

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

and the

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

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
1988

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST AND SECOND SPECIAL SESSIONS
and
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

mittee on Marine Resources until March 12th, but which is necessary for the committee to assess accurately the success of the law; and

Whereas, Resolve 1987, chapter 52, created the 9-1-1 Study Commission which was required to submit a report which would aid the Joint Standing Committee on Utilities in drafting legislation to be submitted by January 30, 1988; and

Whereas, the Joint Standing Committee on Utilities, having received an initial report from the 9-1-1 Study Commission which did not include necessary cost information only recently made available to the commission, needs additional time to consider the report and cost information before introducing legislation relating to this important issue; and

Whereas, Resolve 1987, chapter 64, created the Special Commission to Study School Entrance Age and Preschool Services and mandated that the commission report by March 1, 1988; and

Whereas, the Special Commission to Study School Entrance Age and Preschool Services, having met 7 times in 1987 and 1988 and having held 3 public hearings to receive public input as directed by its authorizing legislation, needs additional time to complete its study; and

Whereas, Public Law 1987, chapter 542, created a Commission on the Feasibility of Constructing a Highway to the St. John Valley and mandated that the commission shall report its findings and any necessary legislation by February 15, 1988; and

Whereas, the Commission on the Feasibility of Constructing a Highway to the St. John Valley was charged with an extensive and complex issue with far-reaching economic ramifications, and needs additional time to complete the study and submit its findings and legislation; and

Whereas, the Alcohol and Drug Abuse Planning Committee must have an extension of its statutory annual reporting deadline in order to adequately complete its duties; 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. 12 MRSA §6681, sub-§7, as enacted by PL 1983, c. 838, §6, is amended to read:

7. **Sunset.** This section shall be reviewed by the joint standing committee of the Legislature having jurisdiction over marine resources in the Second Regular Ses-

sion of the 113th Legislature. That committee shall report its findings no later than ~~March~~ April 1, 1988.

Sec. 2. PL 1987, c. 542, §2 is amended to read:

Sec. 2. Feasibility of highway. The commission shall study the feasibility of constructing a 4-lane highway, with controlled access, from the end of the existing Interstate 95 to the St. John Valley. The commission may conduct an impact study if necessary. The commission shall report its findings, together with any necessary legislation, to the Second Regular Session of the 113th Legislature by ~~February~~ March 15, 1988.

Sec. 3. Resolve 1987, chapter 52, 12th ¶ is amended to read:

Report. Resolved: That the commission shall present its findings, together with any recommended legislation on or before December 1, 1987, to the joint standing committee of the Legislature having jurisdiction over public utilities, which shall review the report and submit any recommended legislation to the Second Regular Session of the 113th Legislature, by ~~January 30~~ February 29, 1988; and be it further

Sec. 4. Resolves 1987, chapter 64, section 3, first sentence is amended to read:

That the special commission shall issue its report, including any proposed legislative recommendations, to the Second Regular Session of the 113th Legislature no later than ~~March~~ April 1, 1988.

Sec. 5. Alcohol and Drug Abuse Planning Committee; report extension. Notwithstanding the Maine Revised Statutes, Title 22, section 7132, subsection 2, paragraph A, the annual report by the Alcohol and Drug Abuse Planning Committee shall be submitted to the Legislature by February 29, 1988.

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

Effective February 19, 1988.

CHAPTER 581

H.P. 1680 — L.D. 2309

AN ACT to Remove the Statutory Loan Guarantee Ceiling on the Small Business Mortgage Insurance Program of the Finance Authority of Maine.

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

Whereas, the Small Business Mortgage Insurance Program administered by the Finance Authority of Maine is committed to more than \$9,000,000 of loans to small businesses; and

Whereas, this commitment has been made on the basis of a legislative Act repealing the previous \$4,500,000 ceiling on the program; and

Whereas, the legislative Act was in conflict with another Act during the same legislative session, and the \$4,500,000 ceiling was restored in the errors bill of the First Regular Session of the 113th Legislature; and

Whereas, the reinstatement of the ceiling jeopardizes the financing programs for Maine businesses; 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 §1026-B, sub-§2, ¶¶A and B, as amended by PL 1987, c. 402, Pt. B, §14, are further amended to read:

- A. The original principal amount of mortgage insurance shall not exceed \$500,000; and
- B. The authority may insure no more than 85% of the mortgage payments; ~~and~~ .

Sec. 2. 10 MRSA §1026-B, sub-§2, ¶C, as enacted by PL 1987, c. 402, Pt. B, §14, is repealed.

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

Effective February 19, 1988.

CHAPTER 582

H.P. 35 — L.D. 36

AN ACT to Make Substantive Corrections in the County and Municipal Laws.

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

Whereas, there exist several substantive errors, ambiguities and problems in the local government laws which hinder the ability of local governments in the State to responsibly and effectively address problems of local concern; and

Whereas, a recodification of the local government laws of the State is pending and it is desirable to enact legislation correcting these substantive problems before the recodification is enacted in order to provide a smooth transition under the recodification; 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:

PART A

Sec. 1. 30 MRSA §63, last paragraph, as enacted by PL 1975, c. 423, is amended to read:

~~Every contract between a county and municipalities within the county shall be approved by the Attorney General as to its conformity with this section. Failure of the Attorney General to disapprove such a contract within 30 days of its submission to him for approval shall constitute approval of the contract. After approval, a copy of such contract shall be filed with the clerk of each municipality that is a party thereto and in the office of county commissioners.~~

Sec. 2. 30 MRSA §64, sub-§2, as enacted by PL 1979, c. 403, §2, is amended to read:

2. Employee right to review. ~~The county commissioner shall, on~~ On written request from an employee or former employee, the county official with custody of the records shall provide the employee, former employee or his duly authorized representative with an opportunity to review his personnel file, if the county ~~commissioner~~ official has a personnel file for that employee. These reviews shall take place at the location where the personnel files are maintained and during normal office hours. For the purposes of this subsection, a personnel file shall include, but not be limited to, any formal or informal employee evaluations and reports relating to the employee's character, credit, work habits, compensation and benefits which the county ~~commissioner~~ official has in his possession. The records described in subsection 1, paragraph B, may also be examined by the employee to whom they relate, as provided in this subsection.

Sec. 3. 30 MRSA §1903, as amended by PL 1983, c. 583, §18, is further amended to read:

§1903. Gifts of money or property in trust

A municipality may receive money or other property in trust for any specified ~~municipal, benevolent, religious or educational~~ public purpose. The municipal officers shall serve as trustees unless otherwise specified in the trust instrument.

1. Acceptance or rejection. When the municipal officers receive written notice from a prospective donor or his representative of a proposed trust, they shall submit the matter at the next meeting of the legislative body and shall within 10 days after the meeting send written notice of its acceptance or rejection.