

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

(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; andD. 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

EDUCATIONAL AND CULTURAL SERVICES,
DEPARTMENT OF

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:

~~(1) The initial state share as defined in section 15914, subsection 3, when the initial state share has been approved for current fiscal year funding;~~

(2) Proceeds from insured losses;

(3) Money from federal sources; and

(4) Other noneducational funds, except gifts and money from federal revenue sharing sources.

Sec. 4. 20-A MRSA §15914, as amended by PL 1985, c. 248, §§11 and 12, is repealed.

Sec. 5. Effective date. This Act shall take effect on July 1, 1989.

Effective July 1, 1989.

CHAPTER 804

H.P. 1592 — L.D. 2178

AN ACT to Ban Disposable Polystyrene Foam Food and Drink Containers from Public Cafeterias.

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

38 MRSA c. 16-A is enacted to read:

CHAPTER 16-A

NONDEGRADABLE FOOD AND BEVERAGE CONTAINERS

§1651. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Consumer. "Consumer" means an individual who purchases or accepts food or beverage for use or consumption.

2. Food service. "Food service" means an individual, sole proprietorship, partnership, association, corporation or agency of the State or a political subdivision of the State that sells, offers to sell, engages in the sale of or engages in the provision of food or beverages to consumers.

3. Political subdivision. "Political subdivision" has the meaning set forth in Title 14, section 8102, subsection 3.

4. State. "State" has the meaning set forth in Title 14, section 8102, subsection 4.

§1652. State and political subdivision facilities and functions

1. Prohibition. A food service providing or serving individual portions of food or a beverage at a facility or function of the State or of a political subdivision shall not provide or serve those portions in or on containers that are composed in whole or in part of polystyrene foam plastic.

2. Schools. A school or school administrative district shall comply with the provisions of this section except that a food service providing such services to satellite facilities at the school or school administrative district serviced by central kitchen facilities not at the same location is exempt.

3. Meals on wheels. A food service funded in whole or in part, directly or indirectly, by the Bureau of Maine's Elderly to provide meals at dispersed locations from central kitchen facilities is exempt.

§1653. Penalty

A violation of this chapter is a civil violation for which a forfeiture of not more than \$100 may be adjudged.

§1654. Effective date

This chapter is effective on January 1, 1990.

Effective January 1, 1990.

CHAPTER 805

H.P. 1727 — L.D. 2370

AN ACT to Establish Guidelines for Genetic Engineering Experimentation.

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

Whereas, the duties assigned to the Commission on Biotechnology and Genetic Engineering are complex; and

Whereas, the Joint Standing Committee on Agriculture desires to agree on a work plan with this commission during the First Regular Session of the 114th Legislature; and

Whereas, this commission must be appointed and confirmed before it can start its work; 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,