

MAINE STATE LEGISLATURE

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H.S.

L.D. 1137

DATE: 3/24/97

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**STATE OF MAINE
SENATE
118TH LEGISLATURE
FIRST REGULAR SESSION**

SENATE AMENDMENT "W" to COMMITTEE AMENDMENT "A" to H.P. 832, L.D. 1137, Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1998 and June 30, 1999"

Amend the amendment by striking out all of the mandate preamble (page 1, lines 29 to 35 in amendment)

Further amend the amendment by striking out all of the emergency preamble (page 1, lines 37 to 49 and page 2, lines 1 to 3 in amendment)

Further amend the amendment by striking out all of Part AA

Further amend the amendment in Part SS in section 3 by striking out all of paragraph B-4 and inserting in its place the following:

'B-4. Notwithstanding any other provision of law, on the date that the Northern Maine Regional Detention Facility begins operating, the State is responsible for all physically restrictive juvenile detention statewide, except that the detention provided under subsection 1 remains the responsibility of the counties. At the discretion of the sheriff, a county may assume responsibility for the detention of a juvenile for the first 48 hours, excluding Saturdays, Sundays and legal holidays. Upon mutual agreement of the Commissioner of Corrections and the sheriff and upon terms mutually agreeable to them, a juvenile may be further detained by a county. Any detention of a juvenile by a county must be in a section of a jail or other secure

SENATE AMENDMENT

detention facility in compliance with paragraph A or in an
approved detention facility or temporary holding resource in
compliance with paragraph B. This paragraph does not apply
to a juvenile who is held in an adult section of a jail
pursuant to court order under paragraph C or D; section
3101, subsection 4, paragraph E-1; or section 3205,
subsection 2.'

Further amend the amendment by inserting before the
emergency clause the following:

PART XX

Sec. XX-1. 30-A MRSA §5681, sub-§5-A, as enacted by PL 1995,
c. 665, Pt. E, §1 and affected by §4, is amended to read:

5-A. Temporary exception. Notwithstanding subsection 5,
the Treasurer of State may not transfer to the Local Government
Fund an amount equal to 5.1% of the receipts from the taxes
imposed under Title 36, Part 3 on sales of prepared food in
establishments that are licensed for on-premises consumption of
liquor, pursuant to Title 28-A, chapter 43.

~~This subsection is repealed on June 30, 1997.~~

Sec. XX-2. Retroactivity. This Part applies retroactively to
June 29, 1997.

PART YY

Sec. YY-1. Legislative compensation. Notwithstanding the Maine
Revised Statutes, Title 3, section 2, members of the Legislature
are not entitled to per diem compensation payment for attendance
at any Special Session of the 118th Legislature held prior to the
statutory adjournment date of June 18, 1997. This section
applies retroactively to March 31, 1997.'

Further amend the amendment by striking out all of the
emergency clause.

Further amend the amendment by relettering or renumbering
any nonconsecutive Part letter or section number to read
consecutively.

FISCAL NOTE

	1997-98	1998-99
REVENUES		
General Fund	\$2,495,412	\$2,595,228

This amendment generates new General Fund revenue of \$2,495,412 in fiscal year 1997-98 and \$2,595,228 in fiscal year 1998-99. It also deletes a Part that proposed a General Fund deappropriation of (\$4,500,000) in fiscal year 1996-97. This amendment will, therefore, decrease the General Fund cost of the bill by \$590,640 in the 1998-1999 biennium.

This amendment amends the law in Section SS-3 such that the mandate that would have been created with the original language is eliminated.

The impact on the Legislature's fiscal year 1996-97 operating budget of notwithstanding the provision that legislators receive additional compensation payments during Special Sessions held prior to June 18, 1997 can not be determined at this time.

This amendment removes the emergency preamble and the emergency clause. This bill will take effect 90 days after the adjournment of the 118th Legislature's First Regular Session sine die.

SUMMARY

This amendment does the following:

1. It removes the mandate preamble due to new proposed language in Part SS, section 3 that maintains responsibility for physically restrictive juvenile detention at the state level once the Northern Maine Regional Juvenile Detention Facility begins operating, except under certain circumstances at the discretion of the counties;

2. It removes the emergency preamble and the emergency clause;

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3. It amends the Maine Revised Statutes, Title 30-A to continue the exclusion from municipal revenue-sharing of those tax revenues derived from sales at restaurants licensed for on-premises consumption of liquor; and

4. It adds a section stating that Legislators are not entitled to per diem compensation for special sessions held prior to June 18, 1997.

SPONSORED BY: 
(Senator MICHAUD)

COUNTY: Penobscot

SENATE AMENDMENT