

# 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**

**§7789. Fund distribution criteria for strategic plan and grants**

In developing the strategic plan provided for by section 7788, subsection 5, paragraph A and reviewing and awarding grant proposals submitted pursuant to section 7788, subsection 5, paragraph B, the board shall consider whether a project involves:

**1. Fisheries and wildlife and habitat conservation.** For the category of fisheries and wildlife and habitat conservation:

- A. A species or species group adversely affected due to lack of management or habitat loss;
- B. A species or species group that is adversely affected due to unusual vulnerability to man-made disturbances and requirements for a special or limited habitat type;
- C. Measurable benefits vital to the future welfare of a species or species group; and
- D. Available matching funds;

**2. Acquisition and management of public lands, parks, wildlife conservation areas, and public access and outdoor recreation sites and facilities.** For the category of acquisition and management of public lands, parks, wildlife conservation areas, and public access and outdoor recreation sites and facilities:

- A. Public recreation opportunities of statewide or regional significance;
- B. Fish or wildlife habitat of statewide or regional significance;
- C. Habitat of a threatened or endangered species listed under state or federal law;
- D. Rare or exemplary natural communities or ecosystems as determined by the State's Natural Areas Program database;
- E. Lands or areas providing for public recreation opportunities of statewide or regional significance;
- F. Rare or exemplary geological features;
- G. Areas with proximity to lands dedicated to conservation purposes or public recreation or with access to lands or waters with significant natural resource values; and
- H. Available matching funds;

**3. Conservation of endangered and threatened species and their habitats.** For the category of

conservation of endangered and threatened species and their habitats:

- A. A species or species group listed as endangered or threatened under state or federal law;
- B. The habitat of one or more species or groups under paragraph A;
- C. A species or species group not listed as threatened or endangered but, based on the best available scientific information, potentially warranting listing in the near future;
- D. A species, group of species, natural community or ecosystem that has been documented as being in decline or recognized as being at risk of extirpation from the State;
- E. Any species, group of species, natural community or ecosystem thought in the best professional judgment of biologists to be in decline or in danger of extirpation from the State but whose status is undetermined; and
- F. Available matching funds; and

**4. Natural resources law enforcement.** For the category of game wardens and other conservation law enforcement:

- A. A species or species group adversely affected due to lack of management or habitat loss;
- B. Public health or safety concerns of statewide or regional significance;
- C. Environmental education for the public or law enforcement personnel;
- D. Cross-training between natural resources state agencies; and
- E. Available matching funds.

The criteria in this section are not listed in order of priority. A grant applicant must indicate in the proposal the subsection under which the board should evaluate the proposals.

See title page for effective date.

---

**CHAPTER 495**

**S.P. 304 - L.D. 843**

**An Act to Amend the Loring Development Authority Law**

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

**Sec. 1. 5 MRSA §13080-A, sub-§6**, as enacted by PL 1993, c. 474, §1, is amended to read:

**6. Loring Air Force Base.** "Loring Air Force Base" or "base" means those properties and facilities within the geographic boundaries of the United States Department of Defense air force base at Limestone existing on the effective date of this section. "Base" also includes the Madawaska dam site, the Loring Water System, the Loring #3 communications site in Limestone and other geographically separate property that the authority determines should be deemed part of the base, if the municipality in which the property is located has chosen not to accept the property and utilize it for other purposes.

**Sec. 2. 5 MRSA §13080-B, sub-§6**, as enacted by PL 1993, c. 474, §1, is amended to read:

**6. Officers; employees.** The trustees shall elect a chair and vice-chair from among their members. The authority may employ an executive director, technical experts and other agents and employees, permanent and temporary, that it requires and may determine their qualifications, duties and compensation. Permanent employees of the authority are eligible to elect to participate in the Maine State Retirement System, any state-deferred compensation plan or any other plan or program adopted by the trustees to the extent the trustees may determine. For required legal services, the authority may employ or retain its own counsel and legal staff.

**Sec. 3. 5 MRSA §13080-F, sub-§3**, as amended by PL 1993, c. 729, §6, is further amended to read:

**3. Zoning.** ~~The authority may not adopt zoning or land use ordinances but may coordinate zoning and land use regulation with interested primary impact communities.~~ The authority may adopt and enforce zoning and other land use ordinances for all Loring Air Force Base property. The authority shall comply with the mandatory shoreland zoning provisions of Title 38, sections 435 to 449. The ordinances preempt any municipal or local ordinances affecting the property. The authority shall secure rights-of-way, easements and zoning rules needed to adequately clear and protect the aerial approaches to the airport by removing, lowering, relocating, marking, lighting or otherwise mitigating existing airport hazards. The authority shall endeavor, to the extent reasonable, to ensure compatible use of land adjacent to or in the immediate vicinity area of the airport as provided in the Maine Aeronautics Act, Title 6, section 122.

**Sec. 4. 5 MRSA §13080-F, sub-§3-A** is enacted to read:

**3-A. Loring Development Authority Planning Board.** The Loring Development Authority Planning Board is established as follows.

**A. The Loring Development Authority Planning Board consists of 6 members. One member must be a nonvoting member appointed by the authority's board of trustees. The municipal officers of Caswell and Caribou shall each appoint one member and the municipal officers of Limestone shall appoint 3 members.**

**B. The Loring Development Authority Planning Board shall:**

**(1) Develop and recommend land use and zoning ordinances for Loring Air Force Base for approval by the authority;**

**(2) Hold public hearings as necessary and appropriate in the member communities during the development of and changes to the ordinances; and**

**(3) Upon adoption by the authority of any land use and zoning ordinances, review proposed projects at Loring Air Force Base under the ordinances and submit its decisions with respect to the projects to the authority for its approval.**

**Sec. 5. 5 MRSA §13080-G, sub-§1-A** is enacted to read:

**1-A. Credit of State pledged.** The authority may ask the State to issue bonds to finance the undertaking of any authorized activity under this article, those bonds to have the full faith and credit of the State. Before any such bonds are issued they must be authorized by the Legislature and ratified by the electors in accordance with the Constitution of Maine, Article IX, Section 14. Subsections 1 and 2 and subsection 7, the 2nd 2 sentences, do not apply to bonds issued under this subsection.

**Sec. 6. 5 MRSA §13080-G, sub-§2**, as amended by PL 1993, c. 729, §§7 and 8, is further amended by amending the first paragraph to read:

**2. Authority.** ~~The~~ In addition to the authority provided in subsection 1-A, the authority may issue bonds from time to time in its discretion to finance the undertaking of an authorized activity under this article, including but not limited to the payment of principal and interest upon advances for surveys and plans, and may issue refunding bonds for the payment or retirement of bonds previously issued.

**Sec. 7. 5 MRSA §13080-G, sub-§2, ¶B**, as amended by PL 1993, c. 729, §7, is further amended to read:

B. Bonds issued under this section and paragraph do not constitute an indebtedness within the meaning of any constitutional or statutory debt limitation or restriction and are not subject to other laws or charters relating to the authorization, issuance or sale of bonds. Notwithstanding this paragraph, the authority may issue bonds in an original principal amount not to exceed ~~\$20,000,000~~ \$100,000,000 to which the authority may designate section 13080-N to apply. Bonds issued under this article are declared to be issued for an essential public and governmental purpose and, together with interest on and income from the bonds, are exempt from all taxes.

**Sec. 8. 5 MRSA §13080-N, sub-§6,** as enacted by PL 1993, c. 729, §10, is amended to read:

**6. Securities outstanding.** The authority may not have at any one time outstanding bonds, which, in the trust agreement or other document, subsection 5 is stated to apply to, in principal amount exceeding an amount equal to ~~\$20,000,000~~ \$100,000,000. The amount of bonds issued to refund securities previously issued may not be taken into account in determining the principal amount of securities outstanding, provided that proceeds of the refunding securities are applied as promptly as possible to the refunding of the previously issued securities. In computing the total amount of bonds of the authority that may at any time be outstanding for any purpose, the amounts of outstanding bonds that have been issued as capital appreciation bonds or as similar instruments are valued as of any date of calculation at their then current accreted value rather than their face value.

See title page for effective date.

---



---

**CHAPTER 496**

**H.P. 1084 - L.D. 1526**

**An Act to Allow Involuntary Commitments at Hospitals under Contract with the Department of Mental Health and Mental Retardation**

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

**Sec. 1. 34-B MRSA §3801, sub-§1-A** is enacted to read:

**1-A. Designated nonstate mental health institution.** "Designated nonstate mental health institution" means a nonstate mental health institution that is under contract with the department for receipt by the hospital of involuntary patients.

**Sec. 2. 34-B MRSA §3863, sub-§5,** as enacted by PL 1983, c. 459, §7, is amended to read:

**5. Continuation of hospitalization.** If the chief administrative officer of the hospital recommends further hospitalization of the person, ~~he~~ the chief administrative officer shall determine the suitability of admission, care and treatment of the patient as an informally admitted patient, as described in section 3831.

A. If the chief administrative officer of the hospital determines that admission of the person as an informally admitted patient is suitable, ~~he~~ the chief administrative officer shall admit the person on this basis, if the person so desires.

B. If the chief administrative officer of the hospital determines that admission of the person as an informally admitted patient is not suitable, or if the person declines admission as an informally admitted patient, the chief administrative officer of the hospital may ~~he~~ seek involuntary commitment of the patient by filing an application for the issuance of an order for hospitalization under section 3864, except that if the hospital is a designated nonstate mental health institution and if the patient was admitted under the contract between the hospital and the department for receipt by the hospital of involuntary patients, then the chief administrative officer may seek involuntary commitment only by requesting the commissioner to file an application for the issuance of an order for hospitalization under section 3864.

(1) The application ~~shall~~ must be made to the District Court having territorial jurisdiction over the hospital to which the person was admitted on an emergency basis.

(2) The application ~~shall~~ must be filed within 5 days from the admission of the patient under this section, excluding the day of admission and any Saturday, Sunday or legal holiday.

C. If neither readmission nor application to the District Court is effected under this subsection, the chief administrative officer of the hospital to which the person was admitted on an emergency basis shall discharge the person ~~forthwith~~ immediately.

**Sec. 3. 34-B MRSA §3864, sub-§2,** as enacted by PL 1983, c. 459, §7, is amended to read:

**2. Detention pending judicial determination.** Notwithstanding any other provisions of this subchapter, ~~no~~ a person, with respect to whom ~~proceedings for judicial hospitalization have been commenced an~~