

# 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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mental Coordinating Committee for Preschool Handicapped Children shall be covered by the Maine Tort Claims Act, Title 14, chapter 741. Liability insurance shall be secured by the Interdepartmental Coordinating Committee for Preschool Handicapped Children for any employees, local coordinating committee members or members of the Interdepartmental Coordinating Committee for Preschool Handicapped Children who are determined not to be covered under the Maine Tort Claims Act by an opinion from the Attorney General;

12. Acquire supplies. Acquire supplies, materials and incidental services, through cash purchases, sole-source purchase orders, bids or contracts, as necessary or convenient to fulfill the purposes of this chapter;

13. Acquire property. Acquire by purchase, gift, lease or rent any property, lands, buildings, structures, facilities or equipment necessary to fulfill the purposes of this chapter; and

14. Other duties. Fulfill other duties assigned by the Legislature, and to delegate duties and authority, but not responsibility, as necessary for the efficient operation of this chapter, and to do any other acts or things necessary or convenient to carry out the powers expressly granted or reasonably implied in this chapter.

**Sec. 10. 20-A MRSA §7721**, as enacted by PL 1985, c. 487, §3, is amended as follows:

In addition to the programs authorized in this chapter, the commissioner may authorize expenditures to institutions and organizations for the speech and language education of for children who are hearing and or language impaired children who have not reached compulsory school age.

**Sec. 11. 20-A MRSA §7722**, as enacted by PL 1985, c. 487, §3, is amended to read:

**§7722. Preschool services to handicapped children**

In addition to the programs authorized in subchapter I, the commissioner may authorize expenditures to school administrative units for services to preschool handicapped students for infants and children, ages 0 through 5, who are handicapped or at-risk for developmental delay.

1. School year 1985-86. For the school year 1985-86, allowable special education expenditures as defined in section 15603, subsection 22, paragraph D, subparagraph (1), will be made directly to school administrative units based on costs for the base year 1983-84 updated to 1984-85 expenditures.

2. School year 1986-87 and subsequent years. Starting in 1986-87 for base year costs in 1984-85 expenditures will be made through the school subsidy formula.

3. Federal and state funds. Federal and state grants awarded to school administrative units to initiate these services shall be considered local funds in computing the

~~units units'~~ educational costs in chapter 606. For the base year 1984-85 only, federal money passed through to the local units under the federal Public Law 94-142 legislation and used to fund preschool classrooms for handicapped students may be considered local funds in computing the units educational costs under chapter 606.

**4. Governance and financial responsibility.** The school board responsible for operating the preschool service shall assume the financial responsibility for the program. It shall receive the state subsidy for the program and may charge tuition for costs which exceed expenditures made for those programs in the base year.

**5. Dedication of funds.** Funds generated under the school subsidy formula through expenditures for programs for infants and children, ages 0 through 5, who are handicapped or at-risk for developmental delay shall be committed to continue to fund programs and services for the target population at the local level.

**6. Coordination of services and resource development activities.** School administrative units shall coordinate their program and service activities for infants and children, ages 0 through 5, who are handicapped or at-risk for developmental delay with their local site to avoid duplication, maximize the use of available funds and resources, and to ensure compliance with rules as promulgated by the Interdepartmental Coordinating Committee for Preschool Handicapped Children.

**Sec. 12. 26 MRSA §962, sub-§7**, as amended by PL 1981, c. 137, §1, is further amended to read as follows:

**7. Public employer.** "Public employer" means any officer, board, commission, council, committee or other persons or body acting on behalf of any municipality or town or any subdivision thereof, or of any school, water, sewer or other district, or of the Maine Turnpike Authority, or of the Child Development Services System, or of any county or any subdivisions thereof.

**Sec. 13. Report on implementation.** The Interdepartmental Coordinating Committee for Preschool Handicapped Children and representatives of the local coordinating committees shall report to the Joint Standing Committee on Education on the implementation of this Act. The report shall be in person and shall be made by February 15, 1990. The committee may introduce legislation to the Second Regular Session of the 114th Legislature to address problems encountered during implementation.

See title page for effective date.

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## CHAPTER 500

S.P. 645 - L.D. 1738

**An Act to Amend the Maine Coastal and Inland Surface Oil Clean-up Fund to Provide for Adequate Resources to Respond to a Major Coastal Oil Spill**

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

**Sec. 1. 38 MRSA §551, first ¶**, as amended by PL 1985, c. 496, Pt. A, §13, is further amended to read:

The Maine Coastal and Inland Surface Oil Clean-up Fund is established to be used by the department as a nonlapsing, revolving fund for carrying out the purposes of this subchapter. The fund shall be limited to ~~\$4,500,000~~ \$6,000,000, the sum of which shall include all funds credited under this section and any funds loaned to the Ground Water Oil Clean-up Fund established pursuant to subchapter II-B. The Department of Environmental Protection shall collect fees in accordance with subsection 4. To this fund shall be credited all license fees, penalties, reimbursements and other fees and charges related to this subchapter, and to this fund shall be charged any and all expenses of the department related to this subchapter, including administrative expenses, costs of removal of discharges of pollutants, restoration of water supplies and 3rd party damages covered by this subchapter.

**Sec. 2. 38 MRSA §551, sub-§4, ¶A**, as amended by PL 1985, c. 496, Pt. A, §13, is further amended to read:

A. License fees shall be determined on the basis of ~~1-1/2¢ 3¢~~ per barrel of unrefined crude oil, ~~1¢ per barrel of gasoline~~ and ~~1/2¢ per barrel of~~ all other refined oil, petroleum products and their by-products, including #6 fuel oil, #2 fuel oil, kerosene, gasoline, jet fuel and diesel fuel, transferred by the licensee during the licensing period and shall be paid monthly by the licensee on the basis of records certified to the department. License fees shall be paid to the department and upon receipt by it credited to the Maine Coastal and Inland Surface Oil Clean-up Fund.

**Sec. 3. 38 MRSA §551, sub-§4, ¶D**, as enacted by PL 1987, c. 750, §3, is further amended to read:

D. Any person who is required to register with the department pursuant to section 545-B and who first transports oil in Maine shall pay fees, which shall be determined on the basis of ~~one cent per barrel of gasoline and 1/2¢ 3¢~~ per barrel of for all other refined oil, including #6 fuel oil, #2 fuel oil, kerosene, gasoline, jet fuel, diesel fuel and liquid asphalt transported by the registrant during the period of registration. Fees shall be paid monthly by the registrant on the basis of records certified to the department. Fees shall be paid to the department and upon receipt by it credited to the Maine Coastal and Inland Surface Oil Clean-up Fund. The registrant shall make available to the department and its authorized representatives all documents relating to the oil transported by the registrant during the period of registration. This paragraph shall not apply to waste oil which is transported into Maine in any motor vehicle which has a valid license issued by the department for the transportation of waste oil pursuant to section

1319-O and which is subject to fees established under section 1319-I.

**Sec. 4. Allocation.** The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	1989-90	1990-91
<b>ENVIRONMENTAL PROTECTION, DEPARTMENT OF</b>		
<b>Maine Coastal and Inland Surface Oil Clean-up Fund</b>		
Unallocated	\$1,125,000	\$1,500,000
Provides funds for abatement of oil pollution and to compensate persons damaged by oil spills.		

See title page for effective date.

## CHAPTER 501

H.P. 475 - L.D. 640

### An Act to Make Supplemental Appropriations and Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991

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

**Whereas**, the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas**, certain obligations and expenses will become due and payable on or immediately after 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:

#### PART A

**Sec. 1. Supplemental appropriations from the General Fund.** There is appropriated from the General Fund to the departments listed the following sums: