

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND EIGHTEENTH LEGISLATURE**

**SECOND REGULAR SESSION**  
**January 7, 1998 to March 31, 1998**

**SECOND SPECIAL SESSION**  
**April 1, 1998 to April 9, 1998**

**THE GENERAL EFFECTIVE DATE FOR**  
**SECOND REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**JUNE 30, 1998**

**SECOND SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**JULY 9, 1998**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

specified in the tax base sharing agreement, shall must be remitted within 15 days after collection to the other municipality or municipalities on the basis of the terms of the agreement to which they are parties. The municipality in which the property is located may be authorized by the tax base sharing agreement to make payments due to the other municipality or municipalities that are parties to the agreement to another party or entity. Payments to another party or entity must be for purposes that have a general public benefit.

See title page for effective date.

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**CHAPTER 664**

**S.P. 568 - L.D. 1725**

**An Act to Authorize School Administrative Units to Enter into Multi-year Agreements for Telecommunications Services**

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

**Sec. 1. 20-A MRSA §15915-A** is enacted to read:

**§15915-A. Telecommunications service agreements**

**1. Service agreements.** The governing bodies of school administrative units and applied technology regions are authorized to enter into agreements for not more than 10 years with private entities such as telecommunications service providers to purchase telecommunications services, including services for interactive audio and visual communication and transmission of data for educational purposes.

**2. Interlocal agreements.** The governing bodies of school administrative units and applied technology regions are authorized to enter into interlocal agreements in accordance with Title 30-A, chapter 115 and may organize or cause to be organized joint boards and legal entities including public nonprofit corporations under Title 13, chapter 81 and Title 13-B to purchase telecommunications services and to acquire customer premise telecommunications, as defined by the Public Utilities Commission, and related technology equipment.

**3. Legal and tax status.** The interlocal agreement must provide for appointment or election of each member of a joint board or governing body of a legal entity formed under this section by the governing body of one or more of the constituent members of the interlocal agreement. The joint board or governing body of the legal entity formed may purchase telecommunications services and acquire, purchase, lease and lease-purchase customer premise telecommunica-

tions and related technology equipment on behalf of the constituent members of the interlocal agreement. Customer premise telecommunications and related technology equipment acquired by the joint board or governing board of the legal entity formed are deemed to be public school property for all purposes. A lease-purchase agreement for customer premise telecommunications and related technology equipment constitutes a proper public purpose and the interest or interest component of income derived from the lease-purchase agreement is exempt from taxation in this State. The net earnings of the joint board or governing body of the legal entity formed may not inure to the benefit of any private person. If the joint board or legal entity formed is dissolved, the distribution of all property owned by the joint board or legal entity formed must be determined by the joint board or governing body of the legal entity formed and may not inure to the benefit of any private person.

See title page for effective date.

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**CHAPTER 665**

**H.P. 1500 - L.D. 2122**

**An Act to Support the Long-term Care Steering Committee**

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

**Sec. 1. 5 MRSA §12004-I, sub-§47-D** is enacted to read:

<b><u>47-D.</u></b>	<u>Long-term</u>	<u>Legislative</u>	<u>22 MRSA</u>
<u>Human</u>	<u>Care</u>	<u>Per Diem</u>	<u>§5107-B</u>
<u>Services</u>	<u>Steering</u>		
	<u>Committee</u>		

**Sec. 2. 22 MRSA §5107-B, sub-§§3 and 4,** as enacted by PL 1995, c. 696, Pt. B, §5, are amended to read:

**3. Meetings.** By July 1, 1996, the Governor shall convene the first meeting of the committee, at which the members shall elect a chair from among themselves. The committee shall meet at least once each month. Each year the committee may conduct regional hearings on long-term care issues.

**4. Reimbursement.** Members of the committee are entitled to receive reimbursement for travel to meetings compensation as provided in Title 5, chapter 379 upon application to the Department of Human Services, which must fund these and all related

expenses of the committee utilizing existing budgeted resources.

See title page for effective date.

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## CHAPTER 666

S.P. 776 - L.D. 2103

### An Act to Improve the Efficiency of the Maine Public Drinking Water Control Program

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

**Whereas,** the United States Environmental Protection Agency delegates its authority to the State of Maine to administer the federal Safe Drinking Water Act through an arrangement known as "primacy" on the condition that the State fulfill certain requirements; and

**Whereas,** the State of Maine administers the federal Safe Drinking Water Act through the Maine Public Drinking Water Control Program within the Department of Human Services; and

**Whereas,** since 1993, the United States Environmental Protection Agency has found in each of its annual evaluations of the program that program management failed to develop an effective organizational structure and to appropriately define staff responsibilities; and

**Whereas,** in 1997, not only did the Maine Public Drinking Water Commission find that the program suffered from poor management and administration, but also the United States Environmental Protection Agency informed the program that, until its staffing and management problems were resolved, the United States Environmental Protection Agency would not release to the State any federal funds through the Safe Drinking Water Revolving Loan Fund; and

**Whereas,** many water systems in the State are dependent on the Safe Drinking Water Revolving Loan Fund to finance water system improvement projects needed to comply with the federal Safe Drinking Water Act and thereby protect public health; 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:**

## PART A

**Sec. A-1. Authorization to audit the Maine Public Drinking Water Control Program.** The Maine Public Drinking Water Commission is authorized to hire an auditor to conduct an audit of the Maine Public Drinking Water Control Program, referred to in this Part as the "program," for the purposes outlined in section 2 of this Part. The auditor selected must be independent of the program and may not include any person or persons employed by the State. The commission must hire the auditor no later than May 15, 1998.

**Sec. A-2. Purpose.** The purpose of the audit is to evaluate the effectiveness and adequacy of the program in administering the federal Safe Drinking Water Act, in maintaining the State's federally delegated primary enforcement authority in administering the act, and in maximizing the availability of federal funds to water systems in the State for carrying out the requirements of the act. In making this evaluation, the auditor shall consider the following factors:

1. The current organizational structure and staffing of the program;
2. The current and available resources of the program;
3. The effectiveness of current management and staff of the program;
4. The qualifications and experience necessary for the position of manager of the program;
5. The current goals and objectives of the program;
6. The program's current data management system, including a comparison of public water systems in the State regarding collection, management, and reporting of compliance data; and
7. Any other factor the auditor determines relevant or important within the scope of the purposes of the audit.

**Sec. A-3. Coordination with United States Environmental Protection Agency.** In evaluating the performance of the program pursuant to section 2 of this Part, the auditor shall consider the requirements of the United States Environmental Protection Agency, including the requirements of the regional office of the agency with jurisdiction over the State, with regard to administering the federal Safe Drinking Water Act, maintaining the State's federally