

# 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.

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Twin City Printery  
Lewiston, Maine  
1989

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**RESOLVES**

OF THE

**STATE OF MAINE**

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

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**Established. Resolved:** That there is established the Joint Select Committee to Study the Costs of Providing Benefits and Compensation under the Workers' Compensation Act; and be it further

**Duties. Resolved:** That the committee shall study the costs of providing benefits and compensation under the Workers' Compensation Act and the relationship of these costs to the incidence rate and severity of workplace injuries in the State, the benefit structure and administrative implementation of the Workers' Compensation Act, incentives to employers to implement safety measures under the insurance laws and any other factors which may influence the costs of providing benefits and compensation. The committee shall meet no more than 10 times and all members of the Joint Standing Committee on Labor and the Joint Standing Committee on Banking and Insurance shall meet once; and be it further

**Committee. Resolved:** That the committee shall consist of 3 members from the Joint Standing Committee on Labor and 3 members from the Joint Standing Committee on Banking and Insurance. The President of the Senate shall appoint one Senator from the Joint Standing Committee on Labor and one Senator from the Joint Standing Committee on Banking and Insurance and the Speaker of the House shall appoint 2 Representatives from the Joint Standing Committee on Labor and 2 Representatives from the Joint Standing Committee on Banking and Insurance. The President of the Senate and the Speaker of the House shall be ex officio members of the committee. The appointing authorities shall make the appointments within 30 days following passage of this resolve and shall notify the Legislative Council in writing of their selections. The Chairman of the Legislative Council shall call the first meeting of the committee and the committee shall select a chairman from among its members; and be it further

**Findings. Resolved:** That the committee shall present its findings, together with any necessary recommended legislation, to the Second Regular Session of the 113th Legislature; and be it further

**Compensation. Resolved:** That legislative members of the committee shall receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2, for days of attendance at committee meetings. If the committee meets on a day when the Legislature is in session, legislative members shall receive only one legislative per diem on that day, but may be reimbursed for all necessary expenses upon application to the Executive Director of the Legislative Council; and be it further

**Staff assistance. Resolved:** That the commission may request staff assistance from the Legislative Council. All agencies and departments of State Government, including the Workers' Compensation Commission, the Bureau of Labor Standards, the Commission on Safety in the Maine Workplace and the Bureau of Insurance, shall cooperate with the committee and shall expeditiously

provide the committee with the information and materials that it needs to carry out the purposes of this resolve.

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

1987-88

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Joint Select Committee to Study the Costs of Providing Benefits and Compensation under the Workers' Compensation Act.

Personal Services	\$4,400
All Other	6,500

Provides funds for the per diem, travel and miscellaneous expenses of the Joint Select Committee to Study the Costs of Providing Benefits and Compensation under the Workers' Compensation Act.

Total	<u>\$10,900</u>
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Effective September 29, 1987.

**CHAPTER 62**

H.P. 1176 — L.D. 1602

**Resolve, Reestablishing the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons.**

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

Whereas, this commission must be reestablished as soon as possible to prevent any delay in completing its report and to avoid the necessity of reappointing the current members; 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 established. Resolved:** That there is established the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons. The commission shall examine the entire range of services provided to disabled persons in this State, explore possible new opportunities to promote independent living by disabled persons and, based upon its findings, establish priorities and recommendations for legislative action with particular attention to the following areas:

1. How independent living opportunities for disabled citizens can be expanded and enhanced at little or no cost to taxpayers;

2. How financial resources currently available to the State for providing services to disabled persons may be redistributed so that programs which foster self-determination, independent living and economic productivity can be maximized, as well as become more flexible to meet changing individual needs;

3. How combined private and public sector initiatives can stimulate economic development through the creation of independent living opportunities that focus on removing financial disincentives to disabled citizens in this State and thus reduce long-term tax-supported dependency; and

4. How the various roles of State Government, private rehabilitation service agencies and client advocacy groups can be defined, enhanced and modified to provide the most appropriate service without duplication or conflict and to develop a true partnership; and be it further

**Members. Resolved:** That the commission shall consist of 15 members, a majority of whom are to be disabled persons. The Speaker of the House shall appoint one member of the House of Representatives and the President of the Senate shall appoint one member of the Senate; the Governor shall appoint one person representing the Department of Human Services, one person representing the Department of Mental Health and Mental Retardation and one person representing the Department of Educational and Cultural Services; the Speaker of the House and the President of the Senate jointly shall appoint 10 disabled persons who are broadly representative of the State's disabled population with particular consideration given to differing disabilities, ages and geography. Eight of the 10 disabled appointees shall be consumers of disability services or representatives of consumers' groups, rather than providers of those services. All members of the commission shall be appointed within 30 days of the effective date of this resolve. Each person required to make an appointment or appointments under this resolve shall inform the President of the Senate, the Speaker of the House, the Executive Director of the Legislative Council and the Governor upon making the appointment or appointments; and be it further

**Meetings, reports. Resolved:** That the commission shall meet as a committee or as subcommittees as necessary to complete the work of the commission. When the appointment of all commission members is complete, the chairman of the Legislative Council shall convene the first meeting within 45 days of the effective date of this resolve. At its first meeting, the commission shall select a chairman from among its members. The commission shall examine data from Maine and other states, use consultants and recognized experts as appropriate, conduct public hearings and prepare a report which shall be distributed throughout the State and submitted, together

with any accompanying legislation, to the Second Regular Session of the 113th Legislature by January 6, 1988; and be it further

**Assistance. Resolved:** That, if staff assistance is desired, assistance shall be requested from the Legislative Council; and be it further

**Compensation. Resolved:** That the members of the commission who are Legislators 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 upon application to the Executive Director of the Legislative Council; and be it further

**Appropriation. Resolved:** That the sum of \$3,000 be appropriated from the General Fund to the Legislative Account in fiscal year 1987 for the Maine Commission on the Role of State Government in Providing Independent Living Opportunities and Services to Disabled Persons to carry out the purposes of this resolve.

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

Effective June 29, 1987.

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## CHAPTER 63

H.P. 1115 — L.D. 1509

### Resolve, Establishing the Special Commission to Study the Use of State Valuation in Allocation of State Funding Among Municipalities.

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

Whereas, land values are increasing at a very fast rate in some parts of the State, thereby increasing the state valuation of the areas; and

Whereas, increased state valuation results in a lower share of state funds allocated to the areas; and

Whereas, funds are allocated on the basis of state valuation and not the municipality's ability to pay; and

Whereas, the increased valuation and reduced funds often lead to the necessity of increasing taxes to make up the loss of state funds; and

Whereas, for these and other reasons, the method of allocating state funds among municipalities needs to be studied and adjusted to correct unfairness and inefficiencies as soon as possible; and