

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
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
1999

any fee for a client who provides sufficient evidence of inability to pay.

Sec. 10. 5 MRSA §20078-A, sub-§6, ¶B, as enacted by PL 1993, c. 631, §7, is amended to read:

B. The client may appeal an evaluation decision referring the client to treatment or a completion of treatment decision ~~pursuant to section 20073-A~~. A client may appeal under this paragraph only after the client has sought a 2nd opinion of the need for treatment or of satisfactory completion of treatment.

Sec. 11. 29-A MRSA §2502, sub-§1, as amended by PL 1995, c. 65, Pt. A, §123 and affected by §153 and Pt. C, §15, is further amended to read:

1. Issuance of special license. Following the expiration of the total period of suspension imposed on a first-time offender pursuant to Title 15, section 3314 or sections 2411, 2453, 2472 and 2521, the Secretary of State shall issue a special license or permit to the person if the Secretary of State receives written notice that the person has completed the assessment components of the alcohol and other drug program as set out in Title 5, section ~~20073-A~~ 20073-B. First offenders with an aggravated offense as defined in Title 5, section 20071, subsection 4-B are entitled to receive a special license after completion of the evaluation provided by the Office of Substance Abuse. First offenders who have registered for the completion of treatment programs as described in Title 5, section 20072, subsection 2 are entitled to receive a special license after completion of a minimum of 3 treatment sessions provided by a counselor or agency approved by the Office of Substance Abuse. A special license or permit may not be issued under this section to 2nd and subsequent offenders.

Sec. 12. 29-A MRSA §2502, sub-§2, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

2. Suspension of special license. If the person refuses or fails to complete the alcohol and other drug program set out in Title 5, section ~~20073-A~~ 20073-B, within 6 months after receiving a special license, the Secretary of State, following notice of that refusal or failure shall suspend the special license until the person completes the program. The suspension must continue until the Secretary of State receives written notification from the Office of Substance Abuse that the person has satisfactorily completed all required components of that program. The Secretary of State shall provide notice of suspension and opportunity for hearing pursuant to Title 5, chapter 375, subchapter IV. The sole issue at the hearing is whether the person has written notification from the Office of Substance Abuse establishing that the person has satisfactorily

completed all components of that program as set out in Title 5, section ~~20073-A~~ 20073-B.

Sec. 13. 29-A MRSA §2504, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§2504. Conditional or restricted license upon completion of alcohol and drug program

Following the expiration of the total period of suspension and on receipt of written notice that the person has satisfactorily completed the alcohol and drug program required by Title 5, section ~~20073-A~~ 20073-B, the Secretary of State may issue a license subject to the conditions, restrictions or terms that the Secretary of State considers advisable for the safety of the public and the welfare of the operator.

See title page for effective date.

CHAPTER 449

H.P. 1077 - L.D. 1524

An Act to Include the Income of a Lessee for the Purpose of Determining Eligibility in Farm and Open Space Tax Laws

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. 36 MRSA §1102, sub-§4, as amended by PL 1987, c. 728, §1, is further amended to read:

4. Farmland. "Farmland" means any tract or tracts of land, including woodland and wasteland, of at least 5 contiguous acres on which farming or agricultural activities, either by the owner or a lessee, have produced a gross income of at least \$2,000 per year in one of the 2₁ or 3 of the 5₁ calendar years preceding the date of application for classification.

Gross income as used in this section includes the value of commodities produced for consumption by the farm household. Any applicant for assessment under this

subchapter bears the burden of proof as to ~~his~~ the applicant's qualification.

See title page for effective date.

CHAPTER 450

S.P. 217 - L.D. 639

An Act to Improve the State's Democracy by Increasing Access to the Ballot and Other Election Processes

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

Sec. 1. 21-A MRSA §301, sub-§1, as amended by PL 1997, c. 436, §41, is further amended to read:

1. Primary election. A party qualifies to participate in a primary election if its designation was listed on the ~~general election ballot in the last preceding gubernatorial or presidential election ballot~~ of either of the 2 preceding general elections and if:

A. The party held municipal caucuses as prescribed by Article II in at least one municipality in each county in the State during ~~that the~~ the election year in which the designation was listed on the ballot and any interim election year and fulfills this same requirement during the year of the primary election;

B. The party held a state convention as prescribed by Article III during ~~that the~~ the election year in which the designation was listed on the ballot and any interim election year; and

C. Its candidate for Governor or for President polled at least 5% of the total vote cast in the State for Governor or President in ~~the last preceding gubernatorial or presidential election; and~~ either of the 2 preceding general elections.

~~D. Each state party committee must file a statement with the Secretary of State on or before March 20th certifying that the party has held the municipal caucuses required by paragraph A. The statement must be signed by the party chair or the chair's designated agent.~~

Each state party committee must file a statement with the Secretary of State on or before March 20th certifying that the party has held the municipal caucuses required by paragraph A. The statement must be signed by the party chair or the chair's designated agent.

Sec. 2. 21-A MRSA §302, first ¶, as enacted by PL 1985, c. 161, §6, is amended to read:

A party whose designation was not listed on the general election ballot in the last preceding ~~gubernatorial or presidential~~ general election qualifies to participate in a primary election, if it meets the requirements of subsections 1, and 2 ~~and 3~~.

Sec. 3. 21-A MRSA §302, sub-§1, as amended by PL 1997, c. 436, §42, is further amended to read:

1. Declaration of intent. A voter or a group of voters ~~who are~~ not enrolled in a party qualified under section 301 must file a declaration of intent to form a party with the Secretary of State before 5 p.m. on the 180th day preceding ~~at the next~~ primary election. The declaration of intent must be on a form designed by the Secretary of State and must include:

A. The designation of the proposed party;

B. The name of a candidate for Governor or for President in the last preceding ~~gubernatorial or presidential~~ general election who was nominated by petition under subchapter II and who received 5% or more of the total vote cast in the State for Governor or for President in that election;

C. The signed consent of that candidate; and

D. The name, address, telephone number, if published, and signature of the voter or one of the group of voters who files the declaration of intent.

Sec. 4. 21-A MRSA §302, sub-§3, as amended by PL 1997, c. 436, §43, is further amended to read:

3. Municipal caucuses. ~~The proposed~~ A party ~~that has qualified under subsections 1 and 2 to participate in a primary election~~ must conduct municipal caucuses in at least one municipality in each of the 16 counties during that election year as prescribed in Article II. The chair of the municipal committee or a resident voter in the municipality must file a copy of the notice required by section 311, subsection 3, with the Secretary of State before 5 p.m. on March 20th.

Sec. 5. 21-A MRSA §302, sub-§4, as enacted by PL 1985, c. 161, §6, is amended to read:

4. Convention. A party ~~which that~~ that has qualified under subsections 1, and 2 ~~and 3~~ to participate in a primary election must, in that same year, conduct the municipal caucuses under subsection 3 and hold a state convention, as prescribed by Article III, in order to have the party designation of its candidates printed on the ballot in the general election of that year. The