

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

gible for a grant under this article when the department determines that the proposed project is consistent with the grant criteria established under subsection 4 and that the project is to be undertaken as part of a local capital investment plan which includes the elements specified under subsection 2, paragraphs A to C.

4. Grants criteria. The department shall develop, by rule, criteria for the award of grants to eligible municipalities after consultation with the Planning Advisory Council, established under Title 30-A, section 4341, and subject to the requirements of this article.

A. The department shall give priority to those municipalities that are experiencing rapid growth and that possess a public service infrastructure inadequate to accommodate that growth.

B. The department shall give priority to those municipalities that have adopted and implemented a certified local growth management program.

C. The department shall establish a preference for those municipalities with higher local property tax burdens.

D. The department shall establish a preference for capital investment projects undertaken jointly by 2 or more municipalities or that provide substantial regional benefits.

E. The department shall establish local cost-sharing requirements to ensure adequate local commitment to projects receiving grants under this article and to ensure efficient use of public funds.

F. The department shall adopt other criteria as it determines necessary to ensure that grants made under this article maximize the ability of municipalities to accommodate planned growth and economic development.

5. Consistency. The department shall condition any grants under this article on consistency with the municipality's certified local growth management program or, in the case of grants made on the basis of the eligibility criteria of subsection 3, on consistency with the local capital investment plan.

6. Coordination. The department shall coordinate the grants made under this article with all other community assistance grants administered by the department and with other state assistance programs designed to accomplish similar objectives, including those administered by the Department of Educational and Cultural Services, the Department of Transportation, the Maine Municipal Bond Bank and the Department of Environmental Protection.

§13114. Report to the Legislature

As part of its biennial progress report under Title 30-A, section 4341, subsection 2, the department shall

report on the grants program. The department may make any recommendations it finds necessary to achieve more effectively the purposes of this article, including the appropriation of any necessary additional funds.

Sec. 4. 30-A MRSA §4341, sub-§3, ¶C, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is amended to read:

C. Members shall not be compensated but shall be reimbursed are entitled to compensation at the rate of \$40 per day for meetings of the Council and to reimbursement for all expenses directly related to their participation in council business.

Sec. 5. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Office of Comprehensive Land Use Planning

Personal Services	\$1,680
All Other	(1,680)

Transfers available funds to cover per diems for the Planning Advisory Council.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT

TOTAL -0-

Sec. 6. Application; contingent on bond issue. This Act shall take effect only if a general revenue bond issue for municipal growth management and capital investment is approved by the voters of the State.

Effective pending referendum.

CHAPTER 632

S.P. 777 - L.D. 2004

An Act to Enable Rulemaking by the Board of Examiners of Podiatrists

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

Sec. 1. 32 MRSA §3605, as amended by PL 1977, c. 694, §617, is repealed.

Sec. 2. 32 MRSA §3605-A is enacted to read:

§3605-A. Rules

In accordance with the Maine Administrative Procedure Act, Title 5, chapter 375, the board may promulgate rules as it determines necessary and proper to carry out the purposes of this chapter.

See title page for effective date.

CHAPTER 633

H.P. 1366 - L.D. 1883

An Act to Extend the Reporting Deadline of the Special Commission to Study the Organization of the State's Cultural Agencies and Make Other Reporting Requirement Changes

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

Whereas, the Legislature, in Public Law 1989, chapter 501, created the Special Commission to Study the Organization of the State's Cultural Agencies which was to submit a report to the 114th Legislature by December 1, 1989; and

Whereas, the information requested by the Legislature has been collected, but due to the late starting date of the commission, an extension of 3 weeks is needed by the commission to adequately review the testimony received, hold meetings, discuss information and report its findings to the Legislature and the Governor; 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. PL 1987, c. 349, Pt. H, §38, sub-§5, as amended by PL 1987, c. 554, §2, is repealed.

Sec. 2. PL 1989, c. 501, Pt. P, §46, last ¶ is amended to read:

The committee shall issue a report, together with any proposed legislation, to the Second Regular Session of the 114th Legislature by February 4 15, 1990.

Sec. 3. PL 1989, c. 501, Pt. Q, §4 is amended to read:

Sec. 4. Report. The commission shall present its findings, together with any recommended legislation, to the 114th Legislature and the Governor by December 4 22, 1989.

Sec. 4. Retroactivity. Section 3 of this Act applies retroactively to December 1, 1989.

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

Effective February 23, 1990.

CHAPTER 634

S.P. 857 - L.D. 2193

An Act to Clarify the Qualifications for Membership on the Citizens' Forestry Advisory Council

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

Whereas, the Citizens' Forestry Advisory Council was established to advise the Commissioner of Conservation on all aspects of the Maine Forests for the Future Program; and

Whereas, the existing law, when broadly applied, eliminates from consideration for membership many highly qualified individuals; and

Whereas, 4 out of 7 seats of the Citizens' Forestry Advisory Council are vacant; 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. 12 MRSA §5101-B, sub-§1, ¶A, as enacted by PL 1985, c. 488, §6, is amended to read:

A. The council shall consist of 7 members, appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over natural resources and to confirmation by the Legislature. Members of the council shall be chosen to represent the broadest possible interest and experience which can be brought to bear in the implementation of this chapter. Among the public members, 5 must be knowledgeable in at least one of each of the following areas: forest management, forest products utilization, fisheries and wildlife, recreation and conservation.

Sec. 2. 12 MRSA §5101-B, sub-§1, ¶E, as enacted by PL 1985, c. 488, §6, is repealed.

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

Effective February 23, 1990.