

MAINE STATE LEGISLATURE

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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

N. Load-induced tire bulge; and

O. Wall variation from true flat.

See title page for effective date.

CHAPTER 79

H.P. 248 - L.D. 350

An Act to Encourage Collaboration between Local School Units

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

Sec. 1. 20-A MRSA §17101, as amended by PL 1989, c. 700, Pt. A, §74, is further amended to read:

§17101. Intent

The intent of this chapter is to promote creative improvement in the schools of the State. The Commissioner of Education shall promote innovative projects by means of grants to teachers, school administrative units ~~or~~ private schools approved for tuition purposes or groups of school administrative units formed for the purpose of providing improved educational opportunity through the sharing of resources among the member units. A group of school administrative units seeking a grant in accordance with this chapter shall provide written verification to the commissioner that each school administrative unit comprising the group has agreed to the grant criteria established by the department. The group shall designate one school administrative unit to act as fiscal agent for the group. To promote the greatest possible benefits statewide, a school administrative unit is limited to one grant at a time, whether the grant is received separately or as part of a group. It is not the intent of this chapter to provide funds for programs or services normally provided by those school systems. Project dissemination will be accomplished through the department through instructional support group staff. The use of state, regional and national diffusion networks will be encouraged.

See title page for effective date.

CHAPTER 80

H.P. 259 - L.D. 361

An Act to Define a "Demonstrator" under the Board of Barbering and Cosmetology

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

Sec. 1. 32 MRSA §14202, sub-§3-A is enacted to read:

3-A. Demonstrator. "Demonstrator" means a person who is licensed to practice cosmetology, barbering, aesthetics or manicuring and engages in performing demonstrations outside establishments licensed by the board in the use of machines, articles or techniques pertaining to practices licensed under this chapter. The term "demonstrator" does not include one who performs demonstrations solely for persons currently licensed to practice cosmetology, barbering, aesthetics or manicuring under this chapter or under the licensing provision of any other state.

Sec. 2. 32 MRSA §14234, as enacted by PL 1991, c. 397, §6, is repealed and the following enacted in its place:

§14234. Demonstrators

A person may not perform demonstrations unless licensed by the board. The board shall adopt rules that describe the articles, machines or techniques that may be demonstrated outside the licensed establishment. All demonstrations must be performed in a safe and sanitary manner for the protection of the public. Licenses must be renewed on or before July 1st biennially. A license is not required for persons who perform demonstrations in a licensed establishment or solely to licensed persons.

See title page for effective date.

CHAPTER 81

H.P. 286 - L.D. 390

An Act to Clarify the Tax-exempt Status of Municipally Owned Solid Waste Disposal Facilities

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

Sec. 1. 38 MRSA §1304-B, sub-§5, as amended by PL 1989, c. 869, Pt. C, §10, is further amended to read:

5. Public waste disposal corporations. Notwithstanding any law, charter, ordinance provision or limitation to the contrary, pursuant to any interlocal agreement entered into in accordance with Title 30-A, chapter 115, any 2 or more municipalities may organize or cause to be organized or may participate in one or more corporations organized as nonprofit corporations under Title 13, chapter 81, or Title 13-B

for the purpose, among other permissible purposes, of owning or operating any one or more waste facilities described in subsection 4, paragraph A, and a subscribing municipality may agree in any such interlocal agreement to pay fees, assessments or other payments as described in subsection 4, paragraph B, for such term of years and on such other terms as the interlocal agreement may provide and may pledge the full faith and credit of the municipality to the same extent provided in subsection 4, paragraph C. A corporation described in this subsection is a public municipal corporation as that term is used in Title 36, section 651, subsection 1, paragraph D, and its real and personal property located in subscribing, participating and associate member municipalities is exempt from municipal property taxation to the extent provided by Title 36, section 651, subsection 1, paragraph D. The applicable interlocal agreement or the articles of incorporation or bylaws of the corporation must provide that:

A. The corporation ~~shall~~ must be organized and continuously thereafter operated as a nonprofit corporation, no part of the net earnings of which may inure to the benefit of any member, director, officer or other private person;

B. The directors of the corporation ~~shall~~ must be elected by the municipal officers of the municipalities participating in the corporation; and

C. Upon dissolution or liquidation of the corporation, title to all of its property ~~shall vest~~ vests in one or more of the municipalities participating in the corporation.

Any interlocal agreement complying with the requirements of this subsection and subsection 6 must be a properly authorized, legal, valid, binding and enforceable obligation of the municipality, regardless of whether the agreement was authorized, executed or delivered prior to or after the effective date of this subsection. Any corporation organized in a manner that satisfies the requirements set forth in this subsection and subsection 6, whether organized prior to or after the effective date of this subsection, ~~shall be~~ is deemed for all purposes as organized pursuant to this subsection. If so provided in the applicable interlocal agreement, any such corporation ~~shall have~~ has the power, in addition to any other powers that may be delegated under Title 30-A, chapter 115, to issue, on behalf of one or more of the municipalities participating in the corporation, in order to finance the facilities, revenue obligation securities issued in accordance with Title 10, chapter 110, subchapter IV, and any other bonds, notes or debt obligations ~~which that~~ that municipalities are authorized to issue by applicable law. For these purposes, the term "municipal officers" as used in Title 10, chapter 110, subchapter IV, means the board of directors of any corporation

described in this subsection. Title 10, section 1064, subsection 6, may not be construed to prohibit the assignment or pledge as collateral security of any contract of a municipality authorized by this section or of any or all of the payments under this section, regardless of whether the provisions of subsection 4, paragraph C, are applicable to the contract or payments. The provisions of Title 10, sections 1063 and 1064, subsection 1, paragraph A and paragraph C, subparagraph (4) do not apply to revenue obligation securities issued by any public waste disposal corporation described in this subsection.

See title page for effective date.

CHAPTER 82

H.P. 299 - L.D. 403

An Act to Allow a School District to Print the District's Name on School Buses

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

Sec. 1. 29-A MRSA §2311, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

§2311. Rules

The Commissioner of Education may adopt or amend rules consistent with this Title and in accordance with the Maine Administrative Procedure Act, concerning school bus construction, equipment ~~and~~ operation and identification.

See title page for effective date.

CHAPTER 83

H.P. 318 - L.D. 439

An Act Requiring That Disbursement Warrants Receive an Affirmative Vote by Municipal Officers

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.