

# MAINE STATE LEGISLATURE

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**LAWS**  
**OF THE**  
**STATE OF MAINE**

**AS PASSED BY THE**

**ONE HUNDRED AND TWENTIETH LEGISLATURE**

**FIRST SPECIAL SESSION**  
**November 13, 2002 to November 14, 2002**

**ONE HUNDRED AND TWENTY-FIRST LEGISLATURE**

**FIRST REGULAR SESSION**  
**December 4, 2002 to June 14, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST SPECIAL SESSION**  
**NON-EMERGENCY LAWS IS**  
**FEBRUARY 13, 2003**

**THE GENERAL EFFECTIVE DATE FOR**  
**FIRST REGULAR SESSION**  
**NON-EMERGENCY LAWS IS**  
**SEPTEMBER 13, 2003**

**PUBLISHED BY THE REVISOR OF STATUTES**  
**IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,**  
**TITLE 3, SECTION 163-A, SUBSECTION 4.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

interpreted as substantively the same as the original compact.

See title page for effective date.

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## CHAPTER 501

H.P. 880 - L.D. 1206

### An Act To Encourage Responsible Employment Practices

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

**Sec. 1. 5 MRSA §1816-A, sub-§2, ¶I** is enacted to read:

I. An equivalent basis for cost comparison between state employee and private contractor provision of services is calculated, as established by rules adopted by the State Purchasing Agent pursuant to section 1825-B, subsection 11, and it is determined that the private contractor provides the best value.

**Sec. 2. 5 MRSA §1825-B, sub-§11** is enacted to read:

11. Rulemaking; unfair competition. State departments and agencies may not achieve cost savings due to cost differentials that derive from a bidder's failure to provide health and retirement benefits to its employees. The State Purchasing Agent shall adopt rules governing the purchase of services and the awarding of grants or contracts for personal services to establish a basis for bid price and cost comparison among businesses that provide health and retirement benefits to their employees and those that do not provide these benefits. The rules must include a methodology for calculating bid price and cost differentials for services provided by businesses and state employees due to the provision of health and retirement benefits for employees. The rules must adjust the bid prices to establish an equivalent basis for bid price and cost comparison among businesses when awarding contracts and between businesses and state employees when determining whether or not a contract is permitted under section 1816-A. These rules must apply to all state departments and agencies. Rules adopted pursuant to this subsection are routine technical rules as defined in chapter 375, subchapter 2-A.

**Sec. 3. Effective date.** Section 1 of this Act takes effect on July 1, 2004.

See title page for effective date, unless otherwise indicated.

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## CHAPTER 502

H.P. 1036 - L.D. 1414

### An Act To Amend the Laws Regarding Storage of Sand and Salt and To Provide Funding for State and Municipal Storage Facilities

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

**Sec. 1. 38 MRSA §413, sub-§2-D**, as amended by PL 1999, c. 387, §4, is further amended to read:

**2-D. Exemptions; road salt or sand-salt storage piles.** The commissioner may exempt any road salt or sand-salt storage area from the need to obtain a license under this section for discharges to groundwaters of the State when the commissioner finds that the exempt activity will not have a significant adverse effect on the quality or classifications of the groundwaters of the State. In making this finding, the commissioner's review must include, but is not limited to, the location, structure and operation of the storage area.

Owners of salt storage areas shall register the location of storage areas with the department on or before January 1, 1986. As required by section 411, the department shall prioritize municipal or quasi-municipal sand-salt storage areas prior to November 1, 1986.

New or existing salt or sand-salt storage areas registered after October 1, 1999 may be exempt from licensing under this section as long as such areas comply with siting, operational and best management practices adopted by rule by the department. Storage areas other than those owned by municipalities or counties and registered prior to October 1, 1999 are exempt from licensing under this section as long as such areas comply with section 451-A, subsection 1-A and with operational and best management practices adopted by rule by the department. Rules adopted pursuant to this section are routine technical rules as defined in Title 5, chapter 375, subchapter ~~H-A~~ 2-A.

Storage areas owned by the Department of Transportation and registered prior to October 1, 1999 are not in violation of best management practice rules adopted by the department pursuant to this subsection if the Department of Transportation complies with the reporting requirements in section 451-A.

**Sec. 2. 38 MRSA §451-A, sub-§1-B** is enacted to read:

**1-B. Department of Transportation storage areas.** A sand and salt storage area owned by the

Department of Transportation and registered prior to October 1, 1999 is not in violation of a groundwater classification or reclassification adopted on or after January 1, 1980 with respect to discharges of groundwater from that area if:

A. The Department of Transportation biennially submits to the Legislature a budget request sufficient to comply with this subsection and section 413;

B. Prior to the use of funds appropriated by the Legislature to carry out the purposes of this subsection, the Department of Transportation presents to the department for comment and response a plan for the use of those funds by outlining a sand and salt storage area specific expenditure plan to prevent pollution, avoid future abatement or clean-up costs and comply with applicable federal guidelines; and

C. The Department of Transportation reports annually to the department on the status of available funds and the department determines that pursuant to this report the Department of Transportation is making timely use of the funds consistent with the plan and comments provided pursuant to paragraph B.

**Sec. 3. Appropriations and allocations.**

The following appropriations and allocations are made.

**TRANSPORTATION, DEPARTMENT OF**

**Highway Maintenance 0330**

Initiative: Allocates funds for the construction of salt and sand storage facilities that will be used and owned by the Department of Transportation.

Highway Fund	2003-04	2004-05
Capital Expenditures	\$125,000	\$0
Highway Fund Total	\$125,000	\$0

**Administration and Planning 0339**

Initiative: Allocates funds to reimburse municipalities for the construction of salt and sand storage facilities. Notwithstanding the provisions of the Maine Revised Statutes, Title 23, section 1851, subsection 4, \$77,000 of this allocation must be used to reimburse the Town of Patten for the costs that the town incurred in building a salt and sand storage facility.

Highway Fund	2003-04	2004-05
All Other	\$202,000	\$0
Highway Fund Total	\$202,000	\$0

**TRANSPORTATION, DEPARTMENT OF  
DEPARTMENT TOTALS**

<b>HIGHWAY FUND</b>	<b>2003-04</b>	<b>2004-05</b>
	<b>\$327,000</b>	<b>\$0</b>

<b>DEPARTMENT TOTAL -</b>		
<b>ALL FUNDS</b>	<b>\$327,000</b>	<b>\$0</b>

See title page for effective date.

**CHAPTER 503**

**S.P. 498 - L.D. 1498**

**An Act To Improve Access by the  
Department of Corrections to  
Federal Funds under Title IV-E of  
the federal Social Security Act**

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

**Sec. 1. 15 MRSA §3314, sub-§1, ¶H,** as amended by PL 1999, c. 624, Pt. A, §7, is further amended to read:

H. The court may commit the juvenile to a Department of Corrections juvenile correctional facility and order that the disposition be suspended or may commit the juvenile for a period of detention that may not exceed 30 days, with or without an underlying suspended disposition to a Department of Corrections juvenile correctional facility, which detention must be served concurrently with any other period of detention previously imposed and not fully discharged or imposed on the same date but may be served intermittently as the court may order and must be ordered served in a detention facility approved or operated by the Department of Corrections exclusively for juveniles. The court may order such a disposition to be served as a part of and with a period of probation that is subject to such provisions of Title 17-A, section 1204 as the court may order and that must be administered pursuant to Title 34-A, chapter 5, subchapter ~~4~~ 4. Revocation of probation is governed by the procedure contained in subsection 2. Any disposition under this paragraph is subject to Title 17-A, section 1253, subsection 2, but not to Title 17-A, section 1253, subsection 3-B, 4, 5 or 8. Whenever a juvenile is committed for a period of detention, 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 a commitment for a period of detention.