

# 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  
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Twin City Printery  
Lewiston, Maine  
1987

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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
FIRST REGULAR SESSION  
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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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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.

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## 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,

to serve at the pleasure of the Governor, and the following as is created and established: The Unemployment Insurance Commission, the Bureau of Employment Security, the Bureau of Labor Standards, the Bureau of Employment and Training Programs, ~~the Maine Job Training Council~~ the Human Resource Development Council, the Private Industry Council staff, the Employment and Training staff and such other advisory, planning and coordinating council staff, and such other advisory, planning and coordinating committees as the commissioner deems necessary to carry out the purposes of the statute law.

Sec. 2. 26 MRSA §1401, sub-§2, ¶F, as repealed and replaced by PL 1983, c. 650, §4, is repealed.

Sec. 3. 26 MRSA §2004, sub-§§1, 3 and 4, as enacted by PL 1983, c. 258, §1, is amended to read:

1. Budget. May review the budgets of grant recipients and make written comments to the recipients, its private industry council, the ~~State Job Training Coordinating Council~~ Human Resource Development Council, the Governor or the legislative committee having jurisdiction over allocation of funds;

3. Plans, policies, standards. Shall review and comment on all plans, policies and standards proposed by any private industry council, the ~~State Job Training Coordinating Council~~ Human Resource Development Council, the Governor or any other agency under the Act before final approval by the responsible agency;

4. Reports. Shall receive all reports prepared by any private industry council, the ~~State Job Training Coordinating Council~~ Human Resource Development Council, the Governor or any other agency in connection with implementation of the Act;

Sec. 4. 26 MRSA §2005 is enacted to read:

§2005. Establishment of the Human Resource Development Council

1. Responsibilities. The Human Resource Development Council shall perform all duties and responsibilities of the ~~State Job Training Coordinating Council~~ as defined in the United States Job Training Partnership Act, Section 122.

2. Purpose. The purpose of the Human Resource Development Council is to enable the implementation of state human resource development goals which include, but are not limited to:

A. Developing a multiagency cooperative approach;

B. Creating greater coordination between economic development and human resource development agencies;

C. Enhancing employment and training services for groups traditionally not part of the economic mainstream;

D. Coordinating with secondary and post-secondary educational systems to improve transition from school to work; and

E. Increasing retraining and upgrading opportunities for the State's workers.

3. Membership. The council shall be composed of 30 members appointed by the following and serving at the pleasure of the appointing authority. Appointments, consistent with the requirements of the United States Job Training Partnership Act, Section 122(a)(2), shall represent the following sectors.

The Governor shall appoint:

A. Ten representatives from the private sector. Those members shall be chief executive officers or executives who hold high-level management positions, including one current member from each existing Private Industry Council who represents the private sector;

B. Six representatives of state bodies. The Commissioner of Labor, the Commissioner of Human Services, the Commissioner of Educational and Cultural Services and the Director of the State Development Office shall also serve as members. The 2 additional members shall each represent the University of Maine System and the Maine Vocational-Technical Institute System;

C. Six representatives from local government. Those representatives shall be nominated by the chief elected officials of their parent units of local government; and

D. Six representatives of various public groups. Those members shall represent the following groups: A community-based organization, a local education agency, a labor organization, the eligible population and 2 representatives of the general public; and

Two representatives of the Legislature shall serve on the council: The Speaker of the House, or his designee; and the President of the Senate, or his designee.

4. Officers. The Governor shall appoint a chairman and vice-chairman from the private sector executive membership of the council to serve for a one-year term. The Governor may reappoint officers.

5. Function and duties of the council. The council shall carry out the following duties:

A. Following the general requirements of the State Human Resource Development Policy, identify, in cooperation with appropriate state agencies and other interested parties such as the Private Industry Council, the employment and training and vocational education needs throughout the State;

B. Shall assess the extent to which employment and training, vocational education, welfare recipient job training, rehabilitation services, public assistance, economic development and other federal, state and local programs represent a consistent, integrated and coordinated approach to the delivery of those services;

C. Based on its assessment of the need for better coordination of the delivery of services listed in paragraph A, recommend to the Governor and Legislature the "Human Resource Development Coordination Criteria" affecting agencies involved with human resource development. This document shall contain the elements of the United States Job Training Partnership Act, Section 121, and shall also contain coordination requirements derived from the State Human Resources Development Policy.

The coordination requirements of the "Human Resource Development Coordination Criteria" shall be communicated to affected state, federal and local agencies through planning instructions issued by the Department of Labor;

D. Review the plans of all state agencies identified in the "Human Resource Development Coordination Criteria."

The council shall advise the Governor and Legislature on these plans and certify the consistency of such plans with the criteria contained in the "Human Resource Development Coordination Criteria."

The council shall also review and comment, annually, on the reports required pursuant to the Carl D. Perkins Vocational Education Act of 1984, Public Law 98-524, Sections 113(b)(9), 113(c)(1) and 114(a)(1), as amended, and review and comment on the state plan developed by the state employment service agency;

E. Recommend to the Governor an annual State Human Resource Development Plan, which shall describe the human resource development services and numbers of participants to be served by all agencies identified in the "Human Resource Development Coordination Criteria;"

F. Review the operation of programs identified in the State Human Resource Development Plan in order to determine the responsiveness, adequacy and coordination of such programs.

The council shall make recommendations to the Governor, the Legislature and other interested entities with respect to ways to improve the effectiveness of such programs;

G. Prepare an annual report to the Governor and Legislature, which shall be a public document and issue such other studies, reports or documents it deems advisable in carrying out the purposes of this section; and

H. Perform the following additional duties:

(1) Recommend to the Governor and Legislature substate service delivery areas;

(2) Recommend resource allocations under the United States Job Training Partnership Act, Titles I and II, that are not subject to the United States Job Training Partnership Act, Sections 202(a);

(3) Develop appropriate relationships with other programs;

(4) Coordinate activities with Private Industry Councils; and

(5) Recommend variations in performance standards. Such recommendations shall be contained in the "Human Resource Development Coordination Criteria."

6. Powers. The council shall have the necessary authority to carry out the purposes of this section.

7. Terms of members. One-third of the initial gubernatorial appointments shall serve for a one-year term and a 2nd 1/3 of the initial gubernatorial appointments shall serve for a 2-year term. The term of the final 1/3 of such gubernatorial appointments shall be 3 years.

Following the initial appointment, the Governor may appoint members to additional 3-year terms. Members shall serve until a successor is appointed. Selection shall be in a manner consistent with that of the original appointment.

Legislative members shall serve for 2-year terms concurrent with legislative session.

8. Committee structure. The council shall create standing committees to address specific problems and issues and whose membership shall consist of up to 12 members, of which 4 shall be noncouncil members, excluding the planning and coordination and executive committees. The noncouncil committee members shall be appointed by the chairman and shall include representatives and clients of the services provided by the various organizations subject to the council's review and shall be sufficient to ensure fair representation of those interests.

9. Meetings. The council shall meet at such times and such places as it deems necessary. The meetings shall be publicly announced and open to the general public.

A majority of members of the council shall constitute a quorum for the transaction of business.

10. Administration. The Department of Labor shall be the fiscal agent for the council. Pursuant to his authority under Title 5, subchapter I, as the Commis-

tioner of Labor may appoint such employees as he deems necessary to carry out the State's responsibility under this section.

The Commissioner of Labor is authorized to promulgate rules, in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, as may be necessary to carry out the State's responsibility under this section.

The council shall establish bylaws for its governance. Such bylaws shall be subject to the Governor's approval.

The council shall replace the Maine Job Training Council on or before July 1, 1987.

11. Compensation. Members of the council shall receive no compensation for their services. Reimbursement of necessary expenditures incurred in the performance of their duties on the council which are allowed by state law shall be administered by the Department of Labor with funds provided by the United States Job Training Partnership Act or other federal or state appropriations made pursuant thereto.

Effective September 29, 1987.

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## CHAPTER 472

S.P. 302 — L.D. 871

### AN ACT to Increase the Threshold for Fuel Tax Licensing.

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

Sec. 1. 29 MRSA §246-A, sub-§2, as amended by PL 1985, c. 409, is repealed and the following enacted in its place:

§246-A. Fuel use identification decal

2. Vehicles requiring a fuel use identification decal. The following vehicles require a fuel use identification decal:

A. All motor vehicles or combination of vehicles propelled by internal combustion engines and registered for a gross weight in excess of 26,000 pounds, regardless of the type of the fuel used;

B. All motor vehicles or combination of vehicles propelled by internal combustion engines with 3 or more axles, regardless of registered weight or type of fuel used; and

C. All other motor vehicles propelled by internal combustion engines designed to carry 20 or more passengers, regardless of the number of axles, registered weight or type of fuel used.

Interstate bus operators shall be required to obtain this decal on the same prorated basis as is used to determine fuel used within the State. The number of buses that the state mileage factor represents of the entire fleet mileage shall be required to display the fuel use identification decal or be issued a certified statement that the appropriate fee has been paid.

Farm vehicles and farm motor trucks subject to a limited inspection, as provided in section 2506, subsection 5, are not required to have a fuel use identification decal pursuant to this section.

Operators of one-way rental vehicle fleets shall be required to obtain the fuel decal on the same basis as is used to determine the number of vehicles registered in this State. The number of one-way vehicles that this registration factor represents of the entire one-way rental fleet shall be required to display the fuel use identification decal.

Sec. 2. 36 MRSA §3202, sub-§9, as repealed and replaced by PL 1983, c. 862, §88, is repealed and the following enacted in its place:

9. User. "User" means any person who is the registered owner of a motor vehicle registered for a gross weight of more than 26,000 pounds, or which has 3 or more axles regardless of registered weight, or which is designed to carry 20 or more passengers, who uses and consumes special fuel within this State in an internal combustion engine for the generation of power to propel a motor vehicle.

Sec. 3. 36 MRSA c. 453, as amended, is repealed.

Sec. 4. Effective date. This Act shall take effect January 1, 1988.

Effective January 1, 1988.

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## CHAPTER 473

H.P. 1135 — L.D. 1545

### AN ACT to Establish a State Cost-share Program for Salt and Sand Storage Facilities.

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

23 MRSA c. 19, sub-c. VII is enacted to read:

SUBCHAPTER VII

SALT AND SAND STORAGE FACILITIES

§1851. State cost-share program for salt and sand storage facilities

The department may administer bond issue funds for