

# 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**

this space must be determined by majority vote of the Legislative Council. Aside from costs associated with the design phase and site preparation, including asbestos remediation, no expenditure of funds regarding this space may be made until its use and design are determined.

The Legislative Council has the authority to authorize the Executive Director to enter into contracts for the purpose of maintaining or improving the 33,000 gross square feet of space in the State Office Building provided to the Legislature.

**Sec. 4. Maine Governmental Facilities Authority; resolution for issuance of securities.** Pursuant to the Maine Revised Statutes, Title 4, section 1606, subsection 1, the Maine Governmental Facilities Authority is authorized to issue securities in its own name in an amount up to \$52,500,000 for the purposes of paying the cost of the construction of a connector between the State Office Building and the State Capitol Building; the preservation and renovation of the State Capitol Building; and the renovations of the State Office Building, the Tyson Building and the Marquardt Building.

**Sec. 5. Allocation.** The proceeds from the sale of the bonds must be expended as follows:

|  |              |
|--|--------------|
| Connector construction   | \$4,000,000  |
| Renovation and preservation of the State Capitol Building                | 19,283,830   |
| State Office Building, Tyson Building and Marquardt Building renovations | 29,216,170   |
| TOTAL  | \$52,500,000 |

See title page for effective date.

**CHAPTER 789**

**S.P. 843 - L.D. 2247**

**An Act Relating to Dam Abandonment**

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

**Whereas**, on April 10, 1996, the Maine Revised Statutes, Title 38, chapter 5, subchapter I, article 6 was enacted; and

**Whereas**, this law became effective July 4, 1996 and provides a time period of 180 days in which to produce an interlocal agreement among municipali-

ties or other parties that intend to take ownership of an abandoned dam; and

**Whereas**, towns currently attempting in good faith to reach an interlocal agreement have discovered that the law does not provide for an extension of this time period and does not identify an objective party to facilitate the process; and

**Whereas**, the parties in the process of assuming ownership of a dam need adequate time in which to reach agreement; and

**Whereas**, an extension of the time period and additional coordination to facilitate the interlocal agreement process must be provided; 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. 38 MRSA §902, sub-§1-A** is enacted to read:

**1-A. Extension of consultation period.** The consultation period under subsection 1 must be extended for an additional 180 days if:

A. A municipality in which the dam or impoundment is located applies to the department for an extension and demonstrates that the municipality needs additional consultation time to facilitate an agreement for municipal ownership of the dam; or

B. The dam owner applies to the department for an extension.

The consultation period under subsection 1 may not be extended for more than 180 days regardless of the number of applications for extension under this subsection.

**Sec. 2. 38 MRSA §902, sub-§4**, as enacted by PL 1995, c. 630, §3, is amended to read:

**4. Report on notice compliance.** The dam owner shall file a report with the department within 180 days of filing a petition. ~~The report must include that includes:~~

A. Evidence that the owner complied with the notice requirements set forth in section 901; and

~~B. Names and addresses of persons notified under section 901 and of parties consulted in accordance with this section; and~~

~~C. The results of the consultations and whether a new owner has been located.~~

~~At the request of the dam owner, the department shall extend the deadline for reporting up to an additional 180 days.~~

**Sec. 3. 38 MRSA §902, sub-§4-A** is enacted to read:

**4-A. Report on consultation process.** The dam owner shall file a report with the department within 180 days of filing a petition or before the conclusion of an extension to the consultation period granted pursuant to section 902, subsection 1-A that includes:

A. Names and addresses of parties consulted in accordance with this section; and

B. The results of the consultations and whether a new owner has been located.

**Sec. 4. 38 MRSA §909** is enacted to read:

**§909. Technical assistance**

To the extent existing resources are available, when one or more municipalities seeks ownership of a dam, the State Planning Office may provide grants and technical assistance to the participating municipality or municipalities or to regional planning organizations.

**Sec. 5. Application.** This Act applies to all petitions for release from dam ownership pending at the Department of Environmental Protection on or after January 1, 1998.

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

Effective April 16, 1998.

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**CHAPTER 790**

**H.P. 1675 - L.D. 2295**

**An Act to Improve the Delivery of Mental Health Services to Children**

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

**Whereas,** the delivery of children's mental health services under the authority of the Department

of Corrections, the Department of Education, the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services requires a new degree of coordination among the departments for the benefit of the children served and their families; and

**Whereas,** the departments have undertaken planning and cooperative efforts to build a comprehensive system of children's mental health services, called the Children's Mental Health Program; and

**Whereas,** the planning for the coming fiscal years needs to establish separate and distinct funding for children and adult services in order to honor children's distinct needs and track the progress of the Department of Corrections, the Department of Education, the Department of Human Services and the Department of Mental Health, Mental Retardation and Substance Abuse Services in meeting those needs; and

**Whereas,** the efficient and effective operation of the Children's Mental Health Program requires that the program begin on July 1, 1998; 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. 34-B MRSA c. 15** is enacted to read:

**CHAPTER 15**

**CHILDREN'S MENTAL HEALTH SERVICES**

**§15001. Definitions**

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

**1. Blended funding; pooled funding; flexible funding.** "Blended funding" means funding from all sources from the budgets and funds of the departments that are combined to be used for the provision of care and services under this chapter. "Pooled funding" and "flexible funding" have the same meaning as "blended funding".

**2. Care.** "Care" means treatment, services and care for mental health needs, including but not limited to crisis intervention services, outpatient services,