

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

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.

J.S. McCarthy Company
Augusta, Maine
1989

PUBLIC LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE
1989

CHAPTER 553

S.P. 521 - L.D. 1428

An Act Regarding Historical Markers

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

Sec. 1. 5 MRS A §13092-A is enacted to read:

§13092-A. Historical marker program

1. Historical markers. The Director of the Office of Tourism may erect historical markers or signs on any highway. Up to 10 historical markers may be erected in one year. No marker may be put up which would interfere with reasonable use of the highway.

2. Review council. The Director of the Office of Tourism shall consult with the Historic Preservation Commission of the Department of Educational and Cultural Services and the Department of Transportation on the marker program. Before erecting any marker, the director shall secure the Historic Preservation Commission's approval of the marker, its location and its wording. The Historic Preservation Commission shall investigate as needed to obtain information on the event to be commemorated and on the appropriate location for the marker, including consulting historians and holding public hearings.

3. Permits. Municipal councilors may permit the erection of monuments, tablets and markers by individuals or societies on public highways or other public grounds in places and of a character as may be approved by the councilors to indicate the occurrence of historic events and matters of public interest, provided that the marker does not interfere with the reasonable use of the highway or other public places.

4. Cooperative agreements. The Historic Preservation Commission may enter into cooperative agreements with any municipality or historical society to put up a historical marker on any highway. The agreement shall provide for reasonable sharing of the initial expense and for the municipality or society to maintain and care for the marker.

5. Damages. If any person's property is damaged by the erection of a monument, tablet or marker, that person may apply to the municipal councilors within 6 months after the erection to assess and recover damages.

6. Change of location. Any person whose rights or interests are affected by the location may, within 60 days after the approval of the municipal councilors, as provided in section 1934, petition the municipal councilors for changes in the location and, after notice to parties and hearing, the councilors may alter or revoke the location as justice requires.

7. Petition to court. If the municipal councilors neglect or refuse after 30 days to decide upon any petition addressed to them under the provisions of section 1937, or

if any party whose interests are affected by the decision is dissatisfied with the decision, the dissatisfied petitioner or party may apply to the Superior Court for relief within 60 days of the decision.

8. Return; record; fees. The municipal councilors shall, within 30 days, decide upon every petition presented to them and of every location approved under this subsection, and shall cause this information to be recorded by the town clerk. The fees of the councilors and town clerk shall be paid by the petitioner.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1989-90	1990-91
ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF		
Office of Tourism		
All Other	\$5,000	\$5,000
Provides funds from the historical marker program to erect historical markers.		
Office of Tourism		
All Other	(\$5,000)	(\$5,000)
Deappropriates funds no longer required.		
DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT		
TOTAL	\$ -0-	\$ -0-

See title page for effective date.

CHAPTER 554

S.P. 283 - L.D. 729

An Act Regarding Reimbursement for Out-of-district Special Education Placements

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

Whereas, the provisions of this Act must be effective for the school subsidy year 1989-90; 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. 20-A MRSA §15612, sub-§6, ¶B, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

B. The funds for the adjustment shall be limited to the amount appropriated by the Legislature for that purpose. Unexpended funds may be used to fund the out-of-district placement provisions under subsection 11.

Sec. 2. 20-A MRSA §15612, sub-§10, as enacted by PL 1987, c. 827, §2 and c. 850, §§4 and 5 and as amended by PL 1987, c. 861, §§16 and 17, is repealed and the following enacted in its place:

10. Adjustment for cost of educating eligible students in long-term drug treatment centers. A school administrative unit which operates an educational program, approved pursuant to section 9701 to 9706 to serve eligible students in licensed drug treatment centers, shall be reimbursed in the year in which costs are incurred as follows.

A. Reimbursements shall be limited to a maximum of 12 state average tuition rates a year for each approved plan.

B. The rate of reimbursement per student shall not exceed the state average tuition rates in effect during the year of placement as computed under sections 5804 and 5805.

C. The funds for the adjustment shall be limited to the amount appropriated by the Legislature for that purpose.

Sec. 3. 20-A MRSA §15612, sub-§11 is enacted to read:

11. Special education tuition and costs for out-of-district placement adjustment. A school administrative unit which places a student in an out-of-district placement shall receive an adjustment equal to the amount, if any, by which the tuition, treatment and room and board costs for an approved out-of-district special education placement in the year of allocation exceeds 3 times the secondary foundation per pupil operating rate for that year, or a prorated amount if the placement is less than a full year. State payments to school administrative units pursuant to this subsection shall be made during the year of allocation. The funds for the adjustment shall be limited to the amount appropriated by the Legislature for that purpose, and the department is authorized to prorate payments to units if the amount appropriated is insufficient to make full payments to all units.

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

Effective July 10, 1989.

CHAPTER 555

H.P. 315 - L.D. 429

An Act to Implement Sound Forest Practices

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

Sec. 1. 12 MRSA §5101, 2nd and 3rd ¶¶, as enacted by PL 1985, c. 488, §4, are amended to read:

The Legislature further finds that the forests of Maine are subject to increased demand for all of its products and that it has been subject to significantly increased natural mortality losses in the ~~past decade~~ 1970's and 1980's.

The Legislature also finds that the vast majority of the forest resource in Maine is under private ownership and that the State's role should be to serve as a catalyst to encourage and promote sustained yield management and use of the forest and its related resources. This role is best realized if state actions in the forestry sector manifest a consistent and comprehensive perspective of how the forest resources can best serve the continuous need of the people of Maine.

The Legislature further finds that the forest land resource is being subjected to increasing pressure for conversion and development. These changes affect overall timber production, public recreation and wildlife habitat.

Sec. 2. 12 MRSA §5101-A, sub-§1, as enacted by PL 1985, c. 488, §5, is amended to read:

1. Current status. Assess the current status of forest resources, including, but not limited to, timber, forest land base, fiber, recreation, water, wildlife and soil;

Sec. 3. 12 MRSA §5101-A, sub-§5, as enacted by PL 1985, c. 488, §5, is amended to read:

5. Recommendations. Recommend to the Governor and the Legislature the administrative and legislative policies or actions needed to refine or redirect state agency programs and to stimulate or remove obstacles to private sector action in a manner that contributes to an adequate supply of natural resources.

The Commissioner of Conservation shall establish and consult with a technical working group composed of members of the existing staff of the department and other persons knowledgeable in the areas referenced in subsection 1 and related fields to carry out the purposes of this chapter. The working group shall have expertise in forest management, forest utilization, recreation management, land use regulation, wildlife and fisheries management, watershed management and other areas as appropriate.

The Commissioner of Conservation shall coordinate the efforts of this program fully with ongoing departmental and federal forestry program planning, policy and research efforts.