

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

may be considered to have a developmental disability without meeting 3 of the criteria stated in this subparagraph if there is a high probability that the person will meet those criteria later in life if services and supports are not provided to the person; and

(4) Reflects the person's need for a combination and sequence of special, interdisciplinary or generic care, treatment or other services that are of a lifelong or extended duration and are individually planned and coordinated.

B. "Mental and physical impairments" include, but are not limited to, the following conditions: mental retardation, autism, cerebral palsy, Asperger syndrome, mental illness, Prader-Willi syndrome and epilepsy.

2. Reporting requirements. The Department of Human Services, Department of Behavioral and Developmental Services and Department of Education shall by January 15th of each year submit a joint report to the joint standing committee of the Legislature having jurisdiction over health and human services matters regarding activities conducted over the past fiscal year related to the prevention of developmental disabilities and underlying mental and physical impairments and plans for such activities in the succeeding year. The report must also include data on the incidence rate of births of developmentally disabled children in the State.

3. Limitation. The provisions of this section may not be interpreted to expand or otherwise affect the requirements of the Department of Behavioral and Developmental Services to provide services to children and families under section 3571, subsection 2 or under Title 34-B.

See title page for effective date.

CHAPTER 603

H.P. 1295 - L.D. 1773

An Act To Amend the Definition of "Electrical Installations" in the Laws Governing Electricians

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

Sec. 1. 32 MRSA §1101, sub-§2, as amended by PL 1999, c. 386, Pt. F, §1, is further amended to read:

2. Electrical installations. "Electrical installations" means the installation, repair, alteration and

maintenance of electrical conductors, fittings, devices and fixtures for heating, lighting, power purposes or heat activated fire alarms, intrusion alarms, energy management, telephone, telegraph, cable and closed circuit television, sound systems, conduit and raceway systems and electrically supervised manual fire alarms and sprinkler systems. "Electrical installations" includes complete installations related to photovoltaic, fuel cell and wind power generation systems. "Electrical installations" does not include the installation or repair of portable appliances and other portable electrical equipment, installation of which involves only the insertion of an attachment plug into a fixed receptacle outlet. It is the meaning and intent of this subsection that the word "portable" does not include or apply to any type of fixed electrically operated or driven equipment.

See title page for effective date.

CHAPTER 604

H.P. 1244 - L.D. 1668

An Act To Amend the Laws Governing Growth Management

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

Sec. 1. 30-A MRSA §4349-A, sub-§3, as amended by PL 2001, c. 406, §15, is repealed.

Sec. 2. 30-A MRSA §4349-A, sub-§3-A is enacted to read:

3-A. Preference for other state grants and investments. Preference for other state grants and investments is governed by this subsection.

A. When awarding a grant or making a discretionary investment under any of the programs under paragraph B, subparagraphs (1) and (2) or when undertaking its own capital investment programs other than for projects identified in section 4301, subsection 5-B, a state agency shall respect the primary purpose of its grant or investment program and, to the extent feasible, give preference:

(1) First, to a municipality that has received a certificate of consistency for its growth management program under section 4347-A;

(2) Second, to a municipality that has adopted a comprehensive plan that the office has determined is consistent with the procedures, goals and guidelines of this subchapter and has adopted zoning ordi-

nances that the office has determined are consistent with the comprehensive plan; and

(3) Third, to a municipality that has adopted a comprehensive plan that the office has determined is consistent with the procedures, goals and guidelines of this subchapter.

If a municipality has submitted a comprehensive plan, zoning ordinance or growth management program to the office for review, the time for the office to respond as established in section 4347-A has expired and the office has not provided its comments or findings to the municipality, a state agency when awarding a grant or making a discretionary investment under this subsection may not give preference over the municipality to another municipality.

B. This subsection applies to:

(1) Programs that assist in the acquisition of land for conservation, natural resource protection, open space or recreational facilities under Title 5, chapter 353; and

(2) Programs intended to:

(a) Accommodate or encourage additional growth and development;

(b) Improve, expand or construct public facilities; or

(c) Acquire land for conservation or management of specific economic and natural resource concerns.

C. This subsection does not apply to state grants or other assistance for sewage treatment facilities, public health programs or education.

D. The office shall work with state agencies to prepare mechanisms for establishing preferences in specific investment and grant programs as described in paragraph B.

Sec. 3. Effective date. This Act takes effect July 1, 2005.

Effective July 1, 2005.

CHAPTER 605

H.P. 1239 - L.D. 1663

An Act To Provide Assistance to Municipalities Regarding Downtown Rehabilitation Building Codes

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

Sec. 1. 5 MRSA §3305, sub-§1, ¶D, as amended by PL 1995, c. 395, Pt. D, §1, is further amended to read:

D. Upon request provide technical assistance to local and regional planning groups in the fields of planning, public housing and urban renewal. The office shall make available to municipalities and regional planning agencies existing information from state agencies to be used in the development of comprehensive plans and land use ordinances. The director shall oversee delivery of technical assistance and resources to municipalities for the purpose of flood plain management activities and enhancing and expanding parks, open spaces and recreational opportunities as a part of comprehensive community development. Within available resources, the director shall provide technical assistance to municipalities and regional planning organizations in the development and implementation of local comprehensive land use plans and local building codes and those local building rehabilitation codes that are consistent with any model building codes adopted by the State;

See title page for effective date.

CHAPTER 606

H.P. 1252 - L.D. 1730

An Act To Create the Position of Director of Energy Programs at the Public Utilities Commission

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

Sec. 1. 35-A MRSA §107, sub-§2, ¶A, as amended by PL 1997, c. 586, §2, is further amended to read:

A. The general counsel, the administrative director, the assistant administrative director, the director of finance, the director of technical analysis, the director of energy programs and the director of consumer assistance serve at the pleasure of the commission and their salaries must be set by the commission within the ranges established by Title 2, section 6-A.

Sec. 2. 35-A MRSA §107, sub-§2, ¶C, as amended by PL 1997, c. 586, §3, is further amended to read: