

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
OCTOBER 13, 1993

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
1993

RESOLVES
OF THE
STATE OF MAINE
AS PASSED AT THE
FIRST REGULAR SESSION
of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE
1993

Sec. 7. Report. Resolved: That the commission shall submit its report, as approved by 2/3 of its members, together with any necessary implementing legislation, to the Second Regular Session of the 116th Legislature, the Joint Standing Committee on Taxation and the Joint Standing Committee on State and Local Government no later than November 1, 1993; and be it further

Sec. 8. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1993-94

LEGISLATURE

Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals

Personal Services	\$990
All Other	3,200
TOTAL	\$4,190

Provides for the appropriation of funds to the Commission to Study the Statutory Procedures for Local Property Tax Abatement Appeals for the per diem and expenses of members and miscellaneous committee expenses.

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

Effective July 13, 1993.

CHAPTER 42

H.P. 572 - L.D. 777

Resolve, to Establish a Commission to Study Nonregulatory and Market Solutions to Environmental Issues

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 first meeting of the Commission to Study Nonregulatory and Market Solutions to Environmental Issues established in this resolve must convene no later than August 15, 1993, in order to complete its study and submit a report to the Second Regular Session of the 116th Legislature; 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 Nonregulatory and Market Solutions to Environmental Issues is established; and be it further

Sec. 2. Commission membership. Resolved: That the commission consists of 15 members:

1. Three members of the natural resource agencies of the State, appointed by the Governor; and
2. Twelve persons chosen from the following list, jointly appointed by the President of the Senate and the Speaker of the House of Representatives:
 - A. Three members representing private industry;
 - B. Three members representing environmental advocacy groups;
 - C. Three members of the academic community; and
 - D. Three members of the Legislature, at least one of whom must be a member of the minority party; 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 August 15, 1993. The commission shall select a chair from among its members; and be it further

Sec. 4. Duties. Resolved: That the commission shall review the State's environmental laws and rules and examine reasonable alternative regulatory mechanisms and nonregulatory strategies, including, but not limited to, market-based strategies, pollution prevention, economic incentives and nonregulatory approaches to environmental issues. The commission shall evaluate the findings of the study and make recommendations for alternative approaches to existing environmental law that provide a cost savings to the State and offer greater flexibility to the regulated community without compromising appropriate levels of environmental protection. In conducting the study, the commission may:

1. Meet at convenient times and locations;

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. 5. Assistance. Resolved: That the commission may hire consultants and staff to assist it in performing its duties, provided funding is available. The chair of the study group shall manage the consultants' work. The consultants shall prepare any legislation recommended by the commission; and be it further

Sec. 6. Reimbursement. Resolved: That the members of the commission who are Legislators are entitled to receive the legislative per diem as defined in the Maine Revised Statutes, Title 3, section 2, for each day's attendance at commission meetings. Members of the commission who are not state employees are entitled to reimbursement for expenses as defined in Title 5, section 12002, upon application to the Executive Director of the Legislative Council. Members of the commission who are Legislators may receive expenses and per diem only from General Fund money appropriated for the study. Outside funding sources may not be used to reimburse Legislators; and be it further

Sec. 7. Report. Resolved: That the commission shall submit its report, together with any necessary implementing legislation, to the Second Regular Session of the 116th Legislature and to the Joint Standing Committee on Energy and Natural Resources no later than January 15, 1994; and be it further

Sec. 8. Funding. Resolved: That, except for payment of expenses and per diem of Legislators, the commission must be funded by outside sources, to be approved by the Legislative Council. The study may not proceed and General Fund money may not be expended unless a plan for funding the commission is presented to and approved by the Legislative Council. The Legislative Council shall administer any funds acquired for the conduct of the study; and be it further

Sec. 9. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

LEGISLATURE

Commission to Study Nonregulatory and Market Solutions to Environmental Issues

Personal Services	\$990
All Other	900

Provides for the appropriation of funds to the Commission to Study Nonregulatory and Market Solutions to Environmental Issues for the per diem and expenses of legislative members. These funds may not be expended if the Legislative Council does not approve a plan for funding or if outside sources of funding are not received.

LEGISLATURE

TOTAL	\$1,890
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Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective July 13, 1993.

CHAPTER 43

S.P. 487 - L.D. 1498

Resolve, to Transfer the Responsibilities of the Bureau of Rehabilitation from the Department of Human Services to the Department of Education

Sec. 1. Bureau of Rehabilitation transferred; transition. Resolved: That, on the effective date of this resolve, the Department of Education assumes all responsibilities of the Bureau of Rehabilitation, which is within the Department of Human Services, except the responsibilities of the Division of Disability Determination Services. All duties and responsibilities of the Bureau of Rehabilitation, except the duties and responsibilities of the Division of Disability Determination Services, become the duties and responsibilities of the Department of Education on the effective date of this resolve. All positions, employees and related functions of the Bureau of Rehabilitation, except the positions, employees and functions in the Division of Disability Determination Services, must be transferred administratively to the Department of Education. All existing appropriations and allocations of the Bureau of Rehabilitation, except those appropriations and allocations assigned to