

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND FOURTEENTH LEGISLATURE
FIRST SPECIAL SESSION

August 21, 1989 to August 22, 1989

and

SECOND REGULAR SESSION

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
July 14, 1990

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
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

abandonment of service along the line to determine the need for preserving the rights-of-way along the abandoned portion of the line for rail transportation. If the department finds that the welfare of the State would be significantly and adversely affected by the loss of the line for railroad transportation purposes, the department shall seek to negotiate the purchase of the abandoned portion of the line. In making this determination, the department shall consider, among other criteria deemed significant by the department, future economic development activities and opportunities in the area served by the abandoned railroad service. In addition, the department shall consult with the Department of Economic and Community Development, the Department of Conservation and the State Planning Office in making the determination required in this section.

The department shall, in good faith, seek to lease the railroad rights-of-way until it finds that the preservation of the rights-of-way is not necessary for the welfare of the State or until the voters of the State approve or disapprove, at a statewide election, the issue of bonds to purchase the rights-of-way along the abandoned portion of the line.

Nothing in this paragraph may require the department to lease or purchase the railroad rights-of-way to an entire railroad line or any portion of the line for which railroad service has been abandoned if the railroad corporation owner does not intend to sell, lease or in any other way dispose of the rights-of-way by which railroad service could be easily restored along the abandoned service portion of the line.

See title page for effective date.

CHAPTER 627

H.P. 1324 - L.D. 1826

An Act to Clarify Legislative Intent Governing a Position Assignment

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

Whereas, the additional clerk's position created by Public Law 1989, chapter 526 should be redesignated to be within the Administrative Office of the Courts as soon as possible; 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:

PL 1989, c. 526, §27, in that part designated "Judicial Department," 6th to 8th lines are amended to read:

Provides funds for an additional clerk in the Administrative ~~Court~~ Office of the Courts.

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

Effective February 23, 1990.

CHAPTER 628

H.P. 1371 - L.D. 1902

An Act to Provide for a Comprehensive State Mental Retardation Plan

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

Sec. 1. 34-B MRSA §5003, sub-§3, ¶¶A to C, as enacted by PL 1983, c. 459, §7, are amended to read:

A. The plan ~~shall~~ must indicate the most effective and efficient manner in which to implement services and programs for ~~mentally-retarded~~ persons with mental retardation, while safeguarding and respecting the legal and human rights of these persons.

B. The plan ~~shall~~ must be prepared once every 2 years and shall be submitted to the joint standing committee of the Legislature having jurisdiction over health and ~~institutional~~ human services by no later than January 15th of every odd-numbered year.

C. The committee shall study the plan and make recommendations to the Legislature with respect to funding improvements in programs and services to ~~mentally-retarded~~ persons with mental retardation.

Sec. 2. 34-B MRSA §5003, sub-§3, ¶¶D to I are enacted to read:

D. The plan must describe the system of mental retardation services in each of the mental retardation service regions and statewide.

E. The plan must include both existing service resources and deficiencies in the system of services.

F. The plan must include an assessment of the roles and responsibilities of mental retardation agencies, human service agencies, health agencies and involved state departments and suggest ways in which these departments and agencies can better cooperate to improve the service systems.