

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

the controversy by failing to raise that controversy first with the local school administrative unit before initiating the subsequent action or proceeding.

See title page for effective date.

CHAPTER 442

S.P. 292 - L.D. 943

**An Act to Amend the Law Governing
Municipal Zoning with Respect to
Community Living Arrangements**

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

Sec. 1. 30-A MRSA §4357, as enacted by PL 1989, c. 104, Pt. A, §45 and Pt. C, §10, is repealed.

Sec. 2. 30-A MRSA §4357-A is enacted to read:

§4357-A. Community living arrangements

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

A. "Community living arrangement" means a housing facility for 8 or fewer persons with disabilities that is approved, authorized, certified or licensed by the State. A community living arrangement may include a group home, foster home or intermediate care facility.

B. "Disability" has the same meaning as the term "handicap" in the federal Fair Housing Act, 42 United States Code, Section 3602.

2. Single-family use. In order to implement the policy of this State that persons with disabilities are not excluded by municipal zoning ordinances from the benefits of normal residential surroundings, a community living arrangement is deemed a single-family use of property for the purposes of zoning.

Sec. 3. 36 MRSA §652, sub-§1, ¶C, as amended by PL 1995, c. 560, Pt. K, §82 and affected by §83, is further amended by amending subparagraph (6), division (b), subdivision (i) to read:

- (i) Property used as a nonprofit nursing home, boarding home or boarding care facility licensed by the Department of Human Services pursuant to Title 22, chapter 1665 or a community living facility arrangement as defined in Title 30-A, section 4357, ~~sub-section 2, paragraph B~~ 4357-A

or any property owned by a non-profit organization licensed or funded by the Department of Mental Health, Mental Retardation and Substance Abuse Services to provide services to or for the benefit of persons with mental illness or mental retardation;

See title page for effective date.

CHAPTER 443

H.P. 1122 - L.D. 1578

**An Act to Protect Workers and
Establish Labor Standards for
"Workfare" Participants**

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

Sec. 1. 26 MRSA §1403 is enacted to read:

**§1403. Labor standards for persons required to
work as condition of receiving public as-
sistance and affected employees**

**1. Nondisplacement of existing employees;
nonavailability for layoff replacement; nonin-
fringement on promotional opportunities or
collective bargaining agreements; labor disputes.** A participant who is required to work as a condition of receiving public assistance, as defined in Title 22, section 9-A, subsection 1, paragraph A, may not be employed in or assigned to:

A. A position that was previously filled by a regular employee when that employee is on lay-off from the same or an equivalent position or when the vacancy was created by terminating an employee or otherwise reducing the workforce;

B. An established position that is vacant;

C. A worksite where there is a labor dispute, in-
cluding a strike or lockout; or

D. A worksite in a manner that violates an exist-
ing contract or collective bargaining agreement
or infringes on the promotional opportunities for
any employees.

2. Grievance procedures. The commissioner,
with assistance from the department, shall adopt rules
to ensure that:

A. Persons required to work as a condition of
receiving public assistance have access to a
grievance procedure for the purpose of resolving

complaints of alleged violations of subsection 1; and

B. Regular employees at a worksite where a person required to work as a condition of receiving public assistance works have access to a grievance procedure for the purpose of resolving complaints of alleged violations of subsection 1.

Rules adopted pursuant to this subsection are routine technical rules in accordance with Title 5, chapter 375, subchapter II-A.

3. Penalty. Employers who do not comply with the requirements of this section may not participate in any work program for individuals required to work as a condition of receiving public assistance.

Sec. 2. Report. The Department of Human Services and the Department of Labor shall report to the Joint Standing Committee on Labor by February 1, 1998 on any activities at the United States Department of Labor or any other federal agency to develop labor standards regarding workfare participants. The Joint Standing Committee on Labor is authorized to report out legislation on this issue during the Second Regular Session of the 118th Legislature.

See title page for effective date.

CHAPTER 444

S.P. 528 - L.D. 1633

An Act to Make Fish in Maine Rivers Safe to Eat and Reduce Color Pollution

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

Sec. 1. 38 MRSA §414-C, sub-§2, ¶A, as enacted by PL 1989, c. 864, §1, is repealed and the following enacted in its place:

A. For discharges licensed and in existence prior to July 1, 1989:

(1) On July 1, 1998 and until December 31, 2000, 225 pounds or less of color pollutants per ton of unbleached pulp produced, measured on a quarterly average basis; and

(2) On and after January 1, 2001, 150 pounds or less of color pollutants per ton of unbleached pulp produced, measured on a quarterly average basis; and

Sec. 2. 38 MRSA §414-C, sub-§3, as enacted by PL 1989, c. 864, §1, is amended to read:

3. Instream color pollution standard. An individual waste discharge may not increase the color of any water body by more than 20 color pollution units. The total increase in color pollution units caused by all waste discharges to the water body must be less than 40 color pollution units. Color increases are measured on a calendar quarterly basis. This subsection applies to all flows greater than the minimum 30-day low flow that can be expected to occur with a frequency of once in 10 years. A discharge that is in compliance with this subsection is exempt from the provisions of subsection 2, paragraph A. Such a discharge may not exceed 175 pounds of color pollutants per ton of unbleached pulp produced after January 1, 2001.

Sec. 3. 38 MRSA §414-C, sub-§4, as enacted by PL 1989, c. 864, §1, is repealed.

Sec. 4. 38 MRSA §414-C, sub-§§4-A and 4-B, as enacted by PL 1991, c. 835, §1, are repealed.

Sec. 5. 38 MRSA §414-C, sub-§4-C is enacted to read:

4-C. Color reduction evaluation. If a discharge is not in compliance with either subsection 2 or 3 after January 1, 2001, the kraft pulp mill with a noncompliant discharge shall evaluate the potential for further color reductions. This evaluation must include the identification of each internal source of color, the contribution of color from each internal source, the options available for further color reductions for each internal source, the cost of these options for each internal source, the estimated final color discharge after implementation of the options given in pounds of color per ton of unbleached product and an assessment of the final impact on the in-stream color after implementation of the options including the amount of change expressed in color pollution units. This evaluation must be submitted to the commissioner for review no later than July 1, 2001 and by September 1, 2001 the commissioner shall modify the license to provide for a mill-specific best practicable treatment and compliance schedule.

Sec. 6. 38 MRSA §414-C, sub-§6, as enacted by PL 1989, c. 864, §1, is amended to read:

6. Monitoring established. The commissioner shall incorporate as part of the department's ongoing water quality monitoring program, monitoring of color, odor and foam pollutants. ~~The commissioner shall report to the joint standing committee of the Legislature having jurisdiction over natural resources matters on the progress achieved to meet the requirements of this section. The commissioner shall determine whether the standards established under this section permit the attainment of the designated uses of the surface waters receiving discharges from kraft pulp mills. If these designated uses are not being attained, the commissioner shall recommend standards~~