

# 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 NINETEENTH LEGISLATURE**  
**SECOND REGULAR SESSION**  
**January 5, 2000 to May 12, 2000**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**AUGUST 11, 2000**

**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**  
**2000**

affected municipal solid waste and special waste streams and the impact of these efforts on capacity requirements; a thorough economic analysis of the facility's expected costs; and commitments from entities to utilize the facility and projected revenues. It is the intent of the Legislature that the facility be operated by a private contractor. A state-owned solid waste disposal facility may not be constructed or operated unless authorized by legislation pursuant to subsection 3.

**Sec. 2. 38 MRSA §2162**, as enacted by PL 1989, c. 585, Pt. A, §7, is repealed and the following enacted in its place:

**§2162. Office assistance in regional association siting**

**1. Technical assistance.** Upon request by a regional association, the office may provide technical assistance to that regional association in the establishment of approved waste facilities, including assistance in planning, location, acquisition, development and operation of the site. The regional association shall describe fully the need and justification for the request. The office may request information from the regional association necessary to provide assistance.

**2. Submission of report recommending construction of state-owned facility.** When the office, in consultation with a regional association, finds that disposal capacity is projected to be needed for bulky wastes, construction or demolition waste or land-clearing debris and that the regional association is not able to pursue the siting, establishment and operation of a waste facility, the office may submit a report recommending the construction and operation of a state-owned solid waste disposal facility that will fulfill the disposal need to the joint standing committee of the Legislature having jurisdiction over natural resources matters. The report must include a review of disposal options outside of the State; a review of existing efforts to reduce, reuse, recycle, compost and incinerate the affected waste streams and the impact of these efforts on capacity requirements; a thorough economic analysis of the facility's expected costs; and commitments from entities to utilize the facility and projected revenues. The joint standing committee of the Legislature having jurisdiction over natural resources matters may report out legislation authorizing the construction and operation of a state-owned solid waste disposal facility in response to a report submitted pursuant to this subsection.

See title page for effective date.

## CHAPTER 737

### H.P. 1808 - L.D. 2534

#### **An Act to Make Supplemental Allocations for the Expenditures of State Government, Highway Fund, and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2000 and June 30, 2001**

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

**Whereas**, the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas**, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable prior to July 1, 2000; 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:**

### PART A

**Sec. A-1. Supplemental allocations from Highway Fund.** There are allocated from the Highway Fund for the fiscal years ending June 30, 2000 and June 30, 2001 to the departments listed the following sums.

	1999-00	2000-01
<b>ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF</b>		
<b>Salary Plan</b>		
Personal Services	\$751,493	\$2,291,479
Provides for the allocation of funds for the increased cost of health insurance.		
<b>DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES</b>		
<b>TOTAL</b>	<b>751,493</b>	<b>2,291,479</b>
<b>PUBLIC SAFETY, DEPARTMENT OF</b>		

**State Police**

Personal Services	174,130	120,710
All Other	3,164	2,193

TOTAL	177,294	122,903
-------	---------	---------

Provides for the allocation of the 60% Highway Fund share of funds for the approved reclassifications and range changes for 47 Police Communication Operator positions and 6 Police Communication Operator Supervisor positions as authorized by the Bureau of Human Resources.

**State Police**

All Other	48,000
-----------	--------

Provides for the allocation of the 60% Highway Fund share of funds for the replacement of protective vests. These funds will also provide a match for available grants to assist in the replacement of vests.

**DEPARTMENT OF PUBLIC SAFETY****SECRETARY OF STATE, DEPARTMENT OF THE****Administration - Motor Vehicles**

Personal Services	14,250	41,465
All Other	(14,250)	(41,465)

TOTAL	0	0
-------	---	---

Provides for the allocation of funds for 4 part-time Motor Vehicle Service Representative positions to be located in the branch offices. This proposal is intended to provide additional staffing in the branch offices in order to reduce the waiting time for customers, which in some cases has been an hour or more. No additional headcount is required due to an internal reorganization.

**DEPARTMENT OF THE SECRETARY OF STATE****TRANSPORTATION, DEPARTMENT OF****Bridge Maintenance**

All Other	492,600	507,400
-----------	---------	---------

Provides for the allocation of funds for the increased costs of the annual maintenance program for bridges and transfer facilities.

**Bridge Maintenance**

Personal Services	112,683	118,524
All Other	569	593

TOTAL	113,252	119,117
-------	---------	---------

Provides for the allocation of funds for approved reclassifications.

**Highway and Bridge Improvement**

Capital Expenditures	500,000	20,150,000
----------------------	---------	------------

Provides for the allocation of funds for additional priority highway and bridge improvement projects through a transfer from General Fund unappropriated surplus.

**Highway and Bridge Improvement**

All Other		534,139
Capital Expenditures	500,000	3,010,000

TOTAL	500,000	3,544,139
-------	---------	-----------

Provides for the allocation of funds from the Transportation Reserve Fund of the General Fund for the initial phase of the minor collector road program and unscheduled highway and bridge projects.

**Highway Maintenance**

Capital Expenditures		400,000
----------------------	--	---------

Provides for the allocation of funds for additional funding for the highway

maintenance mulch program.		
<b>Highway Maintenance</b>		
All Other	295,560	304,440
Provides for the allocation of funds for the costs of winter maintenance for an additional 55.84 miles of state highways.		
<b>Highway Maintenance</b>		
Personal Services	491,272	493,969
All Other	2,480	2,470
<b>TOTAL</b>	<b>493,752</b>	<b>496,439</b>
Provides for the allocation of funds for approved reclassifications.		
<b>Highway and Bridge Improvement</b>		
Personal Services	78	596
All Other	(78)	(596)
<b>TOTAL</b>	<b>0</b>	<b>0</b>
Provides for the allocation of funds for the reclassification of one Right-of-way Agent II position to a Management Analyst II position.		
<b>Highway Bridge Improvement Program</b>		
All Other		(102,325)
Provides for the deallocation of funds through the reduction of budgeted contractual services.		
<b>Highway Bridge Improvement Program</b>		
Personal Services		102,325
Provides for the allocation of funds from the elimination of one Chemist II position, one Clerk Stenographer II position, one Clerk Typist III position, one Geologist position and one Maintenance Mechanic position and the establishment of 5 Civil Engineer II positions.		
<b>Highway Maintenance</b>		

Personal Services	(1,000,000)	
Provides for the deallocation of funds from salary savings.		
<b>Highway Maintenance</b>		
Capital Expenditures	1,000,000	
Provides for the allocation of funds necessary to fully finance the Highway Maintenance Mulch Program for the 2000 paving season.		
<b>Traffic Service</b>		
Personal Services	525	3,489
All Other	(525)	(3,489)
<b>TOTAL</b>	<b>0</b>	<b>0</b>
Provides for the allocation of funds for the reclassification of one Clerk Typist II position to an Account Clerk I position.		
<b>DEPARTMENT OF TRANSPORTATION TOTAL</b>	<b>2,395,164</b>	<b>25,521,535</b>
<b>SECTION TOTAL ALLOCATIONS</b>	<b>3,371,951</b>	<b>27,935,917</b>
<b>Sec. A-2. Allocations.</b>	There are allocated from the Federal Expenditures Fund for the fiscal years ending June 30, 2000 and June 30, 2001 to the departments listed the following sums.	
	<b>1999-00</b>	<b>2000-01</b>
<b>TRANSPORTATION, DEPARTMENT OF Highway and Bridge Improvement</b>		
Capital Expenditures	2,000,000	18,000,000
Provides for the allocation of funds for the federal share of the additional priority highway and bridge improvement program.		
<b>Highway and Bridge Improvement</b>		
All Other		1,011,040
Capital Expenditures		4,044,160
<b>TOTAL</b>		<b>5,055,200</b>

Provides for the allocation of funds for the federal share of projects to be funded from the Transportation Reserve Fund.

**Railroad Assistance Program**

Personal Services	25,000	25,000
All Other	(25,000)	(25,000)
TOTAL	0	0

Provides for the allocation of funds through a transfer from All Other to Personal Services within the federal rail administration program.

**Traffic Service**

Personal Services	300,000
All Other	600,000
Capital Expenditures	100,000
TOTAL	1,000,000

Provides for the allocation of funds for the expanded pavement marking program.

**DEPARTMENT OF TRANSPORTATION TOTAL**

2,000,000	24,055,200
-----------	------------

**SECTION TOTAL ALLOCATIONS**

2,000,000	24,055,200
-----------	------------

**Sec. A-3. Allocations.** There are allocated from Other Special Revenue funds for the fiscal years ending June 30, 2000 and June 30, 2001 to the departments listed the following sums.

1999-00	2000-01
---------	---------

**TRANSPORTATION, DEPARTMENT OF****Highway Maintenance**

All Other	250,000	250,000
Capital Expenditures	500,000	500,000
TOTAL	750,000	750,000

Provides for the allocation of funds for the municipal share of highway maintenance projects.

**Suspense Receivable - Transportation**

All Other	400,000
-----------	---------

Provides for the allocation of funds to continue ongoing services provided to cities, towns and county governments by the Department of Transportation.

**DEPARTMENT OF TRANSPORTATION TOTAL**

750,000	1,150,000
---------	-----------

**SECTION TOTAL ALLOCATIONS**

\$750,000	\$1,150,000
-----------	-------------

**PART B**

**Sec. B-1. Allocations.** There are allocated from the Highway Fund for the fiscal years ending June 30, 2000 and June 30, 2001 to the departments listed the sums identified in the following in order to provide funding for approved reclassifications and range changes.

1999-00	2000-01
---------	---------

**PUBLIC SAFETY, DEPARTMENT OF****Administration - Public Safety**

Personal Services	\$1,922	\$2,316
All Other	(1,922)	(2,316)
TOTAL	0	0

**State Police**

Personal Services	12,996	21,302
All Other	(12,996)	(21,302)
TOTAL	0	0

**DEPARTMENT OF PUBLIC SAFETY TOTAL**

0	0
---	---

**SECRETARY OF STATE, DEPARTMENT OF THE****Administration - Motor Vehicles**

Personal Services	2,342	8,189
All Other	(2,342)	(8,189)
TOTAL	0	0

**DEPARTMENT OF THE SECRETARY OF STATE TOTAL**

0	0
---	---

**TRANSPORTATION, DEPARTMENT OF****Administration and Planning**

Personal Services	25,330	32,650
All Other	(25,330)	(32,650)

TOTAL	0	0
<b>Bridge Maintenance</b>		
Personal Services	4,028	6,982
All Other	(4,028)	(6,982)
TOTAL	0	0
<b>Highway and Bridge Improvement</b>		
Personal Services	33,578	54,055
All Other	(33,578)	(54,055)
TOTAL	0	0
<b>Highway Maintenance</b>		
Personal Services	28,405	40,215
All Other	(28,405)	(40,215)
TOTAL	0	0
<b>Traffic Service</b>		
Personal Services	2,281	2,909
All Other	(2,281)	(2,909)
TOTAL	0	0
<b>DEPARTMENT OF TRANSPORTATION TOTAL</b>	0	0
<b>SECTION TOTAL ALLOCATIONS</b>	0	0

**Sec. B-2. Allocations.** There are allocated from the Federal Expenditures Fund for the fiscal years ending June 30, 2000 and June 30, 2001 to the departments listed the sums identified in the following in order to provide funding for approved reclassifications and range changes.

	1999-00	2000-01
<b>TRANSPORTATION, DEPARTMENT OF</b>		
<b>Highway and Bridge Improvement</b>		
Personal Services	41,040	66,067
All Other	(41,040)	(66,067)
<b>DEPARTMENT OF TRANSPORTATION TOTAL</b>	0	0
<b>SECTION TOTAL ALLOCATIONS</b>	0	0

**Sec. B-3. Allocations.** There are allocated from the Highway Garage Fund for the fiscal years ending June 30, 2000 and June 30, 2001 to the departments listed the sums identified in the following

in order to provide funding for approved reclassifications and range changes.

	1999-00	2000-01
<b>TRANSPORTATION, DEPARTMENT OF</b>		
<b>Motor Transport Service</b>		
Personal Services	8,513	9,841
<b>DEPARTMENT OF TRANSPORTATION TOTAL</b>	8,513	9,841
<b>SECTION TOTAL ALLOCATIONS</b>	\$8,513	\$9,841

## PART C

**Sec. C-1. Arterial program.** In order to sustain and encourage economic activity in the State's rural areas, improvement of the rural arterial highway system to modern design standards is critical. The Department of Transportation is directed to present biennial budgets that would result in the achievement of this objective within the next 10 years.

**Sec. C-2. Transfer authorized.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, for the fiscal years ending June 30, 2000 and June 30, 2001, the Commissioner of Transportation is authorized to transfer by financial order upon the recommendation of the State Budget Officer and approval by the Governor identified Personal Services Highway Fund savings not to exceed \$2,500,000 to the Building Renovations Account. The financial order must identify the specific savings in Personal Services after assuming all costs for that program including collective bargaining costs. The Commissioner of Transportation shall provide a report to the members of the Joint Standing Committee on Transportation detailing the financial adjustments to the Highway Fund.

## PART D

**Sec. D-1. Transfer to Department of Transportation.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the State Controller shall transfer from the unallocated surplus in the Highway Fund at the end of fiscal year 1999-00 after the deduction of all allocations, financial commitments, other designated funds or any other transfers authorized in statute an amount not to exceed \$4,000,000 to the Highway and Bridge Improvement program in the Department of Transportation Highway Fund account.

The Commissioner of Transportation is authorized to request the allotment of these funds, by financial order, within the Highway and Bridge

Improvement program upon recommendation of the State Budget Officer and approval of the Governor for use during fiscal year 2000-01.

Within 30 days of acceptance of the financial order, the Commissioner of Transportation shall provide to the members of the Joint Standing Committee on Transportation a report detailing the financial status of the Highway and Bridge Improvement program and the status of the Highway Fund Surplus account.

## PART E

**Sec. E-1. PL 1997, c. 674, Pt. C, §§2 and 3** are amended to read:

**Sec. C-2. Amended lease-purchase authorized for engineering vehicles or equipment.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Transportation, Highway Fund, is authorized to establish lease-purchase contracts for the procurement of engineering vehicles or equipment. The term of the contracts may not be more than 7 years. The cumulative total principal value of the lease-purchase contracts may not exceed \$10,000,000. The interest rate may not exceed ~~6%~~ 8% and the total interest may not exceed \$2,400,000.

**Sec. C-3. Amended lease-purchase authorized for vehicles or equipment.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Transportation, Motor Transport Service, is authorized to establish lease-purchase contracts for the procurement of vehicles or equipment. The term of the contracts may not be more than 7 years. The cumulative total principal value of the lease-purchase contracts may not exceed \$12,000,000. The interest rate may not exceed ~~6%~~ 8% and total interest costs may not exceed \$2,880,000.

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

Effective April 25, 2000.

---

---

## CHAPTER 738

S.P. 1088 - L.D. 2691

### An Act to Clarify the Law Enforcement Authority of Game Wardens

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

**Whereas,** it is necessary to resolve the issue of enforcement of fish and wildlife conservation laws in order to clarify the rights and responsibilities of the public and game wardens; 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 §7053, sub-§2, ¶D-1,** as amended by PL 1999, c. 317, §1, is repealed.

**Sec. 2. 12 MRSA §7053, sub-§2, ¶D-2,** as enacted by PL 1999, c. 317, §2, is repealed.

**Sec. 3. 12 MRSA §7053, sub-§2, ¶¶D-3 and D-4** are enacted to read:

D-3. If the warden is in uniform and has reasonable and articulable suspicion to believe that a violation of law has taken place or is taking place, stop a motor vehicle or watercraft for the purpose of:

- (1) Arresting the operator for a criminal violation;
- (2) Issuing the appropriate written process for a criminal or civil violation or a traffic infraction; or
- (3) Questioning the operator or occupants;

D-4. In order to protect fish and wildlife:

- (1) If the warden is in uniform, stop a person for the purpose of determining compliance with license, permit, equipment or other requirements or restrictions if the person, at the time of the stop, is:

- (a) Engaged in hunting, fishing or trapping; and
- (b) Not in or on a motor vehicle; and

- (2) Pursuant to policy established by the commissioner, establish checkpoints to stop any type of vehicle and conduct checks to gather statistics concerning hunting, fishing and trapping and to determine compliance with fish and wildlife laws;

**Sec. 4. 12 MRSA §7053, sub-§3,** as enacted by PL 1979, c. 420, §1, is amended to read: