

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

§8811. Effective date

This chapter is repealed July 15, 2000 unless authorized for continuation by the Legislature.

Sec. 2. Allocation. The following funds are allocated from the Federal Block Grant fund to carry out the purposes of this Act.

	1997-98	1998-99
HUMAN SERVICES, DEPARTMENT OF		
Additional Support for Persons in Retraining and Employment		
All Other	\$300,000	\$300,000
Allocates funds through a transfer from the Departmentwide program to provide grants under the Quality Employment and Business Opportunities program.		
Departmentwide		
All Other	(\$300,000)	(\$300,000)
Deallocates funds through a transfer to the Additional Support for Persons in Retraining and Employment program to provide grants under the Quality Employment and Business Opportunities program.		
DEPARTMENT OF HUMAN SERVICES TOTAL	-\$0-	-\$0-

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

Effective June 11, 1997.

CHAPTER 485

H.P. 1065 - L.D. 1503

**An Act to Amend the Site Location of
Development Laws**

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

Sec. 1. 38 MRSA §488, sub-§19, as enacted by PL 1995, c. 704, Pt. A, §20 and affected by Pt. C. §2, is amended to read:

19. Municipal capacity. A structure, as defined in section 482, subsection 6, that is from 3 acres up to and including 7 acres or a subdivision, as defined in section 482, subsection 5, that is made up of 15 or more lots for single-family, detached, residential housing, common areas or open space with an aggregate area of from 30 acres up to and including 100 acres is exempt from review under this article if located wholly within a municipality or municipalities having delegated review pursuant to section 489-A or meeting the criteria in paragraphs A to ~~E~~ D as determined by the department. The planning board of the municipality in which the development is located or an adjacent municipality may petition the commissioner to review such a structure or subdivision if it has regional environmental impacts. This petition must be filed within 20 days of the receipt of the application by the municipality. State jurisdiction must be exerted, if at all, within 30 days of receipt of the completed project application by the commissioner from the municipality or within 30 days of receipt of any modification to that application from the municipality. Review by the department is limited to the identified regional environmental impacts. The criteria are as follows:

- A. A municipal planning board or reviewing authority is established and the municipality has adequate resources to administer and enforce the provisions of its ordinances. In determining whether this criterion is met, the commissioner may consider any specific and adequate technical assistance that is provided by a regional council;
- B. The municipality has adopted a site plan review ordinance. In determining the adequacy of the ordinance, the commissioner may consider model site plan review ordinances commonly used by municipalities in this State that address the issues reviewed under applicable provisions of this article prior to July 1, 1997; ~~and~~
- C. The municipality has adopted subdivision regulations. In determining the adequacy of these regulations, the commissioner may consider model subdivision regulations commonly used by municipalities in this State; ~~and~~
- D. The State Planning Office has determined that the municipality has a comprehensive land use plan and land use ordinances or zoning ordinances that are consistent with Title 30-A, chapter 187 in providing for the protection of wildlife habitat, fisheries, unusual natural areas and archaeological and historic sites.

The department, in consultation with the State Planning Office, shall publish a list of those municipalities determined to have capacity pursuant to this subsection. This list need not be established by rule and must be published by January 1, 1997. ~~If the department fails to publish the list by January 1, 1997, municipalities with a site plan or subdivision ordinances or regulations are deemed to have capacity for corresponding projects until January 1, 1998, or until the list is published, whichever period is longer.~~ The list must specify whether a municipality has capacity to review structures or subdivisions of lots for single-family, detached, residential housing, common areas or open space or both types of development. The department may recognize joint arrangements among municipalities and regional organizations in determining whether the requirements of this subsection are met. On and after January 1, 2003, the department shall ~~irrebuttably~~ presume and publish that each municipality with a population of ~~2,500~~ 5,000 or more, as measured by the United States Census of the year 2000, has capacity as provided in this subsection. The department may review municipalities that are determined or presumed to have capacity pursuant to this subsection for compliance with the criteria in paragraphs A to D, and if the department determines that a municipality does not meet the criteria, the department may modify or remove the determination of capacity.

A modification to a development that was reviewed by a municipality and exempted pursuant to this subsection is exempt as long as the modification will not cause the total area of the development to exceed the maximum acreage specified in this subsection for that type of development or, based upon information submitted by the municipality concerning the development and modification, the department determines that the modification may be adequately reviewed by the municipality.

Sec. 2. Transition. The Department of Environmental Protection and the State Planning Office shall consult with municipalities that will be presumed to have capacity pursuant to the Maine Revised Statutes, Title 38, section 488, subsection 19 on or after January 1, 2003 to assist those municipalities in developing capacity as defined by the criteria in Title 38, section 488, subsection 19, paragraphs A to D.

The State Planning Office shall review its municipal financial assistance program to ensure that the criteria considered by the office in making grants for planning and implementation of local growth management programs are consistent with the criteria for a determination of capacity in Title 38, section 488, subsection 19.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1997-98	1998-99
ENVIRONMENTAL PROTECTION, DEPARTMENT OF		
Maine Environmental Protection Fund		
Positions - Legislative Count	(1,000)	(1,000)
Personal Services	\$36,072	\$45,271
All Other	4,150	5,000
Capital Expenditures	3,000	
Allocates funds for one additional Environmental Specialist III position and operating costs necessary to administer certain aspects of the site location of development laws.		
DEPARTMENT OF ENVIRONMENTAL PROTECTION		
TOTAL	\$43,222	\$50,271

See title page for effective date.

CHAPTER 486

S.P. 491 - L.D. 1523

An Act to Make the Workers' Compensation System More Equitable

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

Sec. 1. 39-A MRSA §151-A is enacted to read:

§151-A. Mission statement

The board's mission is to serve the employees and employers of the State fairly and expeditiously by ensuring compliance with the workers' compensation laws, ensuring the prompt delivery of benefits legally due, promoting the prevention of disputes, utilizing dispute resolution to reduce litigation and facilitating labor-management cooperation.

Sec. 2. 39-A MRSA §152, sub-§4, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, is amended to read: