

# 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**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1995**

E. The channel contains aquatic vegetation and is essentially devoid of upland vegetation.

"River, stream or brook" does not mean a ditch or other drainage way constructed and maintained solely for the purpose of draining storm water or a grassy swale.

See title page for effective date.

**CHAPTER 93**

**H.P. 481 - L.D. 662**

**An Act to Amend the Municipal Subdivision Laws Regarding Application Requirements**

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

**Sec. 1. 30-A MRSA §4403, sub-§3, ¶D** is enacted to read:

D. The municipal reviewing authority may not accept or approve final plans or final documents prepared within the meaning and intent of Title 32, chapter 121 that are not sealed and signed by the professional land surveyor under whose responsible charge they were completed, as provided in Title 32, section 13907.

See title page for effective date.

**CHAPTER 94**

**S.P. 275 - L.D. 725**

**An Act to Clarify the Discharge of Mortgages**

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

**Sec. 1. 33 MRSA §553-A, sub-§5,** as enacted by PL 1993, c. 534, §2, is amended to read:

**5. Exception.** A mortgage may not be discharged as provided by this section if the holder of the mortgage at the time a discharge is sought is a financial institution or credit union authorized to do business in the State as defined by in Title 9-B, section 131, subsection 12-A or 17-A.

See title page for effective date.

**CHAPTER 95**

**H.P. 544 - L.D. 740**

**An Act Concerning Cocurricular Activity Eligibility for Students Identified under the Federal Individuals with Disabilities Education Act**

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

**Sec. 1. 20-A MRSA §7201, sub-§6** is enacted to read:

**6. Participation in cocurricular activities.** Eligibility for an exceptional student to participate in cocurricular activities may not be denied solely because the student is enrolled in a reduced course load when the reduced course load is due to the student's exceptionality, provided that the student is satisfactorily completing the requirements of the educational components of an individualized education plan and is otherwise in compliance with the plan. If the student is not satisfactorily completing the educational components of an individualized education plan or is not otherwise in compliance with the plan, the student's eligibility may be determined in the same manner as the eligibility of a nonexceptional student who is not satisfying the applicable academic standards.

See title page for effective date.

**CHAPTER 96**

**H.P. 574 - L.D. 779**

**An Act to Allow the Maine Technical College System to Grant Utility Easements**

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

**Sec. 1. 20-A MRSA §12706, sub-§13,** as amended by PL 1991, c. 246, §10, is further amended to read:

**13. Property management.** To acquire by purchase, gift, lease or rent any property, lands, buildings, structures, facilities or equipment necessary to fulfill the purposes of this chapter. The board of trustees shall manage, rent, lease, sell and dispose of property, including lands, buildings, structures, equipment and facilities. The purchase and installation of faucets, shower heads, toilets and urinals is subject to Title 5, section 1762-A. If the board of trustees proposes to sell or permanently transfer any

interest in real estate, the transaction must be approved by the Legislature before the interest is transferred. Any revenues derived from these uses are to be credited to a separate fund to be used for the purposes of this chapter. Notwithstanding any other provision of law, the board of trustees may grant or otherwise transfer utility easements without legislative approval;

See title page for effective date.

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**CHAPTER 97**

**S.P. 289 - L.D. 787**

**An Act to Expand the Membership of the State Employee Health Commission**

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

**Sec. 1. 5 MRSA §285-A, sub-§2,** as amended by PL 1993, c. 68, §1, is further amended to read:

**2. Membership.** The State Employee Health Commission consists of ~~16~~ 18 labor and management members as follows:

- A. One labor member from each bargaining unit recognized under Title 26, chapter 9-B, appointed by the employee organization certified to represent the unit;
- B. One labor member from the largest bargaining unit recognized under Title 26, chapter 14, appointed by the employee organization authorized to represent the unit;
- C. One labor member appointed by the retiree chapters of the Maine State Employees Association;
- D. Four management members appointed by the Commissioner of Administrative and Financial Services;
- E. One management member appointed by the Court Administrators;
- F. The Executive Director of Health Insurance, ex officio; ~~and~~
- G. One member representing retirees appointed by the Maine Association of Retirees;
- H. One labor member from the Maine Technical College System faculty or administrative unit, appointed by the employee organization authorized to represent the units; and

I. One management member from the Maine Technical College System appointed by the President of the Maine Technical College System.

All appointed or elected members serve at the pleasure of their appointing or electing authorities.

See title page for effective date.

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**CHAPTER 98**

**H.P. 707 - L.D. 964**

**An Act Establishing Education as a Priority for the State by Expediting Consideration of the Education Budget**

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

**Sec. 1. 20-A MRSA §15607, first ¶,** as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

The Legislature shall annually, prior to ~~April 1st~~ March 15th, enact legislation ~~which shall to do the following:~~

See title page for effective date.

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**CHAPTER 99**

**H.P. 1001 - L.D. 1412**

**An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1995**

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

**Whereas,** the 90-day period may not terminate until after the beginning of the next fiscal year; and

**Whereas,** certain obligations and expenses will become due and payable prior to July 1, 1995; 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,