

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

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FIRST REGULAR SESSION
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SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

CHAPTER 174

H.P. 1060 - L.D. 1448

An Act To Clarify the Administration of State-municipal Revenue Sharing

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

Sec. 1. 30-A MRSA §5681, sub-§5, as amended by PL 2003, c. 20, Pt. W, §1, is further amended to read:

5. Transfers to funds. On the last day of each month, the Treasurer of State shall transfer to the Local Government Fund a percentage, as provided in this subsection, of the receipts from the taxes imposed under Title 36, Parts 3 and 8 and credited to the General Fund without any reduction, except that the postage, state cost allocation program and programming costs of administering state-municipal revenue sharing may be paid by the Local Government Fund. Any amounts transferred to the Local Government Fund in excess of the annual growth ceiling must be transferred to the Disproportionate Tax Burden Fund. The percentage transferred to the Local Government Fund on the last day of each month is:

- A. For months beginning before July 1, 2005, 5.1%; and
- B. For months beginning on or after July 1, 2005, 5.2%.

See title page for effective date.

CHAPTER 175

H.P. 1025 - L.D. 1398

An Act To Modify Water Well Reporting Requirements

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

Sec. 1. 12 MRSA §550-B, sub-§1, ¶B, as enacted by PL 1987, c. 509, is repealed.

Sec. 2. 12 MRSA §550-B, sub-§1, ¶C is enacted to read:

C. "Well drilling company" means a person, firm, partnership or corporation that owns or otherwise operates any mechanical equipment used to drill, drive or bore water wells.

Sec. 3. 12 MRSA §550-B, sub-§3, ¶A, as amended by PL 1999, c. 556, §16, is further amended to read:

A. Within ~~480~~ 30 days after completion of any well or dry hole, or the enlarging or deepening of an existing well, a well ~~contractor~~ drilling company shall submit a report to the Bureau of Geology and Natural Areas, on forms designed and provided by the Bureau of Geology and Natural Areas. The report must contain information as may be required by the Bureau of Geology and Natural Areas, including, but not limited to, location, construction and well yield.

Sec. 4. 12 MRSA §550-B, sub-§3, ¶B, as enacted by PL 1987, c. 509, is amended to read:

B. Any well ~~contractor who~~ drilling company that has engaged in the construction of water wells, but who has not submitted well completion reports on a timely basis as required by this chapter, ~~shall be~~ is in violation of this chapter.

Sec. 5. 12 MRSA §550-B, sub-§5, as enacted by PL 1987, c. 509, is amended to read:

5. Penalties. ~~Any person, company, firm, partnership or corporation, who~~ A well drilling company that violates any standard or provision of this chapter, commits a civil violation for which a forfeiture of not more than \$500 may be adjudged. In addition to other civil remedies, the court may issue an injunction.

See title page for effective date.

CHAPTER 176

H.P. 1071 - L.D. 1466

An Act To Relocate the Prohibition of Use of State Government Computer Systems for Political Purposes to the Election Laws

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

Sec. 1. 5 MRSA §1972, sub-§5, as enacted by PL 2001, c. 388, §14, is repealed.

Sec. 2. 5 MRSA §1976, as enacted by PL 2001, c. 388, §14, is amended to read:

§1976. Use of State Government computer system

1. Confidentiality. Computer programs, technical data, logic diagrams and source code related to data processing or telecommunications are confidential and are not public records, as defined in Title 1, section 402, subsection 3, to the extent of the identi-

fied trade secrets. To qualify for confidentiality under this subsection, computer programs, technical data, logic diagrams and source code must:

A. Contain trade secrets, as defined in Title 10, section 1542, subsection 4, held in private ownership; and

B. Have been provided to a state agency by an authorized independent vendor or contractor under an agreement by which:

(1) All trade secrets that can be protected are identified without disclosing the trade secret;

(2) The vendor or contractor retains all intellectual property rights in those trade secrets; and

(3) The state agency agrees to hold and use the programs, data, diagrams or source code without disclosing any identified trade secrets.

2. Public records. Except as provided in subsection 1, any document created or stored on a State Government computer is a public record and must be made available in accordance with Title 1, chapter 13 unless specifically exempted by that chapter.

~~**3. Violation.** A person is guilty of misuse of a State Government computer system if that person knowingly uses a computer system operated by a state department or agency, the Judicial Department or the Legislature:~~

~~A. To prepare materials with the intent to expressly advocate, to those eligible to vote, for the election or defeat of any candidate for a federal office, a constitutional office or any candidate for elective municipal, county or state office, including leadership positions in the Senate and the House of Representatives; or~~

~~B. With the intent to solicit contributions reportable under Title 21-A, chapter 13.~~

~~**4. Penalty.** Misuse of a State Government computer system is a Class C crime.~~

Sec. 3. 21-A MRSA §32, sub-§3 is enacted to read:

3. Class C crime. A person commits a Class C crime if that person misuses a state government computer system. For purposes of this subsection, a person is guilty of misuse of a state government computer system if that person knowingly uses a computer system operated by a state department or agency, the Judicial Department or the Legislature:

A. To prepare materials with the intent to expressly advocate, to those eligible to vote, for the election or defeat of any candidate for a federal office, a constitutional office or elective municipal, county or state office, including leadership positions in the State Senate and the State House of Representatives; or

B. With the intent to solicit contributions reportable under chapter 13.

For purposes of this subsection, "computer system" has the same meaning as in Title 17-A, section 431 and "leadership positions" means the presiding officers of each House of the Legislature, party leaders, the Clerk of the House, the Assistant Clerk of the House, the Secretary of the Senate and the Assistant Secretary of the Senate.

See title page for effective date.

CHAPTER 177

H.P. 1073 - L.D. 1468

An Act To Amend the Civil Service Law with Respect to Classified Employees Who Accept Appointment to the Unclassified Service

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

Sec. 1. 5 MRSA §7064, as amended by PL 1987, c. 402, Pt. B, §10, is further amended to read:

§7064. Filling of positions

Positions in the classified service ~~shall~~ **must** be filled by original appointment, promotion, transfer, reinstatement or demotion in accordance with policies and procedures developed by the director, with advice from the board. These policies and procedures ~~shall~~ **must** provide for the direct hire of positions in the classified service where appropriate.

1. Objective. In developing policies and procedures for filling positions, the director and board ~~shall~~ **must** be guided by the principle of filling each position as efficiently and expeditiously as possible. The director shall strive to fill each position in 30 days and no later than 45 days from the date a request to fill a position has been received from a state agency.

2. Eligibility of unclassified employees for classified service. In addition to any other provisions in this chapter, unclassified employees listed in section 931, subsection 1, paragraph H, and other unclassified employees, except those cited in section 931, subsection 1, paragraphs A to G, and paragraphs I and J, and