

MAINE STATE LEGISLATURE

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R 018

L.D. 1798

(Filing No. S-450)

STATE OF MAINE
SENATE
114TH LEGISLATURE
FIRST SPECIAL SESSION

COMMITTEE AMENDMENT "B" to S.P. 680, L.D. 1798, Bill, "An Act to Make Supplemental Appropriations and Allocations for Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 1990, and June 30, 1991"

Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

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

Whereas, certain obligations and expenses became due and payable on or immediately after July 1, 1989; 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 enacted by the People of the State of Maine as follows:

PART A

Supplemental appropriations from General Fund. There are appropriated from the General Fund for the fiscal years ending June 30, 1990, and June 30, 1991, to the departments listed, the following sums.

	1989-90	1990-91
ADMINISTRATION, DEPARTMENT OF		
Public Improvements - Planning -		
Construction - Administration		
Capital Expenditures	\$230,000	

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COMMITTEE AMENDMENT "B" to S.P. 680, L.D. 1798

2 Provides funds to upgrade the
3 electrical capacity in the
4 State Office Building.

6 **DEPARTMENT OF ADMINISTRATION**
7 **TOTAL** \$230,000

8
9 **AGRICULTURE, FOOD AND RURAL**
10 **RESOURCES, DEPARTMENT OF**

12 **Marketing Services - Agriculture**

14 All Other \$156,000 \$156,000

16 Provides for the transfer of
17 funds from the Department of
18 Economic and Community
19 Development, Business
20 Development Program, to
21 support the quality assurance
22 effort for which positions
23 were authorized in Public Law
24 1987, chapter 844.

26 **Agricultural Production .**

28 All Other \$120,000

30 Restores funds deappropriated
31 in Public Law 1989, chapter
32 501, Part N, to provide a
33 match for a soil conservation
34 and irrigation project in
35 Aroostook County with the
36 United States Army Corps of
37 Engineers.

38
39 **DEPARTMENT OF AGRICULTURE,**
40 **FOOD AND RURAL RESOURCES**
41 **TOTAL** \$276,000 \$156,000

42
43 **DEFENSE AND VETERANS' SERVICES,**
44 **DEPARTMENT OF**

46 **Administration - Maine Emergency**
47 **Management Agency**

48 All Other \$340,000

50

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COMMITTEE AMENDMENT "B" to S.P. 680, L.D. 1798

2 Provides funds for 25% state
share of disaster assistance
4 for the Maine 1989 flood.

6 DEPARTMENT OF DEFENSE AND
VETERANS' SERVICES
8 TOTAL \$340,000

10 ECONOMIC AND COMMUNITY
DEVELOPMENT, DEPARTMENT OF

12 Business Development

14 All Other (\$156,000) (\$156,000)

16 Provides for the transfer of
18 funds to the Department of
Agriculture, Food and Rural
20 Resources, Marketing Services
Program, to support the
22 quality assurance effort for
which positions were
24 authorized in Public Law
1987, chapter 844.

26 DEPARTMENT OF ECONOMIC AND
COMMUNITY DEVELOPMENT
28 TOTAL (\$156,000) (\$156,000)

30 ENVIRONMENTAL PROTECTION,
DEPARTMENT OF

32 Administration - Environmental
34 Protection

36 All Other \$2,500

38 Provides funds for 1/2 the
40 cost of a structural analysis
of the Ray Building.

42 Administration - Environmental
Protection

44 All Other \$80,000 \$83,650

46 Provides funds to cover
48 unanticipated costs of
environmental enforcement and
50 litigation for which
penalties and fines accrue to
52 the General Fund.

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2 Administration - Environmental
Protection

4			
6	Positions	(1)	(1)
	Personal Services	\$32,060	\$33,517

8 Provides funds for the
 10 transfer of a Public
 12 Relations Representative from
 14 the Maine Environmental
 Protection Fund to match an
 allocation of funds in Part B
 of this Act.

16 Air Quality Control

18	Positions	(4)	(4)
	Personal Services	\$136,565	\$140,898

20 Provides funds for the
 22 transfer of a Senior
 24 Meteorologist, a Civil
 26 Engineer I, an Environmental
 28 Specialist IV and a Clerk IV
 30 from the Maine Environmental
 Protection Fund to match a
 deallocation of funds in
 Public Law 1989, chapter 501,
 and an allocation of funds in
 Part B of this Act.

32 Land Quality Control

34	Positions	(2)	(2)
36	Personal Services	\$72,285	\$78,165

38 Provides funds for the
 40 transfer of a Civil Engineer
 42 I and a Division Director of
 44 Environmental Services from
 46 the Maine Environmental
 Protection Fund to match a
 deallocation of funds in
 Public Law 1989, chapter 501.

48 Water Quality Control

50	Positions	(6)	(6)
	Personal Services	\$223,713	\$228,922

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2 Provides funds for the
transfer of a Clerk IV, a
4 Civil Engineer II, a
Biologist III, a Civil
6 Engineer I and 2
Environmental Specialist IV
8 positions from the Maine
Environmental Protection Fund
to match a deallocation of
10 funds in Public Law 1989,
chapter 501, and an
12 allocation of funds in Part B
of this Act.

14 **Solid Waste Management**

16	Positions	(1)	(1)
18	Personal Services	\$44,309	\$46,173

20 Provides funds for the
transfer of a Civil Engineer
22 II from the Maine
Environmental Protection Fund
24 to match a deallocation of
funds in Public Law 1989,
26 chapter 501.

28 **Administration - Environmental
Protection**

30	Positions	(-1)	(-1)
32	Personal Services	(\$19,670)	(\$20,537)

34 Deappropriates funds to
reflect the transfer of a
36 Clerk Typist II to the Maine
Environmental Protection Fund
38 as authorized in Public Law
1989, chapter 501.

40 **Air Quality Control**

42	Positions	(-3)	(-3)
44	Personal Services	(\$110,783)	(\$117,267)

46 Deappropriates funds to
reflect the transfer of 2
48 Assistant Engineers and an
Environmental Specialist II
50 to the Maine Environmental

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2 Protection Fund as authorized
in Public Law 1989, chapter
4 501.

6 **Land Quality Control**

8 Positions (-9) (-9)
Personal Services (\$230,483) (\$240,527)

10 Deappropriates funds to
12 reflect the transfer of 4
Environmental Specialist II
14 positions, one Environmental
Specialist III, 3 Clerk
16 Typist II positions and one
Clerk Typist I to the Maine
18 Environmental Protection Fund
as authorized in Public Law
20 1989, chapter 501.

22 **Water Quality Control**

24 Positions (-4) (-4)
Personal Services (\$118,411) (\$121,996)

26 Deappropriates funds to
28 reflect the transfer of 2
Environmental Specialist II
30 positions, one Clerk Typist
II and one Biologist I to the
32 Maine Environmental Protec-
tion Fund as authorized in
Public Law 1989, chapter 501.

34 **Solid Waste Management**

36 Positions (-3) (-3)
38 Personal Services (\$85,999) (\$89,584)

40 Deappropriates funds to
42 reflect the transfer of 2
Environmental Specialist III
44 positions and one Clerk
Typist II to the Maine
46 Environmental Protection Fund
as authorized in Public Law
48 1989, chapter 501.

50 **Water Quality Control**

52 All Other \$25,000
Capital Expenditures 15,000

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2	TOTAL		<u>\$40,000</u>	
4	Provides funds for laboratory			
6	analysis for ground and			
8	surface water samples,			
10	methane gas monitoring			
12	equipment and additional			
14	water quality sampling			
16	equipment to verify work			
18	being done by the landfill			
20	operator as a result of the			
22	landfill failure at the			
24	Consolidated Waste Services			
26	landfill in Norridgewock.			
28	DEPARTMENT OF ENVIRONMENTAL			
30	PROTECTION			
32	TOTAL		<u>\$66,086</u>	<u>\$21,414</u>
34	EXECUTIVE DEPARTMENT			
36	Administration - Executive -			
38	Governor's Office			
40	Positions	(1)		(1)
42	Personal Services	\$45,500		\$45,500
44	All Other	(45,500)		(45,500)
46	TOTAL		<u>\$ 0</u>	<u>\$ 0</u>
48	Provides for the transfer of			
50	funds from All Other to			
52	Personal Services and			
54	establishes one position for			
56	the State of Maine Office in			
58	Washington, D.C.			
60	Division of Community Services -			
62	Temporary Housing Assistance Program			
64	All Other		\$375,000	
66	Provides funds for temporary			
68	assistance for people who			
70	need shelter or who are in			
72	danger of becoming homeless			
74	through eviction. Assistance			
76	may include security			
78	deposits; rent arrearages;			
80	forward rent payments; or			
82	other expenses necessary to			

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2 prevent eviction or to
3 establish a person in a
4 rental.

6 **EXECUTIVE DEPARTMENT
TOTAL**

\$375,000

\$ 0

8 **FINANCE, DEPARTMENT OF**

10 **Administrative Services -
Finance**

12 Personal Services \$2,935 \$4,888

14 Provides funds for the
16 proposed reclassification of
18 a Personnel Officer, Range 24
20 to Personnel Manager, Range
27.

22 **Administrative Services - Finance**

24 Personal Services \$2,935 \$4,888

26 Provides funds for the
28 reorganization and reclassif-
30 ication of a Chief
Accountant, Range 24 to
Director of Finance, Range 27.

32 **Bureau of the Budget**

34 Personal Services \$13,760 \$14,331

36 Provides funds for
38 implementation of range
changes through the
reorganization of duties.

40 **DEPARTMENT OF FINANCE
TOTAL**

\$19,630

\$24,107

42 **MAINE STATE HOUSING AUTHORITY**

44 **Emergency Assistance - Shelters for
46 Homeless**

48 All Other \$375,000

50 Provides funds to the Maine
52 State Housing Authority to
establish a contingency fund

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2 for sponsors of facilities
 3 that provide temporary
 4 shelter for the homeless.
 5 The funds shall be used to
 6 fund the emergency needs of
 7 the facilities. The Maine
 8 State Housing Authority shall
 9 develop evaluation and
 10 funding guidelines in
 11 consultation with the
 12 Department of Human Services
 13 and shall notify all
 14 applicable state agencies
 15 that are funding sources of
 16 those programs receiving
 contingency funds.

18 MAINE STATE HOUSING AUTHORITY
 19 TOTAL \$375,000

20 DEPARTMENT OF HUMAN SERVICES

22 Child Welfare Services

24 All Other \$75,000

26 Provides funds for a 3%
 27 increase in reimbursement
 28 rates to nonprofit group care
 29 providers serving children
 30 placed in professional
 31 supervised group homes by the
 32 Department of Human Services.

34 Purchased Social Services

36 All Other \$51,000

38 Provides funds to maintain
 39 the existing vocal relay
 40 service for the deaf and
 41 hearing impaired.

44 Departmentwide

46 All Other \$362,500 \$437,175

48 Provides funds for 1%
 49 cost-of-living adjustment for
 50 all community provider
 51 agencies that contract with
 52 the department effective
 September 1, 1989.

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2	DEPARTMENT OF HUMAN SERVICES		
	TOTAL	<u>\$488,500</u>	<u>\$437,175</u>
4			
6	MENTAL HEALTH AND MENTAL		
	RETARDATION, DEPARTMENT OF		
8	Mental Health Services - Community		
10	All Other	\$142,086	\$171,353
12	Provides funds for a 1%		
14	cost-of-living adjustment for		
	all service providers		
16	effective September 1, 1989.		
18	Mental Retardation Services -		
	Community		
20	All Other	\$94,260	\$113,678
22	Provides funds for a 1%		
24	cost-of-living adjustment for		
	all service providers		
26	effective September 1, 1989.		
28	Mental Health Services - Children		
30	All Other	\$43,900	\$52,944
32	Provides funds for a 1%		
	cost-of-living adjustment for		
34	all service providers		
	effective September 1, 1989.		
36	Mental Health Services - Community		
38	All Other	\$20,000	
40	Provides funds for Compeer,		
42	Inc. for the recruitment of		
	private citizens to serve as		
44	supportive friends to persons		
	with mental illness through		
46	the continuation of the		
	Compeer program grant.		
48	DEPARTMENT OF MENTAL HEALTH AND		
	MENTAL RETARDATION		
50	TOTAL	<u>\$300,246</u>	<u>\$337,975</u>

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PUBLIC SAFETY, DEPARTMENT OF

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Administration - Public Safety

Personal Services \$50,000

Provides funds to cover the cost of presidential security details which are expected to be reimbursed by the Federal Government.

DEPARTMENT OF PUBLIC SAFETY TOTAL \$50,000

PART A TOTAL \$2,364,462 \$820,671

PART B

Allocation. The following funds are allocated from Other Special Revenue funds for the fiscal years ending June 30, 1990, and June 30, 1991, to carry out the purposes of this Act.

1989-90 1990-91

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Maine Environmental Protection Fund

Personal Services \$39,602 \$37,985

Allocates funds to correct position transfers to the General Fund in Public Law 1989, chapter 501, and to match funds to position transfers in Part A and provides for the transfer of one Civil Engineer II, one Public Relations Representative and 2 Clerk IV positions instead of one Civil Engineer I, 2 Environmental Specialist IV positions and one Division Director.

2

Maine Environmental Protection Fund

4

Personal Services \$19,670 \$20,537

6

Allocates funds to correct position transfers from General Fund in Public Law 1989, chapter 501, and to match funds to position transfers in Part A.

8

10

12

DEPARTMENT OF ENVIRONMENTAL PROTECTION TOTAL

\$59,272 \$58,522

16

PART B TOTAL

\$59,272 \$58,522

18

20

PART C

22

24

Sec. 1. 4 MRSA §4, sub-§2, as repealed and replaced by PL 1989, c. 501, Pt. O, §§9 and 22, is repealed and the following enacted in its place:

26

2. Associate justice; salary. Each Associate Justice of the Supreme Judicial Court shall receive a salary as follows:

28

30

A. For fiscal year 1989-90 and thereafter, \$80,392.

32

34

Sec. 2. 4 MRSA §102, sub-§2, as repealed and replaced by PL 1989, c. 501, Pt. O, §§12 and 22, is repealed and the following enacted in its place:

36

2. Associate justice; salary. Each Justice of the Superior Court shall receive a salary as follows:

38

40

A. For fiscal year 1989-90 and thereafter, \$76,024.

42

Sec. 3. 4 MRSA §157, sub-§4, as repealed and replaced by PL 1989, c. 501, Pt. O, §§15 and 22, is repealed and the following enacted in its place:

44

46

4. Associate judge; salary. Each Associate Judge of the District Court shall receive a salary as following:

48

A. For fiscal year 1989-90 and thereafter, \$72,983.

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2 Sec. 4. PL 1989, c. 501, Pt. A, §1 under the caption "JUDICIAL
DEPARTMENT" in the first part relating to "Courts - Supreme, Superior,
District and Administrative" is amended to read:

4
6 Courts - Supreme, Superior,
District and Administrative

8	Personal-Services		\$254,800
	<u>Personal Services</u>	<u>\$178,300</u>	<u>\$216,400</u>

10 Provides funds for a salary
12 increase of 4% effective
14 ~~December-3,-1990~~ September 4,
16 1989, plus related retirement
costs for the justices and
judges.

18 Sec. 5. PL 1989, c. 501, Pt. A, §1 under the caption "JUDICIAL
20 DEPARTMENT" in the 3rd part relating to "Courts - Supreme, Superior,
District and Administrative" is amended to read:

22 Courts - Supreme, Superior,
24 District and Administrative

26	Personal-Services		\$60,000
	<u>Personal Services</u>	<u>\$83,300</u>	<u>\$100,000</u>

28 Provides funds to increase
30 the per diem compensation for
active retired justices and
32 judges beginning ~~December-3,~~
1990 September 4, 1989.

34 Sec. 6. PL 1989, c. 501, Pt. A, §1 under the caption "JUDICIAL
DEPARTMENT TOTAL" is amended to read:

36 JUDICIAL DEPARTMENT

38	TOTAL	<u>\$161,158</u>	<u>\$1,126,794</u>
	<u>TOTAL</u>	<u>\$422,758</u>	<u>\$1,128,394</u>

40
42 Sec. 7. PL 1989, c. 501, Pt. A, §1 under the caption "PART A
TOTAL" is amended to read:

44 PART A

46	TOTAL	<u>\$66,665,428</u>	<u>\$68,884,369</u>
	<u>TOTAL</u>	<u>\$66,927,028</u>	<u>\$68,885,369</u>

48 Sec. 8. PL 1989, c. 501, Pt. O, §22 is amended to read:

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2 Sec. 22. Effective date. Sections 7, 9, 10, 11,--12, 13, 14,--15,
3 and 16 and--17 shall take effect on December 3, 1990. Sections 9,
4 11, 12, 14, 15 and 17 shall take effect on September 4, 1989.

6 **PART D**

8 **Appropriation.** The following funds are appropriated from
10 the General Fund for the fiscal years ending June 30, 1990, and
June 30, 1991, to carry out the purposes of this Act.

12 **1989-90** **1990-91**

14 **FINANCE, DEPARTMENT OF**

16 **State Contingency Account -**
18 **Finance**

20 Personal Services (\$585,478) (\$1,244,585)

22 Deappropriates funds provided
24 in Public Law 1989, chapter
26 501, to meet the economic
28 items included in the
30 collective bargaining
32 agreements between the Board
of Trustees of the Maine
Vocational-Technical
Institute System and the
Maine Teachers Association
for the faculty and
administrative staff
bargaining units.

34 **DEPARTMENT OF FINANCE**
36 **TOTAL** (\$585,478) (\$1,244,585)

38 **BOARD OF TRUSTEES OF THE MAINE**
40 **VOCATIONAL-TECHNICAL INSTITUTE**
SYSTEM

42 **Maine Vocational-Technical Institute**
44 **System - Board of Trustees**

46 All Other \$585,478 \$1,244,585

48 Provides funds for the
50 implementation of the
economic items included in
the collective bargaining
agreements between the Board

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2 of Trustees of the Maine
3 Vocational-Technical
4 Institute System and the
5 Maine Teachers Association
6 for the faculty and adminis-
7 trative staff bargaining
8 units.

10	BOARD OF TRUSTEES OF THE MAINE		
	VOCATIONAL-TECHNICAL INSTITUTE		
	SYSTEM		
12	TOTAL	<u>\$585,478</u>	<u>\$1,244,585</u>
14	PART D		
	TOTAL	<u>\$ 0</u>	<u>\$ 0</u>

16 **PART E**

18 **Sec. 1. 20-A MRSA §6004, sub-§2, ¶C**, as enacted by PL 1989, c.
20 534, Pt. E, §2, is repealed.

22 **Sec. 2. 20-A MRSA §15612, sub-§12**, as enacted by PL 1989, c.
24 534, Pt. E, §3, is amended to read:

26 12. Low-income student adjustment; legislative intent. A
In fiscal year 1989-90, a municipality that is a member of a
school administrative unit that receives less than the statewide
average-subsidy-of 56.65% of its allocation for operating costs
from the State in fiscal year 1989-90 shall be eligible for a
low-income student adjustment. In fiscal year 1990-91 and in
succeeding fiscal years, a municipality that is a member of a
school administrative unit in which the state share percentage
for the unit's allocation for operating costs is less than the
state share percentage of the total allocation shall be eligible
for a low-income student adjustment. For the purposes of this
subsection, the member of a municipal school unit is the single
municipality for which that municipal school unit operates.
 38 Funds received by the unit municipality shall be used to reduce
 40 property tax collections required by the unit municipality during
its current fiscal year or during the following fiscal year to
 42 meet its local share of education costs. The amount of each
municipality's adjustment will be a portion of the calculated
amount specified in paragraphs A through C for each school
 44 administrative unit of which the municipality is a member. If
the municipality is a member of a municipal school unit, the
 46 municipality's adjustment is 100% of the calculated amount for
that municipal school unit. If the municipality is a member of a
 48 school administrative district or a community school district,
the municipality's adjustment is that percentage of the
 50 district's calculated amount that is used in the district's cost
 52 sharing agreement to determine that municipality's annual
assessment for the district's budget. State funds provided for

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2 this adjustment shall be limited to the amount appropriated by
3 the Legislature for this purpose. The amount due to each
4 municipality shall be provided as a single payment. For the
5 fiscal year during which the municipality appropriates these
6 adjustment funds, the legislative body of the municipality will
7 identify the amount, source and purpose of this adjustment.

8 A. A The calculated amount for a school administrative unit
9 that receives between 0% and 24.99% state subsidy share
10 percentage for operating costs shall receive an adjustment
11 be equal to \$100 times the student pupil count as adjusted
12 by section 6004, subsection 2, specified in paragraph G D.

14 B. A The calculated amount for a school administrative unit
15 that receives between 25% and 44.99% state subsidy share
16 percentage for operating costs shall receive an adjustment
17 be equal to \$50 times the student pupil count as adjusted by
18 section 6004, subsection 2, specified in paragraph G D.

20 C. A The calculated amount for a school administrative unit
21 that receives between 45% and 56.65% state subsidy share
22 percentage for operating costs in fiscal year 1989-90, and
23 the calculated amount for a school administrative unit that
24 receives between 45% and the state share percentage of the
25 total allocation for that year's state subsidy shall receive
26 an adjustment equal to \$25 times the student pupil count as
27 adjusted by section 6004, subsection 2, specified in
28 paragraph G D.

30 D. The pupil count used for each unit's calculation is the
31 sum of:

32 (1) The average of the April 1st and October 1st
33 counts in the most recent calendar year of all resident
34 elementary and secondary pupils of the unit; and

35 (2) Twenty percent of the most recent count of
36 students in the unit who are eligible to receive a free
37 or reduced price meal under the federal school lunch
38 program.

42 **Sec. 3. Appropriation.** The following funds are appropriated
43 from the General Fund for the fiscal year ending June 30, 1990,
44 to carry out the purposes of this Part.

46		1989-90
48	FINANCE, DEPARTMENT OF	
50	Property Tax Relief Reserve Fund	
52	Unallocated	\$57,425

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2 Provides funds to meet the distribution
4 requirements of Public Law 1989, chapter 534
and the changes included in this Part.

6 **Sec. 4. Allocation.** The following funds are allocated from the
Property Tax Relief Reserve Fund for the fiscal year ending June
8 30, 1990, to carry out the purposes of this Part.

10 1989-90

12 **EDUCATIONAL AND CULTURAL SERVICES,
DEPARTMENT OF**

14 **Block Grants to Municipalities**

16 All Other \$57,425

18 Provides funds to meet the distribution .
20 requirements of Public Law 1989, chapter 534
and the changes included in this Part.

22 **PART F**

24 **Sec. 1. 5 MRSA §12004-I, sub-§49-A** is enacted to read:

26	<u>49-A. Human</u>	<u>Maine Hospice</u>	<u>Expenses Only</u>	<u>22 MRSA</u>
28	<u>Services: Hospices</u>	<u>Council</u>		<u>§8611</u>

30 **Sec. 2. 22 MRSA c. 1680** is enacted to read:

32 CHAPTER 1680

34 MAINE HOSPICE COUNCIL

36 §8611. Maine Hospice Council established

38 The Maine Hospice Council is established to coordinate a
40 statewide hospice program of training, education and advocacy as
a body politic and a public instrumentality of the State. For
42 the purposes of this chapter, "council" means the Maine Hospice
Council.

44 §8612. Rule-making authority

46 The council has the authority to adopt rules as necessary in
48 accordance with the Maine Administrative Procedure Act, Title 5,
chapter 375, to carry out its responsibilities.

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§8613. Meetings

The council shall meet at least once a year. Special meetings shall be held as deemed necessary by the council. The minutes of all proceedings of the council shall be a public record available and on file in the office of the council. Members of the council shall be compensated according to the provisions of Title 5, chapter 379.

§8614. Council budget; financing; executive director

The council shall prepare and adopt a biennial budget for presentation to the Governor and the Legislature as a request for appropriations sufficient to carry out its responsibilities. The council may accept contributions of any type from any source to assist it in carrying out its responsibilities and to make arrangements regarding the administration of these funds as may be required as a condition precedent to the receipt of these funds by the Federal Government or any other source.

The council may employ an executive director who shall be the principal administrative and executive employee of the council. The executive director may hire staff as necessary to carry out the responsibilities for the coordination of all affairs of the council including, but not limited to, the training and education of volunteers, health care professionals and the general public. The executive director is also responsible for advocacy on behalf of community hospices throughout the State. The executive director may obtain office space, goods and services as required to carry out these responsibilities.

PART G

Sec. 1. 12 MRSA §685-B, sub-§2, ¶B, as amended by PL 1987, c. 771, §1, is further amended to read:

B. The fee prescribed by the commission rules, such fee to be the a minimum of \$25 but no greater of ~~\$10~~ or ~~1/10~~ than 2/10 of 1% of the total construction costs; zoning petitions submitted by other than a state or federal agency will range from \$50 to \$500 depending on size and complexity; such fees shall apply to all amendments except for minor changes to building permits; and

Sec. 2. Maine Land Use Regulation Commission; fee schedules. The Maine Land Use Regulation Commission shall report any revised fee schedule to the Joint Standing Committee on Energy and Natural Resources during the Second Regular Session of the 114th Legislature.

PART H

2 38 MRSA §2201, as enacted by PL 1989, c. 585, Pt. A, §7, is
4 amended to read:

6 **§2201. Maine Solid Waste Management Fund established**

8 The Maine Solid Waste Management Fund, referred to in this
10 section as the "fund," is established as a nonlapsing fund to
12 support programs administered by the Maine Waste Management
14 Agency and the Department of Environmental Protection. The fund
16 shall be segregated into 2 subsidiary accounts. The first
18 subsidiary account, which shall be called the operations ~~account,~~
20 and ~~shall be used solely for the development and operation of~~
22 ~~publicly owned facilities owned or approved by the agency and for~~
the ~~repayment of any obligations of the agency incurred under~~
article 3. The 2nd subsidiary account, which shall be called the
administrative ~~account~~ administration, shall receive all fees
established under this article and under Title 36, chapter 719.
All ~~administrative expenses directly related to the agency's and~~
the ~~department's programs shall be charged to this account.~~

24 Money in the fund not currently needed to meet the
26 obligations of the agency shall be deposited with the Treasurer
28 of State to the credit of the fund and may be invested as
provided by law. Interest on these investments shall be credited
to the fund.

30 ~~Money in the administrative account~~ Funds related to
32 administration may only be expended in accordance with
34 allocations approved by the Legislature for administrative
36 expenses directly related to the agency's and the department's
38 programs. Funds related to operations may only be expended in
40 accordance with allocations approved by the Legislature and
42 solely for the development and operation of publicly owned
44 facilities owned or approved by the agency and for the repayment
46 of any obligations of the agency incurred under article 3. These
48 allocations shall be based on estimates of the actual costs
50 necessary for the agency and the department to administer their
52 programs, to provide financial assistance to regional
associations and to provide other financial assistance necessary
to accomplish the purposes of this chapter. Beginning in the
fiscal year ending on June 30, 1991 and thereafter, the fund
shall annually transfer to the General Fund an amount necessary
to reimburse the costs of the Bureau of Taxation incurred in the
administration of Title 36, section 5219-C and Title 36, chapter
719 and an amount equal to the General Fund revenues lost as the
result of Title 36, section 5219-C. Allowable expenditures
include "Personal Services," "All Other" and "Capital
Expenditures" associated with all agency activities other than
those included in the operations account.

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PART I

Sec. 1. Transfer to Treat Me Right Program. Balances in the Keep Maine Scenic dedicated revenue account as of the year ended June 30, 1989, shall be transferred to a dedicated revenue account established as the Treat Me Right Program in the Department of Conservation for the one-time purpose of enhancing access opportunities on private land.

Sec. 2. Allocation. The following funds are allocated from Other Special Revenue funds for the fiscal year ending June 30, 1990, to carry out the purposes of this Part.

1989-90

**CONSERVATION, DEPARTMENT OF
Treat Me Right Program**

All Other \$9,268

Allocates funds transferred from the Keep Maine Scenic Program in accordance with this Part.

PART J

Sec. 1. 36 MRSA §5111, sub-§4 is enacted to read:

4. Additional tax. Additionally, a tax is imposed for each taxable year beginning on or after January 1, 1989, on the Maine adjusted gross income of every nonresident individual. The amount of the tax shall equal the tax computed under this section and chapter 805, as if the nonresident were a resident, less applicable tax credits other than that provided by section 5217-A, and multiplied by the ratio of the individual's Maine adjusted gross income, as defined in section 5102, subsection 1-C, paragraph B, to the nonresident's entire federal adjusted gross income, as modified by section 5122.

Sec. 2. 36 MRSA §5111, last ¶, as repealed and replaced by PL 1989, c. 495, §1, is repealed.

Sec. 3. 36 MRSA §5121, as repealed and replaced by PL 1987, c. 819, §4, is repealed and the following enacted in its place:

§5121. Taxable income

The entire taxable income of a resident individual of this State shall be that individual's federal adjusted gross income as defined by federal law, as amended, less the deductions and personal exemptions provided in this chapter.

R of S

COMMITTEE AMENDMENT "B" to S.P. 680, L.D. 1798

2 Sec. 4. 36 MRSA §5165, as amended by PL 1987, c. 504, §17, is further amended to read:

4 §5165. Credit for income tax of another state

6 A resident estate or trust shall be allowed the credit provided by section 5217 ~~5217-A~~, except that the limitation shall be computed by reference to the taxable income of the estate or trust.

10 Sec. 5. 36 MRSA §5224-A, as amended by PL 1987, c. 504, §36, is further amended to read:

14 §5224-A. Return of part-year resident

16 If an individual changes his ~~his~~ that individual's status as a resident individual or nonresident individual during his ~~the~~ taxable year, he ~~the individual~~ shall file a nonresident return pursuant to section 5220, subsection 2. His ~~That individual's~~ tax shall be computed, pursuant to section 5111, subsection 4, as if he ~~that individual~~ were a nonresident individual, except that the numerator of the apportionment ratio shall be comprised of his ~~the individual's~~ Maine adjusted gross income, as defined in section 5102, subsection 1-C, paragraph A, for the portion of the taxable year during which he ~~that individual~~ was a resident individual, plus his ~~that individual's~~ Maine adjusted gross income as defined in section 5102, subsection 1-C, paragraph B, for the portion of the taxable year during which he ~~that individual~~ was a nonresident individual. The part-year resident shall also be entitled to the credit provided by section 5217 ~~5217-A~~, computed as if the individual's Maine adjusted gross income for the entire year were comprised only of that portion which is attributed to the portion of the year during which he ~~that individual~~ was a resident individual.

36 Sec. 6. 36 MRSA §5256, sub-§2, as amended by PL 1989, c. 508, §22, is further amended to read:

38 2. Change of taxable year. If a taxpayer's taxable year is changed for federal income tax purposes, the taxable year for purposes of the tax imposed by this Part shall be similarly changed. The income tax for a period of less than 12 months resulting from a change in accounting period is computed by first determining the taxable income for the period. That taxable income is then multiplied by 12 and divided by the number of months in the period of less than 12 months. A tax is computed on the resulting taxable income. The tax is then divided by 12 and multiplied by the number of months in the period of less than 12 months. The result is the tax liability before credits. For individuals, ~~the standard deduction tax credit and the exemption credit amounts shall be reduced by dividing them by 12 and multiplying them by the number of months in the period of less~~

R.O.S

COMMITTEE AMENDMENT "B" to S.P. 680, L.D. 1798

2 ~~than-12-months--~~ Itemized deductions for the period of less than
3 12 months shall be reduced as provided in section 5125,
4 subsection 3, paragraph A, subparagraph (3), except that the
5 amount established by the Code, Section 63(c) shall be divided by
6 12 and multiplied by the number of months in the period of less
7 than 12 months. Standard deduction and personal exemption
8 amounts shall be divided by 12 and multiplied by the number of
months in the period of less than 12 months.

10 **Sec. 7. PL 1989, c. 495, §9 is enacted to read:**

12 **Sec. 9. Effective date.** Sections 1 to 4 of this Act shall be
13 effective for tax years beginning on or after January 1, 1989.

14 **Sec. 8. Effective date.** Part J, sections 3 and 6 of this Act
15 shall be effective for tax years beginning on or after January 1,
16 1989. Part J, sections 1, 2, 4 and 5 of this Act shall take
17 effect on April 26, 1987.

20 **PART K**

22 **Authorization of the lease with option to purchase or lease-purchase**
23 **of highway maintenance equipment and motor vehicles.** Approval as
24 required by the Maine Revised Statutes, Title 5, section 1587, is
25 given to the Department of Transportation to enter into lease
26 with option to purchase or lease-purchase financing arrangements
27 for highway maintenance equipment and motor vehicles, with an
28 outright purchase price not to exceed \$12,500,000. The estimated
29 rate of interest is 6.35% for 5-year serial notes or certificates
30 of participation, for an estimated total interest cost of
31 \$2,381,250. The department and its agencies shall finance the
32 cost with "All Other" funds within their regular budgets.

34 **PART L**

36 **Transfer to the Rainy Day Fund.** After the State Controller
37 officially closes the financial accounts of the State for the
38 year ended June 30, 1989, any remaining balance shall be
39 transferred to the Rainy Day Fund from the fund balance remaining
40 in the General Fund after the deduction of all appropriations,
41 financial commitments or other designated funds.

42 **PART M**

44 **20-A MRSA §12501, sub-§1-A,** as amended by PL 1989, c. 414,
45 §21, is further amended to read:

48 **1-A. College students.** "College students" means those
49 students who were graduated from a Maine high school and are
50 residents of Maine ~~at-the-time-they-graduated-from-high-school-or~~

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COMMITTEE AMENDMENT "B" to S.P. 680, L.D. 1798

who did not graduate from a Maine high school but have been residents of Maine for 5 years and are attending an institution of higher education on a full-time basis at the time of application for program participation.

PART N

Sec. 1. 4 MRSA §1603, sub-§7, as enacted by PL 1987, c. 438, §1, is amended to read:

7. Project, projects or part of any project. "Project, projects or part of any project" means the acquisition, construction, improvement, reconstruction or equipping of, or construction of an addition or additions to, any structure designed for use as a court facility. Such structure may include facilities for the use of court-related agencies of state, county or local government such as, but not limited to, public prosecutors' offices and probation and parole offices. "Project, projects or part of any project" includes all real and personal property, lands, improvements, driveways, roads, approaches, pedestrian access roads, parking lots, parking facilities, rights-of-way, utilities, easements and other interests in land, machinery and equipment and all appurtenances and facilities either on, above or under the ground which are used or usable in connection with the structure, and also includes landscaping, site preparation, furniture, machinery, equipment and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended. "Project, projects or part of any project" does not include such items as fuel, supplies or other items which are customarily considered as a current operating charge.

Sec. 2. 5 MRSA §1742, sub-§19, as amended by PL 1985, c. 340, is further amended to read:

19. Facilities required by State. To lease or approve the leasing or approve the improvement of grounds, buildings, facilities and office space, except as provided in this subsection, required by departments and agencies of the State Government. No lease may be for a period of more than 20 years. The Finance Authority of Maine and the Maine State Housing Authority may not purchase, lease or rent real property for their office space without the prior written approval of the Governor. The Maine State Retirement System may not purchase, lease or rent real property without the prior written approval of the Governor.

Sec. 3. 5 MRSA §1743, as amended by PL 1985, c. 785, Pt. A, §69, is further amended to read:

R. of S

COMMITTEE AMENDMENT "B" to S.P. 680, L.D. 1798

§1743. Competitive bids

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Any contract for any public improvement in which the State or any of its agencies hold in fee ~~ex-by-lease-held-interest~~, except contracts for professional, architectural and engineering services, shall be awarded by the Department of Administration through the Bureau of Public Improvements, under a system of competitive bidding in accordance with chapters 141 to 155 and such other conditions and restrictions as the Governor may from time to time prescribe.

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14

Sec. 4. P&SL 1989, c. 69, §5, sub-§7 is amended by adding at the end a new sentence to read:

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This subsection shall be retroactive to June 1, 1988, to provide direct matching grants to those school districts that have already incurred costs in the removal of obsolete and hazardous chemicals from schools.

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Sec. 5. PL 1989, c. 501, Pt. A, under the caption "JUDICIAL DEPARTMENT" in the 4th part relating to "Courts - Supreme, Superior, District and Administrative" is amended to read:

24

**Courts - Supreme, Superior,
District and Administrative**

26

Positions	(5)	(5)
Personal Services	\$75,000	\$100,000

28

30

Provides funds for 5 additional ~~District--Court~~ court clerks to meet increased caseload.

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Sec. 6. PL 1989, c. 564, §5 is enacted to read:

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Sec. 5. Effective date. Sections 1, 2 and 3 of this Act shall take effect on July 1, 1990.

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PART O

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Sec. 1. 5 MRSA §1813, sub-§6, as amended by PL 1987, c. 395, Pt. A, §21, is further amended to read:

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6. **Surplus property.** Providing for transfer of supplies, materials and equipment which are surplus from one state department or agency to another which may need them, and for the disposal by private and public sale of supplies, materials and equipment which are obsolete and unusable; provided, however, that if any political subdivision in the State or any educational institution or homeless shelter sponsor enumerated in section 1813-A requests to purchase any such obsolete and unusable items,

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R. of S.

COMMITTEE AMENDMENT "B" to S.P. 680, L.D. 1798

2 then the disposal shall be by private sale to that political
subdivision, homeless shelter sponsor or educational institution;
4 that equipment to be retained for a period of at least one year
in a current ongoing program. Any item purchased by a political
6 subdivision, homeless shelter sponsor or educational institution
under this section shall not be sold or transferred by that
political subdivision, homeless shelter sponsor or educational
8 institution for a period of 6 months from the date of the private
sale and the State reserves the right to refuse to sell
10 additional equipment to a political subdivision, homeless shelter
sponsor or educational institution if it is determined that the
12 political subdivision, homeless shelter sponsor or educational
institution has not retained the equipment for the required
14 period of 6 months;

16 **Sec. 2. 5 MRSA §1813-A**, as amended by PL 1985, c. 785, Pt. A,
§74, is repealed and the following enacted in its place:

18 **§1813-A. Sale of surplus property**

20 **1. Definitions.** As used in this chapter, unless the
22 context otherwise indicates, the following terms have the
following meanings.

24 **A. "Educational institution"** means any public elementary or
26 secondary school, any elementary or secondary private school
approved for tuition whose school enrollment is at least 60%
28 publicly funded students as determined by the previous
school year's October to April average enrollment, any
30 nonpublic post-secondary school or any vocational region.

32 **B. "Homeless shelter sponsor"** means a public or private
nonprofit entity that owns or operates a project or facility
34 for the homeless.

36 **2. Surplus property.** Pursuant to this chapter and rules
promulgated under section 1813, the Department of Administration
38 through the Bureau of Purchases shall allow private sales of
surplus property to homeless shelter sponsors and to educational
40 institutions.

42 **Emergency clause.** In view of the emergency cited in the
preamble, this Act shall take effect when approved, unless
44 otherwise indicated.

R of S

COMMITTEE AMENDMENT " B" to S.P. 680, L.D. 1798

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FISCAL NOTE

APPROPRIATIONS AND ALLOCATIONS

	1989-90	1990-91	TOTAL
GENERAL FUND			
APPROPRIATIONS			
PART A	\$2,364,462	\$820,671	\$3,185,133
PART C	261,600	1,600	263,200
PART D	-0-	-0-	-0-
PART E, Section 3	57,425	-0-	57,425
TOTAL - GENERAL FUND	<u>\$2,683,487</u>	<u>\$822,271</u>	<u>\$3,505,758</u>
OTHER SPECIAL REVENUE			
FUND ALLOCATIONS			
PART B	\$59,272	\$58,522	\$117,794
PART I, Section 2	9,268	-0-	9,268
TOTAL - OTHER SPECIAL			
REVENUE FUND	<u>\$68,540</u>	<u>\$58,522</u>	<u>\$127,062</u>
PROPERTY TAX RELIEF			
RESERVE FUND ALLOCATIONS			
PART E, Section 4	\$57,425	-\$0-	\$57,425
TOTAL - PROPERTY TAX			
RELIEF RESERVE FUND	<u>\$57,425</u>	<u>-\$0-</u>	<u>\$57,425</u>

STATEMENT OF FACT

This amendment makes supplemental appropriations and allocations and makes other changes necessary to the proper operation of State Government.

Reported by the Minority for the Committee on Appropriations and Financial Affairs. Reproduced and Distributed Pursuant to Senate Rule 12.

(8/21/89)

(Filing No. S-450)