

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

as required by section 336, subsections 1-A 1-B and 2-A.

6. Rules. Rules adopted pursuant to ~~subsections 3 and subsection~~ 4 are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

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

Effective April 11, 2002.

CHAPTER 673

H.P. 1596 - L.D. 2099

An Act to Revise the Definition of Affordable Housing

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

Sec. 1. 30-A MRSA §4301, sub-§1, as repealed and replaced by PL 1989, c. 878, Pt. A, §83, is repealed and the following enacted in its place:

1. Affordable housing. "Affordable housing" means a decent, safe and sanitary dwelling, apartment or other living accommodation for a household whose income does not exceed 80% of the median income for the area as defined by the United States Department of Housing and Urban Development under the United States Housing Act of 1937, Public Law 412, 50 Stat. 888, Section 8, as amended.

See title page for effective date.

CHAPTER 674

H.P. 1628 - L.D. 2128

An Act to Authorize a General Fund Bond Issue in the Amount of \$28,500,000 to Capitalize the School Revolving Renovation Fund, to Provide Grants to Public Educational Institutions to Install Sprinkler Systems in Dormitories, to Renovate the Harlow Office Building and to Provide a Center for Homeless Teenagers

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds to further capitalize the School Revolving Renovation Fund for repair and

improvements to school facilities to address serious health, safety and compliance deficiencies and to provide assistance for general renovations and learning space upgrades in Maine's public school facilities, to provide grants to public educational institutions to install sprinkler systems in dormitories, to renovate the Harlow Office Building and to provide a center for homeless teenagers.

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

PART A

Sec. A-1. 25 MRSA §2463-A is enacted to read:

§2463-A. Installation of sprinkler systems in dormitories

1. Definitions. As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Automatic sprinkler system" means an automatic sprinkler system that at a minimum satisfies the requirements of Pamphlet 13 or 13R of the National Fire Protection Association or other requirements established by the State Fire Marshal.

B. "Department" means the Department of Public Safety.

C. "Dormitory" means a building or space in a building owned by a public educational institution in which:

(1) At least 5 rooms are provided as sleeping accommodations for students of the public educational institution; or

(2) Sleeping accommodations are provided for 15 or more students of the public educational institution.

D. "Public educational institution" means the University of Maine System, the Maine Technical College System, the Maine Maritime Academy or the Maine School of Science and Mathematics.

2. Approved automatic sprinkler system. A dormitory of a public educational institution must be equipped with an automatic sprinkler system in accordance with this subsection.

A. A dormitory constructed by a public educational institution or a building converted into a dormitory by a public educational institution after the effective date of this paragraph must be equipped with a complete automatic sprinkler

system before the department approves the dormitory for occupancy.

B. Dormitories of a public educational institution that exist on and are used as dormitories after January 1, 2001 must be equipped as follows:

(1) By January 1, 2007, at least 1/3 of the total square footage of those dormitories must be equipped with an automatic sprinkler system;

(2) By January 1, 2010, at least 2/3 of the total square footage of those dormitories must be equipped with an automatic sprinkler system; and

(3) By January 1, 2013, all of those dormitories must be equipped with a complete automatic sprinkler system.

3. Report. Beginning in 2003 and every 2 years thereafter, the State Fire Marshal shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters concerning compliance with subsection 2. The report must be submitted by February 15th of the year the report is due.

Sec. A-2. Effective date. This Part takes effect upon approval of the referendum in Part B of this Act.

PART B

Sec. B-1. Authorization of bonds to make capital repairs and improvements in public facilities. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$28,500,000 to raise funds to capitalize the School Revolving Renovation Fund for repairs and improvements to school facilities to address serious health, safety and compliance deficiencies, including those related to indoor air quality, roof system integrity, asbestos and accessibility; support other repairs and improvements related to structural integrity, heating systems, doors and windows; and provide for other learning space upgrades such as improvements to science labs, vocational space and increased classroom flexibility; to provide grants to public educational institutions to install sprinkler systems in dormitories; to renovate the Harlow Office Building; and to provide a center for homeless teenagers as authorized by section 6 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. B-2. Records of bonds issued to be kept by Treasurer of State. The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. B-3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in section 6 of this Part lapse to the debt service account established for the retirement of these bonds.

Sec. B-4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

Sec. B-5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 6 of this Part under the direction and supervision of the Maine Municipal Bond Bank as designated by the Commissioner of Education in accordance with the provisions of the Maine Revised Statutes, Title 30-A, section 6006-F, governing the School Revolving Renovation Fund; the Commissioner of Administrative and Financial Services; the Board of Trustees of the University of Maine System and the Board of Trustees of the Maine Technical College System.

Sec. B-6. Allocations from General Fund bond issue; capital construction, repairs and improvements in public schools, grants for installation of sprinklers in dormitories of public educational institutions, renovation of the Harlow Office Building and funding for center for homeless teenagers. The proceeds of the sale of the bonds must be expended as designated in the following schedule.

**EDUCATION,
DEPARTMENT OF**

Provides funds for renovation of and capital repairs and improvements to public school facilities to address health, safety and compliance deficiencies; general	\$13,000,000
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renovation needs; and learning space upgrades.

UNIVERSITY OF MAINE SYSTEM

Provides funding for public educational institutions for the purchase and installation of automatic sprinkler systems in dormitories. A public educational institution that applies for funds under this section must prove to the Board of Trustees of the University of Maine System that reasonable progress towards meeting the requirements of the federal Americans with Disabilities Act of 1990 has been made on that campus.

5,807,000

of the Augusta East Campus Harlow Building, including all electrical, water and mechanical systems, roof replacement and asbestos and mold abatement, and other necessary improvements and equipment related to the occupation of the building by employees.

TOTAL ALLOCATIONS \$28,500,000

Sec. B-7. Contingent upon ratification of bond issue. Sections 1 to 6 of this Part do not become effective unless the people of the State have ratified the issuance of the bonds as set forth in this Part.

Sec. B-8. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

Sec. B-9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Part, are deauthorized and may not be issued; except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. B-10. Referendum for ratification; submission at primary election; form of question; effective date. This Part must be submitted to the legal voters of the State of Maine at the next primary election in the month of June following passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a general election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$28,500,000 bond issue to capitalize the State's School Revolving Renovation Fund for repairs and improvements in public school facilities to address health, safety and compliance deficiencies, general renovation needs and learning space upgrades; to provide grants to public educational institutions to install sprinkler systems in dormitories; to renovate the Augusta East Campus Harlow Office Building;

MAINE TECHNICAL COLLEGE SYSTEM

Provides funding for public educational institutions for the purchase and installation of automatic sprinkler systems in dormitories. A public educational institution that applies for funds under this section must prove to the Board of Trustees of the Maine Technical College System that reasonable progress towards meeting the requirements of the federal Americans with Disabilities Act of 1990 has been made on that campus.

1,193,000

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Provides funding for renovation of a building in the Portland area to establish a center for homeless teens.

500,000

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Provides funding for renovation

8,000,000

and to provide a center for homeless teenagers in the Portland Area?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns and, if a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay, and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and copies of this Part necessary to carry out the purpose of this referendum.

Effective pending referendum.

CHAPTER 675

H.P. 1647 - L.D. 2153

An Act to Amend the Freedom of Access Laws to Protect Security Plans, Security Procedures and Risk Assessments

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

Sec. 1. 1 MRSA §402, sub-§3, ¶J, as amended by PL 1999, c. 96, §2, is further amended to read:

J. Working papers, including records, drafts and interoffice and intraoffice memoranda, used or maintained by any advisory organization covered by subsection 2, paragraph F, or any member or staff of that organization during the existence of the advisory organization. Working papers are public records if distributed by a member or in a public meeting of the advisory organization; ~~and~~

Sec. 2. 1 MRSA §402, sub-§3, ¶K, as enacted by PL 1999, c. 96, §3, is amended to read:

K. Personally identifying information concerning minors that is obtained or maintained by a municipality in providing recreational or non-mandatory educational programs or services, if the municipality has enacted an ordinance that specifies the circumstances in which the information will be withheld from disclosure. This paragraph does not apply to records governed by

Title 20-A, section 6001 and does not supersede Title 20-A, section 6001-A; ~~and~~

Sec. 3. 1 MRSA §402, sub-§3, ¶L is enacted to read:

L. Records describing security plans, security procedures or risk assessments prepared specifically for the purpose of preventing or preparing for acts of terrorism, but only to the extent that release of information contained in the record could reasonably be expected to jeopardize the physical safety of government personnel or the public. Information contained in records covered by this paragraph may be disclosed to the Legislature or, in the case of a political or administrative subdivision, to municipal officials or board members under conditions that protect the information from further disclosure. For purposes of this paragraph, "terrorism" means conduct that is designed to cause serious bodily injury or substantial risk of bodily injury to multiple persons, substantial damage to multiple structures whether occupied or unoccupied or substantial physical damage sufficient to disrupt the normal functioning of a critical infrastructure.

See title page for effective date.

CHAPTER 676

H.P. 1723 - L.D. 2211

An Act to Include a Woman Veteran on the Board of Trustees of the Maine Veterans' Homes

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

Sec. 1. 37-B MRSA §603, as amended by PL 1997, c. 455, §30, is further amended to read:

§603. Board of trustees

The administration of the homes is vested in the Board of Trustees of the Maine Veterans' Homes, as authorized by Title 5, section 12004-G, subsection 34. The board consists of ~~10~~ 11 members, one of whom must be the Director of the Bureau of Maine Veterans' Services, ex officio, who ~~shall serve~~ serves without term. The Governor shall appoint the remaining trustees, who must be honorably discharged war veterans. One member must be a woman. One member must be appointed from and represent each of the largest veterans' organizations, not exceeding 5, that are nationally chartered and have a department in Maine. The remaining members must be appointed at large and ~~shall~~ serve staggered 3-year terms. The membership must be distributed across the State so