

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

shall adopt staffing rules. The rules adopted pursuant to this section are routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

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

Effective May 22, 1997.

CHAPTER 35

S.P. 396 - L.D. 1293

Resolve, to Evaluate Permit by Rule and Compliance with the Natural Resources Protection Laws

Sec. 1. Land and Water Resources Council evaluation of permit by rule. Resolved: That the Land and Water Resources Council, in consultation with the Department of Environmental Protection, shall evaluate the Board of Environmental Protection's rules relating to permit-by-rule requirements for activities regulated pursuant to the Maine Revised Statutes, Title 38, chapter 3, subchapter I, Article 5-A. In its evaluation, the Land and Water Resources Council shall consider the following issues:

1. Whether all of the activities that have been designated eligible for permit by rule are appropriate for the permit-by-rule process in light of the requirement to protect the natural resources in, on or adjacent to which the activities are located;
2. Whether there are adequate checks to ensure compliance with the permit standards;
3. Whether permit by rule provides the Department of Environmental Protection with sufficient information to evaluate projects;
4. Whether there is a satisfactory process for appeal when a permit by rule is approved; and
5. Whether the standards are adequate to ensure no significant impact upon the environment when projects are in compliance with the standards; and be it further

Sec. 2. Report. Resolved: That the Land and Water Resources Council shall report its findings and recommended changes to the permit-by-rule program to the joint standing committee of the Legislature having jurisdiction over natural resources matters by February 1, 1998.

See title page for effective date.

CHAPTER 36

H.P. 270 - L.D. 334

Resolve, to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to an Annual Report Card on Poverty

Sec. 1. Report on poverty. Resolved: That the State Planning Office shall report annually to the Legislature, beginning on January 1, 1998, on the subject of poverty in this State. The report must include information on poverty among children and adults, regional differences in poverty rates and indicators, conditions responsible for changes from the prior year, expectations for the coming year and the economic condition of the State's communities.

See title page for effective date.

CHAPTER 37

H.P. 1232 - L.D. 1749

Resolve, Designating a World War II Monument in Bangor an Official State Memorial and Authorizing the Department of Transportation to Erect Signs Identifying That Memorial

Sec. 1. Designating an official state memorial in honor of World War II veterans. Resolved: That the monument to be erected in Bangor on the grounds of the Cole Land Transportation Museum be designated an official state memorial to honor the veterans of Maine who gave their lives in defense of freedom during World War II; and be it further

Sec. 2. Signs for World War II memorial. Resolved: That the Department of Transportation may erect signs in appropriate locations identifying the location of the World War II memorial designated under section 1.

See title page for effective date.

CHAPTER 38

H.P. 1275 - L.D. 1805

Resolve, Directing the Commissioner of Education to Establish Plans for an Alternative School Calendar

Sec. 1. Commissioner of Education to establish plans for an alternative school calendar. Resolved: That the Commissioner of Education shall develop, in consultation with the State Board of Education, the Maine School Management Association and the Maine Education Association, a plan for an alternative school calendar for the purposes of assisting local school districts that wish to move to an alternative school calendar. The plan may include the following:

1. Professional development and training for staff and school board members on alternative school calendars;
2. Grants to local school districts for planning alternative school calendars;
3. Different types of school calendars, including year-round education, the use of intersessions, the incorporation of summer camps, both academic and extracurricular and other nontraditional school calendars; and
4. The development of a state contact person and information resources on alternative school calendars within the Department of Education and made available to all school districts; and be it further

Sec. 2. Statewide meeting. Resolved: That the Commissioner of Education shall conduct, no later than November 1, 1997, a statewide meeting on alternative school calendars that includes educators throughout the State; and be it further

Sec. 3. Report. Resolved: That the Commissioner of Education shall report any findings and recommendations, including any legislation, to the Joint Standing Committee on Education and Cultural Affairs, no later than January 15, 1998.

See title page for effective date.

CHAPTER 39

H.P. 838 - L.D. 1143

Resolve, to Name the New Topsham-Brunswick Bridge across the Androscoggin

Sec. 1. Merrymeeting Bridge. Resolved: That the new bridge spanning the Androscoggin River between the Town of Topsham and the Town of Brunswick be named the "Merrymeeting Bridge" and that a plaque, designed and created by the towns of

Topsham and Brunswick, be erected by the Department of Transportation near the bridge.

See title page for effective date.

CHAPTER 40

S.P. 619 - L.D. 1822

Resolve, Authorizing the Town of Southwest Harbor to Refinance Certain Temporary Bond Anticipation Notes Issued for Its Water Project

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

Whereas, the Town of Southwest Harbor has authorized the issuance of general obligation securities for the purpose of financing certain capital improvements to the town's water system, referred to as the "water project," and has issued its temporary general obligation bond anticipation notes in the principal amount of \$800,000 to finance its water project, such debt being originally issued in November 1994; and

Whereas, long-term financing for the water project is to be provided by the issuance of general obligation bonds to the United States; and

Whereas, engineering and other problems of locating the plant associated with the water project have caused the construction of the project to be delayed beyond the time originally contemplated, increased the proposed cost of the water project and delayed the closing of the long-term financing with the United States; and

Whereas, the Maine Revised Statutes, Title 30-A, section 5772 states that the period of anticipatory borrowing by a municipality may not exceed 3 years; and

Whereas, it is necessary for the Town of Southwest Harbor to extend the period of its anticipatory borrowing for an additional 2 years; 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

Sec. 1. Authority to issue and sell temporary notes. Resolved: That, notwithstanding the Maine Revised Statutes, Title 30-A, section 5772 or