

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 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
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
THIRD SPECIAL SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

to be adjusted proportionally for any change in Title 26, section 1043, subsection 2 wages from \$7,000.

Sec. 3. 36 MRSA §5215, sub-§7, as amended by PL 1985, c. 535, §18, is further amended to read:

7. Legislative findings. The Legislature finds the encouragement of the growth of major industry in the State to be in the public interest and for the promotion of the general welfare of the people of the State; and that the use of investment tax credits to encourage industry to make substantial capital investments in the State is necessary to promote the purpose of the Legislature of encouraging the growth of industry; and that the Legislature further finds that the selecting of limits of \$5,000,000 in qualified investment in the State and an increase of a new job credit base of ~~\$1,400,000 for a taxable year~~ 200 new jobs following the investment are reasonable qualifying criteria for the application of an investment tax credit and will best promote substantial capital investment in the State.

Sec. 4. **Effective date.** This Act shall apply to all tax returns for tax years beginning on or after January 1, 1985, notwithstanding prior amendments to the law.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective September 23, 1988.

CHAPTER 881

H.P. 1985 — L.D. 2688

AN ACT to Amend the Maine Student Educational Enhancement Deposit Program.

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

Whereas, college tuition prepayment plans have been adopted by several states as a way to assist parents and others to better plan for the expense of a post-secondary education; and

Whereas, at least one state has implemented its college tuition prepayment plan, providing a model for other states to follow; and

Whereas, the Maine Legislature created the Student Educational Enhancement Deposit Plan, or SEED Plan, to serve as a college tuition prepayment plan for Maine students, their families and others; and

Whereas, the SEED Plan was determined by the Legislature to be an appropriate response to the needs of Maine people for greater preparedness in planning for the cost of post-secondary education; and

Whereas, considerable public attention has been given to the SEED Plan and the promise it offers, through its adoption in 1987, of an alternative funding option for those concerned about the cost of post-secondary education; and

Whereas, the Board of Trustees of the SEED Plan have indicated that the original law as drafted has made it difficult for them fully to develop a prepayment plan that meets the intent of the Legislature; and

Whereas, the Board of Trustees has said it will not take further action unless and until further direction is provided by the Legislature; and

Whereas, the Legislature must clarify its expectations of the Board of Trustees and the Department of Educational and Cultural Services in order to make sure the intent of the original SEED legislation is respected; 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:

20-A MRSA §12611-A is enacted to read:

§12611-A. Amendments; alternative plans

1. Amendments to chapter. If the board determines that amendments to the chapter are necessary in order to enhance the options available to Maine families for affordable and predictable financing of post-secondary education, it may propose the necessary legislation.

2. Alternate plans. The board may develop alternative post-secondary financing plans under the Maine Student Educational Enhancement Deposit Program which are different from the prepaid tuition plan provided in this chapter. Any such alternative plans shall be promulgated in accordance with the Maine Administrative Procedure Act, Title 5, chapter 375 and shall be submitted to the joint standing committee of the Legislature having jurisdiction over education for review.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective September 23, 1988.

CHAPTER 882

S.P. 1023 — L.D. 2679

AN ACT to Modify the Radiation Protection Services Statute for Commercial Nuclear Power Facilities in the State.

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

Whereas, the 90-day period would further delay the hiring of the State Nuclear Safety Inspector; and

Whereas, the annual registration fee which was to pay for radiation monitors mandated by the 113th Legislature is insufficient; and

Whereas, both the hiring of the State Nuclear Safety Inspector and the installation of the radiation monitors necessitate legislative action; 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. 22 MRSA §663, sub-§1, as enacted by PL 1987, c. 519, §1, is repealed and the following enacted in its place:

1. Qualifications. The State Nuclear Safety Inspector shall be an individual knowledgeable in the field of nuclear power production and shall possess, at a minimum:

A. A bachelor's degree in a relevant science and 5 years of related experience;

B. A master's degree in a relevant science and 3 years of related experience; or

C. Any equivalent combination of education and experience.

Sec. 2. 22 MRSA §664, sub-§5, as enacted by PL 1987, c. 519, §1, is amended to read:

5. Fees. Each nuclear power plant licensee whose operations are monitored under this chapter shall pay a fee to the State Nuclear Safety Inspector to the permanent fund established in section 680, subsection 7. The amount of the fee for each licensee shall be calculated by multiplying the total allocation to the Department of Human Services The fee shall take the form of a yearly payment indicated in this subsection for the fiscal year from the fund established in section 680, subsection 7, for the full cost of the on-site inspection program, including the cost to the State for personnel and fringe benefits, by the licensee's proportion of the total electric generating capacity of all licensees subject to this chapter.

The State Nuclear Safety Inspector fee shall be \$80,000 annually.

Sec. 3. 22 MRSA §680, sub-§1, as amended by PL 1985, c. 40, §1, is further amended to read:

1. Nuclear power plants. The annual registration fee for operating nuclear power plants is \$75,000 per year \$310,000 for the fiscal year ending 1989, and \$100,000 thereafter.

Sec. 4. 22 MRSA §680, sub-§2, ¶¶C and D as enacted by PL 1983, c. 345, §§13 and 14, are amended to read:

C. Inspections of registrants or licensees; and

D. Environmental surveillance activities to assess the radiological impact of activities conducted by licensees; and

Sec. 5. 22 MRSA §680, sub-§2, ¶E is enacted to read:

E. Off-site monitoring network activities of licensed nuclear power production facilities conducted pursuant to section 674, subsection 4, paragraph M.

Sec. 6. Allocation. The following funds are allocated from the General Fund to carry out the purposes of this Act:

1988-89

HUMAN SERVICES, DEPARTMENT OF

Bureau of Health

All Other

\$235,000

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective September 23, 1988.

CHAPTER 883

S.P. 1026 — L.D. 2682

AN ACT to Expedite the Allocation of Solid Waste Management Assistance.

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

Whereas, the safe and efficient management of solid waste benefits all citizens of the State; and

Whereas, landfills across the State have been closed because of their adverse environmental impacts; and

Whereas, over 100 municipalities are changing from solid waste disposal systems which rely principally on landfills to disposal systems where the majority of solid waste is incinerated; and