

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

PART N

Sec. N-1. 7 MRSA §2154, as amended by PL 1985, c. 779, §37, is further amended by adding at the end a new paragraph to read:

Notwithstanding any provision in Title 5, chapter 155, the Seed Potato Board may purchase all services, supplies, materials and equipment required by the board to fulfill the purposes of this chapter. In addition, the board is exempt from the bidding, contract and review procedures contained in Title 5, chapter 153 for any public improvement project with a value of less than \$10,000.

PART O

Sec. O-1. Nuclear safety fees and assessments; cost-savings plan. The Commissioner of Human Services, the Commissioner of Defense, Veterans and Emergency Management, the Commissioner of Environmental Protection and the Director of the State Planning Office, working jointly, shall review the missions and services provided by those state programs receiving fees or assessments from nuclear facilities and from license holders for any nuclear reactor or generator of nuclear radioactive waste in order to assess:

1. The continuing need for the fee or assessment supporting each program; and
2. Administrative efficiencies that can be achieved among and between the various programs in State Government.

The commissioners and the director shall consult with and seek input from the payers of those fees or assessments during the review process.

Sec. O-2. Recommendations. The Commissioner of Human Services, the Commissioner of Defense, Veterans and Emergency Management, the Commissioner of Environmental Protection and the Director of the State Planning Office shall make recommendations to the Joint Standing Committee on Appropriations and Financial Affairs, the Joint Standing Committee on Natural Resources and the Joint Standing Committee on Utilities and Energy by December 31, 1999 for statutory changes, reorganization or restructuring and funding as necessary to carry out these recommendations.

PART P

Sec. P-1. Department of Human Services report on Medicare Part A crossover payments. The Department of Human Services shall report annually on or before January 15th to the joint standing committee of the Legislature having

jurisdiction over health and human services matters and to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs on the impact of the elimination of Medicare Part A crossover payments. The report must specifically analyze the impact on individual hospitals and the actual and potential impact of any new federal or state legislation affecting hospital reimbursement.

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

Effective March 15, 1999, unless otherwise indicated.

CHAPTER 17

S.P. 93 - L.D. 232

An Act to Restrict the Posting on the Internet of Personal Information About Public School Students

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.

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §6001, as amended by PL 1989, c. 911, §1, is further amended to read:

§6001. Dissemination of information

The provisions of this section, the United States Family Education Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public Law 93-568, and the United States Education of All Handicapped Children Act, Public Law 94-142, ~~governs~~ govern the dissemination of information about students, as well as applications for equivalent instruction through home instruction, comments on the completeness of those applications and all education records of students receiving equivalent instruction through home instruction.

A public school may not publish on the Internet or provide for publication on the Internet any personal information about its students without first obtaining the written approval of those students' parents. For the purpose of this section, "personal information" means information that identifies a student, including, but not

limited to, the student's full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents' names.

See title page for effective date.

CHAPTER 18

H.P. 6 - L.D. 16

An Act to Close Elver Fishing on the West Side of the Orland River

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

Whereas, it is necessary that this Act take effect prior to the beginning of the next elver fishing season in March 1999; 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. 12 MRSA §6575-F is enacted to read:

§6575-F. West side of Orland River closed to elver fishing

A person may not fish for or take elvers within the portion of the Orland River between the west bank and the center of the river from the southernmost point of land on Fish Point to the dam in Orland.

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

Effective March 19, 1999.

CHAPTER 19

S.P. 21 - L.D. 13

An Act to Designate the First Saturday of Each October as Firefighter's Recognition Day

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 1 MRSA §135 is enacted to read:

§135. Firefighter's Recognition Day

In recognition of the value and importance of firefighters, the State designates the first Saturday in October as Firefighter's Recognition Day. The Governor shall annually issue a proclamation urging the people of the State to observe the day with appropriate celebration and activity.

See title page for effective date.

CHAPTER 20

S.P. 91 - L.D. 194

An Act to Increase Nonregular Island Ferry Service from 24 to 36 Trips

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

Whereas, this legislation amends the number of ferry trips provided by state-owned or privately contracted vessels for the Maine State Ferry Service from 24 to 36 in time to schedule these trips for future business; and

Whereas, the scheduling timeliness is important for the economic benefit of the island communities; 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. 23 MRSA §4401, as amended by PL 1997, c. 612, §1, is further amended to read:

§4401. Ferry service for North Haven, Vinalhaven, Islesboro, Matinicus Isle, Swan's Island and Frenchboro

It is the duty of the Department of Transportation to operate a ferry route or routes between the mainland and the towns of North Haven, Vinalhaven, Islesboro, Matinicus Isle and Swan's Island for the purpose of transporting vehicles, freight and passengers to and from these towns, and the department may operate the ferry route or routes to and from Frenchboro. Ferry service to Matinicus Isle must be at least 12 times per year and may be up to ~~24~~ 36 times per year and may be provided by state-owned or privately