

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied  
(searchable text may contain some errors and/or omissions)

**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

---

---

tion shall be purchased through the Maine Insurance Advisory Board Department of Administration, Risk Management Division.

Effective August 4, 1988.

## CHAPTER 741

H.P. 1678 — L.D. 2307

### AN ACT to Establish On-Site Day Care at the Capitol Complex.

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

**Sec. 1.** 5 MRSA §1742, sub-§22, as amended by PL 1987, c. 407, §2, is further amended to read:

22. Drug-related seized property. To review and comment on all records provided by the Commissioner of Public Safety relating to the disposition of drug-related seized property pursuant to Title 22, section 2387, subsection 5; and

**Sec. 2.** 5 MRSA §1742, sub-§23, as enacted by PL 1987, c. 407, §3, is amended to read:

23. Inventory of land. To periodically inventory all land owned by any state agency and, together with other state agencies, determine land that is needed by state agencies for other uses and land that is surplus. Prior to offering any land for sale, the commissioner shall review with the Maine State Housing Authority and other state agencies the information derived from the inventory.

A. By February 1, 1988, the commissioner shall provide an initial report on the status of the land inventory to the joint standing committees of the Legislature having jurisdiction over economic development; state and local government; and appropriations and financial affairs.

B. Notwithstanding any other provision of law, the procedure for the distribution of surplus state property for the purpose of this subsection shall take priority over any other procedure for the disbursement of surplus state land.

C. Nothing in this subsection shall be construed to pertain to public reserved lands which are exempt from this subsection; and

**Sec. 3.** 5 MRSA §1742, sub-§24 is enacted to read:

24. Sites for child care programs. To review, in cooperation with the Office of Child Care Coordination in the Department of Human Services, feasible sites for child care programs offered primarily as a service to state employees pursuant to Title 22, section 8307, subsection 2.

**Sec. 4.** 22 MRSA §8307 is enacted to read:

§8307. State employee child care programs

The Office of Child Care Coordination annually shall evaluate the status of state financed or operated child care facilities and programs which are operated primarily as a service for children of state employees, and shall set forth plans for the development of additional facilities. For the purpose of this section, "state employee" includes employees subject to the civil service law, employees defined in Title 5, chapter 71, and legislative employees.

1. Evaluation and report. The Office of Child Care Coordination shall report its findings and recommendations annually to the joint standing committee of the Legislature having jurisdiction over human resources no later than the 3rd Wednesday in January of each first regular session of the Legislature. This report, at a minimum, shall include the following:

A. The number and location of child care sites operated or planned for operation primarily for children of state employees;

B. The number and ages of children at each site;

C. The number and ages of children of state employees on waiting lists for admittance to the programs;

D. The types of activities and programs provided to the children;

E. The budget for each site, including expenditures and income. Income shall be further described to include fees charged and income from other sources. Any deficits shall also be described;

F. Assistance provided for children of low-income state employee households, including sliding scale fees and any other assistance. The number of children for whom this assistance is being provided shall also be included;

G. Any problems encountered in the operation of the child care facilities and programs and the reasons for these problems;

H. The successes that have been realized as a result of this service to state employees, including state employee successes relating directly to the program;

I. The hours of operation of each facility; and

J. Any other information deemed relevant and useful by the Office of Child Care Coordination.

2. Feasibility study of other child care facilities and programs. Prior to the creation of new or additional state financed or operated child care facilities provided

primarily for the benefit of state employees, except the initial facility to be located in the Augusta area, the Office of Child Care Coordination, in cooperation with the Bureau of Public Improvements, shall conduct a feasibility study of the proposed child care facility which shall be located in a state-owned facility or in a facility located conveniently near the workplaces of state employees. This feasibility study, at a minimum, shall include:

A. The location of the site and the reasons justifying the location, including reasons justifying or not justifying using state-owned facilities;

B. An analysis of the benefits and liabilities of contracting with the private sector to provide child care programs under this section;

C. An analysis of the benefits and liabilities of State Government operation of child care programs and facilities for children of state employees;

D. The number and ages of children proposed for the site;

E. The type of assistance to be made available to children of state employees classified as low-income households;

F. The types of activities and programs to be provided, including preschool and after school programs;

G. A time schedule for the commencement of programs at each facility;

H. Sources of income, including fees, if any, for funding each facility; and

I. Any other information deemed important by the Office of Child Care Coordination and the Bureau of Public Improvements.

The report required by this subsection shall be provided to the joint standing committee of the Legislature having jurisdiction over human resources in a timely manner preceeding the selection of the site.

3. Priorities; rulemaking. Any child care facility and programs operated primarily as a service to state employees shall give priority to children of low-income state employee households. Any facilities and programs offered under this section shall also be conveniently located for the use of state employees. The Office of Child Care Coordination shall adopt rules in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, with respect to:

A. Priorities of eligibility for the program;

B. The number of children that each state employee may enroll;

C. A sliding scale of fees for state employee households of different incomes; and

D. A definition of low income.

4. Collective bargaining. It is not the intent of the Legislature in this section to limit or restrict the rights of state employees to bargain collectively as provided in Title 26. Nothing in this section may invalidate or supersede the provisions of a collective bargaining agreement between an employee organization and the State.

Effective August 4, 1988.

## CHAPTER 742

H.P. 1767 — L.D. 2420

### AN ACT to Make Changes in the Laws Concerning Licensed Maine Guides and Related Laws.

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

Whereas, registered Maine guides provide a significant contribution to both tourism and the economy of the State; and

Whereas, the laws relating to registered Maine guides have never been comprehensively reviewed and are in need of updating; and

Whereas, the Commission to Review the Laws Relating to Registered Maine Guides met throughout 1987 to review state policies and laws relating to guides and this legislation embodies their recommendations; and

Whereas, a major portion of the guiding season takes place in the spring and summer months and these requirements should be consistent throughout the season; 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.** 5 MRSA §12004, sub-§10, ¶A, sub-§§23-A and 23-B, are amended to read:

(23-A)	Environ-ment: Nat-ural Re-sources	Advisory Board for the Licens-ing of Guides	Expenses Only \$50 per day	12 MRSA §7901 §7320
(23-B)	Environ-ment: Nat-ural Re-sources	Junior Maine Guides and Trip Leaders' Curriculum Ad-visory Board	Expenses Only	12 MRSA §7902 §7322

**Sec. 2.** 12 MRSA §7001, sub-§13, as amended by PL 1981, c. 414, §2, is further amended to read: