

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

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

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

AN ACT to Allow the Maine Maritime Academy to Award an Associate of Science Degree.

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

Maine Maritime Academy; Associate degree. The Maine Maritime Academy, as established by Private and Special Law 1941, chapter 37, shall have the power to confer the degree of Associate of Science as is usually conferred by like institutions.

Effective September 29, 1987.

CHAPTER 27

S.P. 328 — L.D. 956

AN ACT to Amend the Charter of the Bath Water District.

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

P&SL 1915, c. 197, §13, as amended by P&SL 1955, c. 203, is further amended by adding at the end a new sentence to read:

The district shall make an annual payment to the Town of Woolwich of \$2,500.

Effective September 29, 1987.

CHAPTER 28

H.P. 890 — L.D. 1191

AN ACT to Ensure Timely Adoption of Revised Solid Waste Rules.

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

Whereas, pursuant to Private and Special Law 1985, c. 137, the Legislature has conducted a study of the solid waste management and disposal policies of the State; and

Whereas, pursuant to Public Law 1985, c. 822, the Legislature imposed a moratorium on the licensing of new or expanded commercial landfill facilities; and

Whereas, the landfill moratorium will end 91 days after the adjournment of the First Regular Session of the 113th Legislature; and

Whereas, the study committee has found that certain desirable changes in the solid waste rules of the Department of Environmental Protection regarding the categor-

ization of special wastes, including asbestos and incinerator ash; the siting, design, construction and operation of solid waste landfills; the establishment of financial guarantees for closure and post-closure care; and the storage and disposal of inert fill can be accomplished under the department's existing statutory authority if the department is given sufficient financial resources for the task; and

Whereas, the department does not currently possess the financial resources to complete the desired revisions prior to the expiration of the moratorium; and

Whereas, the result will be contrary to the intent of the Legislature when it enacted the moratorium; and

Whereas, the appropriation provided by this Act for facilitating the rule-making process will not become available until the moratorium expires unless enacted as an emergency measure; 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. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1986-87

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Bureau of Land Quality Control

All Other \$25,000

Provides funds to retain a consultant for the purpose of revising the solid waste management rules in the areas of facility siting, design, construction and operation; the categorization of special wastes, including asbestos and incinerator ash; the establishment of financial guarantees for closure and post-closure care; the storage and disposal of inert fill and other areas as appropriate.

Sec. 2. Carrying clause. Funds appropriated for this purpose shall carry forward to fiscal year 1987-88.

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

Effective May 22, 1987.

CHAPTER 29

H.P. 399 — L.D. 533

AN ACT to Amend and Supplement Certain Powers of Hospital Administrative District No. 1.

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

Whereas, Hospital Administrative District No. 1 was created by law to establish and operate a hospital within a certain geographic area of this State and any amendment to the charter of that hospital district must be made by an Act of the Legislature; and

Whereas, the district's existing legislative authority set forth various requirements with respect to financings undertaken by the district; and

Whereas, particular aspects of these requirements have, in certain cases, delayed and made more costly borrowing on the part of the district for purposes of acquiring certain needed equipment and other needed resources; and

Whereas, allowing the district the additional flexibility for purposes of necessary financing would better enable the hospital to obtain funds on a more timely basis to provide the general population with adequate health care; 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. P&SL 1967, c. 58, §1, as amended by P&SL 1983, c. 92, §2, is repealed and the following enacted in its place:

Sec. 1. Incorporation; purposes. The inhabitants of the territory within the Towns of Mattawamkeag, Howland, Enfield, Burlington, Lowell, Lincoln, Springfield, Lee, Passadumkeag, Chester, Winn and Maxfield, and Seboeis Plantation, Prentiss Plantation and Webster Plantation are constituted and confirmed a body politic and corporate to be known as "Hospital Administrative District No. 1" in order to provide for the health, welfare and public benefit of the inhabitants of the district. The hospital district shall acquire or construct, extend and improve a regional general hospital system, including, but not limited to, acute care facilities, extended care facilities, intermediate care facilities, free standing satellite facilities and facilities designed for utilization as offices by physicians, to be located at a place or places within the district for the care of the inhabitants of the district and those persons outside the district who may require medical care, for the purposes of maintaining and operating a hospital system, including, but not limited to, acute care facilities, extended care facilities, intermediate care facilities, free standing satellite facilities and facilities designed for utilization as offices by physi-

cians, and of generally providing for the health and medical needs of the inhabitants of the district. Without limiting the generality of this section, and subject to applicable provisions, if any, of the Maine Health Care Finance Commission's laws and rules, the district may also establish affiliated organizations, either alone or with others and within or outside the district, including medical centers, health care centers, nursing centers, laboratories, clinics and other medical, surgical or dental facilities, facilities to provide health-related shared services and such other organizations or entities, on a for-profit or nonprofit basis, as the district may consider necessary or desirable from time to time, in order to provide, alone or with others, for the health and medical needs of the inhabitants of the district.

In effectuating any of the purposes of this section or any of the other purposes permitted to be engaged in by the district, the district may, subject to this Act, as amended and supplemented from time to time, acquire real or personal property, or any interest in the property, on either a temporary or long-term basis by gift, purchase, transfer, foreclosure, lease or otherwise, including rights or easements; hold, manage, operate, sell, assign, lease, encumber, mortgage or otherwise dispose of any real or personal property, or any interest in the property, or mortgage interest owned by it under its control, custody or in its possession and release or relinquish any right, title, claim, lien, interest, easement or demand however acquired; apply for and accept from any source grants, loans, advances and contributions of money, property, labor or other things of value, to be held, used and applied for permitted purposes; lease or rent any lands, buildings, structures, facilities or equipment from private parties to effectuate the purposes permitted to be engaged in by the district, including construction agreements, purchase or acquisition agreements, partnership agreements, including limited partnership agreements, joint ventures, participation agreements or agreements with leasing corporations or other financial intermediaries.

Sec. 2. P&SL 1967, c. 58, §2, 2nd ¶, 2nd sentence, as amended by P&SL 1975, c. 106, §2, is repealed and the following enacted in its place:

They shall be responsible for providing, in whole or in part, physical facilities for a hospital system and, where necessary or desirable, physical facilities for affiliated organizations within or outside the district, equipped and staffed to meet needed health-care services for the inhabitants of the district.

Sec. 3. P&SL 1967, c. 58, §5-A, is enacted to read:

5-A. Authority to issue notes limited to portion of operating expenses. In addition to the other powers provided by this Act, the district may, by vote of a majority of its directors and without action by the voters of the district, issue notes of the district to pay expenses of operation, including, but not limited to, capital and other expenditures for projects and services not previ-

ously carried out by the district. Notes issued pursuant to this section shall not exceed at any one time outstanding more than 10% of the district's operating expenses as set forth in its last audited financial statement and shall otherwise be commercially reasonable with respect to the length and terms of financing. The authority set forth in this section is in addition to that provided in sections 3, 5 and 6 of this Act. Notes issued pursuant to this section shall not be included in the limitations or indebtedness set forth in such other sections, and shall not be subject to the procedural requirements of those sections. Where applicable, notes issued pursuant to this section shall be subject to section 4-A.

Sec. 4. P&SL 1967, c. 58, §8, sub-§4, as enacted by P&SL 1967, c. 211, §2, is repealed and the following enacted in its place:

4. Surplus. If any surplus remains at the end of the year, it may be transferred to an account for the purposes of paying the principal or interest on any outstanding obligation or it may be set aside in a surplus account for use by the district for any activity in which the district may engage.

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

Effective May 22, 1987.

CHAPTER 30

H.P. 740 — L.D. 1003

AN ACT to Appropriate Funds to Index Decisions of the Maine Labor Relations Board.

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

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

	<u>1987-88</u>
<u>LABOR, DEPARTMENT OF</u>	
Maine Labor Relations Board	
All Other	\$10,000
Provides funds for the indexing of the Maine Labor Relations Board's decisions. The board shall establish and charge fees to offset the cost of the official index. The fees collected shall be deposited into the General Fund.	

Effective September 29, 1987.

CHAPTER 31

S.P. 202 — L.D. 559

AN ACT Making Unified Appropriations and Allocations for the Expenditures of State Government, Inland Fisheries and Wildlife Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1988 and June 30, 1989.

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 may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; 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. Appropriations and allocations. In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 1988, and June 30, 1989, the following sums as designated in the following tabulations are appropriated or allocated out of any money not otherwise appropriated or allocated.

	<u>1987-88</u>	<u>1988-89</u>
INLAND FISHERIES AND WILDLIFE, DEPARTMENT OF		
Department of Inland Fisheries and Wildlife		
Office of The Commissioner -- Inland Fisheries and Wildlife		
Other Special Revenue		
Positions — Legislative Count	(16.0)	(16.0)
Personal Services	\$ 466,877	\$ 481,856
All Other	425,782	420,085
Capital Expenditures	27,139	914
Total	<u>\$ 919,598</u>	<u>\$ 902,855</u>
Other Participating Funds		
Federal Expenditure Fund		
Personal Services	\$ 63,401	\$ 64,700
All Other	27,952	26,820
Total	<u>\$ 91,353</u>	<u>\$ 91,520</u>

Summary: Office of The Commissioner —
Inland Fisheries and Wildlife