

# 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  
Lewiston, Maine  
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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federal milk regulations and guidelines and with the provisions of agreements among states relating to the interstate shipment of milk. These permits shall not be transferable with respect to persons or locations or both.

3. Permit granted; requirements; suspension. A permit shall be granted upon the express condition that the permittee shall at all times conduct his operation and maintain his facilities in accordance with the requirements of state law and any rules adopted under this chapter and chapter 609. Any violation which results in a health or safety hazard may lead to suspension of a permit in accordance with Title 5, chapter 375, section 10004 for a period of up to 30 days. A suspension or revocation of a permit for longer than 30 days, or a refusal to renew a permit, shall be in accordance with Title 5, chapter 375, subchapter V.

4. Hearing on suspension of permit. Upon receiving a written request from a person whose permit has been suspended, or who has been given a notice of intent to suspend by the commissioner, the commissioner shall within 72 hours conduct a hearing to ascertain the facts involved in the case and, based upon the evidence presented at that hearing, shall affirm, modify or rescind the suspension or notification of intent to suspend.

5. Exemption. An operator of a commercial dairy farm located outside this State who holds a similar operating permit for that farm from a regulatory agency in another state may be exempted from this permit requirement by the commissioner.

Effective August 4, 1988.

## CHAPTER 701

H.P. 1622 — L.D. 2217

### AN ACT to Facilitate the Collection and Organization of Data for Effective Use in State Government.

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

Sec. 1. 5 MRSA §1892, first ¶, as enacted by PL 1985, c. 785, Pt. A, §78, is amended to read:

The board shall consist of 14 voting members and advisory members appointed as provided in this section. For the purpose of this section, the word "designee" means a person in a major policy-influencing position as defined in chapter 71.

Sec. 2. 5 MRSA §1892, sub-§1, ¶¶H and I, as enacted by PL 1985, c. 785, Pt. A, §78, are amended to read:

H. Two members appointed by the Governor representing the remaining state agencies of State Government; and

I. Two members, appointed by the Governor who are administrators or managers of data processing systems in the private sector;;

Sec. 3. 5 MRSA §1892, sub-§1, ¶¶J, K and L are enacted to read:

J. The Commissioner of Economic and Community Development or the commissioner's designee;

K. The Executive Director of the Maine State Housing Authority or the director's designee; and

L. The Executive Director of the Finance Authority of Maine or the director's designee.

Sec. 4. 5 MRSA §1893, sub-§8, as enacted by PL 1987, c. 534, Pt. A, §§6 and 19, is repealed and the following enacted in its place:

8. Establish information and data exchange procedures. The board shall propose a set of options for an information and data exchange procedure by January 15, 1989, by which information and data as described in paragraph A shall be made available to the Department of Economic and Community Development and the State Planning Office. The Department of Economic and Community Development and the State Planning Office shall use the information for the evaluation, monitoring and forecasting of economic growth, for the promotion of economic and community development and for the monitoring of poverty and economic and social conditions throughout the State. The confidentiality of any information provided to the Department of Economic and Community Development and the State Planning Office pursuant to this subsection shall be maintained.

A. The data and information subject to the exchange procedure shall include:

(1) Employment data, including employment by the Standard Industrial Classification Code and by occupation;

(2) Wage data by the Standard Industrial Classification Code and by occupation;

(3) Income data, including personal and business income;

(4) Housing data, particularly data to measure the extent of the availability of affordable housing for low-income and moderate-income households throughout the State;

(5) Levels of education of the work force;

(6) Enrollments in secondary vocational-regional centers and the Vocational-Technical Institute System;

(7) Enrollments of Maine residents in colleges and universities located inside and outside the State;

- (8) Job training, including participants and types of programs;
- (9) Business financing data;
- (10) General assistance data, including state and municipal assistance;
- (11) Business growth and change, including business expansions, new businesses and business closings;
- (12) Changes in land use from an undeveloped status to a developed status;
- (13) Investments in business in this State which shall be differentiated in accordance with the Standard Industrial Classification Code;
- (14) Business usage of electrical power, differentiated according to Standard Industrial Classification Code standards;
- (15) Data by which employment and unemployment patterns, poverty and low-income patterns and economically distressed communities and regions can be determined; and
- (16) Taxation data maintained by the Bureau of Taxation.

B. In the event that there are any problems with respect to the successful implementation of this subsection, the board shall report these problems to the joint standing committee of the Legislature having jurisdiction over economic development. The board shall cite the agency or agencies which cannot make the information available to fill the needs of the Department of Economic and Community Development and the State Planning Office, any law or rule that prevents or impedes the successful implementation of this subsection and any other reasons for the problems of implementing this subsection.

C. The Department of Economic and Community Development and the State Planning Office shall report to the board and to the joint standing committee of the Legislature having jurisdiction over economic development any problems that prevent or impede the successful implementation of this subsection and the reasons for these problems.

Sec. 5. 5 MRSA §1893, sub-§9 is enacted to read:

9. Report to the Legislature. The board shall annually report its findings and recommendations with respect to the provisions of subsection 8 to the joint standing committee of the Legislature having jurisdiction over economic development by the 3rd Wednesday in January, except as provided in this subsection. In January 1989, the board shall report to the committee an estimated schedule for reporting the information re-

quired by this subsection. This report, at a minimum, shall contain the following:

- A. A description of the data and information that is available;
- B. The format of the data and information, including geographical units, in which the data is collected or organized;
- C. The extent to which the data is available on computer and a description of data that is recorded manually;
- D. The age of the data;
- E. The frequency of maintenance and updating the data;
- F. The extent to which the data can be organized by municipalities;
- G. Alternatives for coordinating the data, including formats and compatibility, and the estimated dates by which these alternatives could be achieved;
- H. The costs of the alternatives described in paragraph G; and
- I. The means by which the users of this information may have ready and easy access to this information.

Effective August 4, 1988.

## CHAPTER 702

H.P. 1557 — L.D. 2121

### AN ACT to Improve the Regulation of Pesticides.

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

Sec. 1. 7 MRSA §625 is enacted to read:

§625. Right-of-way spraying; no-spray agreements

Any public utility or the Department of Transportation, which maintains a right-of-way through a municipality shall offer a no-spray agreement, with reasonable provisions, for the municipality to consider if it desires. Any agreement negotiated may include, but is not limited to, the responsibilities of the parties, the allocation of costs and the rights and remedies of the parties in the event of default and may apply to all or any part of the right-of-way within the municipality. Any agreement reached under this section must be negotiated in good faith, written and signed by all parties. As part of the no-spray agreement, the municipality may either perform the vegetation control work to standards