

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

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

**AS PASSED BY THE**  
**ONE HUNDRED AND SEVENTEENTH LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 7, 1994 to June 30, 1995**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 29, 1995**

**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**  
**1995**

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

Effective January 17, 1995.

---



---

### CHAPTER 3

#### H.P. 118 - L.D. 153

#### An Act to Facilitate the Confirmation Process

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

**Whereas,** the 117th Legislature has made changes in the numbers and jurisdictions of joint standing committees of the Legislature; and

**Whereas,** some statutory references to committees with responsibility for reviewing appointments by the Governor are no longer correct; and

**Whereas,** review of nominations must be completed before the regular effective date of nonemergency legislation; 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. 5 MRSA §17102, sub-§1, ¶D,** as amended by PL 1993, c. 410, Pt. L, §17, is further amended to read:

D. Four persons appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over ~~aging, veterans and retirement~~ matters and to confirmation by the Legislature:

(1) At least 2 of whom must be qualified through training or experience in the field of investments, accounting, banking or insurance or as actuaries;

(2) One of whom must be selected from a list of 3 nominees submitted by the Maine Retired Teachers' Association; and

(3) One of whom must be the recipient of a retirement allowance through the retirement system and be selected from a list or lists of

nominees submitted by retired state employees, retired participating local district employees or a committee comprised of representatives of these groups; and

**Sec. 2. 12 MRSA §683, first ¶,** as amended by PL 1991, c. 76, is further amended to read:

The Maine Land Use Regulation Commission, as established by Title 5, section 12004-D, subsection 1 to carry out the purposes stated in section 681, is created within the Department of Conservation, and in this chapter called the "commission." The commission is charged with implementing this chapter in all of the unorganized and deorganized areas of the State. The commission consists of 7 public members, none of whom may be state employees, who must be appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over ~~energy and natural resources~~ conservation matters and to confirmation by the Legislature, for staggered 4-year terms. Among the public members, there must be 4 who must be knowledgeable in at least one of each of the following areas: commerce and industry; fisheries and wildlife; forestry; and conservation. Of the potential appointees to the commission, the Governor shall actively seek and give consideration to persons residing in or near the unorganized areas of the State and to persons residing on unorganized coastal islands. At least 2 members must be residents within the commission's jurisdiction.

**Sec. 3. 12 MRSA §5011, first ¶,** as amended by PL 1993, c. 685, Pt. B, §1, is further amended to read:

There is created and established the Department of Conservation to preserve, protect and enhance the land resources of the State of Maine; to encourage the wise use of the scenic, mineral and forest resources of the State of Maine and ensure that coordinated planning for the future allocation of lands for recreational, forest production, mining and other public and private uses is effectively accomplished; and to provide for the effective management of public lands in the State of Maine. The Department of Conservation consists of a Commissioner of Conservation, referred to in this Part as the "commissioner," appointed by the Governor and subject to review by the joint standing committee of the Legislature having jurisdiction over ~~energy and natural resources~~ conservation matters and to confirmation by the Legislature, to serve at the pleasure of the Governor; and the following entities as previously created or established are incorporated into the Department of Conservation:

**Sec. 4. 34-A MRSA §1401, sub-§1,** as enacted by PL 1983, c. 459, §6, is amended to read:

**1. Appointment.** The Governor shall appoint the Commissioner of Corrections, subject to review by the joint standing committee of the Legislature having jurisdiction over ~~health and institutional services corrections matters~~ and to confirmation by the Senate, to serve at the pleasure of the Governor.

**Sec. 5. 38 MRSA §341-A, sub-§3,** as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is amended to read:

**3. Commissioner.** The commissioner ~~shall be~~ is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over ~~energy and~~ natural resource matters and to confirmation by the Legislature.

A. The commissioner ~~shall serve~~ serves at the pleasure of the Governor.

B. When the State receives authority to issue permits under the Federal Water Pollution Control Act, 33 United States Code 1982, Section 1251 et seq., as amended, a person may not serve as commissioner who receives, or during the 2 years prior to appointment has received, a significant portion of income directly or indirectly from license or permit holders or applicants for a license or permit under the Federal Water Pollution Control Act.

C. The commissioner may delegate duties assigned to the commissioner under this Title to staff of the department.

**Sec. 6. 38 MRSA §341-C, sub-§1,** as enacted by PL 1989, c. 890, Pt. A, §13 and affected by §40, is amended to read:

**1. Appointments.** The board ~~shall consist~~ consists of 10 members appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over ~~energy and~~ natural resource matters and to confirmation by the Legislature.

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

Effective January 24, 1995.

---



---

## CHAPTER 4

H.P. 230 - L.D. 309

### An Act to Encourage Major Business Expansion in Maine

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

**Whereas,** there is a need to provide incentives to retain jobs and encourage major business expansions within the State in order to create new employment opportunities, provide a broader tax base and improve the economy of the State; and

**Whereas,** access to financing for major projects at reduced interest rates provides a substantial incentive to businesses to relocate to Maine or expand Maine activities; and

**Whereas,** this legislation will serve an important public purpose; 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. 10 MRSA §963-A, sub-§10, ¶M,** as amended by PL 1993, c. 712, §3, is further amended to read:

M. Any aboveground oil replacement or upgrade project, including equipment installed to meet requirements for gasoline service station vapor control and petroleum liquids transfer vapor recovery; ~~or~~

**Sec. 2. 10 MRSA §963-A, sub-§10, ¶N,** as enacted by PL 1993, c. 712, §4, is amended to read:

N. Any electric rate stabilization project; ~~or~~

**Sec. 3. 10 MRSA §963-A, sub-§10, ¶O** is enacted to read:

O. Any major business expansion project.

**Sec. 4. 10 MRSA §963-A, sub-§31-A** is enacted to read:

**31-A. Major business expansion project.** "Major business expansion project" means any building, structure, machinery, equipment or facility proposed to be constructed, rehabilitated, expanded, modernized or acquired in the State by a business entity, that has a projected cost of \$5,000,000 or more, that is projected to result in a net gain of at least 100 job opportunities within the State or the retention of at least 100 jobs and that benefits from financing assistance from the authority including use of a capital reserve fund pursuant to section 1053. A major