

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

Sec. 1. Authority to acquire interest in property. Resolved: That the State Court Administrator may acquire by purchase, gift, negotiated agreement or eminent domain any legal right or interest in property that grants the explicit or implied right to enforce a restriction limiting the use of the Judicial Department's property at 65 Stone Street in Augusta to residential use; and that this authority extends to holders of interest in property within the area depicted on a plan entitled "Preliminary Grading Plan for the Residential Development of the Kling Estate" as approved for filing on July 16, 1936 and recorded in the Kennebec County Registry of Deeds in Plan Book 11, pages 2 and 3; and be it further

Sec. 2. Procedure for compensation. Resolved: That if any legal right or interest in property is taken by eminent domain under the authority granted by this resolve, then the State Court Administrator shall have that right or interest appraised and offer to the owner just compensation for the right or interest acquired. The appraisal and award proceedings are governed by the procedures established in the Maine Revised Statutes, Title 12, section 602, subsection 21. References to "the bureau" contained in that section are deemed to mean the State Court Administrator. The consent of the Governor is not required to proceed under the authority granted by this resolve.

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

Effective June 26, 1995.

CHAPTER 26

S.P. 494 - L.D. 1353

Resolve, to Determine the Effectiveness of Economic Development Incentives in Maine

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

Whereas, tax credits and incentives and other economic development incentives have been used in the past and are currently used in the State; and

Whereas, there do not currently exist adequate mechanisms to ensure accountability to the public or to ensure that businesses meet their obligations to provide specified public benefits in return for their tax credits or other incentives; and

Whereas, the agencies cited in this resolve must complete their work and submit their report by February 16, 1996; 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,

Sec. 1. Study required. Resolved: That the Department of Economic and Community Development and the Finance Authority of Maine shall jointly conduct a study of all state-sponsored loans, loan guarantees, grants, tax incentives and other financial incentives designed to encourage the growth and development of business in the State, analyzing for each such incentive the public policy goals expressed in the enabling legislation, the performance of each incentive in meeting the public policy goals, the mechanisms for ensuring that the public is receiving an appropriate return on each incentive investment and any recommendations for legislative changes to improve the effectiveness and return on investment of any such incentives. In undertaking the study, the Department of Economic and Community Development and the Finance Authority of Maine shall request and consider the comments and recommendations of the Maine Economic Growth Council, as well as representatives of business, lenders and labor, economic development professionals and other interested parties, and shall include in their report an analysis of the comments and recommendations received. The Department of Economic and Community Development and the Finance Authority of Maine shall submit their report to the Second Regular Session of the 117th Legislature on or before February 16, 1996.

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

Effective June 26, 1995.

CHAPTER 27

S.P. 395 - L.D. 1083

Resolve, Authorizing the Department of Labor and the University of Maine to Institute Conferences on Emerging Trends in Labor-Management Relations

Sec. 1. Conferences on labor-management relations. Resolved: That the Department of Labor and the Bureau of Labor

Education and the College of Business Administration at the University of Maine shall work together to plan and offer, if feasible, a conference or a series of statewide conferences on labor-management systems. The emphasis of the conferences must be on emerging trends in labor-management relations. The Department of Labor and the Bureau of Labor Education and the College of Business Administration at the University of Maine shall serve as the facilitators and coordinators of these conferences to ensure that maximum value is gained for the participants. The conferences must be paid for by participant fees or by the receipt of grants or gifts donated for that purpose. The responsible agencies shall publicize the conferences and encourage all interest groups to participate and attend.

See title page for effective date.

CHAPTER 28

H.P. 853 - L.D. 1184

**Resolve, Instructing the
Commissioner of Labor to Identify
Available Data Sources on the Use of
Per Diem, Part-time and Temporary
Employment**

Sec. 1. Collection of employment data.
Resolved: That the Commissioner of Labor shall instruct the state advisory council appointed in accordance with Maine Revised Statutes, Title 26, section 1082 to investigate the availability of existing data sources on the use of per diem, part-time and temporary employment in the State. The objective of such an investigation is to identify data that can be readily obtained regarding certain aspects of the State's work force and data that is available nationally but unavailable in the State. The Commissioner of Labor shall report to the Joint Standing Committee on Labor by January 1, 1996 on the results of this investigation and the extent to which the data can be used to understand the use of per diem, part-time and temporary employment in the State.

See title page for effective date.

CHAPTER 29

H.P. 1013 - L.D. 1428

**Resolve, Directing the Attorney
General to Review Standards for
Reporting Suspected Sexual and
Physical Abuse of Minors**

Sec. 1. Review of reporting requirements.
Resolved: That the Attorney General shall review the existing statutory requirements that members of various professions report suspected sexual and physical abuse of minors. The Attorney General shall specifically review whether:

1. The existing reporting requirements are adequate;
2. The reporting requirements should be expanded to encompass members of additional professions; and
3. Additional enforcement provisions would serve to better protect the public; and be it further

Sec. 2. Report. Resolved: That the Attorney General shall submit a report containing recommendations, along with any necessary implementing legislation, to the Legislature no later than November 1, 1995.

See title page for effective date.

CHAPTER 30

H.P. 1054 - L.D. 1483

**Resolve, to Create Educational
Options for Exceptional Children**

Sec. 1. Creation of options and opportunities for exceptional children; implementing legislation. Resolved: That the Department of Education, within its existing available resources, shall prepare a report and propose implementing legislation to ensure educational options and opportunities for exceptional children. The department shall solicit information from and work in cooperation with:

1. Parents of children with and without special needs, including, but not limited to, learning disabilities;
2. Special education directors;
3. Representatives of support groups for parents of children with special needs;
4. Current or former school superintendents;
5. Representatives of associations that advocate for children with learning disabilities;
6. Special education consultants;
7. Hearing officers;