

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

SECOND REGULAR SESSION
January 2, 2008 to March 31, 2008

FIRST SPECIAL SESSION
April 1, 2008 to April 18, 2008

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 2008

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 18, 2008

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

Penmor Lithographers
Lewiston, Maine
2008

deemed to be public employees or employees of the State for any purpose nor is this section intended to alter the existing relationship between family child care providers and the State or in any way create an employer-employee or principal-agent relationship for any purpose, including, but not limited to, vicarious liability in tort or statutory health or retirement benefits.

5. State action exemption. It is the intent of the Legislature that the state action exemption to the application of federal and state antitrust laws be fully available to the extent that the activities of family child care providers and their representatives are authorized under this chapter.

6. Right of families to select family child care provider. The provisions of this section do not limit the right of families receiving services described in this chapter to select family child care providers or supervise them within the limits of this chapter.

7. Exception for certain providers. Any family child care provider who is a member, as of May 1, 2008, of an active regional or local family child care provider association incorporated as a nonprofit corporation with the Secretary of State may elect, but is not required, to become a member of the collective bargaining agent, or pay service fees pursuant to the collective bargaining agreement.

Sec. 2. Designing constructive relationship; report. The Department of Health and Human Services shall work with the family child care providers' collective bargaining agent recognized under the Maine Revised Statutes, Title 22, section 8308, subsection 3 to design and structure a collaborative and constructive relationship and shall do so in a way that is respectful of resources and time constraints facing the Department of Health and Human Services and the State. The Department of Health and Human Services and the collective bargaining agent shall submit a report to the joint standing committee of the Legislature having jurisdiction over labor matters and the joint standing committee of the Legislature having jurisdiction over health and human services matters on their progress by April 1, 2009.

Sec. 3. Review of statewide vacancies. The Commissioner of Administrative and Financial Services shall review vacant positions throughout State Government, regardless of funding source, and shall identify positions to be eliminated. The Commissioner of Administrative and Financial Services is authorized to identify savings to the General Fund from this review. Notwithstanding any other provision of law, the State Budget Officer shall eliminate one additional position and available balances by financial order upon approval of the Governor in order that an additional \$106,952 in General Fund savings is realized in fiscal year 2008-09.

Sec. 4. Calculation and transfer; General Fund savings through eliminating vacant positions. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings from position eliminations that result from section 3 that applies against each General Fund account and shall transfer the amounts by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations and position counts in fiscal year 2008-09. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over state and local government matters a report of the transferred amounts not later than January 15, 2009.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Deappropriates funds from position vacancies.

GENERAL FUND	2007-08	2008-09
POSITIONS - LEGISLATIVE COUNCIL	0.000	(1.000)
Personal Services	\$0	(\$106,952)
GENERAL FUND TOTAL	\$0	(\$106,952)

See title page for effective date.

CHAPTER 673

S.P. 830 - L.D. 2169

An Act To Authorize a General Fund Bond Issue for Drinking Water Management and Wastewater Management

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14 to authorize the issuance of bonds on behalf of the State of Maine to provide funds as described in this Act,

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

Sec. 1. Authorization of bonds. The Treasurer of State is authorized, under the direction of the

Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$3,400,000 for the purposes described in section 6 of this Part. The bonds are a pledge of the full faith and credit of the State. The bonds may not run for a period longer than 10 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. 2. Records of bonds issued kept by Treasurer of State. The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Part. Any unencumbered balances remaining at the completion of the project in this Part lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Part and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in this Part under the direction and supervision of the Department of Health and Human Services and the Department of Environmental Protection.

Sec. 6. Allocations from General Fund bond issue. The proceeds of the sale of the bonds authorized under this Part must be expended as designated in the following schedule.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Provides funds for a drinking water revolving loan fund in the department to be matched by \$8,500,000 in other funds. \$1,700,000

DEPARTMENT OF ENVIRONMENTAL PROTECTION

Provides funds for a wastewater treatment facility state revolving loan fund to be matched by \$8,500,000 in other funds. \$1,700,000

Sec. 7. Contingent upon ratification of bond issue. Sections 1 to 6 do not become effective unless the people of the State ratify the issuance of the bonds as set forth in this Part.

Sec. 8. Appropriation balances at year-end. At the end of each fiscal year, all unencumbered appropriation balances representing state money carry forward. Bond proceeds that have not been expended within 10 years after the date of the sale of the bonds lapse to General Fund debt service.

Sec. 9. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes are not issued within 5 years of ratification of this Part, are deauthorized and may not be issued, except that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. 10. Referendum for ratification; submission at election; form of question; effective date. This Part must be submitted to the legal voters of the State at a statewide election held in the month of November following the passage of this Act. The municipal officers of this State shall notify the inhabitants of their respective cities, towns and plantations to meet, in the manner prescribed by law for holding a statewide election, to vote on the acceptance or rejection of this Part by voting on the following question:

"Do you favor a \$3,400,000 bond issue to support drinking water programs, to support the construction of wastewater treatment facilities and to leverage \$17,000,000 in other funds?"

The legal voters of each city, town and plantation shall vote by ballot on this question and designate their choice by a cross or check mark placed within a corresponding square below the word "Yes" or "No." The ballots must be received, sorted, counted and declared in open ward, town and plantation meetings and returns made to the Secretary of State in the same manner as votes for members of the Legislature. The Governor shall review the returns. If a majority of the legal votes are cast in favor of this Part, the Governor shall proclaim the result without delay and this Part becomes effective 30 days after the date of the proclamation.

The Secretary of State shall prepare and furnish to each city, town and plantation all ballots, returns and

copies of this Part necessary to carry out the purposes of this referendum.

Effective pending referendum.

CHAPTER 674

H.P. 1405 - L.D. 2021

**An Act To Continue the Maine
Military Family Relief Fund
Voluntary Checkoff**

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

Sec. 1. 36 MRSA §5288-A is enacted to read:

**§5288-A. Maine Military Family Relief Fund vol-
untary checkoff**

1. Maine Military Family Relief Fund. When filing a return, a taxpayer entitled to a refund under this Part may designate that a portion of that refund be paid into the Maine Military Family Relief Fund established in Title 37-B, section 158. A taxpayer who is not entitled to a refund under this Part may contribute to the Maine Military Family Relief Fund by including with that taxpayer's return sufficient funds to make the contribution. The contribution may not be less than \$1. Each individual income tax return form must contain a designation in substantially the following form: "The Maine Military Family Relief Fund: () \$1, () \$5, () \$10, () \$25 or () Other \$..."

2. Contributions credited to Maine Military Family Relief Fund. The State Tax Assessor shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, the State Tax Assessor shall deduct the cost of administering the Maine Military Family Relief Fund checkoff and report the remainder to the Treasurer of State, who shall forward that amount to the Maine Military Family Relief Fund.

Sec. 2. Application. This Act applies retroactively to tax years beginning on or after January 1, 2007.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL
SERVICES, DEPARTMENT OF**

Revenue Services - Bureau of 0002

Initiative: Provides funds for the administrative costs associated with the Maine Military Family Relief Fund voluntary checkoff.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
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All Other	\$0	\$5,000
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$5,000
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ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2007-08	2008-09

OTHER SPECIAL REVENUE FUNDS	\$0	\$5,000
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$5,000
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**DEFENSE, VETERANS AND EMERGENCY
MANAGEMENT, DEPARTMENT OF**

Veterans Services 0110

Initiative: Provides an allocation for grants from the Maine Military Family Relief Fund to eligible families of persons who are members of the Maine National Guard or Maine residents who are members of the Reserves of the Armed Forces of the United States.

OTHER SPECIAL REVENUE FUNDS	2007-08	2008-09
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All Other	\$0	\$38,655
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$38,655
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DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF		
DEPARTMENT TOTALS	2007-08	2008-09

OTHER SPECIAL REVENUE FUNDS	\$0	\$38,655
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$38,655
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SECTION TOTALS	2007-08	2008-09
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OTHER SPECIAL REVENUE FUNDS	\$0	\$43,655
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