

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

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

case management services for
pregnant and parenting teens.

See title page for effective date.

CHAPTER 25

H.P. 473 - L.D. 667

An Act to Require the Commissioner of Environmental Protection to Evaluate the Financial and Staff Resources Necessary to Assume Responsibility for Certain Provisions of the Federal Water Pollution Control Act

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

State assumption of federal water pollution control authority. The Commissioner of Environmental Protection shall prepare an analysis of the financial and staff resources necessary for the Department of Environmental Protection to successfully seek approval from the federal Environmental Protection Agency to administer a state National Pollutant Discharge Elimination System program. The commissioner shall submit the analysis along with recommendations for any necessary funding mechanisms to the Joint Standing Committee on Energy and Natural Resources no later than February 1, 1992 for review.

See title page for effective date.

CHAPTER 26

H.P. 1077 - L.D. 1571

An Act Relating to Level I and Level II Educational Technicians

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

Whereas, recent changes in Maine State Retirement System and educator certification laws and rules have created confusion and inequity in the treatment, for employment and retirement purposes, of a class of public school employees commonly known as teacher aides; and

Whereas, immediate enactment of legislation is necessary to clarify the confusion and inequity surrounding the employment and retirement status of these employees; 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 legisla-

tion 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. Retirement coverage for certain teacher aides. Notwithstanding the provisions of any other law or rule, any person employed in a position formerly known as teacher aide who does not meet the applicable standards for educational preparation for level II or level III educational technicians, contained in State Board Rule 115, Part I, sections 14.2(b) and 14.3(b), and who is promoted to a level II or level III educational technician prior to September 1, 1991, retains retirement coverage by the retirement system or plan under which that person was covered at the time of promotion. Any person covered by this section who later satisfies the educational preparation requirements for level II or level III educational technicians, must be considered a teacher as defined in the Maine Revised Statutes, Title 5, section 17001, subsection 42. Any person hired or promoted as a level II or level III educational technician on or after September 1, 1991 is subject to the provisions of Title 5, Part 20.

Sec. 2. Professional qualifications of teacher aides performing the job of level II or level III educational technicians prior to 1991. Any person employed in a position formerly known as a teacher aide or teacher assistant who is promoted by a school administrative unit prior to September 1, 1991, to a level II or level III educational technician whose job function at the time of promotion was that of a level II or level III educational technician, as described in State Board Rule 115, Part I, section 14.2 (a) or 14.3 (a), need not meet the educational preparation standards for those positions set forth in board rule sections 14.2 (b) and 14.3 (b) respectively to be assigned the title of educational technician II or educational technician III. Any person hired or promoted to a level I, II or III educational technician on or after September 1, 1991 must meet educational preparation requirements for that position.

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

Effective June 20, 1991.

CHAPTER 27

H.P. 1268 - L.D. 1839

An Act to Extend Certain Income Tax Benefits to Individuals Participating in Operation Desert Shield or Operation Desert Storm

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

Whereas, the United States Congress has enacted and President Bush has signed legislation authorizing special tax benefits for military personnel participating in Operation Desert Shield or Operation Desert Storm; and

Whereas, state conformity with federal tax policy enables the State to grant similar benefits in most instances; and

Whereas, the extension of all these federal benefits is not automatic at the state level; and

Whereas, the Legislature intends that all such benefits be extended to Maine taxpayers who qualify for the federal benefits; 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. Interest. Notwithstanding the Maine Revised Statutes, Title 36, section 5279, subsection 4, the State Tax Assessor shall pay interest beginning April 15, 1991 on any income tax refund due a Maine taxpayer who is a member of the military and eligible for federal income tax benefits because of involvement in Operation Desert Shield or Operation Desert Storm, regardless of the date on which the income tax return is filed.

Sec. 2. Forgiveness of liability. Notwithstanding the Maine Revised Statutes, Title 36, section 5222, if a deceased taxpayer has no federal income tax liability because the death was a direct result of involvement in Operation Desert Shield or Operation Desert Storm, that taxpayer has no state income tax liability for the tax year in which the death occurred and the immediately preceding tax year.

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

Effective June 20, 1991.

CHAPTER 28

S.P. 632 - L.D. 1680

An Act to Provide for the 1991 and 1992 Allocations of the State Ceiling on Private Activity Bonds

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

Whereas, the Maine Revised Statutes, Title 10, section 363 and Public Law 1989, chapter 812 make a partial allocation of the state ceiling on private activity bonds to some issuers for calendar year 1991, but leave a portion of the state ceiling unallocated and do not provide sufficient allocations for certain types of private activity bonds that may require an allocation prior to the effective date of this Act if not enacted on an emergency basis; and

Whereas, if these bond issues must be delayed due to lack of available state ceiling, the rates and terms under which these bonds may be issued may be adversely affected, resulting in increased costs to beneficiaries or even unavailability of financing for certain projects; 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. Allocation to the Treasurer of State. Ten million dollars of the state ceiling for calendar year 1991 previously allocated to the Treasurer of State remains allocated to the Treasurer of State. Ten million dollars of the state ceiling for calendar year 1992 is allocated to the Treasurer of State to be used in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 5.

Sec. 2. Allocation to the Finance Authority of Maine. The \$25,000,000 in state ceiling for calendar year 1991 previously allocated to the Finance Authority of Maine, plus an additional \$55,000,000, is allocated to the Finance Authority of Maine to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 6. Twenty-five million dollars of the state ceiling for calendar year 1992 is allocated to the Finance Authority of Maine to be used or reallocated in accordance with Title 10, section 363, subsection 6.

Sec. 3. Allocation to the Maine Municipal Bond Bank. The \$10,000,000 of the state ceiling previously allocated to the Maine Municipal Bond Bank for calendar year 1991 remains allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with the Maine Revised Statutes, Title 10, section 363, subsection 7. Ten million dollars of the state ceiling for calendar year 1992 is allocated to the Maine Municipal Bond Bank to be used or reallocated in accordance with Title 10, section 363, subsection 7.

Sec. 4. Allocation to the Maine Educational Loan Authority. None of the state ceiling for calendar year 1991 is allocated to the Maine Educational Loan Authority. None of the state ceiling for calendar year