

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 (New Draft of H.P. 1719, L.D. 2409)  
3 SECOND SPECIAL SESSION  
4

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5 ONE HUNDRED AND TWELFTH LEGISLATURE  
6

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7 Legislative Document

No. 2438

8  
9 H.P. 1755

House of Representatives, May 29, 1986

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

EDWIN H. PERT, Clerk

13  
14 STATE OF MAINE  
15

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16 IN THE YEAR OF OUR LORD  
17 NINETEEN HUNDRED AND EIGHTY-SIX  
18

---

19 AN ACT Making Appropriations from the General  
20 Fund and Changing Certain Provisions  
21 of Law Necessary for the Operation of  
22 State Government for the Fiscal Years  
23 Ending June 30, 1986, and June 30,  
24 1987.  
25

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26 Emergency preamble. Whereas, Acts of the Legis-  
27 lature do not become effective until 90 days after  
28 adjournment unless enacted as emergencies; and

29 Whereas, the 90-day period will not terminate un-  
30 til after the beginning of the next fiscal year; and

31 Whereas, certain obligations and expenses inci-  
32 dent to the operation of state departments and insti-  
33 tutions 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.

	<u>1985-86</u>	<u>1986-87</u>
14		
15	<u>FINANCE AND ADMINISTRATION,</u>	
16	<u>DEPARTMENT OF</u>	
17	Public Improvements -	
18	Planning/ Construction -	
19	Administration	
20		\$ 600,000
21	All Other	
22	Provides funds to	
23	address the problem	
24	of asbestos in the	
25	Maine State Library	
26	located in the Cul-	
27	tural Building.	
28	Funds are to remain	
29	available for the	
30	same purpose until	
31	expended.	
31	Rainy Day Fund Program	
32		3,705,500
	Unallocated	

1 Appropriates 50% of  
2 increased General  
3 Fund revenue esti-  
4 mates to the Maine  
5 Rainy Day Fund as  
6 required by Public  
7 Law 1985, chapter  
8 448.

9 DEPARTMENT OF FINANCE AND  
10 ADMINISTRATION  
11 TOTAL

\$4,305,500

12 HUMAN SERVICES, DEPARTMENT  
13 OF

14 Aid to Families with De-  
15 pendent Children

16 All Other

\$668,544

17 Provides funds which  
18 will permit a 4% in-  
19 crease in the stan-  
20 dard of need, ef-  
21 fective January 1,  
22 1987.

23 Medical Care - Payment  
24 to Providers

25 All Other

49,176

26 Provides funds to  
27 cover the increase  
28 in medical payments  
29 which will result  
30 from a 4% increase  
31 in Aid to Families  
32 with Dependent Chil-  
33 dren.

34 DEPARTMENT OF HUMAN  
35 SERVICES

36 TOTAL

\$717,720

37 JUDICIAL DEPARTMENT

38 Courts - Supreme, Supe-  
39 rior, District and Ad-  
40 ministrative

1	Personal Services	\$ (111,157)	
2	All Other	546,808	
3	Capital Expenditures	(120,210)	
4	Provides funds to		
5	meet an expected		
6	deficit attributable		
7	to increased All		
8	Other costs in areas		
9	such as counsel and		
10	witness fees, court		
11	security, and exami-		
12	nation fees.		
13	JUDICIAL DEPARTMENT		
14	TOTAL		<u>\$315,441</u>
15	<u>LEGISLATURE</u>		
16	Legislature		
17	Personal Services	\$14,500	
18	All Other	23,100	
19	Provides funds to		
20	cover costs related		
21	to the 3rd day of		
22	special session on		
23	corrections' issues.		
24	(Two days' funding		
25	previously provided		
26	by Public Law 1985,		
27	chapter 761.)		
28	LEGISLATURE		
29	TOTAL		<u>\$37,600</u>
30	<u>MENTAL HEALTH AND MENTAL</u>		
31	<u>RETARDATION, DEPARTMENT OF</u>		
32	Augusta Mental Health		
33	Institute		
34	Positions		(14)
35	Personal Services	\$263,484	
36	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

27 All Other	\$1,425,236
--------------	-------------

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	
36 All Other	104,836

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		5,400
33 Total		<u>\$221,742</u>

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.



1986-87

HUMAN SERVICES, DEPARTMENT OF

Administration -	Income	
Maintenance		
Positions		(5)
Personal Services		\$103,382
All Other		5,950
Capital Expenditures		4,900
Total		\$114,232

PART E

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

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.

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

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	<hr/> \$ -0-

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 MRSA §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 MRSA §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

#### PART L

28 Transfer of funds. The Commissioner of Human  
29 Services shall establish within the department a Gen-  
30 eral Fund Appropriations Account for the Maine Poison  
31 Control Program at the Maine Medical Center in Port-  
32 land. The initial funding for this account shall be  
33 in the amount of \$35,000 for the fiscal year ending  
34 June 30, 1987. This amount shall be transferred to  
35 the account on July 1, 1986, from other General Fund  
36 resources available to the department. These trans-  
37 fers shall not be subject to the provisions of the  
38 Maine Revised Statutes, Title 5, section 1585.

39 Emergency clause. In view of the emergency cited  
40 in the preamble, this Act shall take effect when ap-  
41 proved.



1

FISCAL NOTE

2

1985-86

1986-87

3

GENERAL FUND APPROPRIATIONS

4

PART A

\$4,658,541

\$ 983,204

5

PART F

0

0

6

PART H

0

0

7

TOTAL APPROPRIATIONS

\$4,658,541

\$ 983,204

8

FEDERAL EXPENDITURE FUND

9

ALLOCATIONS

10

PART C

\$1,530,072

11

PART D

221,742

12

TOTAL

\$1,751,814

13

OTHER SPECIAL REVENUE FUNDS

14

ALLOCATIONS

15

PART D

\$ 114,232

16

STATEMENT OF FACT

17

PART A - Provides additional General Fund appropriations to meet unforeseen needs.

18

19

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

20

21

22

Section 2 permits encumbered balances of grant awards for capital construction projects funded under the Community Development Block Grant program to carry until completion of those projects started prior to the end of the year for which funds were allocated.

23

24

25

26

27

28

PART C - Allocates federal matching funds for a 4% increase in Aid to Families with Dependent Children and to cover the resulting increase in medical payments.

29

30

31

1           PART D - Allocates additional federal funds and  
2 other special revenue funds to increase child support  
3 enforcement.

4           PART E - Corrects a reference to fiscal year to  
5 comply with legislative intent.

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

8           PART G - Restores language inadvertently repealed  
9 during the Second Regular Session of the 112th Legis-  
10 lature.

11           PART H - Transfers \$800,000 from Maine Rainy Day  
12 Fund to Bureau of Public Improvements - Plan-  
13 ning/Construction Administration to provide funds to  
14 repair the roof of the Cultural Building and make  
15 necessary repairs and renovations to the Maine State  
16 Library.

17           PART I - Provides funding to settle an arbitra-  
18 tion case.

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

32           PART K - Adds a sunset provision to court media-  
33 tion fees.

34           PART L - Provides funding for the Maine Poison  
35 Control Program.

36

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