

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTIETH LEGISLATURE
FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

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
2001

construction of public facilities, an identification of revenue sources available to meet these costs and recommendations for meeting costs required to implement the plan.

(2) A municipality is eligible to receive a loan if that municipality:

(a) Has adopted a comprehensive plan that is determined by the Executive Department, State Planning Office to be consistent with section 4326, subsections 1 to 4.

(3) A municipality is eligible to receive a loan if that municipality is a service center community.

Subject to the limitations of this subsection, 2 or more municipalities that each meet the requirements of subparagraphs (1) or (2) may jointly apply for assistance under this section; and

Sec. 5. 30-A MRSA §5953-D, sub-§4, as corrected by RR 1999, c. 2, §34, is amended to read:

4. Criteria; conditions for public service infrastructure grants and loans. The Department of Economic and Community Development, in conjunction with the bank, shall develop criteria and conditions for the award of public service infrastructure loans and grants to eligible municipalities subject to the requirements of this section. The department shall:

A. Give highest priority to those municipalities that are experiencing rapid growth and possess a public service infrastructure inadequate to accommodate that growth service center communities. For the purpose of this section, "service center community" has the same definition as in section 4301;

B. ~~Establish~~ Following the highest priority described in paragraph A, establish a preference for those municipalities eligible under subsection 3, paragraph D, subparagraph (1) over those municipalities eligible under subsection 3, paragraph D, subparagraph (2);

C. ~~Establish a preference for those municipalities with higher local property tax burdens. The comparative local property tax burden must be determined under section 5681;~~

D. ~~Establish~~ Following the preference described in paragraph B, establish a preference for capital investment projects undertaken jointly by 2 or more municipalities or that provide substantial regional benefits;

E. Adopt other criteria as it determines necessary to ensure that loans and grants made under this section maximize the ability of municipalities to accommodate planned growth and economic development; and

F. Condition any loans and grants under this section on consistency with the municipality's comprehensive plan or local growth management program.

See title page for effective date.

CHAPTER 91

S.P. 259 - L.D. 906

An Act to Amend the Laws Pertaining to the Control of Disease in Poultry

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

Sec. 1. 7 MRSA §1758 is enacted to read:

§1758. Salmonella enteritidis risk reduction and surveillance program

The commissioner, in cooperation with the University of Maine Cooperative Extension Service, shall develop a Salmonella enteritidis risk reduction and surveillance program for poultry. The commissioner shall adopt rules to implement the program. The rules must define the term "commercial egg producer" and establish requirements for participating in the program and a process for monitoring compliance with the program. Rules adopted pursuant to this section are major substantive rules as defined in Title 5, chapter 375, subchapter II-A.

Upon final adoption of the rules, participation in the program is mandatory for all commercial egg producers in the State. A commercial egg producer who fails to comply with the requirements of this section and rules adopted pursuant to this section commits a civil violation for which a forfeiture of no more than \$1,000 may be adjudged.

See title page for effective date.

CHAPTER 92

H.P. 392 - L.D. 513

An Act to Permit Grievance Mediation by the Panel of Mediators

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

Whereas, this Act provides options for earlier and more efficient resolution of disputes among public sector employers and employees; 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. 26 MRSA §965, sub-§2, ¶B, as amended by PL 1975, c. 564, §13, is further amended to read:

B. Mediation procedures ~~shall~~ must be followed whenever either party to a controversy requests such services prior to arbitration, or, in the case of disputes affecting public employers, public employees or their respective representatives as defined, whenever requested by either party prior to arbitration or at any time on motion of the Maine Labor Relations Board or its executive director. Requests for grievance mediation are handled in accordance with paragraph F.

Sec. 2. 26 MRSA §965, sub-§2, ¶F, as repealed and replaced by PL 1973, c. 617, §2, is repealed and the following enacted in its place:

F. The services of the Panel of Mediators must be provided for grievance mediation only when the parties jointly agree to request grievance mediation services. Notwithstanding this option, neither party is obligated under subsection 1 to bargain over the inclusion of grievance mediation procedures in a collective bargaining agreement. The services of the Panel of Mediators are always available as a technique for impasse resolution in contract negotiations and may be invoked as described in paragraph B.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
LABOR, DEPARTMENT OF		
Labor Relations Board		
Personal Services	\$3,500	\$3,500
All Other	1,500	1,500

Provides funds for the provision of services rendered by the Panel of Mediators on behalf of public employers and bargaining agents regarding grievance mediation.

DEPARTMENT OF LABOR		
TOTAL	\$5,000	\$5,000

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

Effective May 8, 2001.

CHAPTER 93

S.P. 323 - L.D. 1091

An Act Concerning the Lobster Management Fund

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

Sec. 1. 5 MRSA §12004-I, sub-§58, ¶A, as amended by PL 1997, c. 208, §1, is repealed.

Sec. 2. 12 MRSA §6431-C, sub-§2, as amended by PL 1999, c. 309, §1, is further amended to read:

2. Purpose. All money credited to the Lobster Management Fund must be used to cover the costs of trap tags and the administration and enforcement of a lobster trap tag system under section 6431-B, the costs associated with lobster management policy councils and referenda pursuant to section 6447, costs associated with the Lobster Advisory Council not supported by the General Fund and the costs associated with determining eligibility for lobster and crab fishing licenses and eligibility to fish for or take lobsters from a vessel.

Sec. 3. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

	2001-02	2002-03
MARINE RESOURCES, DEPARTMENT OF		
Division of Administrative Services		
All Other	\$2,000	\$2,000
Allocates additional funds to the Lobster Management Fund to		