

# 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.

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Twin City Printery  
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1988

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**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

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20. Criminal justice agency. "Criminal justice agency" has the same meaning as in Title 16, section 611, subsection 4.

21. Administration of juvenile criminal justice. "Administration of juvenile criminal justice" has the same meaning as in Title 15, section 3308, subsection 7, paragraph A, subparagraph (2).

Sec. 2. 34-A MRSA §3003, sub-§1, ¶¶B and C, as repealed and replaced by PL 1985, c. 737, Pt. A, §90, are amended to read:

B. To any state agency if necessary to carry out the statutory functions of that agency; and

C. If ordered by a court of record, subject to any limitation in the Maine Rules of Evidence, Rule 503; and

Sec. 3. 34-A MRSA §3003, sub-§1, ¶¶D and E are enacted to read:

D. To any criminal justice agency if necessary to carry out the administration of criminal justice, the administration of juvenile criminal justice or for criminal justice agency employment.

Effective August 4, 1988.

## CHAPTER 634

H.P. 1726 — L.D. 2369

### AN ACT to Eliminate the Requirement that the Deputy Adjutant General and the Director of the Military Bureau be the Same Individual.

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

Sec. 1. 2 MRSA §6, sub-§6, as amended by PL 1983, c. 351, §2, is further amended to read:

6. Range 85. The salaries of the following state officials and employees shall be within salary range 85:

Director of Veterans' Services;

Director of Civil Emergency Preparedness;

Executive Director, Historic Preservation Commission;

Members, Maine Unemployment Insurance Commission; and

~~Deputy Adjutant General (Director of Military Bureau).~~

Director of Military Bureau.

Sec. 2. 5 MRSA §952, sub-§1, ¶A, as enacted by PL 1983, c. 729, §4, is repealed and the following enacted in its place:

A. Director of Military Bureau;

Sec. 3. 37-B MRSA §4, as enacted by PL 1983, c. 460, §3, is repealed and the following enacted in its place:

§4. Directors of bureaus

Each bureau of the department shall have a director. The Director of Military Bureau, the Director of Veterans' Services and the Director of Civil Emergency Preparedness shall each be appointed by the Adjutant General and shall serve at the pleasure of the Adjutant General. None of these directors may hold any other state office for compensation. The Director of Veterans' Services shall be a person who served on active duty in the United States Armed Forces during any federally recognized period of conflict as defined in section 504, subsection 4, paragraph A, subparagraph (3), and a person qualified by experience, training and a demonstrated interest in veterans' services.

Sec. 4. 37-B MRSA §109, as enacted by PL 1983, c. 460, §3, is repealed.

Effective August 4, 1988.

## CHAPTER 635

S.P. 949 — L.D. 2508

### AN ACT Relating to Development Along the St. Croix River.

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

12 MRSA §405-A is enacted to read:

§405-A. St. Croix River

1. Special consideration. In consideration of the special status of the St. Croix River as an international boundary governed in part by the International Joint Commission and the Province of New Brunswick, the Legislature establishes the following provisions.

2. Commercial, industrial or residential development. Except as provided in this subsection, no person may undertake any further commercial, industrial or residential development in the area within 250 feet of the St. Croix River from the Grand Falls flowage to the north end of Wingdam Island. The following activities shall be exempt from these provisions:

A. Development of hydroelectric or other dams, plants and related facilities or improvements subject to the conditions described in subsection 3;

B. A bridge at Vanceboro;

C. A haul road from Grand Falls;

D. Activities and developments related to timber harvesting, mining or extraction of sand and gravel; and

E. Any recreational management activity conducted or approved by the State.

3. New hydroelectric dams. No person may develop new hydroelectric dams on the St. Croix River from Grand Falls to the north end of Wingdam Island without first:

A. Having performed a feasibility study, by a qualified consultant, approved by the Governor to examine the alternative potentials for hydropower development downstream from Grand Falls and having made the findings available to the State for review;

B. Having consulted with the office of the Governor or other agency of the State, designated by the Governor, regarding the feasibility of this downstream development;

C. Having determined that there exists no economically feasible site downstream from Grand Falls; and

D. Having consulted with the St. Croix International Waterway Commission.

If the State disagrees with any of the assumptions, findings or conclusions of the economic feasibility study, the comments of the State shall be considered and responded to by the consultant. These comments and the responses of the consultant shall be noted in the final report of the economic feasibility study.

4. Review. The State Planning Office shall review the status of hydropower development on the St. Croix River and shall report to the joint standing committee of the Legislature having jurisdiction over energy and natural resources by January 1, 1993 and every 5 years thereafter. The report shall include any recommendations for changes in the provisions of this section together with the justification for the changes. If the St. Croix River is included in any legislative Act or regulation which directly or indirectly has as its effect the essential prohibition of construction of new dams or development or redevelopment of existing dams on the St. Croix River, this section shall be repealed on the effective date of that Act or regulation.

Effective August 4, 1988.

## CHAPTER 636

H.P. 1839 — L.D. 2517

### AN ACT to Increase Work Incentive in the Unemployment Insurance Partial Benefit Structure.

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

Sec. 1. 26 MRSA §1191, sub-§3, as repealed and replaced by PL 1985, c. 737, Pt. A, §71, is repealed and the following enacted in its place:

3. Weekly benefit for partial unemployment. Each eligible individual who is partially unemployed in any week shall be paid a partial benefit for that week. The partial benefit shall be equal to the weekly benefit amount less the individual's weekly earnings in excess of \$25. Any amount received from the Federal Government by members of the National Guard and organized reserve, including base pay and allowances or any amounts received as a volunteer fireman or as elected members of the Legislature, shall not be considered wages for the purpose of this subsection.

Sec. 2. Report. The Department of Labor shall report to the joint standing committee of the Legislature having jurisdiction over labor on the effects of increasing the dollar exemption for partial unemployment benefits. This report shall be due by March 15, 1990. It shall include, but not be limited to:

1. The following data for 1987 to 1989:

A. The total number of unemployment insurance recipients;

B. The total number of partial claim recipients identified as job-attached and nonjob-attached to the extent possible; and

C. The unemployment rate;

2. Average earnings of partial benefit recipients;

3. A comparison by state of partial benefit provisions;

4. The over-all annual cost of a \$25-earnings versus a \$10-earnings deduction for partial benefits; and

5. An analysis of the distribution of partial payments by total unemployment weekly benefit amount.

Effective August 4, 1988.

## CHAPTER 637

H.P. 1840 — L.D. 2518

### AN ACT to Amend the Law Concerning Alternate Voting Procedures for School Budget Approval.

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

Whereas, the current language prescribed by law for a School Administrative District to either establish or reconsider an alternative school budget approval voting procedure is ambiguous in that it does not describe the alternatives; and