

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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
1997

1050 - Jail - Support of Prisoners	
Personal Services	1,455,325
Contractual Services	378,350
Commodities	244,550
Capital Expenditures	21,800
1051 - Pretrial Services	
Personal Services	54,288
1055 - Juvenile Program	
Personal Services	65,000
1065 - Register of Deeds	
Personal Services	111,873
Contractual Services	135,070
Commodities	4,200
Capital Expenditures	14,440
1070 - Register of Probate	
Personal Services	76,321
Contractual Services	25,975
Commodities	1,200
Capital Expenditures	500
1075 - Sheriff	
Personal Services	687,413
Contractual Services	86,926
Commodities	31,200
Capital Expenditures	58,000
1090 - Auditing	
Contractual Services	9,500
1095 - Debt Service	
Contractual Services	445,000
2000 - Interest	
Contractual Services	467,803
2005 - Twin County Extension Service	
Contractual Services	45,000
2020 - Time and Tide RC&D	
Contractual Services	1,500
2025 - Employee Benefits	
Contractual Services:	
Blue Cross/Blue Shield	518,741
Unemployment Compensation	5,000
Maine State Retirement System	308,323
FICA	219,234
2035 - Soil Conservation	
Contractual Services	12,500
2040 - Duplicating Department	
Contractual Services	1,000
Commodities	1,000
2050 - Volunteer Firefighters Insurance	
Contractual Services	1,023

2075 - Bridges	
Contractual Services	20,000
2080 - Contingency Account	10,000
2081 - Sheriff's Department Pay Increases	
Personal Services	63,000
2082 - Management/General Gov't.	
Salary Reserve	28,200
TOTAL GENERAL FUND	\$6,470,938

; and be it further

Sec. 3. Summary. Resolved: That the figures appearing in this resolve represent the total amount of taxes and the total specific expenditures authorized for the calendar year 1998. The following is a summary of revenues and appropriations:

Total Appropriations	\$6,470,938
Available Credits:	
Estimated Revenue	\$1,251,118
Community Corrections	374,288
Transfer from Surplus	302,857
Total Available Credits	1,928,263
Amount to be raised by taxation	\$4,542,675

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

Effective April 2, 1998.

CHAPTER 110

H.P. 1649 - L.D. 2279

Resolve, Regarding Legislative Review of Section 71.05(F) (11)-(13) of the Bureau of Elder and Adult Services Policy Manual, a Major Substantive Rule of the Department of Human Services, Bureau of Elder and Adult Services

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 Administrative Procedure Act, 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 Section 71.05(F)(11)-(13) of the Bureau of Elder and Adult Services Policy Manual, a provisionally adopted major substantive rule of the Department of Human Services, Bureau of Elder and Adult Services, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized but only if the rule is amended as follows: The reference in Section 71.05(F)(13) subsection (b) to Section 71.05(D)(6) subsection (a) must be changed to Section 71.05(H)(1) subsection (b) to reflect the intent of the statutory authority, the Maine Revised Statutes, Title 22, section 304-F, subsection 2.

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

Effective April 2, 1998.

CHAPTER 111

H.P. 1607 - L.D. 2234

Resolve, Regarding Legislative Review of Rules Governing the Implementation of Hypodermic Apparatus Exchange Programs, a Major Substantive Rule of the Department of Human Services

Sec. 1. Adoption. Resolved: That final adoption of rules governing the implementation of hypodermic apparatus exchange programs, a provisionally adopted major substantive rule of the Department of Human Services, and submitted to the Legislature for review pursuant to the Maine Administrative Procedure Act, is authorized, with the following amendments to the rules.

1. The rules must require the applicant who signs the application for certification of a needle exchange program on behalf of a corporation or other entity to be the individual or individuals with the

ultimate responsibility for ensuring that the program operates in compliance with the rules.

2. The rules must require each program to notify the Bureau of Health in writing within 10 working days of changes of: ownership; location, address or telephone number; or administrator, management or staff of the program.

3. The rules must specifically prohibit the assignment or transfer of program certification.

See title page for effective date.

CHAPTER 112

H.P. 1650 - L.D. 2281

Resolve, Regarding Legislative Review of Chapter 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, Major Substantive Rules of the Department of Human Services, Auditing, Contracting and Licensing Service Center

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 Administrative Procedure Act, 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 32: Rules for the Licensing of Children's Day Care Facilities and Chapter 33: Rules for Home Day Care Providers, a provisionally adopted major substantive rule of the Department of Human Services, Auditing, Contracting and Licensing Service