

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1990

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**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**

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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.

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## 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.

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## 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.

G. The plan must be made public within the State in such a manner as to facilitate public involvement.

H. The commissioner must ensure that the development of the plan includes the participation of community mental retardation service providers, consumer and family groups and other interested persons or groups in annual statewide hearings, as well as informal meetings and work sessions.

I. The commissioner must consider community service needs, relate these identified needs to biennial budget requests and incorporate necessary service initiatives into a comprehensive planning document.

See title page for effective date.

## CHAPTER 629

H.P. 1364 - L.D. 1881

### An Act to Prorate Prison Sentences for Work Performed for Charitable Organizations

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

**Sec. 1. 30-A MRSA §1602**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is repealed.

**Sec. 2. 30-A MRSA §1606, sub-§§1 and 2**, as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and as amended by PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, are further amended to read:

**1. Participation in public works projects authorized.** ~~The sheriff in charge of a county jail may, by discretion,~~ permit certain inmates of that jail to participate in public works-related projects and improvement of property owned by charitable organizations if the public works project or property is in the county where the jail is located. The sheriff may request payment from charitable organizations for the transportation of the prisoners and for the transportation and per diem compensation for any guards who accompany the prisoners. For the purposes of this section, "charitable organization" means any nonprofit organization organized or incorporated in this State or having a principal place of business in this State that is exempt from federal income taxation under the United States Internal Revenue Code of 1986, Section 501(a), because the nonprofit organization is described in the United States Internal Revenue Code of 1986, Section 501(c)(3). Before an inmate is permitted to participate in this type of project, the judge or justice who originally sentenced the inmate to the county jail must sign an approval to the inmate's participation.

**2. Sentence prorated.** Inmates participating in a public works-related project or an improvement of prop-

erty owned by a charitable organization under this section shall have their sentences to the jail prorated at the rate of one day removed from the sentences for every 16 hours of participation in the project.

See title page for effective date.

## CHAPTER 630

S.P. 718 - L.D. 1893

### An Act to Revise the Asbestos Certification Law

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

**Whereas**, industry should be allowed to have their own trained and certified asbestos abatement units performing abatement procedures within their facilities; and

**Whereas**, companies with certified and trained in-house abatement teams will have to contract out this work at a higher cost if changes are not made to current laws; 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 §1272, sub-§5**, as enacted by PL 1987, c. 448, §1-C, is amended to read:

**5. Asbestos abatement project supervisor.** "Asbestos abatement project supervisor" means a person with responsibility for the supervision of asbestos abatement activities. Those persons include, but are not limited to, abatement project supervisors employed by contractors, in-house asbestos abatement units, employees of governmental or public entities who coordinate or directly supervise asbestos abatement activities performed by public schools, governmental or other public employees in a school district, governmental or other public buildings and project supervisors employed as consultants to monitor and direct abatement contractors.

**Sec. 2. 38 MRSA §1272, sub-§11**, as enacted by PL 1987, c. 448, §1-C, is repealed.

**Sec. 3. 38 MRSA §1272, sub-§14-A** is enacted to read:

**14-A. In-house asbestos abatement unit.** "In-house asbestos abatement unit" means the unit of a business or public entity that engages in, or intends to engage in, asbestos abatement activities or projects solely within the confines of property owned or leased by the