

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

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J.S. McCarthy Company
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PUBLIC LAWS
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C. Descriptions of projects and businesses benefiting or to benefit from the assistance provided;

D. Number of jobs and the amount of tax revenues projected or resulting in connection with a completed project; and

E. Amounts and names of recipients of assistance provided under a program of assistance.

2. Subject to waiver. Any information pursuant to waiver determined satisfactory by the department must be released.

3. Available to public. Information that the department determines has already been made available to the public must be released.

4. Not otherwise confidential. Any information not otherwise confidential under section 13119-A or other applicable law must be released.

§13119-C. Disclosure permitted

Notwithstanding section 13119-A, information otherwise confidential under that section may be disclosed:

1. Financing institutions or credit reporting services. To a financing institution or credit reporting service;

2. Transfer of securities or bonds. To the extent necessary to the sale or transfer of revenue obligation securities or of general obligation bonds;

3. Collection of certain obligations. If necessary to ensure collection of any obligation in which the department or municipality has or may have an interest;

4. Litigation or proceeding. In any litigation or proceeding in which the department or the municipality appears, for the purposes of introduction of the information into the record;

5. Order by lawful authority. Pursuant to a subpoena, request for production of documents, warrant or other order by competent authority, as long as any such order appears to have first been served on the person to whom the confidential information sought pertains or belongs and as long as any such order appears on its face or otherwise to have been issued or made upon lawful authority; or

6. Authorization. Upon written authorization of release of the confidential information by the person or persons to whom such information pertains.

See title page for effective date.

CHAPTER 369

H.P. 1215 - L.D. 1773

An Act to Require Parental Consent to Adoption before a Probate Judge

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

Sec. 1. 19 MRSA §532, sub-§5, ¶B, as amended by PL 1981, c. 369, §2, is further amended to read:

B. The Department of Human Services or by an adoption agency duly licensed in Maine; or

Sec. 2. 19 MRSA §532, sub-§5, ¶D, as amended by PL 1981, c. 369, §3, is further amended to read:

D. A public agency or duly licensed private agency to whom parental rights have been transferred under the law of another state or country; ~~or.~~

Sec. 3. 19 MRSA §532, sub-§5, ¶E, as enacted by PL 1981, c. 369, §4, is repealed.

See title page for effective date.

CHAPTER 370

H.P. 1234 - L.D. 1798

An Act to Establish the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities

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

Sec. 1. 5 MRSA §12004-I, sub-§40-A is enacted to read:

<u>40-A.</u>	<u>Advisory Com-</u>	<u>As Autho-</u>	<u>22 MRSA</u>
<u>Human Ser-</u>	<u>mittee on</u>	<u>rized by</u>	<u>§3098</u>
<u>vices;</u>	<u>Improving</u>	<u>Committee</u>	
<u>Bureau of</u>	<u>Outdoor</u>		
<u>Rehabilita-</u>	<u>Recreational</u>		
<u>tion</u>	<u>Opportunities</u>		
	<u>for Persons with</u>		
	<u>Disabilities,</u>		
	<u>commonly known as</u>		
	<u>Maine Outdoor</u>		
	<u>Recreation for</u>		
	<u>Everyone, M.O.R.E.</u>		

Sec. 2. 22 MRSA c. 718 is enacted to read:

CHAPTER 718

ADVISORY COMMITTEE ON IMPROVING OUTDOOR RECREATIONAL OPPORTUNITIES FOR PERSONS WITH DISABILITIES

§3098. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Committee. “Committee” means the Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities commonly known as Maine Outdoor Recreation for Everyone, M.O.R.E.

§3099. Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities

The Advisory Committee on Improving Outdoor Recreational Opportunities for Persons with Disabilities, commonly known as Maine Outdoor Recreation for Everyone, M.O.R.E., as established in Title 5, section 12004-I, subsection 40-A, is within the Bureau of Rehabilitation. The following provisions apply to the committee.

1. Membership. The committee consists of the following 19 members:

A. One person or that person’s designee from the Bureau of Rehabilitation, appointed by the commissioner;

B. One person or that person’s designee from the Department of Conservation, Bureau of Parks and Recreation, appointed by the Commissioner of Conservation;

C. One person or that person’s designee from the Department of Inland Fisheries and Wildlife who is knowledgeable about outdoor recreation, appointed by the Commissioner of Inland Fisheries and Wildlife;

D. One person or that person’s designee from the Department of Marine Resources who is knowledgeable about outdoor recreation, appointed by the Commissioner of Marine Resources;

E. One person or that person’s designee from the Department of Transportation who is knowledgeable about highway parks and rest areas, appointed by the Commissioner of Transportation;

F. One person or that person’s designee from the Department of Economic and Community Development who is knowledgeable about local recreation planning, appointed by the Commissioner of Economic and Community Development;

G. Nine persons with disabilities, appointed by the Governor;

H. Two persons involved in the business of providing recreational opportunities, appointed by the Governor;

I. One person representing an association of municipal recreation and parks officials, appointed by the Governor; and

J. One member of the Legislature, appointed by the Chair of the Legislative Council.

2. Term; vacancy. All members are appointed for a term of 3 years. A vacancy is filled in the same manner as initial appointment and for the remainder of the vacant term.

3. Compensation. If funds permit, the committee, by majority vote, may set an amount for reimbursement of nonstate employee members, which may not exceed the compensation provided in Title 5, chapter 379.

4. Chair. Annually, the committee shall choose one of its members to serve as chair. The committee may select other officers and designate their duties.

5. Funds. The committee is authorized to accept state and federal funds, private grants and donations. As funding permits, the committee may award grants, enter into contracts and otherwise expend funds to carry out the purposes of this chapter. Expenditures may not be incurred that have an impact on the General Fund.

6. Duties. The committee has the following duties:

A. Advise the Commissioner of Human Services, the Commissioner of Conservation, the Commissioner of Transportation, the Commissioner of Marine Resources, the Commissioner of Economic and Community Development and the Commissioner of Inland Fisheries and Wildlife on ways to provide technical assistance to outdoor recreational providers and users with regard to improving access for persons with disabilities;

B. Advise the Commissioner of Human Services, the Commissioner of Conservation, the Commissioner of Transportation, the Commissioner of Marine Resources, the Commissioner of Economic and Community Development and the Commissioner of Inland Fisheries and Wildlife on ways to promote the expansion of existing, and the creation of new, recreational areas that are accessible to persons with disabilities;

C. Advise the Commissioner of Human Services, the Commissioner of Conservation, the Commissioner of Transportation, the Commissioner of Marine Resources, the Commissioner of Economic and Community Development and the Commissioner of Inland Fisheries and Wildlife on ways to make the public aware of existing outdoor recreational opportunities that are accessible to persons with disabilities;

D. Advise the Commissioner of Human Services, the Commissioner of Conservation, the Commissioner

of Transportation, the Commissioner of Marine Resources, the Commissioner of Economic and Community Development and the Commissioner of Inland Fisheries and Wildlife on ways to provide and disseminate information and education to public and private clubs, organizations and civic groups on making outdoor recreation accessible to persons with disabilities; and

E. Conduct, upon request, accessibility evaluations and provide technical assistance to outdoor recreational providers and users with regard to providing access for persons with disabilities.

§3100. Report

By January 15, 1993, the committee shall submit a report to the Governor and to the joint standing committee of the Legislature having jurisdiction over human resource matters. The report must include a description of the committee's activities, an assessment of the committee's effectiveness and an assessment of whether the committee should remain within the department.

See title page for effective date.

CHAPTER 371

S.P. 714 - L.D. 1903

An Act Concerning the Acquisition of Railroad Lines by the State

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

Whereas, the Department of Transportation, pursuant to Private and Special Law 1989, chapter 135, is acquiring certain portions of the Lewiston Lower Road and the Augusta-Brunswick Lower Road rail lines, which have not been subject to any abandonment petition before the Interstate Commerce Commission and therefore remain under the jurisdiction of the commission; and

Whereas, the acquisition by the State of ownership of those rail lines may make the State a "rail carrier" under federal law despite the fact that the State will not operate any rail service on the lines; and

Whereas, the Maine Revised Statutes, Title 23, section 7151 prohibits the State from being a "rail carrier under federal law" and therefore a conflict exists between state and federal laws that would prohibit the proposed transaction; and

Whereas, the department must purchase the rail lines on or before June 1, 1991, and it is in the best interest of the State that these railroad lines be acquired and preserved for railroad use; 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:

23 MRSA §7151, sub-§2, as repealed and replaced by PL 1989, c. 398, §7, is amended to read:

2. Declaration of policy. It is declared to be the policy of the State that the State and its agencies shall cooperate with the Congress of the United States and the appropriate federal agencies to assure the development and maintenance of safe, efficient and reliable rail service for the State. For any railroad line acquired under this chapter, it is the intent of the Legislature that the State may acquire the railroad line, but the State may not be an operator of the railroad ~~or a rail carrier under federal law.~~

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

Effective June 18, 1991.

CHAPTER 372

H.P. 112 - L.D. 155

An Act to Establish a Statewide Area Health Education Centers System

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

Sec. 1. 5 MRSA §12004-I, sub-§7-B is enacted to read:

<u>7-B.</u>	<u>Maine Area</u>	<u>Not</u>	<u>20-A MRSA</u>
<u>Education</u>	<u>Health</u>	<u>Authorized</u>	<u>§12856</u>
	<u>Education</u>		
	<u>Centers</u>		
	<u>Advisory</u>		
	<u>Committee</u>		

Sec. 2. 20-A MRSA c. 435 is enacted to read:

CHAPTER 435

MAINE AREA HEALTH EDUCATION CENTERS SYSTEM

§12851. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.