

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND EIGHTH LEGISLATURE
AT THE

SECOND REGULAR SESSION

January 4, 1978 to April 6, 1978

FIRST SPECIAL SESSION

(No laws enacted)

September 6, 1978 to September 15, 1978

SECOND SPECIAL SESSION

October 18, 1978

THIRD SPECIAL SESSION

December 6, 1978

PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE 3, SECTION 164, SUBSECTION 6.

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1979

PUBLIC LAWS
OF THE
STATE OF MAINE
AS PASSED AT THE
SECOND REGULAR SESSION
of the
ONE HUNDRED AND EIGHTH LEGISLATURE
January 4, 1978 to April 6, 1978

which transport or have an interest in the transportation of hazardous materials.

Effective July 6, 1978

CHAPTER 623

AN ACT to Clarify the Law Concerning the Posting of Bonds by Electric Companies with the Department of Environmental Protection for Certain Licenses or Permits.

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

38 MRSA § 484, as last amended by PL 1977, c. 374, § 3, is further amended by adding after the 4th paragraph the following new paragraph:

In the event that an electric company or companies file a notification pursuant to section 483 before they are issued a certificate of public convenience and necessity by the Public Utilities Commission, they shall file a bond or, in lieu of that bond, satisfactory evidence of financial capacity to make that reimbursement with the department, payable to the department, in a sum satisfactory to the Commissioner of Environmental Protection and in an amount determined by him not to exceed \$50,000, which bond or evidence of financial capacity shall be conditioned so as to require the applicant to reimburse the department for its cost incurred in processing any application in the event that the applicant does not receive a certificate of public convenience and necessity.

Effective July 6, 1978

CHAPTER 624

AN ACT to Simplify the Procedure for Submission of Certain Small Claims Against the State.

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

Sec. 1. 5 MRSA § 1510, as last amended by PL 1977, c. 591, §§ 1 and 2, is repealed.

Sec. 2. 5 MRSA § 1510-A is enacted to read:

§ 1510-A. Certain claims against the State

1. Claims against state agency. A state agency may hear and decide any claim of \$2,000 or less against it, or any of its agents, except a claim that may be submitted under the Maine Tort Claims Act, Title 14, chapter 741, or under another specific statutory provision. Any agency paying all or part of a claim heard under this subsection shall make payment as soon as practicable from currently available agency funds and, if no funds are then available, from agency funds from the following fiscal year. An agency deciding a claim under this subsection shall make its final decision, and reasons for the decision, in writing and shall, as soon as practicable, send a copy of that decision to the claimant by certified mail.

These claims shall include, but shall not be limited to, claims for damage or injury caused by patients, inmates, prisoners in the care or custody of the Department of Mental Health and Corrections or of any institution administered by a department, by children in the custody of the Department of Human Services and by wild animals.

2. Claims against the State decided by the State Claims Board. A claim under this section may be submitted to the State Claims Board and heard and decided by it, if:

- A. The claim was submitted under subsection 1 to a state agency which refused to hear it;
- B. The claim was submitted under subsection 1 to a state agency and no final decision was made within 90 days of submission; or
- C. The claim cannot be submitted under a specific statutory provision other than subsection 1 because the claimant, as a result of an action or omission of a state agency or state agent, has not complied with time limits contained in that specific statutory provision.

Any payment resulting from a decision of the State Claims Board on a claim submitted to it under this subsection shall be paid as soon as practicable by the state agency or agencies found responsible by the State Claims Board or, if there is no clearly identifiable responsible state agency, the payment shall be paid from the state contingent fund.

3. Appeal from departmental decisions. Any claim disapproved in whole or part by a state agency hearing that claim under subsection 1 may be appealed to the State Claims Board within 30 days from the disapproval or partial disapproval. The State Claims Board shall hear de novo any claim so appealed.

Any payment resulting from a decision of the State Claims Board on a claim submitted to it under this subsection shall be paid by the state agency or agencies found responsible by the State Claims Board or, if there is no clearly identifiable

responsible state agency, the payment shall be paid from the state contingent fund.

4. Appeal from State Claims Board decision. An appeal from the disapproval or partial disapproval of a claim decided by the State Claims Board under subsection 2 or 3 shall be by introduction of a bill into the Legislature.

5. Jurisdiction over claims prior to January 4, 1977. The jurisdiction of the State Claims Board over claims subject to this section includes those claims which have arisen prior to January 4, 1977, unless they have been ruled upon by the Governor and Executive Council or by the Legislature prior to January 4, 1977.

6. Hearings. Hearings on claims submitted under subsection 2 or appeals made under subsection 3 shall be held at a time and place which the State Claims Board shall determine. The chairman shall assign either one or 3 members to hear and determine each claim. Hearings on claims under this section which are properly submitted to the State Claims Board shall be held in accordance with the Maine Administrative Procedure Act, chapter 375. The decision of the board shall include the reasons for the findings.

7. Different procedures. A claim submitted under this section shall not be disapproved solely because a claim based on the same facts was submitted under a different statutory procedure and was disallowed.

8. Rules and regulations; report. The board may adopt rules and regulations to implement this section. The board shall, on or before January 30th of each year, report to the Legislature on all claims filed pursuant to this section.

Effective July 6, 1978

CHAPTER 625

AN ACT Relating to the Funding of Education.

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

Whereas, the voters voted on December 5, 1977, at a state wide referendum, to repeal the uniform property tax provision of the School Finance Act of 1976; and

Whereas, the education of the youth of Maine and providing funds therefor are prime obligations of government and are essential to the preservation of the rights and liberties of the people; and