

# 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  
of the  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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## CHAPTER 531

H.P. 826 — L.D. 1117

AN ACT to Provide Funds to Map  
Significant Aquifers.

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

Sec. 1. 22 MRSA c. 601, sub-c. VI is enacted to read:

SUBCHAPTER VITRANSPORT OF WATER§2660. Legislative findings

The Legislature finds that the transport of water for commercial purposes in large quantities away from its natural location constitutes a substantial threat to the health, safety and welfare of persons who live in the vicinity of the water and rely on it for daily needs. If the transportation occurs, persons who relied on the presence of water when establishing residences or commercial establishments may find themselves with inadequate water supplies. In addition, the Legislature finds that the only practicable way in which to prevent the depletion of the water resources is to prohibit the transport of water in large quantities away from the vicinity of its natural location. The purpose of this prohibition is, however, not to prevent the use of such supplies for drinking and other public purposes in the vicinity of the natural location of the water.

§2660-A. Restrictions on transport of water

1. Prohibition. Except as otherwise provided in this section, no person may transport water for commercial purposes by pipeline or other conduit or by tank truck or in a container, greater in size than 10 gallons, beyond the boundaries of the municipality or township in which water is naturally located or any bordering municipality or township.

2. Exceptions. The prohibition in this section does not apply to any water utility as defined under Title 35-A.

3. Appeal. The Commissioner of Human Services, after consultation with the Public Utilities Commission, the State Geologist and the State Planning Office, may authorize transport of water for commercial purposes if the commissioner finds that: Transport of the water will not constitute a threat to public health, safety or welfare; that the water is not available naturally in the location to which it will be transported; and that failure to authorize transport of the water would create a substantial hardship to the potential recipient of the water. Any authorization under this subsection shall be for a period not to exceed 3 years, but may be renewed subject to the same criteria.

4. Emergencies. In case of an emergency, any person may transport water as necessary for the duration of the emergency, but the person transporting the water must inform the commissioner within 3 days and the commissioner may determine when the emergency is over.

5. Penalty. Any person who transports water in violation of this section is guilty of illegal transport of water. Illegal transport of water is a Class D crime. Each shipment or day of transport, if by pipeline, is a separate offense.

**Sec. 2. Appropriation.** The following funds are appropriated from the General Fund to carry out the purposes of the Maine Revised Statutes, Title 38, section 403.

1987-88

CONSERVATION,  
DEPARTMENT OF

Maine Geological Survey

All Other \$30,000

These funds will enable the State to acquire in-kind services to complete the final 2 years of a 7-year comprehensive ground water aquifer program. Funds shall carry forward to June 30, 1989.

Effective September 29, 1987.

## CHAPTER 532

H.P. 1185 — L.D. 1615

AN ACT to Amend the Maine Vocational-  
Technical Institute System Laws.

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

Whereas, according to the provisions of Public Law 1985, chapter 695, the transition of the vocational-technical institutes to the Maine Vocational-Technical Institute System must be completed by June 30, 1987; and

Whereas, although great strides toward the complete transition have been made, the transition cannot be finalized within the established deadline;

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. 20-A MRSA §12701, sub-§7, as enacted by PL 1985, c. 695, §11, is amended to read:

7. Maine Vocational-Technical Institute System Office. "Maine Vocational-Technical Institute ~~Support System~~ Office" means the office of the executive director, together with the offices of supporting staff, as established in section 12710.

Sec. 2. 20-A MRSA §12705, sub-§§1 and 7, as enacted by PL 1985, c. 695, §11, are amended to read:

1. Membership. The board of trustees shall consist of 9 appointed voting members and 2 ex officio, ~~nonvoting~~ voting members as follows:

- A. One from the State Board of Education;
- B. One from the Board of Trustees of the University of Maine System;
- C. Seven from the field of business and industry, the field of labor, the field of education and the general public;
- D. The Commissioner of Educational and Cultural Services, or his successor, who shall serve ex officio; and
- E. The Director of the State Development Office, or his successor, who shall serve ex officio.

7. Quorum. A quorum shall consist of a majority of the members of the board of trustees. No action may be taken without the affirmative vote of ~~5~~ appointed 6 members present and voting.

Sec. 3. 20-A MRSA §12706, sub-§§1, 10 and 19 as enacted by PL 1985, c. 695, §11, are amended to read:

1. Policies. To develop and adopt policies for the operation of the system, the Maine Vocational-Technical Institute ~~Support System~~ Office and the institutes; establish the administrative council; and approve programs and policies recommended by the executive director and the administrative council;

10. Legal affairs. To sue and be sued in its own name. Services of process in any action shall be made by service upon the executive director, either in hand or by leaving a copy of the process at the Maine Vocational-Technical Institute Support System Office;

19. Advisory committees. To appoint or identify advisory committees to advise the board of trustees with respect to vocational and technical education and training policies and programs, to procedures for modifying the programs of the institutes to meet the needs of the State's economy and the changing job market and to the efficient operation of the institutes and the Maine Vocational-Technical Institute Support System Office. These committees may include, but need not be limited to, the Maine Council on Vocational Education, authorized under the United States Carl D. Perkins Vocational Education Act, Section 112, Public Law 98-524, or its successor.

Sec. 4. 20-A MRSA §12709, sub-§§2, 4, 5 and 8, as enacted by PL 1985, c. 695, §11, are amended to read:

2. Maine Vocational-Technical Institute System Office staff appointment. Under procedures and standards developed by the board of trustees, to appoint the staff of the Maine Vocational-Technical Institute Support System Office, including professional and nonprofessional personnel and including, but not limited to, private legal counsel and financial experts;

4. Staff oversight. To oversee the staff of the Maine Vocational-Technical Institute Support System Office and the directors of the institutes;

5. Personnel evaluation. Under policies and standards developed by the board of trustees, to evaluate the performance of the Maine Vocational-Technical Institute Support System Office staff and of the directors of the institutes and to make personnel recommendations to the board of trustees;

8. Accounting system and procedures. To provide for an accounting system and procedures which will reflect and identify all appropriations, allocations, income and revenues and all expenditures of each institute and the Maine Vocational-Technical Institute Support System Office;

Sec. 5. 20-A MRSA §12710, as enacted by PL 1985, c. 695, §11, is amended to read:

§12710. Maine Vocational-Technical Institute System Office

The Maine Vocational-Technical Institute Support System Office shall implement the policies of the board of trustees and shall provide staff and technical assistance to each institute and state-level coordination and leadership to the system.

Sec. 6. 26 MRSA §1022, sub-§1-C, ¶A, as enacted by PL 1985, c. 695, §13, is amended to read:

A. The Board of Trustees of the Maine Vocational-Technical Institute System ~~shall~~ may use the Office of Employee Relations for the purposes of this chapter. ~~This paragraph shall be repealed June 30, 1987.~~

Sec. 7. PL 1985, c. 695, §20, sub-§7, last ¶ is amended to read:

The Department of Personnel shall assist the Board of Trustees of the Maine Vocational-Technical Institute System with the orderly implementation of these provisions, to be completed on or before July 1, ~~1987~~ 1988.

Sec. 8. PL 1985, c. 695, §22, 2nd sentence is repealed and the following enacted in its place:

The organization of the Maine Vocational-Technical Institute System Office shall be accomplished in orderly

stages and shall be completed on or before July 1, 1988. The Joint Standing Committee on Appropriations and Financial Affairs shall review the Maine Vocational-Technical Institute's transition implementation.

**Sec. 9. Carry forward.** The General Fund appropriations for the Maine Vocational-Technical Institute System and individual vocational-technical institutes shall carry forward to fiscal years 1988 and 1989 to be used for the same purposes.

**Sec. 10. Study.** The joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs shall conduct a study to evaluate and determine the cost of implementing the administrative structure of the vocational-technical institute system as a body corporate and politic and a public instrumentality of the State. This study shall include financial and personnel administration. In addition, this study shall evaluate the cost of implementing the administrative structure proposed by the board of trustees following their review of the system.

The committee shall organize a subcommittee to investigate these issues.

The committee members shall receive the legislative per diem rate, as defined in the Maine Revised Statutes, Title 3, section 2. Members shall be reimbursed for expenses upon application to the Executive Director of the Legislative Council.

The committee shall issue a report together with any proposed legislation to the Second Regular Session of the 113th Legislature by February 1, 1988.

**Sec. 11. Funding for fire training and education.** It is the intent of the Legislature that \$123,033 of the funds appropriated to the Board of Trustees of the Maine Vocational-Technical Institute System in fiscal year 1987-88 shall be used for fire training and education.

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

Effective June 30, 1987.

**CHAPTER 533**

S.P. 537 — L.D. 1623

**AN ACT Making Allocations for the Expenditure of Funds Received by the State as a Result of a Federal Court Order in the Stripper Well Overcharge Case.**

**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 will not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of certain state departments will become due and payable immediately; 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. 10 MRSA §962, sub-§2-A is enacted to read:**

2-A. Interest subsidies; grants. Provide interest rate subsidies on commercial loans or grants to businesses and nonprofit organizations;

**Sec. 2. Establishment of fund.** There is established the "Stripper Well Fund" within the Office of Energy Resources. Any funds received by the State from the Federal Government relating to the Stripper Well Oil Overcharge case shall be deposited to the fund. Interest accruing on these funds shall be deposited to the fund to be used for the same purposes.

**Sec. 3. Allocations.** There is allocated from the Stripper Well Fund for fiscal years ending June 30, 1988, and June 30, 1989, to the departments listed, the following sums:

	1987-88	1988-89
<u>ADMINISTRATION, DEPARTMENT OF</u>		
Bureau of Public Improvements Capital Construction, Repair and Improvements Program		
All Other	\$ 455,000	
Provides funds to be used for those projects concerning energy conservation and weatherization repairs to state buildings that are the highest priority on the list of projects submitted to the Joint Standing Committee on Appropriations and Financial Affairs.		
<u>DEPARTMENT OF ADMINISTRATION</u>		
TOTAL	\$ 455,000	
<u>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</u>		
Bureau of Oil and Hazardous Materials Control		
Positions	(2)	(2)
Personal Services	\$ 60,000	\$ 60,000
Provides funds for one Senior Geologist to determine the extent of ground water contamination caused by underground storage tanks which have leaked. Also provides funds for one Environmental		