

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

Total Appropriations	\$6,378,464
Available Credits:	
Estimated Revenue	\$1,234,515
Community Corrections	352,230
Transfer from Surplus	55,272
Total Available Credits	1,742,017
Amount to be raised by taxation	\$4,636,447

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

Effective May 31, 1997.

CHAPTER 49

S.P. 499 - L.D. 1561

Resolve, to Examine the Impact of Federal Devolution Decisions on Municipalities and Other Local Agencies

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

Whereas, due to decisions at the federal levels increasing governmental responsibilities and duties are being delegated to state and local levels of government; and

Whereas, reductions in the levels of funding for many federal programs have resulted in significantly fewer federal dollars flowing to states and localities just as responsibilities are increasing for those levels of government; and

Whereas, decisions to delegate governmental responsibilities by higher levels of government may ultimately force municipalities and local and regional agencies to accept additional responsibilities and reduced funding with no possibility of passing those new responsibilities on to others; and

Whereas, it is vitally important that an organized effort be put in place to assist municipal and regional agencies to begin to plan for the impact of federal devolution decisions; 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 preserva-

tion of the public peace, health and safety; now, therefore, be it

Sec. 1. Governor's Municipal Advisory Council to examine the impact of federal devolution decisions on municipalities.

Resolved: That the Governor's Municipal Advisory Council, established pursuant to Executive Order No. 14 FY 1986-87, and referred to in this resolve as "the council" as part of its deliberations shall examine the direct and indirect impacts of the delegation of federal responsibilities and reduction in federal funding levels on municipalities and regional and local agencies and programs. The Department of Administrative and Financial Services, Bureau of the Budget and the Executive Department, State Planning Office shall assist the council in its examination; and be it further

Sec. 2. Report. Resolved: That the council shall report to the Legislature by February 1, 1998 on its findings, recommendations and any necessary implementing legislation; and be it further

Sec. 3. Staff. Resolved: That the State Planning Office shall provide staff support for the council for the purposes provided in this resolve.

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

Effective June 9, 1997.

CHAPTER 50

H.P. 1255 - L.D. 1782

Resolve, Authorizing the Transfer of Land from the State to the Freeman Ridge Cemetery Association

Sec. 1. Transfer of land. Resolved: That the State shall transfer to the Freeman Ridge Cemetery Association, Inc. a parcel of land described as follows: A certain lot or parcel of land, located in the deorganized Town of Freeman, County of Franklin, at the junction of the Freeman Ridge and Ramsdell Hill roads, known as the Freeman Ridge Cemetery and School House lot, and is bounded and described to wit: commencing at an iron pin on the northerly side of the Ramsdell Hill Road 276 feet east of the southwest corner of lot #17 range L; thence northwesterly a distance of 84 feet to a cement post; thence northeasterly a distance of 203 feet to a cement post; thence southeasterly a distance of 138.75 feet to an iron pin; thence southwesterly a distance of 69' 11.5" to an iron pin; thence southeasterly a distance of 69' 11.5" to the Freeman Ridge Road; thence along the

northerly side of the Freeman Ridge Road and Ramsdell Hill roads to the point of origin.

See title page for effective date.

CHAPTER 51

H.P. 1093 - L.D. 1536

Resolve, Regarding Legislative Review of Chapter 131: Rules for Learning Results, a Major Substantive Rule of the Department of Education

Sec. 1. Adoption. Resolved: That final adoption of Chapter 131: Rules for Learning Results, a provisionally adopted major substantive rule of the Department of Education, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized with the following amendment to the rule.

In order to reaffirm the intent of the Legislature expressed in Public Law 1995, chapter 649, in establishing a statewide system of learning results, the department shall include an application section in the rules reading as follows:

"1. Application of rules to local school administrative units.

These rules may not require a school administrative unit to take any action that necessitates additional expenditures from local revenues unless the Department of Education pays for 90% of the additional costs. Implementation of these rules is at the discretion of the school administrative unit if additional local expenditures are required for implementation and the department has not paid its share of the additional, required costs.

A school administrative unit that determines that it is unable to implement the learning results in the areas of English language arts, health and physical education, mathematics, science and technology, and social studies within existing state and local resources must present its findings and supporting evidence to the Department of Education. The department shall review the findings and evidence and, if necessary, assist the unit in planning for implementation.

Pursuant to Public Law 1995, chapter 649, section 3, school administrative units may delay implementation of the system of learning results in the areas of career preparation, foreign languages, and visual

and performing arts if adoption in those areas can not be achieved within existing resources."

See title page for effective date.

CHAPTER 52

S.P. 608 - L.D. 1809

Resolve, Authorizing the Exchange and Sale of Certain Public Lands

Preamble. Whereas, the Constitution of Maine, Article IX, Section 23 requires that real estate designated held by the State for conservation purposes may not be reduced or its uses substantially altered except on the vote of 2/3 of all members elected to each House; and

Whereas, the lands authorized for sale by this resolve are under the designations described in the Maine Revised Statutes, Title 12, section 598-A; and

Whereas, the Director of the Bureau of Parks and Lands within the Department of Conservation may sell or exchange lands with the approval of the Legislature in accordance with the Maine Revised Statutes, Title 12, section 553, subsection 3, paragraph F and section 590; now, therefore, be it

Sec. 1. Director of the Bureau of Parks and Lands authorized to convey certain public lands. Resolved: That the Director of the Bureau of Parks and Lands within the Department of Conservation may by quitclaim deed convey the following properties for not less than fair market value or best offer through competitive bidding:

1. Fort Kent. A common and undivided 3/4 interest in the public lot in the Town of Fort Kent, totalling approximately 54 acres;

2. Ashland. All right, title and interest in and to approximately 0.63 acres and associated buildings located on Garfield Road in the Town of Ashland;

3. Solon. All right, title and interest in and to approximately 40 acres in the Town of Solon, which land is located near the boundary line of the Town of Solon and the Town of Athens; and

4. Little Squaw Township. All right, title and interest in and to land on Beech Street in Little Squaw Township, totalling approximately 1/4 acre; and be it further

Sec. 2. Use of proceeds from sale of property. Resolved: That all money received from the sales of these lands must be deposited in the Public Reserved Lands Acquisition Fund in accordance with