

# MAINE STATE LEGISLATURE

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(EMERGENCY)  
(New Draft of H.P. 1719, L.D. 2409)  
(New Title)  
SECOND SPECIAL SESSION

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ONE HUNDRED AND TWELFTH LEGISLATURE

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Legislative Document No. 2428

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H.P. 1741 House of Representatives, May 28, 1986

Reported by Representative Carter from the Committee on Appropriations and Financial Affairs and printed under Joint Rule 2. Original bill sponsored by Representative Hayden of Brunswick. Cosponsored by Senator Carpenter of Aroostook.

EDWIN H. PERT, Clerk

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STATE OF MAINE

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IN THE YEAR OF OUR LORD  
NINETEEN HUNDRED AND EIGHTY-SIX

---

AN ACT Making Appropriations from the General Fund and Changing Certain Provisions of Law Necessary for the Operation of State Government for the Fiscal Years Ending June 30, 1986, and June 30, 1987.

---

Emergency preamble. Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, the 90-day period will not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of state departments and institutions will become due and payable immediately; and

1       Whereas, in the judgment of the Legislature,  
2 these facts create an emergency within the meaning of  
3 the Constitution of Maine and require the following  
4 legislation as immediately necessary for the preser-  
5 vation of the public peace, health and safety; now,  
6 therefore,

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

9   PART A

10       Appropriations. There is appropriated from the  
11 General Fund for the fiscal years ending June 30,  
12 1986, and June 30, 1987, to the departments listed,  
13 the following sums.

14		<u>1985-86</u>	<u>1986-87</u>
15	<u>FINANCE AND ADMINISTRATION,</u>		
16	<u>DEPARTMENT OF</u>		

17	Public Improvements -		
18	Planning/ Construction -		
19	Administration		
20	All Other	\$	600,000
21	Provides funds to		
22	address the problem		
23	of asbestos in the		
24	Maine State Library		
25	located in the Cul-		
26	tural Building.		
27	Funds are to remain		
28	available for the		
29	same purpose until		
30	expended.		

31	Rainy Day Fund Program		
32	Unallocated	3,705,500	
33	Appropriates 50% of		
34	increased General		
35	Fund revenue esti-		
36	mates to the Maine		
37	Rainy Day Fund as		
38	required by Public		
39	Law 1985, chapter		
40	448.		

1	DEPARTMENT OF FINANCE AND	
2	ADMINISTRATION	
3	TOTAL	<u>\$4,305,500</u>
4	<u>HUMAN SERVICES, DEPARTMENT</u>	
5	<u>OF</u>	
6	Aid to Families with De-	
7	pendent Children	
8	All Other	\$668,544
9	Provides funds which	
10	will permit a 4% in-	
11	crease in the stan-	
12	dard of need, ef-	
13	fective January 1,	
14	1987.	
15	Medical Care - Payment	
16	to Providers	
17	All Other	49,176
18	Provides funds to	
19	cover the increase	
20	in medical payments	
21	which will result	
22	from a 4% increase	
23	in Aid to Families	
24	with Dependent Chil-	
25	dren.	
26	DEPARTMENT OF HUMAN	
27	SERVICES	
28	TOTAL	<u>\$717,720</u>
29	<u>JUDICIAL DEPARTMENT</u>	
30	Courts - Supreme, Supe-	
31	rior, District and Ad-	
32	ministrative	
33	Personal Services	\$(111,157)
34	All Other	546,808
35	Capital Expenditures	(120,210)

1	Provides funds to		
2	meet an expected		
3	deficit attributable		
4	to increased All		
5	Other costs in areas		
6	such as counsel and		
7	witness fees, court		
8	security, and exami-		
9	nation fees.		
10	JUDICIAL DEPARTMENT		
11	TOTAL		<u>\$315,441</u>
12	<u>LEGISLATURE</u>		
13	Legislature		
14	Personal Services		\$14,500
15	All Other		23,100
16	Provides funds to		
17	cover costs related		
18	to the 3rd day of		
19	special session on		
20	corrections' issues.		
21	(Two days' funding		
22	previously provided		
23	by Public Law 1985,		
24	chapter 761.)		
25	LEGISLATURE		
26	TOTAL		<u>\$37,600</u>
27	<u>MENTAL HEALTH AND MENTAL</u>		
28	<u>RETARDATION, DEPARTMENT OF</u>		
29	Augusta Mental Health		
30	Institute		
31	Positions		(14)
32	Personal Services		\$263,484
33	All Other		2,000

1 Provides funds to  
 2 establish 5 Regis-  
 3 tered Nurse, 2 Li-  
 4 censed Practical  
 5 Nurse, 5 Mental  
 6 Health Worker and 2  
 7 Social Worker posi-  
 8 tions necessary to  
 9 maintain Medicare  
 10 certification.

11 DEPARTMENT OF MENTAL HEALTH  
 12 AND MENTAL RETARDATION  
 13 TOTAL

\$265,484

14 TOTAL APPROPRIATIONS,  
 15 PART A

\$4,658,541

\$983,204

16 PART B

17 Sec. 1. PL 1985, c. 174, Part D is amended to  
 18 read:

19 PART D

20 Appropriation. There is appropriated from the  
 21 General Fund to the Department of Finance and Admin-  
 22 istration the following sums, in addition to those  
 23 provided in Part A to provide for essential mainte-  
 24 nance and repair needs of state facilities for the  
 25 biennium.

26 1985-86 1986-87

27 FINANCE AND ADMINISTRATION,  
 28 DEPARTMENT OF

29 Planning and Construc-  
 30 tion - Bureau of Public  
 31 Improvements

32 All Other \$3,669,100 \$3,669,000

33 Capital Expenditures 3,076,200

34 TOTAL \$6,745,300 \$3,669,000

35 Any balance of these  
 36 amounts remaining at  
 37 the end of either  
 38 fiscal year shall

1 not lapse, but shall  
2 remain available for  
3 the same purpose un-  
4 til expended, but in  
5 no case may any bal-  
6 ance carry for more  
7 than 2 fiscal years.

8 Sec. 2. P&SL 1985, c. 49, §5 is amended to read:

9 Sec. 5. Encumbered balances at year end. At the  
10 end of each fiscal year, all encumbered balances  
11 shall not be carried more than once, except that en-  
12 cumbered balances in the Community Development Block  
13 Grant may be carried twice and encumbered balances of  
14 grant awards for capital construction projects may  
15 carry until the completion of the project, provided  
16 that the construction was started prior to the end of  
17 the year for which the allocation was made.

18 PART C

19 Allocation. There is allocated from the Federal  
20 Expenditure Fund for the fiscal year ending June 30,  
21 1987, the following sums.

22 1986-87

23 HUMAN SERVICES, DEPARTMENT  
24 OF

25 Aid to Families with De-  
26 pendent Children \$1,425,236  
27 All Other

28 Allocates federal  
29 matching funds for a  
30 4% increase in the  
31 standard of need,  
32 effective January 1,  
33 1987.

34 Medical Care - Payment  
35 to Providers 104,836  
36 All Other  
37 Allocates federal  
38 matching funds to  
39 cover medical pay-

1 ments resulting from  
2 a 4% increase in Aid  
3 to Families with De-  
4 pendent Children.

5 DEPARTMENT OF HUMAN  
6 SERVICES  
7 TOTAL

\$1,530,072

8 PART D

9 Sec. 1. 19 MRSA §514, as amended by PL 1985, c.  
10 63, Pt. F, and c. 457, §8, are repealed and the fol-  
11 lowing enacted in its place:

12 §514. Dedicated funds

13 All collections, fees and incentive payments re-  
14 ceived by the department from child support collec-  
15 tions shall be dedicated to reduce the State's Gener-  
16 al Fund share of Aid to Families with Dependent Chil-  
17  dren and to cover the costs of making such collec-  
18 tions. The department shall not expend more than  
19 \$950,000 of incentive payment revenue in any fiscal  
20 year for the purpose of covering the costs of making  
21 child support collections.

22 Sec. 2. Allocation. There is allocated from the  
23 Federal Expenditure Fund for the fiscal year ending  
24 June 30, 1987, the following sum.

25 1986-87

26 HUMAN SERVICES, DEPARTMENT OF

27 Administration -	Income	
28 Maintenance		
29 Positions		(8)
30 Personal Services		\$150,892
31 All Other		65,450
32 Capital Expenditures		<u>5,400</u>
33 Total		\$221,742

34 Sec. 3. Allocation. There is allocated from  
35 Other Special Revenue Funds for the fiscal year end-  
36 ing June 30, 1987, the following sum.



1  
2 HUMAN SERVICES, DEPARTMENT OF

3	Administration -	Income	
4	Maintenance		
5	Positions		(5)
6	Personal Services		\$103,382
7	All Other		5,950
8	Capital Expenditures		4,900
9	Total		<u>\$114,232</u>

10 **PART E**

11 **Sec. 1. 5 MRSA §1507, first ¶, as amended by PL**  
12 **1985, c. 759, §1, is further amended to read:**

13 The Governor may allocate from the State Contingent Account amounts not to exceed in total the sum of ~~\$675,000 in the fiscal year ending June 30, 1987, and \$600,000 in any fiscal year thereafter, except that in the fiscal year ending June 30, 1987, the amount shall not exceed \$675,000.~~ The Governor may allocate from such account amounts not to exceed in total the sum of \$300,000 in any fiscal year in accordance with the purposes specified in subsections 1, 2, 3, 4 and 4-A and an amount not to exceed ~~\$325,000 in the \$250,000 in any fiscal year ending in June 30, 1987, and \$250,000 in any fiscal year thereafter, except that in the fiscal year ending June 30, 1987, the amount shall not exceed \$325,000~~ in accordance with the purposes specified in subsection 5-A.

29 **Sec. 2. 5 MRSA §1507, sub-§5-A, as enacted by PL**  
30 **1985, c. 759, §2, is amended to read:**

31 **5-A. Job development training.** The Governor may allocate funds from such account in amounts not to exceed in total the sum of ~~\$325,000 in the fiscal year ending June 30, 1987, and \$250,000 in any fiscal year thereafter, except that in the fiscal year ending June 30, 1987, the amount shall not exceed \$325,000~~ to provide funds for any unusual, unforeseen or extraordinary needs for state assistance in creating jobs by assisting in meeting the training requirements of labor intensive new or expanding industries. Allocations for this purpose may be made from

1 this fund by the Governor only upon the written re-  
2 quest of the Commissioner of Labor or the Director of  
3 the State Development Office and after consultation  
4 with the State Budget Officer. The director's or  
5 commissioner's request to the Governor shall be for-  
6 mulated subsequent to their consultation with each  
7 other, the Commissioner of Educational and Cultural  
8 Services, the Director of the Maine Vocational-Tech-  
9 nical Institute System and the director of the appro-  
10 priate service delivery area as defined by the Job  
11 Training Partnership Act.

12 Sec. 3. 5 MRSA §1507, next to the last ¶, as  
13 amended by PL 1985, c. 759, §3, is further amended to  
14 read:

15 At the close of each fiscal year, there shall be  
16 transferred from the General Fund such amount as may  
17 be available from time to time until the maximum of  
18 \$600,000 shall be achieved; except that ~~in the fiscal~~  
19 ~~year ending June 30, 1987, the amount shall not ex-~~  
20 ~~ceed \$675,000 on the effective date of this section~~  
21 the State Controller shall transfer \$250,000 to the  
22 account and at the close of the fiscal year ending  
23 June 30, 1986, transfer such amount as may be availa-  
24 ble until the maximum of \$675,000 shall be received.

25

#### PART F

26 Appropriation. There is appropriated from the  
27 General Fund for the fiscal year ending June 30,  
28 1986, to the department listed, the following sums:

29

1985-86

30 CORRECTIONS, DEPARTMENT OF

31 Correctional Services

32 Personal Services

(\$25,000)

33 State Prison

34 Personal Services

25,000

35 Food-Downeast Correctional Facility

36 All Other

(39,000)

37 Downeast Correctional Facility

1	All Other	39,000	---
2	Downeast Correctional Facility		
3	Personal Services	(178,000)	
4	State Prison		
5	Personal Services	178,000	
6	Food-Maine Correctional Center		
7	All Other	(28,000)	
8	Correctional Center		
9	All Other	28,000	
10	Food-State Prison		
11	All Other	(64,000)	
12	State Prison		
13	All Other	64,000	
14	Parole Board		
15	All Other	(7,000)	
16	Probation and Parole		
17	All Other	7,000	
18	Food-Maine Youth Center		
19	All Other	(29,000)	
20	Charleston Correctional Facility		
21	All Other	29,000	
22			
23	TOTAL PART F	<u>\$ -0-</u>	

24 Adjusts appro-  
25 priations to re-  
26 flect a variety  
27 of needs within  
28 the Department  
29 of Corrections  
30 for the current  
31 fiscal year.

32 PART G

33 Appropriation; nonlapsing. General Fund appro-  
34 priations made to the following programs shall not

1 lapse but shall carry until expended:

2 PROGRAM

3 Legislature

4 Potato Quality Control -  
5 Reducing Inspection Costs

6 Seed Potato Board

7 PART H

8 Appropriation. The following funds are appropri-  
9 ated from the General Fund to carry out the purposes  
10 of this Part.

11 1985-86

12 FINANCE AND ADMINISTRATION,  
13 DEPARTMENT OF

14 Rainy Day Fund Program  
15 Unallocated (\$800,000)

16 Public Improvements -  
17 Planning/Construction -  
18 Administration  
19 All Other 800,000

20 TOTAL PART H \$ 0

21 Transfers \$800,000 from the Rainy  
22 Day Fund Program to Public Improve-  
23 ments - Planning/Construction Admin-  
24 istration to provide sufficient re-  
25 sources to repair the roof of the  
26 Cultural Building and undertake nec-  
27 essary related repairs and  
28 renovations to the Maine State Li-  
29 brary which are required as a result  
30 of the asbestos removal project for  
31 that facility which is funded in  
32 Part A of this Act. It is intended  
33 that these funds shall not lapse,  
34 but shall remain available for the  
35 same purpose.

1 Any funds not needed for this pur-  
2 pose shall be transferred back to  
3 the Rainy Day Fund. All proceeds to  
4 the State resulting from litigation  
5 or insurance claims involving this  
6 issue shall be deposited in the  
7 Rainy Day Fund.

8 PART I

9 PL 1985, c. 501, Pt. B, §25, sub-§1 is amended to  
10 read:

11 1. Caseworkers, Financial Resource Specialists  
12 and Income Maintenance Workers reclassifications set-  
13 tled by arbitration.

14 PART J

15 Sec. 1. 26 MRS §1043, sub-§5, ¶B, as enacted by  
16 PL 1985, c. 591, §3, is repealed and the following  
17 enacted in its place:

18 B. A dislocated worker, as defined in section  
19 1196, subsection 1, enrolled in a training pro-  
20 gram approved under section 1192, subsection 6,  
21 6-A or 6-B, who has exhausted his benefit year  
22 within 30 months of his enrollment in the train-  
23 ing program, shall have his expired benefit year  
24 reopened and continued by one week for each week  
25 or part of a week that he is in such training, up  
26 to a maximum of 26 weeks, provided that no bene-  
27 fits may be paid under this paragraph to any per-  
28 son:

29 (1) Until the person has exhausted any un-  
30 employment insurance benefits for which he  
31 is eligible in a subsequent benefit year for  
32 which he has qualified;

33 (2) Until the person has exhausted benefits  
34 for which he is eligible under any extended  
35 unemployment insurance benefit program  
36 funded in whole or in part by the Federal  
37 Government;

1                   (3) Who is eligible for or who has ex-  
2 hausted, after the effective date of this  
3 paragraph, trade adjustment allowances as  
4 provided by the United States Trade Act of  
5 1974, Title II, Chapter 2, Public Law  
6 93-617, United States Code, Title 19, Sec-  
7 tion 2291, et seq., and any amendments or  
8 additions thereto, or a similar success or  
9 provision of that Act, except that any indi-  
10 vidual who was eligible for and received  
11 less than 26 weeks of benefits under the  
12 United States Trade Act may receive benefits  
13 for the number of weeks by which their bene-  
14 fits under that Act are less than 26 weeks;  
15 or

16                   (4) For a subsequent enrollment in any  
17 training program after his initial enroll-  
18 ment, following the effective date of this  
19 paragraph, and final termination of a train-  
20 ing program approved under section 1192,  
21 subsection 6, 6-A or 6-B.

22                   Sec. 2. 26 MRS §1191, sub-§4, ¶A, as enacted by  
23 PL 1985, c. 591, §4, is repealed and the following  
24 enacted in its place:

25                   A. If a dislocated worker, as defined in section  
26 1196, subsection 1, who is in training approved  
27 under section 1192, subsection 6, 6-A or 6-B,  
28 qualifies for an extended benefit year under sec-  
29 tion 1043, subsection 5, paragraph B, or exhausts  
30 the maximum amount of benefits available to him  
31 under this subsection, the maximum amount under  
32 this subsection shall be increased by the product  
33 of his weekly benefit amount multiplied by the  
34 number of weeks in which he thereafter attends an  
35 approved training program. No increase may be  
36 made under this paragraph, with respect to any  
37 benefit year, greater than 26 times the  
38 individual's weekly benefit amount.

39                   (1) Benefits paid to an individual under  
40 this paragraph shall not be charged against  
41 the experience rating record of any employ-  
42 er, but shall be charged to the general  
43 fund.

1           (2) No benefits may be paid under this par-  
2 agraph to any person:

3                   (a) Until the person has exhausted any  
4 unemployment insurance benefits for  
5 which he is eligible in a subsequent  
6 benefit year for which he has quali-  
7 fied;

8                   (b) Until the person has exhausted  
9 benefits for which he is eligible under  
10 any extended unemployment insurance  
11 benefit program funded in whole or in  
12 part by the Federal Government;

13                   (c) Who is eligible for or who has ex-  
14 hausted, after the effective date of  
15 this paragraph, trade adjustment allow-  
16 ances as provided by the United States  
17 Trade Act of 1974, Title II, Chapter 2,  
18 Public Law 93-617, United States Code,  
19 Title 19, Section 2291, et seq., and  
20 any amendments or additions thereto, or  
21 a similar successor provision of that  
22 Act, except that any individual who was  
23 eligible for and received less than 26  
24 weeks of benefits under the United  
25 States Trade Act may receive benefits  
26 for the number of weeks by which their  
27 benefits under that Act are less than  
28 26 weeks; or

29                   (d) For a subsequent enrollment in any  
30 training program after his initial en-  
31 rollment, following the effective date  
32 of this paragraph, and final termina-  
33 tion of a training program approved un-  
34 der section 1192, subsection 6, 6-A or  
35 6-B.

36           **Sec. 3. Application.** This Part shall be applied  
37 retroactively to cover all claims relating to weeks  
38 after March 20, 1986.

39                                   PART K

40           4    MRSA   §18,  sub-§6,  as enacted by PL 1985, c.

1 750, §1, is amended to read:

2 6. Fees. When the court refers parties to the  
3 Court Mediation Service after the filing of a com-  
4 plaint or petition under Title 19, section 214 or  
5 581, or Title 19, chapter 13, the court shall assess  
6 the parties a \$60 fee to be apportioned equally be-  
7 tween the parties, unless the court otherwise di-  
8 rects. The court shall not assess the parties any  
9 fees beyond the initial \$60 fee, unless one or both  
10 of the parties files under Title 19, section 214 or  
11 581, or Title 19, chapter 13, a motion to amend a fi-  
12 nal decree, a motion to enforce a final decree or a  
13 motion for contempt. When the court refers the par-  
14 ties to the Court Mediation Service after the filing  
15 under Title 19, section 214 or 581, or Title 19,  
16 chapter 13, of a motion to amend a final decree, a  
17 motion to enforce a final decree or a motion for con-  
18 tempt, the court shall assess the parties another  
19 \$60 fee to be apportioned equally between the par-  
20 ties, unless the court otherwise directs.

21 A party may file an in forma pauperis application for  
22 waiver of a fee established by this subsection. If  
23 the court finds that the party does not have suffi-  
24 cient funds to pay the fee, it shall order the fee  
25 waived.

26 This subsection is repealed on June 30, 1987.

27 Emergency clause. In view of the emergency cited  
28 in the preamble, this Act shall take effect when ap-  
29 proved.

30 FISCAL NOTE

	<u>1985-86</u>	<u>1986-87</u>	
31			
32	GENERAL FUND APPROPRIATIONS		
33	PART A	\$4,658,541	\$ 983,204
34	PART F	0	0
35	PART H	0	0
36	TOTAL APPROPRIATIONS	<u>\$4,658,541</u>	<u>\$ 983,204</u>



1 FEDERAL EXPENDITURE FUND  
2 ALLOCATIONS

3	PART C	\$1,530,072
4	PART D	<u>221,742</u>
5	TOTAL	<u>\$1,751,814</u>

6 OTHER SPECIAL REVENUE FUNDS  
7 ALLOCATIONS

8	PART D	\$ 114,232
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9 STATEMENT OF FACT

10 PART A - Provides additional General Fund appro-  
11 priations to meet unforeseen needs.

12 PART B - Section 1 permits funds appropriated for  
13 planning and construction by Public Law 1985, chapter  
14 174, Part D, to remain available until expended.

15 Section 2 permits encumbered balances of grant  
16 awards for capital construction projects funded under  
17 the Community Development Block Grant program to car-  
18 ry until completion of those projects started prior  
19 to the end of the year for which funds were allo-  
20 cated.

21 PART C - Allocates federal matching funds for a  
22 4% increase in Aid to Families with Dependent Chil-  
23 dren and to cover the resulting increase in medical  
24 payments.

25 PART D - Allocates additional federal funds and  
26 other special revenue funds to increase child support  
27 enforcement.

28 PART E - Corrects a reference to fiscal year to  
29 comply with legislative intent.

30 PART F - Adjusts appropriations to reflect a va-  
31 riety of needs within the Department of Corrections.

32 PART G - Restores language inadvertently repealed  
33 during the Second Regular Session of the 112th Legis-

1 lature.

2 PART H - Transfers \$800,000 from Maine Rainy Day  
3 Fund to Bureau of Public Improvements - Plan-  
4 ning/Construction Administration to provide funds to  
5 repair the roof of the Cultural Building and make  
6 necessary repairs and renovations to the Maine State  
7 Library.

8 PART I - Provides funding to settle an arbitra-  
9 tion case.

10 PART J - Corrects an omission in the recently  
11 passed legislation providing dislocated workers in  
12 retraining programs with 26 additional weeks of unem-  
13 ployment insurance benefits. The new law prohibits  
14 payment of these extended benefits to persons who  
15 have received any benefit under the United States  
16 Trade Act. Some individuals are eligible for fewer  
17 than 26 weeks of United States Trade Act benefits but  
18 cannot receive additional weeks of benefits up to 26  
19 from the state program and are therefore deprived of  
20 the opportunity available to other dislocated work-  
21 ers. This bill insures that all eligible dislocated  
22 workers in retraining programs are treated equally.

23 PART K - Adds a sunset provision to court media-  
24 tion fees.

25

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