

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

subchapter IV and administered by the Finance Authority 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

Sec. 1. Authority to issue and sell bonds.

Resolved: That notwithstanding the Maine Revised Statutes, Title 30-A, sections 122 and 934, or any other provision of law, the Aroostook County Commissioners, without obtaining the consent of the voters of Aroostook County, may issue and sell revenue obligation securities in the forms of bonds or notes of Aroostook County for the purpose of refinancing notes issued by the Northern Maine Development Commission, Inc. in the aggregate principal amount of \$310,000, which notes have been issued for the purpose of financing renovation of the commission's building and other authorized purposes under the laws of Maine and the commission's charter. These bonds must be payable over a period not to exceed 15 years and must be signed by the Treasurer of Aroostook County and countersigned by the Chair of the County Commissioners. The county may sell the bonds to a lender selected by the Aroostook County Commissioners upon such terms and conditions as the Aroostook County Commissioners and the lender may approve; and be it further

Sec. 2. No referendum required. Resolved: That the authority to issue these bonds under this resolve is valid and effective without being submitted to the voters of Aroostook County; and be it further

Sec. 3. Aroostook County deemed municipality. Resolved: That the bonds must be issued by the county as revenue obligation securities of Aroostook County under the Municipal Securities Approval Program, the Maine Revised Statutes, Title 10, chapter 110, subchapter IV and for the purposes of issuing the bonds, Aroostook County is deemed a municipality for all purposes under Title 10 and Aroostook County has all powers of a municipality under Maine law for the purpose of issuing the bonds. The bonds are not a general obligation or pledge of the faith or credit of Aroostook County.

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

Effective April 14, 1994.

CHAPTER 72

H.P. 1015 - L.D. 1361

Resolve, Establishing the Commission to Study Biotechnology and Genetic Engineering

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

Whereas, this legislation establishes the Commission to Study Biotechnology and Genetic Engineering; and

Whereas, the commission is required to submit its report to the First Regular Session of the 117th Legislature by December 1, 1994; and

Whereas, in order for the appointments to be made, the commission to be convened and the report to be submitted in a timely fashion, this legislation must take effect immediately; 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 Biotechnology and Genetic Engineering, referred to in this resolve as the "commission," is established; and be it further

Sec. 2. Membership. Resolved: That the commission consists of 15 members appointed as follows:

1. Two Legislators, appointed jointly by the President of the Senate and the Speaker of the House of Representatives;

2. Four representatives of industry, including one person who has practical experience in and knowledge of agricultural procedures, one person who represents the food processing industry, one person who represents the biotechnology industry and one person who represents the marine fisheries industry;

3. Four representatives from the academic community, including one economist who has practical experience and knowledge of natural resources, one ethicist, one environmental scientist with knowledge of biotechnology and genetic engineering issues and one public health professional;

4. Four representatives from the public, including one person who represents a nonprofit consumer advocacy organization, one person who represents a nonprofit public interest environmental organization, one person who represents the general public and one person who is an organic farmer; and

5. The President of the Maine Science and Technology Foundation, who is an ex officio member.

All members of the commission, with the exception of the President of the Maine Science and Technology Foundation and the Legislators, are appointed jointly by the Governor, the President of the Senate and the Speaker of the House of Representatives. The committee shall at its first meeting select 2 members to serve as cochaIRS; and be it further

Sec. 3. Appointments. Resolved: That all appointments must be made no later than 30 days following the effective date of this resolve. The appointing authorities shall notify the Executive Director of the Legislative Council upon making their appointments. When the appointment of all members is complete, the chair of the Legislative Council shall call and convene the first meeting of the commission no later than August 15, 1994; and be it further

Sec. 4. Duties. Resolved: That the commission shall study and make recommendations on the role of State Government in the oversight of biotechnology and genetic engineering. In examining these issues, the commission shall review the existing Commission on Biotechnology and Genetic Engineering established in the Maine Revised Statutes, Title 7, chapter 8-C and also do the following:

1. Identify and review existing state statutes that provide authority for regulating products and activities, including statutes governing food and agriculture, health and safety, confidential business information and the environment;

2. Advise the legislative and executive branches, including regulatory agencies, on the adequacy of existing state and federal oversight frameworks and recommend needed action at state and federal levels;

3. Assess the adequacy of communication pathways among responsible state agencies, federal agencies and local communities and recommend a strategy for informing local community policymakers of state and federal oversight frameworks and the roles of local government in making regulations concerning biotechnology and genetic engineering and in communicating with the public on these issues;

4. Consider mechanisms for effective public involvement in the oversight process;

5. Consider mechanisms by which risks and benefits, including social or economic consequences, to the public and the environment created by the use of biotechnology and genetic engineering products and waste products may be evaluated;

6. Consider the role of research in the public sector and the need for oversight of research involving state resources; and

7. Include the public, outside experts, state agencies and businesses in the State involved in biotechnology and genetic engineering in the commission's deliberations; and be it further

Sec. 5. Staff assistance. Resolved: That the commission shall request staffing and clerical assistance from the Legislative Council; and be it further

Sec. 6. Reimbursement. Resolved: That the commission members 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 meetings of the commission. All members of the commission are entitled to reimbursement for travel and other necessary expenses upon application to the Legislative Council. The Executive Director of the Legislative Council shall administer the commission's budget; and be it further

Sec. 7. Report. Resolved: That the commission shall submit its report with any accompanying legislation to the First Regular Session of the 117th Legislature by December 1, 1994; 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 1994-95

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Commission to Study Biotechnology and Genetic Engineering

Personal Services	\$220	\$660
All Other	1,500	5,000
Provides funds to the Commission to Study Biotechnology and Genetic Engineering for the per diem of legislative members, expenses of all members and miscellaneous commission expenses.		

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TOTAL	\$1,720	\$5,660
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Emergency clause. In view of the emergency cited in the preamble, this resolve takes effect when approved.

Effective April 15, 1994.

CHAPTER 73

H.P. 1321 - L.D. 1783

Resolve, Establishing the People with Disabilities Access Commission

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 created by this resolve needs to begin its work as soon as possible to deal with the complexity of its charge and to meet the reporting date; 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 created and charged. Resolved: That there is established the People with Disabilities Access Commission, referred to in this resolve as the "commission." The commission shall:

1. Review and compare the federal Americans with Disabilities Act of 1990 with state laws and rules concerning access for persons with disabilities, including the Maine Human Rights Act and provisions of the Maine Revised Statutes, Title 25;

2. Recommend changes in state laws and rules needed to ensure that compliance with state law will meet at least the minimum requirements of federal law, so that state law can be certified by the United States Department of Justice as complying with the federal Americans with Disabilities Act of 1990 and, in part, so that, with respect to standards of construction relating to access for people with disabilities, businesses may have a more efficient and cost-effective process and a "one-stop shopping" location at the Office of State Fire Marshal for review and approval of construction plans with respect to both state and federal access laws; and

3. Plan for implementation, including development of resources and financing, to meet the needs of

people with disabilities and the needs of businesses and others required to comply with the laws pertaining to access for persons with disabilities; and be it further

Sec. 2. Appointment. Resolved: That the commission consists of 17 members appointed in the following manner:

1. One member representing design professionals, appointed by the Governor;

2. Four members representing business interests, who may come from statewide organizations of business interests in the State, including one from a large business, one from a small business and one representing restaurants and innkeepers, appointed by the Governor;

3. One member representing the construction industry, appointed by the Governor;

4. One member representing State Government as an employer and provider of services, appointed by the Governor;

5. One member representing labor interests, appointed by the President of the Senate;

6. One member representing code enforcement officers, appointed by the Speaker of the House of Representatives;

7. Six members representing the interests of persons with disabilities, 3 of whom are persons with disabilities, appointed by the Speaker of the House of Representatives and 3 of whom are from agencies who represent people with disabilities, appointed by the President of the Senate, provided that one of the agencies is the protection and advocacy agency designated by the Governor under the Maine Revised Statutes, Title 5, section 19502;

8. The Executive Director of the Maine Human Rights Commission, or the executive director's designee, who serves as the commission's chair; and

9. The State Fire Marshal, or the State Fire Marshal's designee.

All appointments must be made within 30 days of the effective date of this resolve; and be it further

Sec. 3. Chair. Resolved: That the chair shall call the first meeting of the commission as soon as funding permits. At the first meeting or a subsequent meeting, the commission may select a vice-chair from among its members and establish programmatic and structural committees; and be it further