

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

exceed \$1,250,000. The interest rate must be approximately 5.6% and total interest costs may not exceed \$735,000. The Maine Technical College System is authorized to encumber, mortgage or otherwise give security for the buildings, equipment and real property that are the subject of the lease-purchase in order to allow consummation of the lease-purchase and is authorized to transfer interests in real estate in order to provide for utility easements and other necessities. Any lease-purchase effected pursuant to this authorization must state that the Maine Technical College System may discontinue the lease-purchase in the event that annual appropriations of state funds necessary to pay for the lease-purchase, as determined by the system, are discontinued by the Legislature.

See title page for effective date.

CHAPTER 45

H.P. 926 - L.D. 1269

Resolve, to Foster the Self-governing Powers of Maine's Indian Tribes in a Manner Consistent with Protection of Rights and Resources of the General Public

Preamble. Whereas, there is conflict over the effect of the Act to Implement the Maine Indian Claims Settlement as evidenced by the introduction of legislation to give the Passamaquoddy Tribe authority to change the names of geographic features within Passamaquoddy territory; to eliminate the application of state law to tribal lands; to require full faith and credit for decisions of the tribal courts; and to make all persons within Passamaquoddy territory subject to tribal court jurisdiction; and

Whereas, the most basic function of the Maine Indian Tribal-State Commission, established as a part of the Act to Implement the Maine Indian Claims Settlement, is to "continually review the effectiveness of . . . [the Settlement] Act and the social, economic and legal relationship between the Passamaquoddy Tribe and the Penobscot Nation and the State and . . . make such reports and recommendations to the Legislature as it deems appropriate"; and

Whereas, we realize that the "[continual] review [of] the effectiveness of . . . the social, economic and legal relationship between the Passamaquoddy Tribe and the Penobscot Nation and the State" requires an effort by and is of mutual interest to both the State and the Maine Indian Tribes to learn to better respect and honor the powers and duties of the State and the Indian tribes within the tribes' Indian territories; and

Whereas, we all pride ourselves on our abilities to listen, learn, identify and adapt to changing circumstances, especially with respect to the needs of our youth, both within the State and within the tribal territories; now, therefore, be it

Sec. 1. Maine Indian Tribal-State Commission authorized to focus on needs of youth.

Resolved: That the Maine Indian Tribal-State Commission, established by the Maine Revised Statutes, Title 30, section 6212, is authorized and directed to undertake a systematic review of the civil laws of the State to determine the manner and extent to which those laws, as enforced, constrict or impinge upon the best interests of the children with respect to:

1. The traditional culture and way of life as practiced in the tribal communities;

2. The ability of the tribes to regulate their members, lands, schools and other cultural institutions and communities in a manner that honors tribal traditions without jeopardizing the resources of the State held for the benefit of all or the property or other rights of persons who are nonmembers of the Tribe; and

3. The respect and dignity appropriately given to all individual citizens in the State and members of the tribes; and be it further

Sec. 2. Study organization, objective; consultation, conflict resolution. Resolved:

That the Maine Indian Tribal-State Commission study must be conducted over the next 4 years, in consultation with appropriate representatives of affected tribes and agencies of the State, including teachers and local law enforcement, and using conflict resolution techniques, to identify policies, programs or provisions that could be undertaken to foster the social and economic strength of both the State and Maine's tribal communities without significant risk of harm to the resources of the State held for the benefit of all, or the property or other rights of persons who are not members of the tribes and with special attention to the needs of the youth of both the State and the tribes.

The commission shall consider the concerns that gave rise to the legislation proposed by the Passamaquoddy Tribe to amend the Act to Implement the Maine Indian Claims Settlement and determine how those concerns may be addressed; and be it further

Sec. 3. Reporting dates established. Resolved:

That the Maine Indian Tribal-State Commission shall report its findings and legislative recommendations to the Second Regular Session of the 118th Legislature by December 15, 1997; to the First Regular Session of the 119th Legislature by December 15, 1998; and to the First Regular Session

of the 120th Legislature by December 15, 2000; and be it further

Sec. 4. Annual Assembly of the Governors and Chiefs. Resolved: That the Maine Indian Tribal-State Commission shall convene an annual Assembly of Governors and Chiefs, including the Governors of the State of Maine and the Passamaquoddy Tribe and the Chiefs of the Penobscot Nation, Houlton Band of Maliseets and Aroostook Band of Micmacs.

See title page for effective date.

CHAPTER 46

H.P. 1027 - L.D. 1444

Resolve, to Designate an East-West Highway and Install Signs on that Highway

Sec. 1. Designate the East-West Highway; install signs. Resolved: That the Department of Transportation shall designate the following roads in Maine as the East-West Highway and install signs indicating these roads as one highway: Route 9 from Calais to Bangor, Interstate 95 from Bangor to Newport and Route 2 from Newport to Rumford to New Hampshire.

See title page for effective date.

CHAPTER 47

S.P. 469 - L.D. 1471

Resolve, Regarding Legislative Review of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a Major Substantive Rule of the Department of Environmental Protection, Bureau of Land and Water Quality

Sec. 1. Adoption. Resolved: That final adoption of Chapter 502: Direct Watersheds of Waterbodies Most at Risk from New Development, and Sensitive or Threatened Regions or Watersheds, a provisionally adopted major substantive rule of the Department of Environmental Protection, Bureau of Land and Water Quality, submitted to the Legislature

for review pursuant to the Maine Administrative Procedure Act, is authorized.

See title page for effective date.

CHAPTER 48

H.P. 1330 - L.D. 1880

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1997

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, Androscoggin County has certain expenses and liabilities that must be met as they become due; and

Whereas, it is necessary that the taxes for the year 1997 be immediately assessed in order to provide the required revenue for the county; 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. Androscoggin County; taxes apportioned. Resolved: That the following sum is granted as a tax on Androscoggin County to be apportioned, assessed, collected and applied to the purposes of paying debts and necessary expenses of the county as authorized in this resolve, and for other purposes of law, for the calendar year 1997:

1997 TAX

\$4,636,447

; and be it further

Sec. 2. General Fund expenditures authorized. Resolved: That the following sums,