

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

FIRST SPECIAL SESSION

July 11, 1991 to July 18, 1991

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST SPECIAL SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

JULY 11, 1991 to JULY 18, 1991

(2) Whether any adverse economic effect of the project on existing business or other municipalities is outweighed by the contribution that the project will make to the economic growth and vitality of the State.

The application has the burden of demonstrating a reasonable likelihood that the project will not result in a substantial detriment to existing business or other municipalities, except in cases where no interested parties object to the project, in which event the requirements of this paragraph are deemed satisfied. Interested parties must be given an opportunity, with or without a hearing at the discretion of the department, to present their objections to the project on grounds that the project will result in a substantial detriment to existing business or other municipalities. If any such party presents such objections with reasonable specificity and persuasiveness, the department may divulge whatever information concerning the project that it deems necessary for a fair presentation by the objecting party and evaluation of such objections. If the department finds that the applicant has failed to meet its burden of proof as specified in this paragraph, the application must be denied.

2. Loan terms and conditions. The department may establish prudent terms and conditions for loans, including limits on the amount of loans for any one project and requiring adequate collateral for the loans. Loan terms may not exceed 20 years in the case of loans primarily secured by real estate, 10 years in the case of loans primarily secured by machinery and equipment and 7 years for other loans. The interest rate charged on each loan is determined on a case-by-case basis.

3. Rulemaking. The department shall establish rules for the implementation of the program established by this section.

Sec. G-2. Repeal. Unless the referendum for a bond issue in an amount not to exceed \$7,500,000 for the purposes of capitalizing the Economic Investment Fund and other funds is approved by the voters in November 1991, this Part is repealed on November 15, 1991.

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

Effective July 30, 1991, unless otherwise indicated.

CHAPTER 607

S.P. 365 - L.D. 967

An Act to Eliminate the Lobster Management Task Force

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

Sec. 1. PL 1991, c. 591, Pt. B, §1, under that part designated "LEGISLATURE," that part relating to "Lobster Management Task Force" is repealed.

Sec. 2. PL 1991, c. 591, Pt. B, §1, under that part designated "LEGISLATURE," last line is amended to read:

TOTAL	(2,872,361)	(1,005,206)
	(2,881,361)	

Sec. 3. PL 1991, c. 591, Pt. B, §1, last line is amended to read:

TOTAL		
APPROPRIATIONS	(148,869,369)	(211,749,901)
	(148,869,369)	

Effective October 17, 1991.

CHAPTER 608

S.P. 466 - L.D. 1249

An Act Relating to the Education of Homeless Students

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

Sec. 1. 20-A MRSA §1, sub-§13-A is enacted to read:

13-A. Homeless student. "Homeless student" means a person eligible to attend elementary or secondary school pursuant to section 5201 who:

A. Lacks a fixed, regular and adequate nighttime residence;

B. Has a primary nighttime residence that is:

(1) A supervised publicly or privately operated shelter designed to provide temporary living accommodations, including welfare hotels, congregate shelters and transitional housing for the mentally ill;

(2) An institution that provides a temporary residence for individuals intended to be institutionalized; or

(3) A public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for human beings; or

C. Is the child of a parent or guardian to whom paragraphs A or B apply.

The term "homeless student" does not include a person housed in a correctional facility, jail or detention facility.

Sec. 2. 20-A MRSA §261, 2nd ¶, as enacted by PL 1989, c. 415, §2, is amended to read:

The commissioner may adopt rules to implement statutory policies regarding student residency, the right of a student to attend school in another administrative unit, homeless students and other exceptions to the general residency rules. Rules adopted by the commissioner pursuant to this section shall take precedence over any inconsistent or conflicting rules adopted by a school board pursuant to section 5201, subsection 4.

Sec. 3. 20-A MRSA §5205, sub-§7 is enacted to read:

7. Homeless students. Pursuant to section 261, the commissioner may adopt rules to ensure that each homeless student has unrestricted access to the free public education afforded by section 2, subsection 1. The rules must implement the requirements and policies of the Stewart B. McKinney Homeless Assistance Act, Public Law 100-77, Title VII, Subtitle B, as amended by the Stewart B. McKinney Homeless Assistance Amendments Act of 1988, Public Law 100-268, Title VII, Section 702, and may be adopted as part of or in conjunction with the required state plan. The rules must include, but are not limited to, provisions for the resolution of disputes regarding the educational placement of homeless students according to the best interest of homeless students, provisions that homeless students receive services comparable to services offered to other students in the schools they attend, and other provisions required by United States Code, Title 42, Section 11432, Subsection e.

Effective October 17, 1991.

CHAPTER 609

H.P. 875 - L.D. 1261

An Act to Enhance the Integrated Pest Management Capabilities of Agriculture in the State

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

Sec. 1. 5 MRSA §12004-I, sub-§2-A is enacted to read:

<u>2-A.</u>	<u>Integrated Pest</u>	<u>Expenses</u>	<u>7 MRSA</u>
<u>Agriculture</u>	<u>Management Ad-</u>	<u>Only</u>	<u>§2404</u>
	<u>visory Committee</u>		

Sec. 2. 7 MRSA c. 413 is enacted to read:

CHAPTER 413

INTEGRATED PEST MANAGEMENT

§2401. Definitions

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

1. Integrated pest management. "Integrated pest management" means the selection, integration and implementation of pest damage prevention and control based on predicted socioeconomic and ecological consequences, including:

A. Understanding the system in which the pest exists;

B. Establishing dynamic economic or aesthetic injury thresholds and determining whether the organism or organism complex warrants control;

C. Monitoring pests and natural enemies;

D. When needed, selecting the appropriate system of cultural, mechanical, genetic, including resistant cultivars, biological or chemical prevention techniques or controls for desired suppression; and

E. Systematically evaluating the pest management approaches utilized.

§2402. Integrated Pest Management Fund

1. Creation of fund. There is created the Integrated Pest Management Fund. The commissioner shall credit funds received from any source for the development and implementation of an expanded and improved integrated pest management program to that fund. The following limitations apply to any revenue received from General Fund appropriations.

A. A minimum of 60% of the General Fund revenues must be granted to the University of Maine Cooperative Extension after an agreement on a work plan is reached by the commissioner and the Director of the University of Maine Cooperative Extension. The grant funds may not be used for purposes outside the strict scope of the grant. The grant funds may not be used for defrayal of overhead and administrative costs of the grant recipient.

B. A minimum of 5% of the General Fund revenues must be used by the Bureau of Agricultural Production for a new crop pest survey and biocontrol program, after a work plan is submitted to and approved by the commissioner.