

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.

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Augusta, Maine
1991

PUBLIC LAWS
OF THE
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JULY 11, 1991 to JULY 18, 1991

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.

C. A minimum of 5% of the General Fund revenues must be used to fund grants to examine the feasibility of, or promote, the involvement of the private sector in the development or implementation of integrated pest management programs in the State.

D. A minimum of 20% of the General Fund revenues must be used to fund grants for integrated pest management research and demonstration projects. The funds may be used to support graduate student programs and stipends. 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.

With the advice of the Integrated Pest Management Advisory Committee established in section 2403, the commissioner may expend any remaining General Fund appropriations for publications, educational efforts and other purposes consistent with this section.

2. Reporting requirements. At least annually, all grant recipients shall submit to the commissioner written reports outlining major accomplishments attributable to the grants and the details of the expenditure of the grant funds.

§2403. Integrated Pest Management Advisory Committee

1. Establishment; membership. The Integrated Pest Management Advisory Committee, as established by Title 5, section 12004-I, subsection 2-A, consists of 9 members jointly appointed by the commissioner and the Director of the University of Maine Cooperative Extension. Two members must represent farmers' interests. Each must be a member of an organization representing farmers in general and not limited by commodity. One member must represent the interest of an environmental organization. One member must be a county educator from the University of Maine Cooperative Extension. One member must be a division director or staff-level employee of the Bureau of Agricultural Production. One member must be the scientist from the University of Maine System specializing in agronomy or entomology who serves as a member of the Board of Pesticides Control in accordance with Title 22, section 1471-B. Three members must be representatives from private sector businesses currently practicing or having the potential to adopt integrated pest management techniques. The commissioner and the Director of the University of Maine Cooperative Extension shall appoint one member each from their staffs with technical expertise in integrated pest management to serve in a nonvoting advisory capacity to the committee.

2. Duties of committee. The Integrated Pest Management Advisory Committee shall:

A. Consider and study integrated pest management techniques;

B. Assess the need for integrated pest management work with respect to particular pests, particular commodities and the extent to which a reduction in the use of pesticides can be realized;

C. Study and evaluate proposals for funding under the Integrated Pest Management Fund;

D. Advise the commissioner regarding the funding of grant proposals and all other topics relevant to the field of integrated pest management;

E. Evaluate the need for education, including public and consumer education; and

F. Advise the University of Maine Cooperative Extension on the development of its plan of work.

3. Powers of committee. The Integrated Pest Management Advisory Committee may:

A. Conduct forums, seminars or meetings;

B. Publish or broadcast information or otherwise promote integrated pest management methods; and

C. Expend sums as approved by the commissioner for the purposes set forth in this chapter.

4. Meetings. The committee shall meet 4 times per year and may hold additional meetings upon joint request by the commissioner and the Director of the University of Maine Cooperative Extension. Committee members are entitled to reimbursement for expenses only in accordance with Title 5, chapter 379.

Effective October 17, 1991.

CHAPTER 610

H.P. 1067 - L.D. 1556

An Act to Unify Housing Services

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

Whereas, the transfer of duties and bond funds of the Maine Affordable Housing Alliance from the Department of Economic and Community Development to the Maine State Housing Authority requires a deappropriation from the department for fiscal year 1991-92; and

Whereas, only emergency enactment of this legislation will permit a timely fiscal year 1991-92 deappropriation; and