

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

Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized only if the rule is amended to:

1. Limit the application of the noncompact arterial provisions to arterials classified as retrograde arterials or arterial corridors between urban compact areas or service centers that average 5,000 vehicles per day with a posted speed limit of 40 miles per hour or more.

2. Clarify that entrance mitigation provisions apply only when the Department of Transportation determines that the proposed entrance will significantly impact public safety or cause a reduction in the posted speed limit.

3. Revise forestry and farm permit-by-rule provisions to clarify that only the minimum safe-sight standards apply to forestry and farm access. The rule must further clarify that the status of a proposed driveway or entrance as being for forestry and farm activities will be determined by the primary use of the proposed driveway or entrance.

4. Clarify that the limit on the number of entrances per lot on arterials is one 2-way or 2 one-way entrances unless the Department of Transportation determines that more entrances would be safer. The rule must provide an exception to this provision for forestry and farming activities.

5. Reduce and simplify the corner clearance provisions applicable to arterials to a minimum of 125 feet, which can be waived for driveways. The rule must clarify that the Department of Transportation may require greater corner clearance if the department determines it is necessary to prevent a significant impact on public safety or a reduction in the posted speed limit.

6. Simplify the shared-access provisions to clarify the conditions for landowner compliance.

The Commissioner of Transportation is not required to hold hearings or conduct other formal proceedings prior to finally adopting the rule in accordance with this resolve.

See title page for effective date.

CHAPTER 47

H.P. 1322 - L.D. 1783

Resolve, Regarding Legislative Review of Chapter 60: New School Siting Approval, a Major Substantive Rule of the Department of Education

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 60: New School Siting Approval, a provisionally adopted major substantive rule of the State Board of Education within the Department of Education, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized.

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

Effective June 5, 2001.

CHAPTER 48

H.P. 1345 - L.D. 1802

Resolve, Regarding Legislative Review of Chapter 115, Part I, Section 8.5: Targeted Need Certificate, a Major Substantive Rule of the State Board of Education

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

Whereas, the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A requires legislative authorization before major substantive agency rules may be finally adopted by the agency; and

Whereas, the above-named major substantive rule has been submitted to the Legislature for review; and

Whereas, immediate enactment of this resolve is necessary to record the Legislature's position on final adoption of the rule; 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

Sec. 1. Adoption. Resolved: That final adoption of Chapter 115, Part I, Section 8.5: Targeted Need Certificate, a provisionally adopted major substantive rule of the Department of Education, State Board of Education, that has been submitted to the Legislature for review pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A is authorized.

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

Effective June 5, 2001.

CHAPTER 49

S.P. 77 - L.D. 297

Resolve, Authorizing a Study of the Governance and Administrative Structure of the Workers' Compensation System and Authorizing One-time Uses of the Workers' Compensation Board Reserve Account

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

Whereas, the workers' compensation system in Maine is facing a number of budgetary and administrative issues; and

Whereas, this legislation seeks to provide one-time allocations from the Workers' Compensation Board reserve account and to direct the Department of Administrative and Financial Services to administer a study of the governance and administrative structure of the State's workers' compensation system; and

Whereas, this legislation requires the results of that study to be reported to the Legislature and to the

Workers' Compensation Board by December 15, 2001; 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

Sec. 1. Authorization of study of the governance and administrative structure of the State's workers' compensation system.

Resolved: That the Department of Administrative and Financial Services shall administer a feasibility study, in consultation with the advisory committee established in this resolve, of the governance and administrative structure of the State's workers' compensation system to determine if greater efficiencies may be gained in the operational structure and processes of the Workers' Compensation Board and the advantages and disadvantages, if any, of a closer alignment of the Workers' Compensation Board with other agencies in State Government; and be it further

Sec. 2. Factors to be considered. Resolved: That the study must include consideration of the following factors:

1. Underlying policy considerations in the Maine Workers' Compensation Act of 1992 that led to the creation of the current governance structure;
2. The need for independence in the quasi-judicial functions of the workers' compensation system;
3. The 1997 Coopers and Lybrand business assessment and the progress made in implementing its recommendations;
4. The effect of the existing governance system and its progress to date on the operation of the workers' compensation system and alternative models for structuring the governance system;
5. The forms of governance and administration used by other states;
6. The existence of resources and programs in other areas of State Government that could be more closely aligned with the workers' compensation system to achieve greater capacity and to facilitate continued progress;
7. Whether overall safety efforts can be improved through affiliation of workers' compensation safety initiatives with other state safety-related programs;