

# 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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J.S. McCarthy Company  
Augusta, Maine  
1991

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**RESOLVES**  
OF THE  
**STATE OF MAINE**

AS PASSED AT THE  
**FIRST REGULAR SESSION**

of the  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**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

**Sec. 1. Commission established. Resolved:** That the Commission to Study the Feasibility of a Capital Cultural Center is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of the following 10 members: two representatives of the University of Maine at Augusta appointed by the President of the University of Maine at Augusta; 2 municipal officers of Augusta of whom one must be the mayor and one must be a city council representative appointed by the mayor; 2 representatives of the public of whom one must be appointed by the Governor and one must be appointed jointly by the President of the Senate and the Speaker of the House of Representatives; 3 members of the Legislature, jointly approved by the President of the Senate and the Speaker of the House of Representatives; and one member of the Capitol Planning Commission appointed by the Governor; and be it further

**Sec. 3. Appointments; meetings. Resolved:** That all appointments must be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be notified by all appointing authorities once the selections have been made. When the appointment of all members has been completed the Chair of the Legislative Council shall call and convene the first meeting of the commission no later than July 30, 1991. The commission shall select a chair from among its members; and be it further

**Sec. 4. Duties. Resolved:** That the commission shall study the feasibility of establishing a Capital Cultural Center. In conducting the study the commission shall examine the following issues:

1. Whether the need for a cultural center exists;
2. The appropriate location for a cultural center; and
3. The cost of establishing and maintaining a cultural center; and be it further

**Sec. 5. Powers. Resolved:** That in examining the issues in section 4 of this resolve, the commission may:

1. Meet at convenient times and places within Augusta;
2. Hold informational sessions for discussions with knowledgeable persons;

3. Conduct, summarize and analyze the results of a literature search;

4. Conduct, tabulate and analyze the results of a survey of the public or affected persons and groups;

5. Procure and analyze relevant data;

6. Conduct legal research and prepare opinions on legal questions within the scope of the study; and

7. Determine and summarize the legislative actions or governmental programs undertaken in other jurisdictions related to issues within the scope of the study; and be it further

**Sec. 6. Assistance. Resolved:** That the commission may request staffing assistance from the University of Maine at Augusta. The commission may also apply for any financial assistance required to perform its functions from the University of Maine at Augusta Foundation; and be it further

**Sec. 7. Report. Resolved:** That the commission shall submit its report to the Second Regular Session of the 115th Legislature no later than November 1, 1991; and be it further

**Sec. 8. Expenditure of state funds. Resolved:** That state funds may not be spent for construction of a Capital Cultural Center; and be it further

**Sec. 9. Capital Cultural Center location. Resolved:** That a Capital Cultural Center may not be constructed within the Capitol Area, as defined in the Maine Revised Statutes, Title 1, section 814.

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

Effective July 8, 1991.

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## CHAPTER 47

H.P. 1367 - L.D. 1953

### Resolve, Authorizing the Commissioner of Corrections to Enter into an Agreement with the Town of Thomaston for the Maine State Prison's Share of Upgrading the Town of Thomaston Sewer System

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

**Whereas**, there is an immediate need to begin work in order to have the Town of Thomaston sewer system upgraded; and

**Whereas**, an agreement between the State, through the Department of Corrections, and the Town of Thomaston is necessary before work may begin; 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

**Resolved:** That the Commissioner of Corrections is authorized to enter into an agreement with the Town of Thomaston specifying the Maine State Prison's share of the cost of upgrading the Town of Thomaston sewer system and payment of user fees by the Maine State Prison.

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

Effective July 8, 1991.

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## CHAPTER 48

S.P. 288 - L.D. 770

### **Resolve, to Create the Commission to Study a Long-term Disability Program for the Maine State Retirement System Members**

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

**Whereas**, the Commission to Study a Long-term Disability Program for the Maine State Retirement System Members shall report its findings and recommendations, including any necessary implementing legislation, to the Second Regular Session of the 115th Legislature; and

**Whereas**, the Older Workers Protection Act, which was enacted by the United States Congress and signed by the President on October 16, 1990, mandates eligibility modifications for the Maine State Retirement System disability program 2 years after the effective date of the Act; and

**Whereas**, the Act allows legislative discretion in complying with these revisions within the 2-year period; 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

**Sec. 1. Commission established. Resolved:** That the Commission to Study a Long-term Disability Program for the Maine State Retirement System Members is established; and be it further

**Sec. 2. Commission membership. Resolved:** That the commission consists of the following members:

1. Four voting members who are members of organizations that represent employees and retirees, appointed by the Governor after being nominated by their respective organizations as follows:

A. One member nominated by the Maine Teachers Association;

B. One member nominated by the Maine Association of Retirees; and

C. Two members nominated by the Maine American Federation of Labor and Congress of Industrial Organizations, Public Sector Division;

2. Two voting members appointed by the Governor after being nominated as follows:

A. One member nominated by the Maine Municipal Association; and

B. One member nominated by the Maine School Management Association;

3. One member appointed by the Governor; and

4. The Executive Director of the Maine State Retirement System or the executive director's designee to serve as an ex officio nonvoting member; and be it further

**Sec. 3. Appointments; meetings. Resolved:** That all appointments be made no later than 30 days following the effective date of this resolve. The Executive Director of the Legislative Council must be notified by all appointing authorities when the selections are made. The Chair of the Legislative Council shall call the first meeting of the commission. The commission shall select a chair from its membership; and be it further

**Sec. 4. Duties. Resolved:** That the commission shall undertake a study of the revisions mandated by the Older Workers Protection Act and the effect on the eligibility requirements of the present Maine State Retirement System disability programs. As part of the study the commission shall:

1. Identify specific disability requirements affected by the Older Workers Protection Act and the associated cost of implementation;