

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

3. Protection guidelines. The commissioner may, by rule, pursuant to Title 5, chapter 375, develop guidelines for the protection of species designated as endangered or threatened under this subchapter.

Sec. 2. 12 MRSA §7755-A is enacted to read:

§7755-A. State and local cooperation

1. Review. A state agency or municipal government shall not permit, license, fund or carry out projects that will:

A. Significantly alter the habitat identified under section 7754, subsection 2 of any species designated as threatened or endangered under this subchapter; or

B. Violate protection guidelines set forth in section 7754, subsection 3.

The commissioner shall make information under section 7754 available to all other state agencies and municipal governments for the purposes of review.

2. Variance. Notwithstanding subsection 1, state agencies and municipal governments may grant a variance from this section provided that:

A. The Commissioner of Inland Fisheries and Wildlife certifies that the proposed action would not pose a significant risk to any population of endangered or threatened species within the State; and

B. A public hearing is held on the proposed action.

3. Pending applications. Notwithstanding Title 1, section 302, applications pending at the time of adoption of habitats and guidelines under section 7754, subsections 2 and 3 shall be governed by these provisions.

Sec. 3. 12 MRSA §7758 is enacted to read:

§7758. Judicial enforcement

1. General. In the event of a violation of this subchapter, any rule adopted pursuant to this subchapter or any license or permit granted under this subchapter, the Attorney General may institute injunctive proceedings to enjoin any further violation, a civil or criminal action, or any appropriate combination of those proceedings without recourse to any other provision of law administered by the Department of Inland Fisheries and Wildlife.

2. Restoration. The court may order restoration of any area, affected by any activity found to be in violation of this subchapter, any rule adopted pursuant to this subchapter or any license or permit granted under this subchapter, to its condition prior to the violation or as near to that condition as possible. When the court finds that the violation was willful, the court shall order restoration under this subchapter, unless the restoration would result in:

A. A threat to public health and safety;

B. Environmental damage; or

C. A substantial injustice.

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1988-89

INLAND FISHERIES AND WILDLIFE,
DEPARTMENT OF

Endangered Species

Positions	(1)
Personal Services	\$28,219
All Other	4,500
Capital Expenditures	800

Total \$33,519

Provides funds for a Biologist I position, rule-making and general operating expenses to accomplish the purposes of this Act.

Effective August 4, 1988.

CHAPTER 801

H.P. 1773 — L.D. 2426

AN ACT to Create the Maine Student Artist Awards Program.

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

Sec. 1. 27 MRSA §408 is enacted to read:

§408. Maine Student Artist Awards Program

The Maine Arts Commission shall establish the Maine Student Artist Awards Program, which shall recognize and honor outstanding achievement in the arts by the State's students. The awards shall be made during Maine Cultural Heritage Week, as established in Title 1, section 118.

1. Eligibility. Any student in good standing at a public or private secondary school within the State shall be eligible to win an award.

2. Categories. Awards may be presented in each of the following categories:

A. Literary art, including:

(1) Poetry and writing;

B. Performing arts, including:

- (1) Dance, including:
 - (a) Ballet, jazz and modern dance;
- (2) Music, including:
 - (a) Classical, contemporary, jazz and folk music; and
- (3) Theater arts, including:
 - (a) Acting, design, directing, mime and puppetry;

C. Traditional arts, including:

- (1) Crafts, humor and music; and

D. Visual art, including:

- (1) Crafts, drawing, media, painting, photography, printmaking and sculpture.

3. Selection procedure. A school may nominate an eligible student for an award in one or more of the categories. The review and selection procedure shall be developed by the commission in conjunction with educators and statewide arts education organizations.

4. Staffing assistance. The Maine Arts Commission shall be responsible for implementing all of the policies and procedures for each award, in conjunction with the office of the Governor and the Commissioner of Educational and Cultural Services.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1988-89
<u>EDUCATIONAL AND CULTURAL SERVICES,</u>	
<u>DEPARTMENT OF</u>	
Arts-Sponsored Program	\$2,500

These funds shall be used to establish the Maine Student Artist Awards Program.

Effective August 4, 1988.

CHAPTER 802

H.P. 1594 — L.D. 2180

AN ACT to Require Supervisory Auditors to Obtain Professional Certification within 3 Years.

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

Sec. 1. 5 MRSA §242, as amended by PL 1985, c. 785, Pt. B, §12, is further amended by adding after the first paragraph a new paragraph to read:

Any person elected to the position of State Auditor or any person permanently employed by the Department of Audit as deputy auditor, director of audits or assistant director of audits must be currently qualified as or have successfully completed or passed the examination for a certified public accountant, public accountant or certified internal auditor. Persons not so qualified may be employed in these audit supervisory positions on a temporary basis not to exceed 9 months.

Sec. 2. Effective date. Section 1 of this Act shall take effect July 1, 1991.

Effective July 1, 1991.

CHAPTER 803

H.P. 1828 — L.D. 2504

AN ACT Relating to School Construction.

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

Sec. 1. 20-A MRSA §15905, sub-§1, ¶A, as repealed and replaced by PL 1985, c. 737, Pt. A, §47, is repealed and the following enacted in its place:

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15603, subsection 8, paragraphs A and D, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

<u>Fiscal year</u>	<u>Maximum Debt Service Limit</u>
1990	\$48,000,000
1991	\$57,000,000
1992	\$63,000,000

Sec. 2. 20-A MRSA §15905, sub-§1, ¶A-1, as amended by PL 1987, c. 402, Pt. A, §132, is repealed and the following enacted in its place:

A-1. Beginning with the second regular session of the Legislature in fiscal year 1990 and every other year thereafter, on or before March 1st, the commissioner shall recommend to the Legislature and the Legislature shall establish maximum debt service limits for the next biennium for which debt service limits have not been set.

Sec. 3. 20-A MRSA §15909, sub-§2, ¶A, as repealed and replaced by PL 1987, c. 402, Pt. A, §133, is amended to read:

A. The amount to be bonded shall be determined as follows. The total cost of the project shall be reduced by: