

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

A. The level of the 24-hour particulate matter ambient air quality standard is 150 micrograms per cubic meter, as measured in the ambient air as PM₁₀, based on methods contained in 40 Code of Federal Regulations, Part 50, Appendix J ~~M~~.

The standards are attained when the ~~expected number of days per calendar year with a 24-hour average concentration above average of the 99th percentile of the 24-hour concentrations measured each calendar year for a 3-year period does not exceed~~ 150 micrograms per cubic meter, as determined in accordance with 40 Code of Federal Regulations, Part 50, Appendix K, ~~is equal to or less than one N~~; and

Sec. 2. 38 MRSA §584-F, sub-§1, as enacted by PL 1995, c. 306, §3, is amended to read:

1. Dissemination of warnings to media. Whenever monitored data demonstrates or the department predicts that ground-level ozone concentrations have exceeded or will exceed ~~84 .08~~ parts per ~~billion~~ million averaged over an 8-hour period, the department shall disseminate a health warning to the mass media, including television, radio and print media, and shall urge the media to issue the warning to the general public. The department shall use best efforts to educate the media as to the need to broadly disseminate health warnings to the public.

See title page for effective date.

CHAPTER 80

S.P. 419 - L.D. 1208

An Act to Amend the Enhanced 9-1-1 Laws

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

Whereas, calls to the 9-1-1 system from automatic dialing devices in cases where there is no emergency pose an immediate danger to public safety; 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. 25 MRSA §2931, as enacted by PL 1997, c. 291, §3, is repealed and the following enacted in its place:

§2931. Misuse of E-9-1-1 system

1. Prohibited use. A person is guilty of misuse of the E-9-1-1 system if without reasonable cause the person, after having been forbidden to do so by a public safety answering point manager or administrator or a law enforcement officer:

A. Makes repeated telephone calls to a public safety answering point by dialing 9-1-1 to make nonemergency reports or inquiries; or

B. Causes telephone calls to be made to a public safety answering point using an alarm or other alerting device that automatically dials 9-1-1 and transmits a prerecorded signal or message.

2. Penalty. Violation of subsection 1, paragraph A is a Class E crime. Violation of subsection 1, paragraph B is:

A. For the first offense, a civil offense for which a civil forfeiture of up to \$500 may be adjudged; or

B. For a 2nd or subsequent offense, a Class E crime.

Emergency clause. In view of the emergency cited in the preamble, that section of this Act that enacts the Maine Revised Statutes, Title 30-A, section 7501, subsection 9 takes effect when approved.

Effective April 16, 1999, unless otherwise indicated.

CHAPTER 81

H.P. 509 - L.D. 716

An Act to Amend the Law Relating to School Construction and School Facilities

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

Sec. 1. 20-A MRSA §1303, sub-§1, ¶C, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

C. Include the proposed school budget and other articles the school board chooses to place before the voters, excluding authorization to borrow money for school construction purposes unless the alternate voting procedures of section 1305 are employed;

Sec. 2. 20-A MRSA §4001, sub-§3, ¶A, as amended by PL 1997, c. 787, §2, is further amended to read:

A. The term of a lease must be at least equal to the period during which similar property of the unit is used. A lease may not exceed a term of 5 10 years.

Sec. 3. 20-A MRSA §4001, sub-§7, as enacted by PL 1997, c. 787, §3, is amended to read:

7. Maintenance and capital improvement program. A school administrative unit, including the unorganized territories, shall establish and maintain a maintenance and capital improvement program for all school facilities, utilizing a maintenance template and software provided by the department and shall annually allocate a minimum percentage of the replacement value of its real estate to facility maintenance, capital improvement or capital reserve accounts commit resources to that program pursuant to established minimum standards. The department and the Department of Administrative and Financial Services, Bureau of General Services shall establish the minimum percentage in consultation with the education community standards. The Department of Education and the Bureau of General Services shall adopt rules necessary to implement this subsection. Rules adopted by the Department of Education and the Bureau of General Services to implement this subsection are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 4. 20-A MRSA §15603, sub-§8, ¶F, as enacted by PL 1997, c. 787, §9, is amended to read:

F. Beginning in school year 2002-03, 1/5 of the aggregate amount of the approved leases defined in paragraphs B and E paragraph B and an additional 1/5 for each year thereafter may not be used to determine the debt service millage limit calculated under section 15611, subsection 1, paragraph A. The local share for the 1/5 of the aggregate amount of the approved leases defined in paragraphs B and E paragraph B and an additional 1/5 for each year thereafter must be calculated as the same percentage determined under section 15609, subsection 1, paragraph A. The department shall adopt rules necessary to implement this paragraph. Rules adopted by the department to implement this paragraph are major substantive rules pursuant to Title 5, chapter 375, subchapter II-A.

Sec. 5. 20-A MRSA §15603, sub-§26-A, ¶C, as enacted by PL 1993, c. 410, Pt. F, §15, is amended to read:

C. "Debt service costs" includes the following:

(1) Principal and interest on approved school construction costs as described in subsection 8, paragraph A; excluding payments made with funds from state and local government accounts established under the federal Internal Revenue Code and regulations for disposition of excess, unneeded proceeds of bonds issued for a school project;

(2) Approved lease costs as described in subsection 8, paragraphs B and E; and

(3) Insured value factor costs as described in subsection 8, paragraph C.

Sec. 6. 20-A MRSA §15901, sub-§4, as amended by PL 1991, c. 268, §5, is further amended to read:

4. School construction project. "School construction project" means:

A. On-site additions to existing schools;

B. New schools;

C. The cost of land acquired in conjunction with projects otherwise defined by this subsection;

D. The building of or acquisition of other facilities related to the operation of school administrative units;

E. The complete restoration of existing school buildings in lieu of replacement when in the judgment of the commissioner the action is in the best interest of the State and local unit; and

F. Off-site construction may only be included within the meaning of this term if, in the judgment of the commissioner, it is economically in the best interests of the State or there is no other practical way to complete a project.

"School construction project" does not mean the purchase, lease-purchase or construction of portable temporary classroom space, as defined in section 15603, subsection 19-A ~~or~~, the lease-purchase of bus garage and maintenance facilities, as defined in section 15603, subsection 6-A or a permanent space lease-purchase project as defined in section 15901, subsection 4-B.

Sec. 7. 20-A MRSA §15901, sub-§4-B is enacted to read:

4-B. Permanent space lease-purchase project. "Permanent space lease-purchase project" means the lease-purchase of permanent administrative space or permanent small nonadministrative or instructional space whose costs are wholly or partially eligible as

debt service costs for subsidy purposes under section 15603, subsection 8, paragraph B, subparagraph (1) or subparagraph (3). "Permanent space lease-purchase project" does not mean the purchase, lease-purchase or construction of portable temporary classroom space, as defined in section 15603, subsection 19-A or the lease-purchase of bus garage and maintenance facilities, as defined in section 15603, subsection 6-A.

Sec. 8. 20-A MRSA §15902, sub-§4, as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

4. Final report to commissioner. On the completion of a school construction project or a permanent space lease-purchase project, the building committee shall certify to the commissioner that the construction project has been completed in conformity with the approved plans and specifications.

Sec. 9. 20-A MRSA §15903, sub-§1, as amended by PL 1983, c. 35, is further amended to read:

1. Application. A school construction project, permanent space lease-purchase project or the minor capital costs of a project with an estimated cost of more than \$50,000 ~~shall~~ must meet the requirements of this section.

Sec. 10. 20-A MRSA §15903, sub-§5, as repealed and replaced by PL 1987, c. 379, is amended to read:

5. Inspection and compliance. Review and inspection of school construction projects and permanent space lease-purchase projects for compliance with approved plans and specifications ~~shall~~ must be provided in accordance with this subsection.

A. If it appears to the commissioner that the school construction project or permanent space lease-purchase project has not been completed in conformity with the approved plans and specifications, the commissioner may cause an inspection of the project to take place.

B. Upon receipt by the commissioner of a written petition from one or more residents of the school administrative unit where the school construction project or permanent space lease-purchase project is located claiming that the project has not been completed in conformity with the approved plans and specifications, the commissioner shall cause an inspection of the project to be made or shall issue a written explanation to the petitioner or petitioners explaining ~~his~~ the commissioner's refusal to do so. The petitioner or petitioners shall certify as part of the petition that the claim of nonconformance has been brought to the

attention of the superintendent of the school administrative unit in which the school construction project or permanent space lease-purchase project is located and that the superintendent has failed to respond in a satisfactory manner to that claim.

C. If an investigation is held, the commissioner shall notify the building committee, or legislative body of the school administrative unit when no building committee exists, of the findings of the investigation and of any changes required. The building committee or legislative body of the school administrative unit shall make the changes within a reasonable period of time. Failure to do so shall render the school administrative unit liable to the penalties provided in section 6801-A.

Sec. 11. 20-A MRSA §15904, sub-§2, as amended by PL 1987, c. 98, §6, is further amended to read:

2. School administrative districts. In a school administrative district the vote ~~shall~~ must be conducted in accordance with section 1305 or sections 1351 to 1354.

Sec. 12. 20-A MRSA §15904, sub-§6 is enacted to read:

6. Permanent space lease-purchase projects. A permanent space lease-purchase project, as defined in section 15901, subsection 4-B, whose costs are wholly eligible as debt service costs for subsidy purposes under section 15603, subsection 8, paragraph B must receive a favorable vote of the legislative body of the school administrative unit. A permanent space lease-purchase project whose lease-purchase costs are not eligible as debt service costs for subsidy purposes under section 15603, subsection 8, paragraph B must receive a favorable vote of the legislative body conducted in accordance with this section, except that subsection 4 does not apply. The vote may authorize the school board or school committee to enter into a mortgage, security interest or other encumbrance on the permanent space lease-purchase project determined to be necessary for the permanent space lease-purchase project.

Sec. 13. 20-A MRSA §15905, sub-§1, as amended by PL 1997, c. 469, §2, is further amended to read:

1. Approval authority. The state board must approve each school construction project, unless it is a small scale school construction project as defined in section 15901, subsection 4-A, ~~or~~ a nonstate funded project as defined in section 15905-A or a permanent space lease-purchase project.

A. The state board may approve projects as long as no project approval will cause debt service costs, as defined in section 15603, subsection 8, paragraph A, to exceed the maximum limits specified in Table 1 in subsequent fiscal years.

Table 1

Fiscal year	Maximum Debt Service Limit
1990	\$ 48,000,000
1991	\$ 57,000,000
1992	\$ 65,000,000
1993	\$ 67,000,000
1994	\$ 67,000,000
1995	\$ 67,000,000
1996	\$ 67,000,000
1997	\$ 67,000,000
1998	\$ 67,000,000
1999	\$ 69,000,000
2000	\$ 72,000,000
2001	\$ 74,000,000

A-1. Beginning with the second regular session of the Legislature in fiscal year 1990 and every other year thereafter, on or before March 1st, the commissioner shall recommend to the Legislature and the Legislature shall establish maximum debt service limits for the next biennium for which debt service limits have not been set.

B. Nonstate funded projects, such as school construction projects or portions of projects financed by proceeds from insured losses, money from federal sources, other noneducational funds or local funds ~~which that~~ are not eligible for inclusion in an administrative unit's state-local allocation, ~~shall be~~ are outside the total cost limitations set by the Legislature.

Sec. 14. 30-A MRSA §5953-E, first ¶, as enacted by PL 1997, c. 787, §12, is amended to read:

There is established the Maine School Facilities Finance Program to promote efficient capital financing activities for the construction, renovation and maintenance of school facilities and the ~~leasing and~~ lease-purchase of school facilities.

Sec. 15. 30-A MRSA §6006-E, as enacted by PL 1997, c. 787, §13, is amended to read:

§6006-E. Maine school facilities finance lease-purchase program

In addition to and in furtherance of any other assistance available to a school administrative unit in this chapter, the bank, in cooperation with the Department of Education, shall establish a ~~lease lease-purchase~~ program for buildings to be used by all school administrative units whose school facility ~~lease~~ lease-purchase payments receive reimbursement, subsidy or other payment from the State. For the purposes of this section, a ~~lease lease-purchase~~ program is a system for awarding leases for a school administrative unit pursuant to a competitive bidding process. ~~All proceeds from leases administered by the bank must be held and invested by the bank and paid to the school administrative unit to reimburse incurred costs associated with capital acquisitions, leases or improvements approved by the Department of Education.~~

Sec. 16. 30-A MRSA §6006-F, sub-§3, ¶B, as enacted by PL 1997, c. 787, §13, is amended to read:

B. To make loans to ~~refund bonds or notes of~~ a school administrative unit ~~issued for the purpose of financing any repair to finance expenditures incurred after June 1, 1998 for repairs or renovations authorized under paragraph A and certified under subsection 5, if sold after June 1, 1998;~~

See title page for effective date.

CHAPTER 82

S.P. 285 - L.D. 803

An Act to Increase the Penalties for Violation of Lobster Conservation Laws

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

Sec. 1. 12 MRSA §6431, sub-§7, as enacted by PL 1977, c. 661, §5, is amended to read:

7. Penalty. Possession of lobsters in violation of this section ~~shall be~~ is a Class D crime, except that the court shall impose a fine of ~~\$25~~ \$50 for each violation and, in addition, a fine of ~~\$40~~ \$25 for each lobster involved, up to and including the first 5, and a fine of ~~\$30~~ \$50 for each lobster in excess of 5, or, if the number of lobsters cannot be determined, a fine of not more than ~~\$1,000~~ \$2,000.

Sec. 2. 12 MRSA §6432, sub-§5, as enacted by PL 1989, c. 413, §1, is amended to read: