

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

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

Sec. 1. 17-A MRSA §752-A, sub-§2, as amended by PL 1983, c. 408, §2, is repealed.

See title page for effective date.

CHAPTER 68

S.P. 26 - L.D. 24

An Act to Clarify the School Budget Approval Process

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

Sec. 1. 20-A MRSA §1307, sub-§3, as amended by PL 1983, c. 485, §13, is further amended to read:

3. **Summary action.** To summarize the action taken on the school budget for the purposes of determining state and local cost sharing, the articles prescribed in chapter ~~605~~ shall 606 must also be voted upon.

Sec. 2. 20-A MRSA §1307, sub-§4 is enacted to read:

4. **Budget explanation.** The warrant may include an explanation of the relationship between warrant articles authorizing specific line item expenditures as provided in subsection 1 and the articles prescribed in chapter 606 summarizing the budget proposal.

See title page for effective date.

CHAPTER 69

H.P. 17 - L.D. 42

An Act to Allow Veterans to Get Vanity Veteran License Plates

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

Sec. 1. 29-A MRSA §523, sub-§4 is enacted to read:

4. **Veterans vanity plates.** Upon request and as provided by section 453, the Secretary of State shall issue veterans registration plates that are also vanity plates. Veterans registration vanity plates are issued in accordance with this section and section 453. The

annual service fee of \$15 for vanity plates is credited to the Highway Fund.

See title page for effective date.

CHAPTER 70

H.P. 97 - L.D. 121

An Act to Require Disclosure to Prison Workers in the Case of an Inmate Who Tests Positive for Acquired Immune Deficiency Syndrome

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

Sec. 1. 5 MRSA §19203, sub-§7, as repealed and replaced by PL 1987, c. 811, §3 and amended by PL 1995, c. 560, Pt. K, §82 and affected by §83, is further amended to read:

7. **Other agencies.** To employees of, or other persons designated by, the Department of Corrections, the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services, to the extent that those employees or other persons are responsible for the treatment or care of subjects of the test. Those agencies shall ~~promulgate~~ adopt rules, within 90 days of the effective date of this subsection, pursuant to the Maine Administrative Procedure Act, chapter 375, subchapter II, designating the persons or classes of persons to whom the test results may be disclosed. The rules of the Department of Corrections must designate those persons who may receive the results of an HIV test of a county jail inmate;

See title page for effective date.

CHAPTER 71

S.P. 46 - L.D. 156

An Act to Amend the Charter of the Loring Development Authority as It Pertains to Immunity of the Authority

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

Whereas, appointments to the board of trustees of the Loring Development Authority will take place soon; and

Whereas, in order to appoint qualified members to the board, this piece of legislation must take effect before the 90 days after adjournment; 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 §13080-B, sub-§4, as amended by PL 1993, c. 729, §4, is further amended to read:

4. Liability. The liability of the authority is governed by the Maine Tort Claims Act, Title 14, chapter 741. ~~Trustees serving on the board~~ A member of the authority, a member of a board of the authority and an employee of the authority may not be subject to any personal liability for having acted in the service of their duty as board members of the authority within the course and scope of membership or employment to carry out a power or duty under this chapter. The authority shall indemnify a member of the authority, a member of a board of the authority and an employee of the authority against expenses actually and necessarily incurred in connection with the defense of an action or proceeding in which the member or employee is made a party by reason of past or present association with the authority.

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

Effective April 10, 1997.

CHAPTER 72

S.P. 79 - L.D. 218

**An Act to Amend the Site Law
Concerning State and Local Review
of Transmission Lines**

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

Sec. 1. 38 MRSA §487-A, sub-§2, as amended by PL 1995, c. 704, Pt. A, §13 and affected by Pt. C, §2, is further amended to read:

2. Power generating facilities. In case of a permanently installed power generating facility of more than 1,000 kilowatts or a transmission line carrying ~~±20~~ 100 kilovolts, or more, proposed to be

erected within this State by an electric utility or utilities, the proposed development, in addition to meeting the requirements of section 484, must also have been approved by the Public Utilities Commission under Title 35-A, section 3132.

In the event that an electric utility or utilities file a notification pursuant to section 485-A before they are issued a certificate of public convenience and necessity by the Public Utilities Commission, they shall file a bond or, in lieu of that bond, satisfactory evidence of financial capacity to make that reimbursement with the department, payable to the department, in a sum satisfactory to the commissioner and in an amount not to exceed \$50,000. This bond or evidence of financial capacity must be conditioned to require the applicant to reimburse the department for its cost incurred in processing any application in the event that the applicant does not receive a certificate of public convenience and necessity.

Sec. 2. 38 MRSA §487-A, sub-§3, as amended by PL 1995, c. 704, Pt. A, §14 and affected by Pt. C, §2, is further amended to read:

3. Easement required; transmission line or gas pipeline. In the case of a gas pipeline or a transmission line carrying ~~±20~~ 100 kilovolts or more, a permit under this chapter may be obtained prior to any acquisition of lands or easements to be acquired by purchase. The permit must be obtained prior to any acquisition of land by eminent domain.

Sec. 3. 38 MRSA §488, first ¶, as amended by PL 1995, c. 704, Pt. A, §15 and affected by Pt. C, §2, is further amended to read:

This article does not apply to any development in existence or in possession of applicable state or local licenses to operate or under construction on January 1, 1970, or to any development the construction and operation of which has been specifically authorized by the Legislature prior to May 9, 1970, or to public service corporation transmission lines, except transmission lines carrying ~~±20~~ 100 kilovolts or more, nor does it apply to the renewal or revision of leases of parcels of land upon which a structure or structures have been located as of March 15, 1972, nor to the rebuilding or reconstruction of natural gas pipelines or transmission lines within the same right-of-way.

See title page for effective date.

CHAPTER 73

H.P. 299 - L.D. 363

**An Act to Clarify the Manner in
Which Decedents' Estates Are to Be
Distributed**