

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

its capacity as an independent agency must remain in the state regular plan. New employees also become members of the Maine State Retirement System under the state regular plan. The board shall make employer retirement plan contributions at the state regular plan rate. Employee retirement plan contributions must be at the state regular plan rate.

B. Employees of the Maine Potato Board continue to be treated as state employees for the purposes of the state employee health insurance program. Board employees are entitled to receive the same retirement health benefits as state employees.

C. The accrued fringe benefits of employees transferred to the Maine Potato Board in its capacity as an independent agency, including vacation and sick leave, health and life insurance and retirement, remain with the transferred employee.

Sec. 4. Retroactivity. This Act applies retroactively to March 1, 1996.

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

Effective April 11, 1996.

CHAPTER 703

H.P. 1377 - L.D. 1885

An Act Regarding the State Government Computer System

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

Whereas, the Legislature must immediately change the statutory guidelines concerning the use of the state government computer system and remove inconsistencies in the current law; 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Sec. 1. 5 MRSA §1890-B, as amended by PL 1991, c. 340, is repealed and the following enacted in its place:

§1890-B. Misuse of State Government computer system

1. Violation. A person is guilty of misuse of a State Government computer system if that person knowingly uses a computer system operated by a state department or agency, the Judicial Department or the Legislature:

A. To prepare materials with the intent to expressly advocate, to those eligible to vote, for the election or defeat of any candidate for a federal office, a constitutional office, or any candidate for elective municipal, county or state office, including leadership positions in the Senate and the House of Representatives; or

B. With the intent to solicit contributions reportable under Title 21-A, chapter 13.

1-A. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Computer system" has the same meaning as in Title 17-A, section 431.

B. "Leadership positions" includes the presiding officers of each House, party leaders, the Clerk of the House and Assistant Clerk of the House and the Secretary of the Senate and the Assistant Secretary of the Senate.

2. Penalty. Misuse of a State Government computer system is a Class C crime.

4. Confidentiality. Computer programs, technical data, logic diagrams and source code related to data processing or telecommunications are confidential and are not public records as defined in Title 1, section 402, subsection 3 to the extent of the identified trade secrets. To qualify for confidentiality under this subsection, computer programs, technical data, logic diagrams and source code must:

A. Contain trade secrets as defined in Title 10, section 1542, subsection 4 held in private ownership; and

B. Have been provided to a state agency by an authorized independent vendor or contractor under an agreement by which:

- (1) All trade secrets that can be protected are identified without disclosing the secret;

(2) The vendor or contractor retains all intellectual property rights in those trade secrets; and

(3) The state agency agrees to hold and use the programs, data, diagrams or source code without disclosing any identified trade secrets.

5. Public records. Except as provided in subsection 4, any document created or stored on a State Government computer is a public record and must be made available in accordance with Title I, chapter 13 unless specifically exempted by that chapter.

Sec. 2. Application. This Act applies to employees of the executive, the judicial or the legislative branch on or after the effective date of this Act.

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

Effective April 11, 1996.

CHAPTER 704

H.P. 1352 - L.D. 1853

An Act to Reorganize and Redirect Aspects of the Site Location of Development Laws

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

PART A

Sec. A-1. 38 MRSA §352, Table I, as amended by PL 1995, c. 493, §1, is further amended to read:

TABLE I

MAXIMUM FEES IN DOLLARS

TITLE 36 SECTION	PROCESSING FEE	CERTIFICATION FEE
656, sub-§1, ¶E, Pollution Control Facilities		
A. Water pollution control facilities with capacities at least 4,000 gallons of waste per day and §1760, sub-§29, water pollution control	\$250	\$20

facilities		
B. Air pollution control and §1760, sub-§30, air pollution control facilities	250	20

TITLE 38 SECTION	PROCESSING FEE	LICENSE FEE
344, sub-§7, Permit by rule	\$50	\$0
362-A. Experiments	175	175
413, Waste discharge licenses		
A. Residential (10-year term)	450	150
B. Commercial (10-year term)		
1. Flow of less than 2,000 gallons per day	4,800	1,280
2. Flow of 2,000 to 20,000 gallons per day inclusive	4,800	4,000
3. Flow of greater than 20,000 gallons per day	4,800	9,600
C. Industrial minor (based upon EPA list of major and minor source discharges)		
1. Discharges of cooling water, sanitary wastewater or treated storm water only	1,500	480
2. All others	1,500	6,000
D. Industrial major (based upon EPA list of major source discharges)		
1. Discharge of cooling water or sanitary wastewater only	4,800	3,000
2. All others	4,800	8,800
E. Publicly owned treatment works		
1. Flow of less than or equal to 50,000 gallons per day and no significant industrial component	100	400
2. Flow of greater than 50,000 gallons per day, but less than 0.5 million gallons per day and no significant industrial component	100	1,400
3. Flow of at least 0.5 million gallons per day, but less than 5 million	100	3,600