

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

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

any other provision of law, the Town of Southwest Harbor may issue and sell its temporary general obligation bond anticipation notes in a principal amount not to exceed \$800,000 for an additional period not to exceed 2 years for the purpose of refinancing a certain outstanding temporary note originally issued in November 1994 in that amount to finance the water project for the Town of Southwest Harbor, subsequently reissued in 1995 and 1996, and further that the 3-year limitation regarding temporary or anticipatory borrowing contained in Title 30-A, section 5772 must be extended to 5 years for the Town of Southwest Harbor water project.

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

Effective May 28, 1997.

CHAPTER 41

S.P. 580 - L.D. 1745

Resolve, to Direct the Land and Water Resources Council to Develop a Report and Proposed Actions to Control Mercury Emissions and Discharges

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 116th Legislature established the Land and Water Resources Council, in part to study specific water resource management issues and problems of statewide significance and formulate policies that achieve the goal of protecting the quality of Maine's water resources; and

Whereas, mercury is a persistent, bioaccumulative and highly toxic metal that is found in air emissions and water discharges from various facilities both within Maine and beyond its borders; and

Whereas, mercury contamination from discharge and deposition has caused fish consumption advisories in Maine water; 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. Report and recommendations. Resolved: That the Land and Water Resources

Council shall develop a long-range strategy to evaluate and reduce the levels and sources of mercury contamination affecting Maine's environment. The council shall seek the advice and support of the Maine Environmental Priorities Project, Legislators, the Federal Environmental Protection Agency and other groups in completing this task. The strategy includes, but is not limited to, the following:

1. A description of the levels and locations of mercury contamination that are known or suspected to exist in Maine's environment;

2. A survey of sources and quantities of mercury discharged to or deposited into Maine's natural resources. This survey should include both in-state and out-of-state sources and estimates of relative contribution;

3. Recommendations for further data acquisition, if necessary; and

4. Recommendations for regulatory, legislative, pollution prevention or technical assistance actions to reduce mercury contamination; and be it further

Sec. 2. Report. Resolved: That the evaluation and recommendations of the Land and Water Resources Council on mercury be part of its annual report to the joint standing committee of the Legislature having jurisdiction over natural resource matters. The council shall report its initial evaluation and recommendations as part of its January, 1998 annual report; and be it further

Sec. 3. Legislation. Resolved: That the Joint Standing Committee on Natural Resources may report out legislation regarding the reduction of mercury emissions and discharges to the Second Regular Session of the 118th Legislature.

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

Effective May 30, 1997.

CHAPTER 42

S.P. 336 - L.D. 1114

Resolve, to Extend the Protections against Spousal Impoverishment under the Medicaid Program

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