

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
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epidemic, extreme public health emergency pursuant to Title 22, section 802, subsection 2-A, air contamination, blight, drought, critical material shortage, infestation, explosion, riot or hostile military or paramilitary action.

Sec. B-6. Repeal. This Act is repealed October 31, 2003.

See title page for effective date.

CHAPTER 695

H.P. 1642 - L.D. 2145

An Act to Include all State-supported Institutions of Higher Education in the Clean Government Initiative

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

Sec. 1. 38 MRSA §343-H, as enacted by PL 2001, c. 333, §5, is amended to read:

§343-H. Clean Government Initiative

1. Initiative established; directors. The Clean Government Initiative, referred to in this section as the "initiative," is established to assist state agencies and state-supported institutions of higher learning in meeting applicable environmental compliance requirements and to incorporate environmentally sustainable practices into all state government functions. The initiative is jointly directed by the commissioner ~~and~~ the Commissioner of Administrative and Financial Services, the Chancellor of the University of Maine System or the chancellor's designee and the President of the Maine Technical College System or the president's designee, referred to in this section as the "directors."

1-A. State-supported institution of higher learning. For purposes of this section, "state-supported institution of higher learning" means the University of Maine System, the Maine Maritime Academy and the Maine Technical College System.

2. Duties; responsibilities. The directors of the initiative shall:

A. Establish a coordinated state government environmental plan to ensure that:

- (1) All agencies and state-supported institutions of higher learning comply with state and federal environmental laws; and
- (2) Environmentally sustainable practices are incorporated into state government

planning, operations and regulatory functions;

B. Establish metrics to measure and assess the environmental compliance and performance of state agencies and state-supported institutions of higher learning. In developing those metrics, the directors shall seek to achieve continuous improvement in environmental compliance and performance of all state agencies through:

- (1) Pollution prevention;
- (2) Improvements in energy efficiency, including facility siting, design, construction and management; and
- (3) Procurement of environmentally friendly commodities and services, as assessed on a life cycle basis, including technically comparable, cost-effective and reasonably available alternatives to products that may release dioxin or mercury to the environment, recycling of waste products and enhanced fleet efficiency;

C. Advise and assist state agencies and state-supported institutions of higher learning in developing environmental compliance audits and plans and in implementing those plans;

D. Advise the Governor and the Legislature in the formulation of policies for the effective achievement of initiative goals; and

E. Ensure that the capital master plan established under Title 5, section 299 is implemented in a manner consistent with the initiative.

3. Responsibilities of state agencies and state-supported institutions of higher learning. State agencies and state-supported institutions of higher learning shall cooperate with the directors in implementing the initiative and shall provide staff assistance and technical support upon request. In addition, each state agency and state-supported institution of higher learning shall:

A. Complete or demonstrate completion of an audit of its facilities to determine compliance with applicable state and federal environmental laws;

B. Develop a biennial plan that outlines the actions the agency or state-supported institution of higher learning will take to incorporate compliance efforts and environmentally sustainable practices into its planning and operational functions. To facilitate incorporation into the biennial budget process, these plans for state agencies other than the state-supported institutions of

higher learning must be submitted to the directors prior to June 1st of each even-numbered year, beginning in 2002. The plans for state-supported institutions of higher learning must be submitted to the directors prior to June 1st of each odd-numbered year, beginning in 2003;

C. Appoint an employee in the agency or state-supported institution of higher learning to be responsible for ensuring the development and implementation of agency activities under the initiative; and

D. Establish standards for leasing or building state facilities consistent with the initiative.

Each agency and state-supported institution of higher learning shall fund costs associated with implementing this initiative from within existing budgeted resources.

4. Reporting. ~~Beginning on January 1, 2003, and biennially thereafter, the~~ The directors shall jointly report on the activities of all state agencies under the initiative to the joint standing committee of the Legislature having jurisdiction over natural resources matters and the joint standing committee of the Legislature having jurisdiction over state government matters. The directors must submit their report for state agencies other than the state-supported institutions of higher learning no later than January 1, 2003, and biennially thereafter, and must submit their report for state-supported institutions of higher learning no later than January 1, 2004, and biennially thereafter. The report must identify the successes of and the obstacles to implementation of the initiative and may include recommendations for any statutory changes necessary to accomplish the initiative.

Sec. 2. State-supported institutions of higher learning to use existing budgeted resources. The University of Maine System, the Maine Maritime Academy and the Maine Technical College System must utilize existing budgeted resources to comply with the requirements of the Maine Revised Statutes, Title 38, section 343-H, except that the University of Maine System is not required to utilize more than \$300,000 of its existing budgeted resources to comply with the audit provisions of Title 38, section 343-H, subsection 3, paragraph A. If the University of Maine System is not able to fully comply with the audit provisions of Title 38, section 343-H, subsection 3, paragraph A after expending \$300,000 of its existing budgeted resources on those audit provisions, the Chancellor of the University of Maine System shall include a request to fund all remaining tasks necessary to fully comply with those audit provisions in the report submitted by the directors of the Clean Government Initiative as provided in Title 38, section 343-H, subsection 4. That request must include a detailed budget specifying

how the University of Maine System spent the first \$300,000 of existing budgeted resources towards compliance of those audit provisions and specifying the cost and the timetable for completing each task required to achieve full compliance with those audit provisions.

See title page for effective date.

CHAPTER 696

H.P. 1644 - L.D. 2149

An Act to Implement the Recommendations of the Committee to Review the Child Protective System

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

Sec. 1. 15 MRSA §3203-A, sub-§5, ¶D is enacted to read:

D. When a court orders detention or a conditional release that authorizes, even temporarily, the juvenile's removal from the juvenile's home, the court shall determine whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or that no reasonable efforts are necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B, and whether continuation in the juvenile's home would be contrary to the welfare of the juvenile. This determination does not affect whether the court orders detention or a conditional release, which continues to be governed by the other provisions of this section.

Sec. 2. 15 MRSA §3306-A, as amended by PL 1999, c. 624, Pt. B, §16, is further amended by adding at the end a new paragraph to read:

When a court orders detention or a conditional release that authorizes even temporarily the juvenile's removal from the juvenile's home or when a court allows a conditional release ordered by a juvenile community corrections officer that authorizes, even temporarily, the juvenile's removal from the juvenile's home to remain in effect, the court shall determine whether reasonable efforts have been made to prevent or eliminate the need for removal of the juvenile from the juvenile's home or that no reasonable efforts are necessary because of the existence of an aggravating factor as defined in Title 22, section 4002, subsection 1-B, and whether continuation in the juvenile's home would be contrary to the welfare of the juvenile. This determination does not affect whether the court orders detention or a conditional release or allows a condi-