

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

RESOLVES

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

questions have been arising recently about the regulation of pesticides. There is widespread concern in the agricultural community that increased municipal regulation of pesticides will create an uneven regulatory environment for farmers. Farmers could experience a severe impact because their ability to compete in regional and national markets depends on the use of standard agricultural practices that include the use of pesticides. The Legislature finds that at least one utility and one town have been in conflict over the prohibition of right-of-way spraying by the town's ordinance. The Legislature also finds that some citizens are concerned over the adequacy of state regulation alone and that questions have arisen concerning the adequacy of federal regulation and the appropriateness of more restrictive state regulation; and be it further

Study. Resolved: That the Joint Standing Committee on Agriculture shall study the regulation of pesticides, including any municipal regulation of the labeling, distribution, storage, transportation, use or disposal of pesticides. The study shall focus primarily on the impact of municipal regulation on agricultural use of pesticides, with some attention on impacts to right-of-way spraying and other uses of pesticides; and be it further

Report. Resolved: That the Joint Standing Committee on Agriculture shall report the findings and recommendations of the study to the Second Regular Session of the 113th Legislature by January 5, 1988, together with any recommended legislation. The report shall include: A review of the various ongoing studies of pesticide regulation; a descriptive survey of the present status of pesticide regulation, including the relationship between the responsibilities of the Federal Government, the various state agencies and the municipalities; and a discussion of the legal, economic, environmental and social welfare impacts of the municipal regulation of pesticides and a description of policies and methods capable of protecting the interests of citizens, municipalities, farmers and other users of pesticides, including, but not limited to, model guidelines for municipal regulation and, if appropriate, legislation clarifying state and municipal roles; and be it further

Participation and staff assistance. Resolved: That participation and input will be requested from interested groups, including the Board of Pesticides Control, the Maine Municipal Association, the Maine Farm Bureau Association and other agricultural organizations, the Natural Resources Council, Central Maine Power Company and any other interested parties. Staff assistance shall be requested from the Legislative Council; and be it further

Compensation. Resolved: That the Legislators conducting the study shall receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance and shall receive reimbursement for expenses upon application to the Executive Director of the Legislative Council; and be it further

Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

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Study Commission — Funding

| | |
|-------------------|---------|
| Personal Services | \$2,640 |
| All Other | 4,000 |
| | . |
| Total | \$6,640 |

Provides funds for the study by the Joint Standing Committee on Agriculture, including legislative per diem, travel and related expenses, notification of public hearing and printing of the final report.

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

Effective June 26, 1987.

CHAPTER 51

S.P. 634 — L.D. 1856

Resolve, to Develop a Plan for the Administration of Workers' Compensation Claims of State Employees.

Workers' compensation claims' plan. Resolved: That the Commissioner of Administration shall develop a plan to transfer responsibility for administration of all workers' compensation claims filed against the State to the department. The plan shall include a requirement that the department include in its budget request a line item identified as workers' compensation; and be it further

Report to the Legislature. Resolved: That the Commissioner of Administration shall report the plan, findings and recommendations and any necessary implementing legislation to the Joint Standing Committee on Appropriations and Financial Affairs no later than January 6, 1988.

Effective September 29, 1987.

CHAPTER 52

H.P. 1359 — L.D. 1861

Resolve, to Reconstitute the 9-1-1 Study Commission.

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

Whereas, the 9-1-1 Study Commission created by statute in 1986 has made its report and been dissolved on June 1st; and

Whereas, that commission found a clear need that all citizens of the State be able to rapidly summon help in an emergency and that a uniform statewide system using 9-1-1 would make that easier; and

Whereas, that commission also found that there are several barriers to immediate adoption of a statewide 9-1-1 system, including the fact that municipal boundaries do not coincide with telephone boundaries, the existence of multiple emergency service agencies in a community, the low population density in rural areas and the cost of installation and operation of the system; and

Whereas, that commission recommended that the State regulate basic 9-1-1, and that state legislation provide for selective routing to be provided statewide; and

Whereas, that study concluded by recommending implementation of basic 9-1-1 in rural areas where telephone boundaries and community boundaries coincide and implementation of enhanced 9-1-1 in the heavily populated counties of Maine, but with local approval of special features; and

Whereas, the members of that study commission have recommended that study of the issue be continued, with the goal of introducing implementing legislation in the Second Regular Session of the 113th Legislature; 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

Commission created and charged. Resolved: That a 9-1-1 Study Commission is reconstituted to study the issues relating to implementation of a 9-1-1 emergency telephone service statewide. This commission is a successor to the commission established by the Private and Special Law of 1985, chapter 114, and extended by the Private and Special Law of 1987, chapter 5. This commission shall review the findings and recommendations of the previous commission, shall consider the economic and technical problems involved in implementing 9-1-1, including such factors as the cost, the allocation of cost, safety and other benefits, the need for selective routing and the choice of enhanced or basic 9-1-1 service, appropriate timetables for installation and the special needs of rural and urban areas, and shall make findings and recommendations concerning the appropriate state policy with respect to 9-1-1 and mechanisms for funding and implementing that policy; and be it further

Appointment. Resolved: That the commission shall consist of 9 members, appointed in the following manner: One Senator, appointed by the President of the Senate; 2 members of the House of Representatives appointed

by the Speaker of the House; one member from the staff of the Public Utilities Commission, designated by that commission; the Commissioner of Public Safety; and the Public Advocate or their designees; and 3 members appointed by the Governor, including a member representing the Maine Municipal Association, a member representing a telephone utility providing local service and a member representing the previous 9-1-1 commission. Appointments shall be made by July 15, 1987, and each person required to make an appointment or designation shall inform the President of the Senate, the Speaker of the House, the Executive Director of the Legislative Council and the Governor upon making those appointments; and be it further

Convening of commission. Resolved: That when the appointment of all commission members is completed, but in no event later than August 1, 1987, the chairman of the study commission shall call the commission together for its first meeting. The member from the Public Utilities Commission shall be the chairman; and be it further

Report. Resolved: That the commission shall present its findings, together with any recommended legislation on or before December 1, 1987, to the joint standing committee of the Legislature having jurisdiction over public utilities, which shall review the report and submit any recommended legislation to the Second Regular Session of the 113th Legislature, by January 30, 1988; and be it further

Assistance. Resolved: That staff assistance to the 9-1-1 study commission shall be provided by the Public Utilities Commission with assistance from the Department of Public Safety and the Public Advocate; and be it further

Compensation. Resolved: That the members of the commission who are Legislators, and the member representing the previous commission shall receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at commission meetings. All members of the commission shall receive reimbursement for expenses; and be it further

Assessment. Resolved: That every telephone utility providing local service, with intrastate gross annual operating revenues exceeding \$50,000,000, shall be subject to a special assessment to produce no more than a total of \$10,000 for the conduct of this study. The assessment shall be assessed by the Public Utilities Commission and shall be due on July 15, 1987. The assessment charged to utilities under this section is a just and reasonable operating cost for rate-making purposes. All money collected under this provision shall be paid to the Treasurer of State and deposited in a separate account in the Public Utilities Commission Reimbursement Fund. Any expended funds remaining in that account on July 1, 1988, shall be returned proportionately to any utility assessed; and be it further

Allocation. Resolved: That the following funds are allocated from the Public Utilities Commission Reimbursement Fund to carry out the purposes of this resolve:

1987-88

PUBLIC UTILITIES COMMISSION

| | |
|------------------------|----------------|
| 9-1-1 Study Commission | |
| Personal Services | \$ 380 |
| All Other | 6,415 |
| Total | <u>\$6,745</u> |

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| | |
|------------------------|----------------|
| 9-1-1 Study Commission | |
| Personal Services | \$1,705 |
| All Other | 1,550 |
| Total | <u>\$3,255</u> |

These allocations are to provide for per diem and expenses for the 9-1-1 Study Commission.

TOTAL ALLOCATIONS \$10,000

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

Effective June 26, 1987.

CHAPTER 53

S.P. 187 — L.D. 514

Resolve, to Continue the Commission to Study the Integration of the Maine State Retirement System with the United States Social Security System.

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

Whereas, the Joint Select Commission to Study the Integration of the Maine State Retirement System with the United States Social Security System completed its review of the similarities and differences between the 2 systems, developed a model to compare the pension benefits under both systems and submitted a report on its findings to the Governor and the 113th Legislature; and

Whereas, the new federal income tax law will affect the manner in which employer pension plans can be established and the regulations governing these plans will be developed early this year; and

Whereas, litigation establishing whether Maine State Retirement System benefits are negotiable items under contract negotiations between state employees and their employer will be decided this year; and

Whereas, the next step is to work with the actuary from the Maine State Retirement System to develop specific options for an integrated plan; and

Whereas, the commission's work to develop plans should be started in late winter or early spring of this year; 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

Integration of the Maine State Retirement System and the United States Social Security System. Resolved: That it appears likely that the Federal Government will expand mandatory coverage of Medicare and Social Security benefits beyond Medicare for newly hired public employees in the coming years; and be it further

Development of a supplementary plan. Resolved: That prior to any mandatory requirement by the Federal Government that all public employees be covered under Social Security, the State should develop an actuarially-sound plan which would provide a Maine State Retirement System plan which would supplement, and not duplicate, Social Security benefits; and be it further

Continuation of the Joint Select Commission to Study the Integration of the Maine State Retirement System with the United States Social Security System continued; expenses. Resolved: That the commission established in compliance with Resolve 1985, chapter 88, shall be continued. The members of the commission shall be paid reasonable expenses and a per diem equal to the legislative per diem; and be it further

Report. Resolved: That this commission shall prepare and present a report to the Governor and the Legislature no later than December 1, 1987. This report shall include, but not be limited to:

1. A description of the principles upon which the integrated plan shall be based, including the specific benefits for retirement, disability and survivors' pensions;

2. A comparative analysis of how employees with a variety of state and private sector employment patterns will benefit under the integrated versus existing benefit packages; and

3. A projected cost of the new plan for participating district employees, teachers and state employees; and be it further

Staff support. Resolved: That the State Planning Office and the Maine State Retirement System shall provide technical assistance in developing an integrated plan. The commission may request staff assistance from the Legislative Council to carry out and coordinate the analysis and to assist the commission; and be it further

Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.