

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

electric rate stabilization projects, as defined in ~~the Maine Revised Statutes~~, Title 10, section 963-A. Each report must identify each loan made, to whom the loan was made, the amount of the loan and the general description of the electric rate stabilization project for which the loan was made. Each report may include recommendations for extending the period during which loans to electric utilities may be made or any other suggestions for changes to the provisions of this Act. The Public Utilities Commission shall report by February 1, 1996 and May 1, 1997 to the joint standing committee of the Legislature having jurisdiction over utilities matters on all electric rate stabilization agreements for which an application for a certificate of approval has been processed pursuant to Title 35-A, section 3156. Each report must identify the number of applications received by the commission, the identity of the applicants, a general description of each application and, for each application, whether the application was approved or denied. Each report may include recommendations for extending the period during which certificates of approval may be issued to electric utilities or any other suggestions for changes to the provisions of this Act.

Sec. 6. Rules. All rule amendments necessary for the Public Utilities Commission or the Finance Authority of Maine to implement this Act are routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

Sec. 7. Retroactivity. This Act applies retroactively to February 1, 1997.

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

Effective June 11, 1997.

CHAPTER 493

S.P. 663 - L.D. 1883

An Act to Ask Voters in a Referendum Whether One Travel Lane in Each Direction Should be Added to the Maine Turnpike, Paid for by Turnpike Tolls, to Reduce Accidents and Congestion

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

PART A

Sec. A-1. 23 MRSA §1965, sub-§1, ¶D, as amended by PL 1995, c. 341, §1, is further amended to read:

D. Construct, maintain, reconstruct and operate a toll turnpike from a point at or near Kittery in York County to a point at or near Augusta in Kennebec County, except that the traveled way may not be widened or expanded beyond 3 lanes for each direction of travel ~~from Exit 1 to, and including, Exit 6A in those areas of the turnpike that are 3 lanes on June 1, 1997~~ and beyond 2 lanes for each direction of travel elsewhere on the turnpike without the express approval of the Legislature.

Except as provided in section 1965-A, a license, permit, or approval necessary for the widening or expansion of the turnpike may not be issued by any state agency unless that agency makes an affirmative finding that the widening or expansion is consistent with state transportation policy as well as rules implementing that policy;

Sec. A-2. 23 MRSA §1965-A, sub-§2, as enacted by PL 1995, c. 341, §2, is amended to read:

2. Review of alternatives. Upon completing the evaluation required under subsection 1, the authority shall review the alternatives to determine if the alternatives can meet the identified transportation deficiency or need in a safe manner at a reasonable cost with available technology. If, based on the evaluation, the authority finds that the alternatives do not meet the identified deficiency or need:

A. A final license, permit, or approval necessary for the widening or expansion of the turnpike may be issued by the appropriate state agency, except that a license, permit or approval necessary for the widening or expansion of the traveled way may not be issued unless the widening or expansion of the traveled way is approved by the Legislature in accordance with section 1965, subsection 1, paragraph D; and

B. The alternative evaluation and preference requirements of section 73 and rules adopted pursuant to section 73 are considered satisfied.

Sec. A-3. Contingent effective date. This Part takes effect on the day of the proclamation required by Part B, only if the question submitted to voter referendum under Part B is not approved by the voters.

PART B

Sec. B-1. Implementation of the turnpike widening. Upon approval of this Part by the voters in accordance with Section 2 of this Part, the Maine Turnpike Authority shall exercise its powers, within the financial resources from time to time authorized and reasonably available to it, to file necessary permit applications for and to carry out the construction of

one additional travel lane for each direction of travel on the turnpike between Mile 12 and Mile 42.

Sec. B-2. Referendum procedure; submission at statewide election; form of question; effective date. This Part must be submitted to the legal voters of the State of Maine at a statewide election held on the Tuesday following the first Monday of November following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor adding one travel lane in each direction to the southern end of the Maine Turnpike, paid for by turnpike tolls, to reduce accidents and congestion?"

The legal voters of each city, town and plantation shall vote by ballot on this question, and shall designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and proclaim the results without delay. If it appears that a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim that fact and this Part takes effect 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purpose of this referendum.

PART C

Sec. C-1. Finding. The Legislature finds that the determination of the Maine Turnpike Authority pursuant to the Maine Revised Statutes, Title 23, section 1965-A that safe, reasonable-cost, nonwidening alternatives using available technologies are not adequate to meet the identified safety and traffic needs of the Maine Turnpike between Mile 12 and Mile 42, and the authority's determination concerning alternatives to widening the turnpike, is reasonable and appropriate and satisfies the applicable requirements of the Sensible Transportation Policy Act.

See title page for effective date, unless otherwise indicated.

CHAPTER 494

S.P. 667 - L.D. 1893

An Act Regarding Child Care Regulation

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

Sec. 1. 17 MRSA §2871, sub-§1, as enacted by PL 1985, c. 538, §1, is amended to read:

1. Day care center. "Day care ~~facility center~~" means a day care ~~facility center~~, as defined in Title 22, section ~~8301~~ 8301-A, subsection 1, paragraph A.

Sec. 2. 17 MRSA §2871, sub-§3, as enacted by PL 1985, c. 538, §1, is amended to read:

3. Preschool facility. "Preschool facility" means any day care ~~facility center~~ or nursery school.

Sec. 3. 22 MRSA §1315, sub-§6-B, as enacted by PL 1991, c. 810, §11, is amended to read:

6-B. Preschool facility. "Preschool facility" means a day care ~~facility center~~ as defined in section ~~8301~~, ~~a home baby sitting service as described in section 8305~~ 8301-A, subsection 1, paragraph A or a nursery school as defined in section 8401.

Sec. 4. 22 MRSA §7701, sub-§1, as enacted by PL 1975, c. 719, §6, is amended to read:

1. Children. As used in this subtitle, the word "children" ~~shall mean~~ means persons who are not related by blood or marriage to, or who have not been legally adopted by, the licensee or administrator of any facility, defined in ~~sections~~ section 8101, 8201 or ~~8301~~ 8301-A, ~~which provide~~ that provides services to these children.

Sec. 5. 22 MRSA §7701, sub-§2, as amended by PL 1989, c. 502, Pt. A, §80, is further amended to read:

2. Facility. As used in this subtitle, the word "facility" means any of the places defined in section ~~7901 A, subsection 3, sections~~ 8001, 8101, 8201 or ~~8301~~ 8301-A, subsection 1, paragraph A.

Sec. 6. 22 MRSA §7702, as amended by PL 1987, c. 774, §3, is further amended to read:

§7702. Violation; penalty

Whoever violates any provision of this subtitle, except section 7801, subsection 1, paragraph A, ~~shall~~ may be punished by a fine of not more than \$500 or by imprisonment for not more than 11 months, or by both, except that anyone violating sections 7703, ~~8305~~