

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST REGULAR SESSION**

December 7, 1988 to July 1, 1989

Chapters 1 - 502

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
SEPTEMBER 30, 1989

PUBLISHED BY THE REVISOR OF STATUTES  
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,  
TITLE 3, SECTION 163-A, SUBSECTION 4.

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J.S. McCarthy Company  
Augusta, Maine  
1989

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**FIRST REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**1989**

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## CHAPTER 13

H.P. 557 - L.D. 755

## An Act Relating to Municipal Funding

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

**Whereas,** the law requiring municipalities to accept funds provided by the Legislature only upon affirmative vote of the municipal legislative body becomes effective on July 1, 1989; and

**Whereas,** the law has created considerable confusion among municipal legislative bodies; and

**Whereas,** municipalities will not be prepared to comply with this law by July 1, 1989; 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:**

**30 MRSA §5058**, as enacted by PL 1987, c. 816, Pt. KK, §22, is amended to read:

**§5058. Funding**

Effective July 1, ~~1989~~ 1990, municipalities shall accept funds provided by the Legislature only upon an affirmative vote of their legislative bodies. Those municipalities holding a town meeting shall include a separate article on the warrant for each category of state funding which shall read as follows: "Shall the town vote to accept (category of funding) as provided by the Maine State Legislature?". The town shall indicate an estimate of the amount to be received for each category of state funding on the warrant, but it does not have to be part of the article. Those funds not accepted by any municipality shall remain with the State. This section applies to any town meeting held after January 1, 1990.

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

Effective March 24, 1989.

## CHAPTER 14

S.P. 95 - L.D. 100

## An Act to Amend the Law Regarding the Name of the Division of Eye Care

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

**Sec. 1. 5 MRSA §1822**, as enacted by PL 1973, c. 198, is amended to read:

**§1822. Blind-made products**

A Blind-made Products Committee, comprising the State Purchasing Agent, the Director of ~~State the~~ Bureau of Rehabilitation and the Director of ~~State the~~ Division of ~~Eye Care for the Blind and Visually Impaired~~, Bureau of Rehabilitation, and hereafter in sections 1822 to 1824 called "the committee," shall determine the price of all products which meet specifications prescribed by the State Purchasing Agent and agreeable to all members of the committee and which are manufactured by ~~the~~ Maine Institution for the Blind and offered for sale to the State or any political subdivision, any governmental agency or public benefit corporation thereof; and shall revise such prices from time to time in accordance with changing cost factors and shall make such rules and regulations regarding selection of products, time of delivery and other relevant matters as shall be necessary to carry out the purpose of sections 1822 to 1824.

**Sec. 2. 22 MRSA §3500**, as amended by PL 1985, c. 785, Pt. B, §92, is further amended to read:

**§3500. Division for the Blind and Visually Impaired**

The Division of ~~Eye Care for the Blind and Visually Impaired~~, as heretofore established within the Department of Human Services and hereafter in this chapter called the "division," shall be under the jurisdiction of the Director of the Division of ~~Eye Care for the Blind and Visually Impaired~~, hereafter in this chapter called the "director." The commissioner shall appoint the director, subject to the Civil Service Law.

**Sec. 3. 22 MRSA §3500-A**, as amended by PL 1981, c. 703, Pt. A, §26, is further amended to read:

**§3500-A. Jurisdiction of Director of Division for the Blind and Visually Impaired, defined**

Jurisdiction of director means having direct administrative responsibility for all programs and personnel under ~~the Division of Eye Care for the Blind and Visually Impaired~~, sections 3500 to 3512, except section 3501-A.

**Sec. 4. 22 MRSA §3502, sub-§1**, as repealed and replaced by PL 1983, c. 353, §1, is amended to read:

**1. Division for the Blind and Visually Impaired.** The Division of ~~Eye Care for the Blind and Visually Impaired~~ shall provide the following services to blind and visually impaired individuals from birth to age 21:

- A. Itinerant teacher services;
- B. Mobility instruction;
- C. Braille instruction;

- D. Low-vision services;
- E. Special aids and supplies needed to participate in the educational process; and
- F. Advocacy, counseling and guidance services to students and their parents.

**Sec. 5. 22 MRSA §3504**, as amended by PL 1975, c. 293, §4, is further amended to read:

**§3504. Purpose**

For the purpose of providing blind persons with remunerative employment, enlarging the economic opportunities of blind persons and stimulating blind persons to greater efforts to make themselves self-supporting with independent livelihoods, the officer, board or other authority in charge of any building or property of the State, any county or municipality shall grant to the Division of Eye Care for the Blind and Visually Impaired in the Department of Human Services authority to install in such buildings or such property a vending facility to be operated by a blind person duly licensed by the Division of Eye Care for the Blind and Visually Impaired whenever a vending facility may be properly and satisfactorily operated by a blind person.

**Sec. 6. 22 MRSA §3505, sub-§2**, as enacted by PL 1971, c. 88 is amended to read:

2. **Director.** "Director" means the Director of the Division of Eye Care for the Blind and Visually Impaired.

**Sec. 7. 22 MRSA §3505, sub-§3**, as amended by PL 1975, c. 293, §4, is further amended to read:

3. **Division.** "Division" means the Division of Eye Care for the Blind and Visually Impaired in the Department of Human Services.

**Sec. 8. 22 MRSA §3505, sub-§5**, as enacted by PL 1971, c. 88, is amended to read:

5. **Licensing agency.** "Licensing agency" means the Division of Eye Care for the Blind and Visually Impaired which is the state agency designated by the Vocational Rehabilitation Services Administration in the United States Department of Health, Education and Welfare to issue licenses to blind persons for the operation of vending facilities.

See title page for effective date.

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## CHAPTER 15

### H.P. 17 - L.D. 10

#### An Act to Clarify the Automatic Public Intervenor Provisions of the Solid Waste Management Laws

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

**Whereas**, enacting the public participation provisions of the solid waste management laws in 1987, the Legislature intended to provide municipal officers or county commissioners automatic intervenor status and access to up to \$50,000 to fund their participation in permit proceedings for solid waste facilities; and

**Whereas**, there has been some confusion regarding when the municipal intervenor fee should be paid and when a municipality qualifies for intervenor status; and

**Whereas**, this legislation is necessary immediately to clarify the original intent of these provisions; 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. 38 MRSA §1310-S, sub-§1-A** is enacted to read:

**1-A. Preliminary notice.** Sixty days prior to submitting an application with the department regarding a specific site for a solid waste disposal facility, the applicant shall notify by certified mail the municipal officers of the municipality in which the site is located or, in the unorganized territories, the county commissioners with jurisdiction over the site.

**Sec. 2. 38 MRSA §1310-S, sub-§3**, as enacted by PL 1987, c. 517, §25, is amended to read:

3. **Automatic municipal intervenor status.** The At its first meeting following the timely submission of a request for intervention, the board shall grant intervenor status to the municipal officers, or their designees, from the municipality in which the facility will be located. The intervenor status granted under this subsection shall apply in any proceeding for a license under this article. Immediately upon the board's automatic designation of intervenor status, the intervenors have all rights and responsibilities commensurate with this status. The board may grant this status only if requested by the municipal officers within 60 days of notification under subsection 1.

**Sec. 3. 38 MRSA §1310-T**, as enacted by PL 1987, c. 517, §25, is amended to read:

#### §1310-T. Application fee

In addition to any fees imposed pursuant to section 352, the applicant shall pay a fee of \$50,000 at the time of filing an application for a solid waste disposal facility. An application shall be considered incomplete and the department shall defer any review or processing of the application until the applicant has paid the full \$50,000 fee. The fee shall be deposited in the Maine Environmental Protection Fund and shall be used only to make reimbursements and grants