

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

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
THIRD SPECIAL SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

be exercised and performed in accordance with all the applicable provisions of the Maine Revised Statutes, Title 35-A, and all Acts amendatory thereof and additional thereto, to the extent that the Maine Revised Statutes, Title 35-A and the amendments thereto affect the operations of the district.

Sec. 15. Separability clause. If any section or part of a section of this charter shall be held invalid by a court of competent jurisdiction, the holding shall not affect the remainder of this charter, with the intention that the remaining portions of this charter shall stand, notwithstanding the unconstitutionality or invalidity of any section, sentence, clause or phrase.

Sec. 16. Referendum; effective date. This Act shall take effect when approved only for the purpose of permitting its submission to the legal voters of the district at a special election or elections called and held for the purpose. The election shall be called by the municipal officers of the Town of Waterboro and shall be held at the regular voting places; the dates of the elections shall be determined by the municipal officers, but shall not be later than December 1, 1989. These special elections shall be called, advertised and conducted according to the law relating to municipal elections, provided that the board of registration is not required to prepare, nor the town clerk to post, a new list of voters. For this purpose, the board of registration shall be in session on the 3 secular days next preceding the elections, the first and 2nd days to be devoted to registration of voters and the last day to enable the board to verify the corrections of the lists and to complete and close up its records of the session. The town clerk shall reduce the subject matter of this Act to the following question:

"Shall 'AN ACT to Create the Waterboro Water District' passed by the Legislature be accepted?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. This Act shall take effect for all the purposes hereof immediately upon its acceptance by a majority of the legal voters of the district voting at the elections, but only if the total number of votes cast for and against the acceptance of this Act in the special elections equals or exceeds 20% of the total number of names on the checklist of voters of the town provided for in this Act, which checklist shall be used at such elections, but failure of approval by the necessary majority or percentage of voters shall not prevent subsequent elections.

The result of these elections shall be declared by the municipal officers of the town and due certificates thereof filed by the town clerk with the Secretary of State.

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

Effective pending referendum.

CHAPTER 147

H.P. 1969 — L.D. 2666

AN ACT to Amend Project ASPIRE for High School Students in the State.

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

Sec. 1. P&SL 1987, c. 57, §1 is amended to read:

Sec. 1. Project ASPIRE; University of Maine System. There is established Project ASPIRE, to be administered by the Board of Trustees of the University of Maine System, with technical assistance by the Department of Educational and Cultural Services, to raise the aspirations of high school students in the State and to encourage them to pursue post-secondary educational opportunities. Project ASPIRE is a cooperative program between the University of Maine System and school districts which choose to participate. Project ASPIRE allows high school seniors to take regular college courses in their own schools and it may fund other activities consistent with the purposes of this Act.

Sec. 2. P&SL 1987, c. 57, §2, sub-§5 is amended to read:

5. Courses or other activities may be offered during the regular school day or, if determined appropriate by the board of trustees and the local school board, outside of the traditional school day or week.

Sec. 3. P&SL 1987, c. 57, §§3 and 4 are amended to read:

Sec. 3. Implementation and review. Project ASPIRE, created by this Act, shall be implemented by the board of trustees as a pilot project during school years 1987-88 and 1988-89, and 1989-90. The program shall be established at a limited number of public school sites chosen from among those which apply for participation. These sites shall represent a balanced mix of geographical location, school size and current percentage of students going on to post-secondary study. The purpose of the pilot projects is to provide experience on which to base an assessment of the benefits, disadvantages, possible improvements and costs of these programs. In setting up, conducting and evaluating the pilot projects, the board shall give consideration to programs offered outside the traditional school day or week, offering courses through audio-visual and computer network hookups, the issue of recognition and transferability of credits by the university system and the possibility of participation in the university system program by non-high school students. The board of trustees shall conduct a preliminary review of the operation of the pilot projects and report their findings to the Governor and the Joint Standing Committee on Education by April 1, 1988. A final report shall be issued by ~~March 1,~~ December 30, 1989.

Sec. 4. Funding. The cost of participating in the pilot projects to school administrative units, which choose to participate in 1987-88 and , 1988-89, and 1989-90 shall be funded through grants from funds appropriated for this purpose ~~on the same matching basis as the division of state and local shares in the unit's state and local allocation in the previous year.~~ For projects which are continued after ~~1988-89~~ 1989-90, the cost of participation to the school administrative unit may be added to the school unit's subsidized cost under the Maine Revised Statutes, Title 20-A, chapter 606.

Any funds not spent by the end of fiscal year 1988-89 shall be carried over and not lapse until the end of fiscal year 1989-90.

Effective December 16, 1988.

CHAPTER 148

H.P. 1964 — L.D. 2661

AN ACT to Amend the Demonstration Teaching Nursing Home Law.

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

Whereas, it is the intent of the Legislature to immediately establish a teaching nursing home project on a demonstration basis with the Maine Veterans' Home, Inc.; 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:

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

1988-89

HUMAN SERVICES, DEPARTMENT OF

Bureau of Maine's Elderly

All Other (\$200,000)

Deappropriates funds originally appropriated in Public Law 1987, chapter 830 to establish a teaching nursing home project on a demonstration basis with the Maine Veterans' Home, Inc.

MAINE VETERANS' HOME

Demonstration Teaching Nursing Home Project

All Other

\$200,000

These funds shall be used to establish, on a demonstration basis with the Maine Veterans' Home, Inc., a project utilizing the concept of a teaching nursing home as a mechanism to increase the number of health care providers with improved capabilities to deliver geriatric care to the State's elderly population.

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

Effective September 23, 1988.

CHAPTER 149

H.P. 1994 — L.D. 2696

AN ACT to Protect the Environment around the Union Chemical Company Hazardous Waste Site.

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

Whereas, wastes from the Union Chemical Company hazardous waste spill in Hope, Maine, have entered the ground water beneath the site and have flowed into Quiggle Brook, which borders the site; and

Whereas, a moratorium preventing the commercial use of water in Hobbs Pond, Fish Pond or Quiggle Brook, or any other use of water from those bodies that would significantly draw down their water levels, is essential to ensure that any withdrawal does not adversely affect the safety of the people in the area of the Union Chemical Company site; 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. Moratorium established. No water may be taken or withdrawn from Hobbs Pond, Fish Pond or Quiggle Brook, in Hope, Maine for commercial use and no decision on an application to take water from Hobbs Pond, Fish Pond or Quiggle Brook for commercial use may be made before October 31, 1989, notwithstanding any time requirement for processing or making a decision on an application. The Maine Revised Statutes, Title 1, section 302, shall not apply to any application or proceeding, pending or initiated prior to October 31, 1989.

Sec. 2. Exemption. Notwithstanding section 1, the Town of Hope Fire Department may take or withdraw