

MAINE STATE LEGISLATURE

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L.D. 730
(Filing No. S-445)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT " A " to S.P. 284, L.D. 730, Bill, "An Act Making Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991"

Amend the bill by striking out all of the title and inserting in its place the following:

'An Act Making Appropriations from the General Fund for the Expenditures of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991, and Changing Certain Provisions of Law Necessary for the Proper Operation of State Government'

Further amend the bill by striking out everything after the enacting clause and before the emergency clause and inserting in its place the following:

PART A

Sec. 1. 5 MRSA §3304, sub-§3, ¶A, as amended by PL 1989, c. 501, Pt. DD, §7, is further amended to read:

A. Appoint and remove the staff of the office and prescribe their duties as may be necessary to implement the purposes of this chapter. Professional employees authorized by this chapter shall be hired as unclassified employees, ~~shall serve at the pleasure of the director and shall be paid salaries at rates of pay comparable to those of state employees with equivalent responsibilities in other state agencies.~~ All other employees shall be subject to those civil service and personnel policies established for state employees generally and shall be paid salaries at rates of pay comparable to those of state employees with equivalent responsibilities in other state agencies.

(1) The State Planning Director is authorized to employ professional planning personnel competent by

COMMITTEE AMENDMENT "A" to S.P. 284, L.D. 730

1 education, training and experience in fields such as
3 economics, local and regional planning, public policy
and natural resources.

5 (2) The director is authorized to employ such
7 statistical, clerical and other office help as required
and authorized by the budget;

9 Sec. 2. 15 MRSA §3205 is enacted to read:

11 §3205. Juvenile in adult-serving jails

13 No juvenile may be committed or detained in an adult-serving
15 jail after December 31, 1991, except when bound over as an adult.

17 Sec. 3. 35-A MRSA §116, sub-§8 is enacted to read:

19 8. Public Advocate assessment. Every utility subject to
21 assessment pursuant to this section shall be subject to an
23 additional assessment on its intrastate gross operating revenues
25 to produce no more than \$189,000 in revenues in fiscal year
27 1989-90 and \$251,000 in revenues in fiscal year 1990-91. The
29 revenues produced from this assessment shall be transferred to
31 the account of the Office of Public Advocate and shall be used by
33 the Public Advocate solely for the purpose of representing the
using and consuming public in accordance with chapter 17. These
funds shall be raised by the Public Utilities Commission and
accounted for by the Public Advocate in accordance with the
provision of this section in a separate Public Advocate
Regulatory Fund. The assessments charged to utilities under this
subsection shall be deemed just and reasonable operating costs
for rate-making purposes.

35 Sec. 4. 36 MRSA §1760, sub-§9-D, as amended by PL 1989, c.
501, Pt. U, is further amended to read:

37 9-D. Fuel and electricity used at a manufacturing
39 facility. Ninety-five percent of the sale price of all fuel and
41 electricity purchased for use at a manufacturing facility. The
43 sales or use tax rate applicable to 95% of the sale price of such
fuel and electricity shall be progressively reduced to 0
according to the following schedule:

Date of purchase	Sales or use tax rate
July 1, 1987, to June 30, 1988	4%
July 1, 1988, to June 30, 1989	3%
July 1, 1989, to December 31, 1991 1990	2%
January 1, 1991, to June 30, 1991	1%
July 1, 1991, and thereafter	0%

51 Each year prior to the effective date of the next reduction,
53 after the reduction beginning July 1, 1987, the joint standing

COMMITTEE AMENDMENT "A" to S.P. 284, L.D. 730

1 committee of the Legislature having jurisdiction over taxation
2 shall review the effect of this subsection and report to the
3 Legislature.

5 Sec. 5. PL 1989, c. 501, Pt. A, §1, under that part designated
6 "HUMAN SERVICES, DEPARTMENT OF" under the 3rd occurrence of
7 State Supplemental to Federal Supplemental Security Income, 4th to 9th
8 lines are repealed and the following enacted in their place:

9
10 Provides funds for 16
11 reimbursement beds in
12 boarding care facilities in
13 the Sanford area primarily
14 for older residents.

15 Sec. 6. PL 1989, c. 501, Pt. A, §1, under that part designated
16 "MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT
17 OF" under the 8th occurrence of Mental Health Services - Children, 3rd to
18 9th lines are repealed and the following enacted in their place:

19
20 Provides \$60,000 each year to
21 expand services to 20
22 identified families with
23 children with autism in
24 Penobscot, Piscataquis,
25 Aroostook and Washington
26 Counties. Also provides
27 \$20,000 each year to expand
28 services to clients in
29 southern Maine.

30
31 Sec. 7. PL 1989, c. 501, Pt. D, under that part designated "HUMAN
32 SERVICES, DEPARTMENT OF" under the 2nd occurrence of Aid to
33 Families with Dependent Children, 2nd to 7th lines are repealed and the
34 following enacted in their place:

35
36 All Other \$912,081 \$1,737,750

37
38 Provides funds to increase
39 the Aid to Families with
40 Dependent Children standard
41 of need by 3%, effective
42 January 1, 1990.

43
44 Sec. 8. PL 1989, c. 501, Pt. D, under that part designated "HUMAN
45 SERVICES, DEPARTMENT OF" under the 5th occurrence of Medical
46 Care - Payments to Providers, 2nd to 7th lines are repealed and the
47 following enacted in their place:

COMMITTEE AMENDMENT "A" to S.P. 284, L.D. 730

1	<u>All Other</u>	<u>\$82,620</u>	<u>\$162,010</u>
3	<u>Provides funds for increased</u>		
5	<u>medical payments resulting</u>		
7	<u>from increasing the Aid to</u>		
	<u>Families with Dependent</u>		
	<u>Children standard of need.</u>		

9 **Sec. 9. PL 1989, c. 501, Pt. D, under that part designated "HUMAN**
11 **SERVICES, DEPARTMENT OF" last 2 lines are repealed and the**
following enacted in their place:

13	<u>DEPARTMENT OF HUMAN SERVICES</u>		
15	<u>TOTAL</u>	<u>\$1,761,744</u>	<u>\$2,842,322</u>

17 **Sec. 10. PL 1989, c. 501, Pt. D, last 2 lines are repealed and the**
following enacted in their place:

19	<u>PART D</u>		
21	<u>TOTAL</u>	<u>\$3,052,484</u>	<u>\$3,070,988</u>

23 **Sec. 11. PL 1989, c. 501, Pt. DD, §47, sub-§2, is amended to read:**

25 **2. Personnel and employment benefits transferred. All**
employees of the Office of Energy Resources or any subunit of
that office are transferred to the State Planning Office or the
Department of Economic and Community Development, as required by
the assignment of responsibilities in this Act. Upon transfer,
incumbents in classified positions shall retain their classified
status.

31 All accrued fringe benefits, including vacation and sick leave,
33 health and life insurance and retirement of these personnel shall
remain with them. No employee's pay or promotional rights and
35 opportunities may be adversely affected due to this transfer.

37 **Sec. 12. Appropriation. The following funds are appropriated**
from the General Fund to carry out the purposes of this Act.

39		1989-90	1990-91
41	CORRECTIONS, DEPARTMENT OF		
43	Maine State Prison		
45			
47	Positions	(-1)	(-1)
49	Personal Services	(\$28,453)	(\$30,385)
	Deletes one Nurse II.		

1	Downeast Correctional Facility		
3	Positions	(1)	(1)
	Personal Services	\$22,826	\$32,657
5	Adds one Nurse III.		
7	Administration		
9	Positions		(-1)
11	Personal Services		(\$16,901)
13	Deletes one Information Systems Manager.		
15	Administration		
17	Positions		(1)
19	Personal Services		\$23,508
21	Adds one Correctional Plans Analyst.		
23	Maine Correctional Center		
25	Positions	(-1)	(-1)
27	Personal Services	(\$8,887)	(\$28,704)
29	Deletes one Teacher.		
31	Administration		
33	Positions	(1)	(1)
	Personal Services	\$12,647	\$21,692
35	Adds one Account Clerk II.		
37	DEPARTMENT OF CORRECTIONS		
39	TOTAL	<u>(\$1,867)</u>	<u>\$1,867</u>
41	Sec. 13. Allocation of the Public Advocate Regulatory Fund. Income		
43	to the Public Advocate Regulatory Fund for the next 2 fiscal		
45	years from July 1, 1989, to June 30, 1990, and from July 1, 1990,		
	to June 30, 1991, shall be segregated, apportioned and disbursed		
	as designated in the following schedule:		
47		1989-90	1990-91
49	Office of Public Advocate		
51	Positions	(4)	(4)
	Personal Services	\$115,000	\$190,000

2 of 3

COMMITTEE AMENDMENT "A" to S.P. 284, L.D. 730

1	All Other	74,000	61,000
3	Allocates funds from the		
	Public Advocate Regulatory		
5	Fund.		
7	OFFICE OF PUBLIC ADVOCATE		
	TOTAL	<u>\$189,000</u>	<u>\$251,000</u>

9

11 **Sec. 14. Adjustments to allocation of the Public Advocate Regulatory**
Fund. Allocations may be increased or adjusted by the State
13 Budget Officer with the approval of the Governor to specifically
15 cover those adjustments determined necessary under any salary
17 plan approved by the Legislature and those reclassifications or
range changes tht have been approved by the Department of
Administration and submitted for legislative review prior to the
effective date of this Act.

19 **Sec. 15. Use of Public Advocate Revenue Fund.** The Public
21 Advocate may use the revenues provided in accordance with this
23 Act to fund 4 employees and to defray the costs incurred by the
Public Advocate pursuant to the Maine Revised Statutes, Title
35-A, chapter 17.

PART B

27 **Sec. 1. 5 MRSA c. 353, first 2 lines,** as enacted by PL 1987, c.
29 506, §1, are repealed and the following enacted in their place:

PART 15-A

LAND FOR MAINE'S FUTURE FUND

CHAPTER 353

LAND FOR MAINE'S FUTURE FUND

37 **Sec. 2. 5 MRSA Pt. 15-B** is enacted to read:

PART 15-B

WATER RESOURCES MANAGEMENT BOARD

CHAPTER 355

WATER RESOURCES MANAGEMENT BOARD

§6301. Board created; duties

49 There is established in section 12004-G the Water Resources
51 Management Board. The board is a temporary, 2-year commission

R. of S.

COMMITTEE AMENDMENT "A" to S.P. 284, L.D. 730

1 created to examine and make recommendations to the Legislature
3 regarding the appropriate role of the State in managing water
5 supplies and the institutional structures necessary for efficient
7 and effective state involvement. The board shall:

9 1. Permanent structure. Recommend a permanent bureaucratic
11 structure for centralized and coordinated conduct of the role of
13 the State in water supply management;

15 2. Extent of regulation. Recommend the appropriate extent
17 and level of state regulation of water use;

19 3. Data. Implement a strategy for coordinated collection
21 of water supply and use data and compile that data in a readily
23 accessible and usable form;

25 4. Strategy for coordination. Develop a strategy for
27 coordination of all state and local agencies involved with water
29 supply management;

31 5. Dispute resolution process. Recommend a process for
33 adjudication of disputes over the right to use water and over the
35 establishment of water levels for water supply ponds;

37 6. Review of water rights. Review the methods by which
39 water rights are obtained under existing law and recommend
41 appropriate changes;

43 7. Recommend priorities. Recommend priority uses for
45 preferential access to water supplies when supplies are
47 inadequate to meet all demands;

49 8. Catalog publicly granted water rights. Catalog publicly
51 granted water rights by having staff request information from
53 water utilities and others;

9. Water diversion policy. Recommend a policy regarding
water diversion which addresses the implications of diversion
from the State and regions and subbasins within the State;

10. Conservation. Recommend ways to improve and encourage
conservation of water resources; and

11. Technical assistance. Develop technical assistance
programs for municipalities, communities or individuals adversely
affected by water use decisions.

§6302. Board membership; chair

The board shall have the following 16 members: the Director
of the State Planning Office or the director's designee; the
Chair of the Public Utilities Commission or the chair's designee;
the Commissioner of Environmental Protection or the

1 commissioner's designee; the Commissioner of Human Services or
 3 the commissioner's designee; the Commissioner of Conservation or
 5 the commissioner's designee; the Commissioner of Economic and
 7 Community Development or the commissioner's designee; the
 9 Commissioner of Agriculture, Food and Rural Resources or the
 11 commissioner's designee; the Commissioner of Inland Fisheries and
 13 Wildlife or the commissioner's designee; a representative,
 15 appointed by the Governor, of a water utility regulated by the
 17 Public Utilities Commission; a representative, appointed by the
 19 Governor, of a municipal government; a representative, appointed
 21 by the Governor, of a commercial user of water; a representative,
appointed by the Governor, of an industrial user of water; a
representative, appointed by the Governor, of recreational users;
a representative, appointed by the Governor, of a hydropower
producer; a representative, appointed by the Governor, of a
natural resources advocacy organization; and a member of the
public appointed by the Governor. The chair of the board shall
be the State Planning Office representative, the Director of the
State Planning Office or the director's designee. Appointments
shall be made within 30 days of the effective date of this Part.

23 §6303. Board compensation

25 The board's members shall be compensated as provided in
27 chapter 379.

29 §6304. Meetings; staff

31 1. Meetings. The board chair shall convene the first
33 meeting of the board no later than 30 days after the effective
35 date of this Part. The board shall meet at least once each month
37 and as often as necessary to carry out its responsibilities.

39 2. Staff. A person knowledgeable about the technical,
41 economic and environmental aspects of water resource management,
43 under a 2-year contract with the State Planning Office, shall
45 provide full-time staff assistance to the board. All state
47 agencies shall provide information and support requested by the
49 board to the extent practicable.

51 §6305. Report; reporting deadline

The board shall submit a report summarizing its findings and
recommendations, including any suggested legislation, to the
Legislature by January 1, 1991.

§6306. Repeal

This Part is repealed October 1, 1991.

Sec. 3. 5 MRSA §12004-G, sub-§29-A is enacted to read:

