

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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  
1992

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**PUBLIC LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED AT THE**  
**SECOND REGULAR SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**CHAPTER 847****H.P. 1684 - L.D. 2364****An Act to Clarify the Funding of State Mandates**

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

**Whereas,** the breadth of the present law that requires the State to fund state mandates is having a negative impact on legislation requested by municipalities; 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. 20-A MRSA §2, sub-§3,** as amended by PL 1991, c. 429, §1 and c. 591, Pt. III, §23, is repealed.

**Sec. 2. 20-A MRSA §2-A, first ¶,** as enacted by PL 1991, c. 429, §2, is amended to read:

A school administrative unit may seek a waiver allowing the unit to delay compliance with a state mandate, as defined in ~~section 2, subsection 3~~ Title 30-A, section 5684, as follows.

**Sec. 3. 20-A MRSA §2-A, sub-§6,** as enacted by PL 1991, c. 429, §2, is amended to read:

**6. Application; repeal.** This section is repealed on July 1, 1992. Until that time, notwithstanding any other provision of law, this section governs the waiver or deferral of state mandates as defined in ~~section 2, subsection 3~~ Title 30-A, section 5684.

**Sec. 4. 30-A MRSA §5684, last ¶,** as enacted by PL 1989, c. 922, is amended to read:

For the purposes of this section, "state mandate" means any state regulatory or statutory action that requires county or municipal government, or a unit of county or municipal government, to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues, excluding any order issued by a state or federal court or any legislation necessary to comply with a federal mandate. The State is not required to fund any state mandate that is necessary to comply with the Maine Human Rights Act; ensures due process; creates, expands or amends criminal laws or civil infractions or penalties enforced by municipalities; increases the minimum wage; results from en-

actment of legislation introduced at the official request of a municipality or municipalities; or imposes routine obligations, when the combined statewide cost of all such mandates in any calendar year is less than .001 of the total amount of property taxes collected in the State during the previous year.

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

Effective April 9, 1992.

**CHAPTER 848****S.P. 945 - L.D. 2409****An Act to Improve Educational Public Broadcasting Statewide**

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

**Whereas,** the further development and enhancement of educational noncommercial radio and television programming for Maine people throughout the State is vital to the State's interest; and

**Whereas,** there exist present opportunities to unify public and private noncommercial educational broadcasting in this State; and

**Whereas,** encouragement and assistance to take advantage of these opportunities is essential to the advancement of educational noncommercial radio and television broadcasting in this State; and

**Whereas,** legislation is necessary to authorize the University of Maine System to take advantage of the opportunity to unify public broadcasting in this State for the benefit of all the citizens of Maine; 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. 1 MRSA §402, sub-§2,** as amended by PL 1989, c. 878, Pt. A, §1, is further amended to read:

**2. Public proceedings.** The term "public proceedings" as used in this subchapter ~~shall mean~~ means the transactions of any functions affecting any or all citizens of the State by any of the following: