

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
SECOND REGULAR SESSION
of the
ONE HUNDRED AND THIRTEENTH LEGISLATURE
1987

Compensation. Resolved: All nonagency members of the commission shall receive reimbursement for expenses upon application to the Legislative Council; and be it further

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

Study. Resolved: That the commission shall study boating safety issues, including a study of safety equipment and the prevention of watercraft accidents; issues concerning the operation of watercraft, including all watercraft vehicles that are currently regulated; and problems with other use conflicts, including fishing and water-related recreational activities. The commission shall also study the statutory provisions regarding operating boats in a dangerous or reckless manner, at an imprudent speed or while under the influence of intoxicating liquors or drugs to ensure that these provisions are adequate and up to date. In addition, the commission shall propose statutory changes needed to properly enforce the statutes that concern boats and boating and to provide protection to public, private and wildlife concerns; and shall study compliance with any federal regulations relating to boating safety; and be it further

Report. Resolved: That the commission shall submit its report, together with any necessary implementing legislation, to the 113th Legislature by December 1, 1988.

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

	<u>1987-88</u>
<u>LEGISLATURE</u>	
Special Commission on Boating	
All Other	\$5,100
Provides expenses for commission members; 4 meetings, including 2 public hearings; and a final report.	

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

Effective April 28, 1988.

CHAPTER 112

H.P. 1741 — L.D. 2387

RESOLVE, Creating the Commission on Marine Research.

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

Whereas, a clean healthy environment, an improved understanding of our marine resources and optimal use of our marine resources are essential to the future prosperity and quality of life in Maine; and

Whereas, Maine should be prepared to take maximum advantage of the increasing federal interest in and support for marine research; and

Whereas, there are several federal, state and private institutions currently doing research on and in Maine waters; and

Whereas, the Legislature believes there is no clear accounting of how much overlap or cooperation exists between these institutions; and

Whereas, the Legislature desires that the talents and limited research dollars available to the State should be efficiently directed towards the needs of the State; 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

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

	<u>1988-89</u>
<u>LEGISLATURE</u>	
Study Commission — Funding	
Personal Services	\$1,650
All Other	4,150
Total	<u>\$5,800</u>
Provides funds for per diem and other related expenses for a legislative study on marine research.	

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

Effective April 28, 1988.

CHAPTER 113

H.P. 1794 — L.D. 2458

RESOLVE, Regarding the Study of Low-Level Radioactive Waste in the Town of Greenbush.

University of Maine System and Greenbush to study. **Resolved:** That the University of Maine System and the Town of Greenbush shall jointly retain a consultant to study the former University of Maine System low-level radioactive waste disposal site on Department of Conservation land in the Town of Greenbush. The University of Maine System and the town may seek the advice of the State Geologist and the Department of Environmental Protection in reviewing the consultant's report. The University of Maine System shall pay all costs associated with the study. The study shall include the following elements:

1. An assessment of the adequacy of the existing ground water monitoring system and past sampling programs. This assessment will determine the need for an expanded monitoring well system and the preparation of a 5-year monitoring program to assess impacts on ground water quality;
2. An evaluation of the effectiveness of past remedial actions taken at the site, including the existing sand and plastic cap on the site, to limit long-term impacts on ground water quality;
3. An evaluation of the health and environmental risks of removing the radioactive waste materials and other hazardous materials to an approved disposal site; and
4. The preparation of a permanent closure plan for the site which meets all federal and state requirements for the closure of low-level radioactive waste disposal sites; and be it further

Report. Resolved: That the University and the Town shall issue a report on the findings to the Joint Standing Committee of the Legislature on Energy and Natural Resources by January 15, 1989; and be it further

Future fiscal responsibility. Resolved: That the University of Maine System shall incorporate the funds necessary to implement the recommended actions in its budget proposal to the Legislature for fiscal year 1990 and beyond.

Effective August 4, 1988.

CHAPTER 114

S.P. 791 — L.D. 2079

RESOLVE, to Create a Day Care Demonstration Project as an Employment Incentive to Help Address the Nursing Shortage.

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 State is currently experiencing an alarming shortage of nursing staff; and

Whereas, the provision of low-cost, on-site day care programs at health facilities will create an incentive for the recruitment of nursing staff for these health care facilities; 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

Day care demonstration project. Resolved: That a day care demonstration project shall be conducted that will provide day care services to the employees of a hospital of the State for a period of one year from the effective date of this resolve. The project shall include 7-day-a-week coverage and a sick child area. Selection of the hospital to operate the program shall be made on a request-for-proposal basis. Disproportionate share hospitals, as defined by the Department of Human Services, are not eligible.

Results of this project. Resolved: That results of this project shall be made available, in a final report to be submitted to the First Regular Session of the 114th Legislature by February 1, 1989. This report shall also be available to the appropriate state agencies and the State's health care facilities.

The report to the Legislature shall include recommendations for any changes to statutes and rules which are necessary in order to implement this project on an ongoing statewide basis. The report shall include the following: The time line for start-up and implementation; any problems in the start-up and operation and reasons for these problems; information on numbers and categories of employees served, number of children served, hours of operation, fees charged and assistance provided for low-income individuals, including any sliding scales; and the budget and sources of funding. The report shall also contain data on the results of the project including the following: Recruitment, retention, absenteeism, productivity and improvement in morale of staff by category of employee, which can be attributed to the provision of the child care service; and whether a more favorable community image and favorable publicity resulted from the provision of the child care service; and be it further

Funding. Resolved: That, notwithstanding the Maine Revised Statutes, Title 22, section 396-C, subsection 2, and section 396-D, the 4th payment-year financial requirements of the hospital selected for the project, for purposes of Title 22, section 396-H, paragraph A, shall include the interim adjustment of \$80,000 to provide a portion of the funds required to support the demonstration project authorized herein. This adjustment shall not be considered part of payment-year financial requirements for purposes of computing financial requirements for subsequent payment years pursuant to Title 22, section 396-C, subsection 2.