~~ Department, the Legislature, the University of Maine System, the Maine Technical College System and the Judiciary are reimbursed for expenses from the budgets of the departments they represent.

A. The members of the board are not entitled to compensation.

5. Chair. The chair of the board is appointed by the Governor from the Executive Department, ~~except that the commissioner of the department in which the Bureau of Information Services is located is not eligible to chair the board.~~

6. Meetings. The board shall meet at least 4 times a year and whenever convened by the chair.

Sec. 7. 5 MRSA §1893, sub-§§3, 4 and 6, as amended by PL 1989, c. 857, §39, are amended to read:

3. Develop strategic and departmental planning process. The board shall assist the deputy commissioner in the development of the strategic and departmental planning process as defined in subchapter II.

4. Investigate and establish priorities. The board, with the deputy commissioner, shall investigate and establish priorities within the scope of the strategic and departmental planning process. For the

purpose of this subsection, the priorities are goals and objectives with associated target dates.

6. Provide for regular review. The board with the ~~deputy~~ commissioner shall provide for a regular review of information processing and telecommunications operations in State Government and make recommendations to the Governor, commissioner and other affected agency heads for improving service and efficiency and for reducing costs.

Sec. 8. Transition provision. Members of the Information Services Policy Board within the Executive Department who were appointed under the Maine Revised Statutes, Title 5, section 1892 prior to the effective date of this Act and whose membership is affected by this Act shall continue to serve on the board until their current terms expire. Newly created board and advisory membership positions must be filled at the convenience of the appointing authorities.

See title page for effective date.

CHAPTER 166

S.P. 372 - L.D. 1073

An Act to Relate the State Liquor Tax to the Amount Transferred to the General Fund

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

Sec. 1. 28-A MRSA §1651, sub-§1, as amended by PL 1997, c. 24, Pt. L, §5, is further amended to read:

1. State liquor tax. Except as provided in subsection 2, the commission shall determine and set the list price at which to sell all spirits and fortified wine that will produce an aggregate state liquor tax sufficient to pay all liquor-related expenses of the Bureau of Alcoholic Beverages and Lottery Operations and to return to the General Fund ~~in fiscal year 1998-99 an amount equal to an additional \$3,000,000 above accepted revenue estimates for fiscal year 1998-99~~ an amount substantially equal to the amount of state liquor tax collected in the previous fiscal year. ~~The accepted revenue estimates are those first presented by the Governor during the First Regular Session of the 118th Legislature.~~ With the exception of the discount agency liquor ~~store~~ stores in Kittery and Calais, list prices must be uniform statewide.

C. The commission shall add any cost to the State related to handling containers returned for