

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

Twin City Printery
Lewiston, Maine
1987

PUBLIC LAWS

OF THE

STATE OF MAINE

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1979, c. 525, is amended to read:

6. Works of art. "Works of art" mean any of the following original creations of visual art:

- A. ~~Sculpture, including in the round, bas-relief, high relief, mobil fountain, kinetic, electronic, in any material or combination of materials;~~
- B. ~~Painting, all media including portable and permanently affixed works such as murals;~~
- C. Graphic arts, printmaking and drawing;
- D. ~~Mosaics;~~
- E. Photography;
- F. Crafts in clay, fiber and textiles, wood, metal, plastics and other materials; and
- G. ~~Calligraphy; and~~
- H. Mixed media, any combination of forms or media, including collage.

Sec. 7. 27 MRSA §453, sub-§1, as enacted by PL 1979, c. 525, is repealed and the following enacted in its place:

1. Amount; gifts and donations. Any contracting agency, except a school administrative unit, shall expend out of any money appropriated or allocated by the Legislature for the construction of any public building or facility a minimum amount of 1% of the construction of the appropriation or allocation, for the purpose of acquiring, transporting and installing works of art. School units which have decided to participate in the Percent for Art Program shall expend a minimum amount of 1% of the cost of the eligible school construction project or of any building or facility which is part of an eligible project or \$25,000, whichever is less.

Donations and gifts to the contracting agency may be used to offset the minimum amount identified in this subsection. The value of works of art received as a donation or a gift shall be determined by the commission.

Sec. 8. 27 MRSA §458, sub-§§2 and 3, as enacted by PL 1979, c. 525, are amended to read:

2. Standards. Standards for the artist and works of art which may be eligible for selection; ~~and~~

3. Contract procedures. Procedures for contracting with artists for works of art and with architects for services relating to the planning for the acquisition of works of art: ; and

Sec. 9. 27 MRSA §458, sub-§4 is enacted to read:

4. Administrative costs. Administrative costs as-

sociated with the acquisition of works of art which are eligible to be included as part of the amount allocated in section 453, subsection 1.

Sec. 10. 27 MRSA §459, as enacted by PL 1979, c. 525, is amended to read:

§459. Administrative costs

Any Eligible administrative costs incurred by the contracting agency or the architect which are associated with the acquisition of works of art shall be included as part of the amount allocated to section 453, subsection 1, for works of art.

Sec. 11. Sunset. This Act shall sunset 3 years from the effective date of this Act.

Effective September 29, 1987.

CHAPTER 470

H.P. 733 — L.D. 985

AN ACT Creating the St. Croix International Waterway Commission.

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

Sec. 1. 5 MRSA §12004, sub-§8, ¶A, sub-¶(9-A) is enacted to read:

(9-A)	<u>Environment /Natural Resources</u>	<u>St. Croix In- ternational Waterway Commission</u>	<u>Legislative per diem and ex- penses</u>	<u>38 MRSA §991</u>
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Sec. 2. 38 MRSA c. 8 is enacted to read:

CHAPTER 8

ST. CROIX INTERNATIONAL WATERWAY COMMISSION

§991. Findings and purpose

The Legislature finds that the St. Croix River for its entire length, including Grand Lake and Spednick Lake, forms a common international boundary between the United States and Canada; and that the management of the waterway and the use of adjacent lands is of special concern to the State and the Province of New Brunswick.

The Legislature finds that the State shares an important cultural, social and economic heritage with the Province of New Brunswick, that northern and eastern Maine's economies are interdependent with that of the Province of New Brunswick and that careful efforts to promote tourism and development can have shared benefits for citizens of both regions.

The Legislature finds that the St. Croix River was identified as one of the State's most outstanding river stretches in the Department of Conservation's 1982 Maine Rivers Study and is specifically designated for protection in Title 12, section 405.

The Legislature recognizes that industrial use of the river system and adjacent forest land has been the mainstay of the region's economy for generations and that such continued use should be encouraged.

The Legislature finds that the St. Croix River and lakes system provides an outstanding recreational fishery, including fishing opportunities for Atlantic salmon, and that the adjacent lands provide habitat for various species of wildlife, including the bald eagle and osprey.

The Legislature finds that the diverse landscape features and natural resources provide the visitor with opportunities for boating, canoeing, hiking, bird watching, camping, swimming, picnicking, ice fishing, hunting, snowmobiling and cross-country skiing, among other activities; and that the river and forest lands along its shores provide hydropower and the raw materials for a forest products industry offering quality employment opportunities to people of the State.

The Legislature further finds that the thoughtful development of opportunities to appreciate and use these resource features can provide increased development of tourism and employment, while protecting the very resources attracting people to the area; and to shepherd the resources carefully and effectively, while promoting the tourism potential of the area, requires joint planning, development and management of the area by the State and the Province of New Brunswick.

The Legislature further finds that the St. Croix River Joint Advisory Commission, an international commission formed by the Governor of the State and the Premier of the Province of New Brunswick, in July 1986, to study the need for coordinated planning and management of the St. Croix River, recommended, in November 1986, the formation of a permanent 8-member commission, to be known as the St. Croix International Waterway Commission, composed of 4 representatives from Maine and 4 from the Province of New Brunswick, to develop a plan to coordinate planning and management of the uses and resources of the St. Croix Waterway.

In view of the need for coordination of joint planning, development and management of the waterway by the State, the Province of New Brunswick and the affected private interests and the recommendation of the St. Croix River Joint Advisory Commission that Maine participate in a permanent commission, which shall be known as the St. Croix International Waterway Commission, and the fact that the Governor of the State and the Premier of the Province of New Brunswick have signed a Memorandum of Understanding, which is the basis of this chapter and describes the composition, powers, authorities and boundaries of the commission, the participation

of the State on the commission is hereby authorized and the necessary funds to support the State's participation shall be appropriated to the commission.

§992. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Commission. "Commission" means the St. Croix International Waterway Commission.

2. Memorandum of Understanding. "Memorandum of Understanding" means the Memorandum of Understanding Between the State of Maine of the United States and the Province of New Brunswick of Canada Regarding the St. Croix International Waterway, signed by the Governor of the State and the Premier of the Province of New Brunswick in November 1986.

3. Waterway. "Waterway" means the St. Croix River, including the Chiputneticook Lakes.

§993. St. Croix International Waterway boundaries established

The boundaries for the St. Croix International Waterway shall be on the Maine side, commencing 250 feet from the high watermark at the northern end of the bridge over Lewis Cove in Perry, Maine; thence by a straight line in a northeasterly direction toward the easternmost point of Navy Island to the International Boundary; thence in a northerly direction along the International Boundary to the monument on Monument Brook; thence southerly along the United States side of Monument Brook 250 feet from the high watermark continuing southward along Monument Brook to North Lake and southward along the shores of North Lake, The Thoroughfare, Grand Lake, Mud Lake and Spednick Lake; and thence southerly 250 feet above the high watermark along the United States side of the St. Croix River to the place of beginning being 250 feet from the high watermark at the northern end of the bridge over Lewis Cove in Perry, Maine; and shall be established on the New Brunswick side, by the Province of New Brunswick by their own action, commencing 200 feet from the high watermark at the southernmost point of St. Andrews; thence by a straight line in a southerly direction to the easternmost point of Navy Island, also known as St. Andrews Island; thence by a straight line in a southwesterly direction toward the northern end of the bridge over Lewis Cove in Perry, Maine, to the International Boundary; thence in a northerly direction along the International Boundary to the monument on Monument Brook; thence southerly along the Canadian side of Monument Brook 200 feet from the high watermark to the point where the Monument Brook empties into North Lake; thence easterly along the northern shore of North Lake 200 feet above the high watermark to Highway 122; thence easterly along Highway 122 to Canterbury; thence southerly along the Canadian Pacific Railway line to

McAdam; thence westerly along Route 4 to the International Boundary between St. Croix and Vanceboro; thence southerly 200 feet above the high watermark along the Canadian side of St. Croix River and maintaining this 200 feet above the high watermark around Oak Bay and Waweig Bay to the place of beginning being 200 feet from the high watermark at the southernmost point of St. Andrews.

§994. Creation of St. Croix International Waterway Commission

To carry out the purposes of this chapter, there is created the St. Croix International Waterway Commission. The objectives of the commission are, to the extent permitted by the laws of the United States and Canada, to:

1. Encourage wise use. Encourage continued wise use of the river system and adjacent lands for maximum economic benefit of the people of the region;

2. Protect recreational resources. Protect and coordinate the management of an increasingly valuable natural and recreational resource for current and future usage;

3. Encourage back country experience. Encourage and maintain a high quality back country recreational and educational experience for users of the resource;

4. Encourage tourism. Encourage tourism, based on identified themes, with resultant economic benefits to the region;

5. Promote heritage. Protect and promote awareness of human heritage resources, including both Indian and early European;

6. Coordinate shared resource. Ensure coordination in the planning and management of a shared resource;

7. Ensure fair use. Establish the mechanisms and processes to be used to ensure fair representation of all user groups, thereby minimizing conflicts; and

8. Obtain optimal benefits. Obtain optimal benefits from recreational and educational use of the resource, while recognizing the historic and current economic importance of the forest resource, including its management and commercial utilization.

§995. Members and organization

1. Membership; terms; quorum. The commission shall consist of 8 members, of whom 4 shall be appointed by the Premier of the Province of New Brunswick and 4 appointed by the Governor of the State. Initially, 4 of the members shall be appointed for a one-year term and 4 members shall be appointed for 2-year terms, so that members may not all reach the end of their terms at the same time. Thereafter, all members shall be appointed for a term of 2 years and may be eligible for re-

appointment. Representatives of the governments of the United States and Canada shall be invited as observers by the Governor of the State and the Premier of New Brunswick, respectively. Representatives from the governments of the United States and Canada shall not be counted for purposes of determining a quorum. Alternates may be appointed for each member of the commission in the same manner as the members. The commission shall elect 2 co-chairmen, one of Canadian nationality and one of United States nationality from among its members, each of whom shall hold office for a term of 2 years. A quorum shall consist of at least 6 members of the commission or their alternates, including, at all times 3 Canadian and 3 United States members. The commission shall reach its decisions on all issues by consensus. When failing to reach consensus, the commission shall refer the issue for resolution to both the Governor of the State and the Premier of the Province of New Brunswick for their joint consideration.

2. Executive director. The commission shall appoint an executive director. The executive director shall serve as the principal staff to the commission and shall be responsible for preparation of the commission's agendas, meeting minutes, the commission's plans for management of the St. Croix International Waterway, public participation in the planning process, supervision of other commission staff and other duties as the commission may specify. The first executive director of the commission shall be nominated jointly by the State and the Province of New Brunswick and approved by the commission and shall serve for a period of 3 years in an office within a community along the St. Croix River. At the end of this initial 3-year term, the commission shall evaluate the performance of the executive director and submit their evaluation with recommended action to the State and the Province of New Brunswick. The State and the Province of New Brunswick shall each designate a staff person from their respective governments to serve as a principal liaison and facilitator for requests made by the executive director in the conduct of the planning and management efforts for the St. Croix International Waterway Commission.

3. Meetings. The commission shall hold at least 2 meetings every calendar year and shall submit an annual report to the Governor of the State and the Premier of the Province of New Brunswick on or before March 31st of each year, along with an audit statement of the financial operations of the commission. The commission shall permit inspection of its records by the accounting agencies of both governments. The commission may employ both Canadian and United States citizens. Their employment shall be subject to the relevant United States and Canadian laws.

§996. Authority

The commission may, to the extent permitted by the laws of the United States and Canada:

1. Develop plan; cooperation with landowners.

Direct the development of the recreational and resource management plan in cooperation with landowners;

2. Establish committees. Establish working committees to conduct the planning and recommend the management strategies to the commission for the uses and resources of concern;

3. Implement plans. Seek to implement plans, through working agreements established among the line departments of the State, the Province of New Brunswick, where appropriate, and, to the extent possible, the United States Government, the Government of Canada and private landowners;

4. Cooperate. Cooperate with private entrepreneurs and landowners;

5. Provide for involvement and education. Provide a formal channel for public involvement and education on the planning and management efforts; and

6. Encourage adherence to the plan. Encourage that the area is managed according to the adopted plan, in cooperation with all interested parties, until the plan is modified or until enabling legislation is repealed by either the State or the Province of New Brunswick.

§997. Powers

The commission shall, subject to the applicable laws of the governments of the United States and Canada, have all the powers and capacity necessary or appropriate for the purpose of performing its functions, including, but not limited to, the following powers and capacity to:

1. Contract. Enter into contracts;
2. Staff. Appoint staff and fix the terms and conditions of their employment and remuneration;
3. Executive director. Appoint an executive director who shall serve as the principal staff to the commission and who shall be responsible for preparation of the commission's agendas, meeting minutes, the commission plan for management of the St. Croix International Waterway, public participation in the planning process, supervision of staff and other duties as the commission may specify;
4. Property. Acquire and dispose of personal and real property;
5. Joint projects. Cooperate or engage in joint projects with local municipalities or other authorities for the improvement, development or maintenance of property;
6. Budget. Prepare an annual budget that specifies the expenditures that the commission may make in the forthcoming fiscal year; and

7. Funding. Seek appropriations from the State and the Province of New Brunswick and accept funding from the Governments of the United States and Canada to carry out the purposes set out in sections 991 and 994 and to accept donations, bequests or devises intended for furthering the functions of the commission and to use those donations, bequests or devises as may be provided in the terms of the donations, bequests or devises.

§998. Commission operating procedures

1. Shared costs. The State and the Province of New Brunswick shall share the costs of developing and managing the St. Croix International Waterway Commission. To the extent feasible, the commission may seek to enter into arrangements with agencies of Canada and the United States to provide necessary services as the commission may request.

2. Committees. There shall be 4 working committees: Land use; recreation; fisheries and wildlife; and non-recreational uses, established to undertake the planning and to oversee the management of the uses and resources in the waterway area. The committees shall be staffed by personnel from line agencies of the State and the Province of New Brunswick. The working committees may appoint subcommittees as needed.

3. Ex officio members; committee functions; plans. The working committees may invite elected community representatives, representatives from federal agencies, private citizens, members of citizen organizations and representatives from private sector commercial interests to serve on the committee in an ex officio capacity. Each committee shall prepare a preliminary plan designed to optimize the management of the uses or resources for which it has responsibility. These plans shall be submitted to the executive director of the commission who shall work with the committees to resolve conflicts and to integrate the plans into a unified management plan that is in accord with the objectives set forth in section 994 or as may be further spelled out by the commission. The executive director shall solicit public comments on the plan in both the State and the Province of New Brunswick. The executive director shall work with the working committees to revise, if necessary, the plan before presenting it to the commission for final adoption. The commission shall formally adopt the plan by consensus. The commission shall reassess the recreational and resource management plan at least once in every 4 years and shall submit its assessment, with any recommendations, to the State and the Province of New Brunswick.

4. Budget. The commission shall submit annually to the State and the Provincial Government of New Brunswick a budget covering total anticipated expenditures to be financed from all sources and shall conduct its operations in accordance with the budget as approved by the State and the Province of New Brunswick.

5. Regulation and enforcement. Authority to regu-

late development and usage of the water and shorelands of the St. Croix River, Grand Lake and Spednick Lake rests with the State and Provincial Governments, their respective federal governments and, for matters affecting international jurisdiction, the International Joint Commission. In cases where regulatory authority is inadequately defined, the commission shall recommend measures to assure that authority is vested with the appropriate departments and they shall take action to facilitate assumption of the needed authority. It shall be the responsibility of the line departments to enforce regulations in the area. All initiatives from line departments which impact upon the area shall be referred to the appropriate working committee and that committee shall advise the commission if the initiative is consistent with the goals of the adopted plan.

6. Committee powers. The committees shall exercise powers and functions of the commission which are delegated to them by the commission and shall submit, at each meeting of the commission, minutes of their proceedings since the last preceding meeting of the commission. The working committees may appoint subcommittees as needed. The commission may appoint other committees as it considers necessary or desirable for the administration of the adopted plans.

7. Compensation. The commissioners shall receive no remuneration from the commission. They may be paid by the commission a housing and meals per diem and be reimbursed for actual travel expenses incurred in the conduct of the commission business. These amounts shall be determined as provided by Title 3, section 2.

§999. Timetable for completion of commission plan

The commission shall develop a management plan for the St. Croix International Waterway within 18 months of the first meeting of the commission. The necessary management agreements to implement the plan shall be formulated and signed by the participating management agencies prior to commission approval of the plan and shall be considered part of the plan.

§1000. First meeting of commission

The first meeting of the commission shall be called by the Governor of the State and shall be held in Calais, Maine. The Premier of the Province of New Brunswick has agreed, in the Memorandum of Understanding, to designate a person to serve as the temporary chairman of the commission at its first meeting until the commission nominates from among its members and approves by consensus co-chairmen.

§1001. Commission and working committee members, invitees and observers

Members of the commission and its various working committees may include, without limitation, representatives of federal, state and local governmental entities,

state and local conservation groups, local commerce and industry, private citizens and landowners in the waterway area, local fish and wildlife groups and representatives of any other groups with legitimate interests in the management of the waterway.

§1002. Legislative review

The joint standing committee of the Legislature having jurisdiction on audit and program review shall review the commission on or before January 1, 1996, and present its recommendations for amendment or repeal of this chapter to the Legislature.

Sec. 3. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

ST. CROIX INTERNATIONAL WATERWAY COMMISSION

All Other \$39,650

The State shall pay 1/2 of the cost for 2 full-time positions, an executive director and a secretary, All Other and Capital Expenditures, and the Province of New Brunswick shall pay 1/2 of the cost in fiscal year 1989.

Sec. 4. Reciprocity. This Act shall become effective when similar legislation is enacted and becomes effective in the Province of New Brunswick.

Effective September 29, 1987.

CHAPTER 471

H.P. 1199 — L.D. 1634

AN ACT to Amend the Duties of the Commissioner of Labor, and Establish a Maine Human Resource Development Council.

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

Sec. 1. 26 MRSA §1401, first ¶, as amended by PL 1983, c. 650, §3, is further amended to read:

There is created and established the Department of Labor to achieve the most effective utilization of the employment and training resources in the State by developing and maintaining an accountable state employment and training policy, by insuring safe working conditions and protection against loss of income and by enhancing the opportunities of individuals to improve their economic status, to consist of a Commissioner of Labor appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over labor and to confirmation by the Legislature,