

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWELFTH LEGISLATURE

SECOND REGULAR SESSION
January 8, 1986 to April 16, 1986

SECOND SPECIAL SESSION
May 28, 1986 to May 30, 1986

AND AT THE

THIRD SPECIAL SESSION
October 17, 1986

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

J.S. McCarthy Co., Inc.
Augusta, Maine

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND SPECIAL SESSION

of the
ONE HUNDRED AND TWELFTH LEGISLATURE

1985

1986-87

LEGISLATURE

Legislative Task Force on Railroads	
All Other	\$10,000
Provides funds for	
the meeting, print-	
ing and miscella-	
neous expenses of	
the task force.	

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 3, 1986.

CHAPTER 814

H.P. 1755 - L.D. 2438

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

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

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

	<u>1985-86</u>	<u>1986-87</u>
<u>FINANCE AND ADMINISTRATION,</u> <u>DEPARTMENT OF</u>		
Public Improvements - Planning/ Construction - Administration		
All Other	\$ 600,000	
Provides funds to address the problem of asbestos in the Maine State Library located in the Cul- tural Building. Funds are to remain available for the same purpose until expended.		
Rainy Day Fund Program Unallocated	3,705,500	
Appropriates 50% of increased General Fund revenue esti- mates to the Maine Rainy Day Fund as required by Public Law 1985, chapter 448.		
DEPARTMENT OF FINANCE AND ADMINISTRATION		
TOTAL	<u>\$4,305,500</u>	
<u>HUMAN SERVICES, DEPARTMENT</u> <u>OF</u>		
Aid to Families with De- pendent Children		
All Other		\$668,544
Provides funds which will permit a 4% in- crease in the stan- dard of need, ef- fective January 1, 1987.		

1985-86

1986-87

Medical Care - Payment
to Providers

All Other

49,176

Provides funds to cover the increase in medical payments which will result from a 4% increase in Aid to Families with Dependent Children.

DEPARTMENT OF HUMAN
SERVICES

TOTAL

\$717,720

JUDICIAL DEPARTMENT

Courts - Supreme, Superior, District and Administrative

Personal Services

\$(111,157)

All Other

546,808

Capital Expenditures

(120,210)

Provides funds to meet an expected deficit attributable to increased All Other costs in areas such as counsel and witness fees, court security, and examination fees.

JUDICIAL DEPARTMENT

TOTAL

\$315,441

LEGISLATURE

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Personal Services

\$14,500

All Other

23,100

Provides funds to cover costs related to the 3rd day of special session on corrections' issues. (Two days' funding previously provided

1985-86

1986-87

by Public Law 1985,
chapter 761.)

LEGISLATURE
TOTAL

\$37,600

MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT OF

Augusta Mental Health
Institute

Positions

(14)

Personal Services

\$263,484

All Other

2,000

Provides funds to
establish 5 Regis-
tered Nurse, 2 Li-
censed Practical
Nurse, 5 Mental
Health Worker and 2
Social Worker posi-
tions necessary to
maintain Medicare
certification.

DEPARTMENT OF MENTAL HEALTH
AND MENTAL RETARDATION

TOTAL

\$265,484

TOTAL APPROPRIATIONS,
PART A

\$4,658,541

\$983,204

PART B

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

PART D

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

1985-86

1986-87

FINANCE AND ADMINISTRATION,
DEPARTMENT OF

	<u>1985-86</u>	<u>1986-87</u>
Planning and Construction - Bureau of Public Improvements		
All Other	\$3,669,100	\$3,669,000
Capital Expenditures	3,076,200	
TOTAL	<u>\$6,745,300</u>	<u>\$3,669,000</u>

Any balance of these amounts remaining at the end of either fiscal year shall not lapse, but shall remain available for the same purpose until expended, but in no case may any balance carry for more than 2 fiscal years.

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

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

PART C

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

	<u>1986-87</u>
<u>HUMAN SERVICES, DEPARTMENT OF</u>	
Aid to Families with Dependent Children	
All Other	\$1,425,236
Allocates federal matching funds for a 4% increase in the standard of need, effective January 1, 1987.	

1986-87

Medical Care - Payment
to Providers

All Other

104,836

Allocates federal
matching funds to
cover medical pay-
ments resulting from
a 4% increase in Aid
to Families with De-
pendent Children.

DEPARTMENT OF HUMAN
SERVICES

TOTAL

\$1,530,072

PART D

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

§514. Dedicated funds

All collections, fees and incentive payments received by the department from child support collections shall be dedicated to reduce the State's General Fund share of Aid to Families with Dependent Children and to cover the costs of making such collections. The department shall not expend more than \$950,000 of incentive payment revenue in any fiscal year for the purpose of covering the costs of making child support collections.

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

1986-87

HUMAN SERVICES, DEPARTMENT OF

Administration - Income

Maintenance

Positions

(8)

Personal Services

\$150,892

All Other

65,450

Capital Expenditures

5,400

Total

\$221,742

Sec. 3. Allocation. There is allocated from Other Special Revenue Funds for the fiscal year ending June 30, 1987, the following sum.

1986-87HUMAN SERVICES, DEPARTMENT OF

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

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 this fund by the Governor only upon the written request of the Commissioner of Labor or the Director of the State Development Office and after consultation with the State Budget Officer. The director's or commissioner's request to the Governor shall be for-

mulated subsequent to their consultation with each other, the Commissioner of Educational and Cultural Services, the Director of the Maine Vocational-Technical Institute System and the director of the appropriate service delivery area as defined by the Job Training Partnership Act.

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

At the close of each fiscal year, there shall be transferred from the General Fund such amount as may be available from time to time until the maximum of \$600,000 shall be achieved; except that in the fiscal year ending June 30, 1987, the amount shall not exceed \$675,000 on the effective date of this section the State Controller shall transfer \$250,000 to the account and at the close of the fiscal year ending June 30, 1986, transfer such amount as may be available until the maximum of \$675,000 shall be received.

PART F

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

	<u>1985-86</u>
<u>CORRECTIONS, DEPARTMENT OF</u>	
Correctional Services	
Personal Services	(\$25,000)
State Prison	
Personal Services	25,000
Food-Downeast Correctional Facility	
All Other	(39,000)
Downeast Correctional Facility	
All Other	39,000
Downeast Correctional Facility	
Personal Services	(178,000)
State Prison	
Personal Services	178,000
Food-Maine Correctional Center	
All Other	(28,000)

	<u>1985-86</u>
Correctional Center	
All Other	28,000
Food-State Prison	
All Other	(64,000)
State Prison	
All Other	64,000
Parole Board	
All Other	(7,000)
Probation and Parole	
All Other	7,000
Food-Maine Youth Center	
All Other	(29,000)
Charleston Correctional Facility	
All Other	29,000
 TOTAL PART F	 <hr style="border-top: 1px solid black;"/> \$ -0-

Adjusts appro-
 priations to re-
 flect a variety
 of needs within
 the Department
 of Corrections
 for the current
 fiscal year.

PART G

Appropriation; nonlapsing. General Fund appro-
 priations made to the following programs shall not
 lapse but shall carry until expended:

PROGRAM

- Legislature
- Potato Quality Control -
 Reducing Inspection Costs
- Seed Potato Board

PART H

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

1985-86

FINANCE AND ADMINISTRATION,
DEPARTMENT OF

Rainy Day Fund Program Unallocated	(\$800,000)
Public Improvements - Planning/Construction - Administration All Other	<u>800,000</u>
TOTAL PART H	\$ 0

Transfers \$800,000 from the Rainy Day Fund Program to Public Improvements - Planning/Construction Administration to provide sufficient resources to repair the roof of the Cultural Building and undertake necessary related repairs and renovations to the Maine State Library which are required as a result of the asbestos removal project for that facility which is funded in Part A of this Act. It is intended that these funds shall not lapse, but shall remain available for the same purpose.

Any funds not needed for this purpose shall be transferred back to the Rainy Day Fund. All proceeds to the State resulting from litigation or insurance claims involving this issue shall be deposited in the Rainy Day Fund.

PART I

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

1. Caseworkers, Financial Resource Specialists and Income Maintenance Workers reclassifications settled by arbitration.

PART J

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

B. A dislocated worker, as defined in section 1196, subsection 1, enrolled in a training program approved under section 1192, subsection 6, 6-A or 6-B, who has exhausted his benefit year within 30 months of his enrollment in the training program, shall have his expired benefit year reopened and continued by one week for each week or part of a week that he is in such training, up to a maximum of 26 weeks, provided that no benefits may be paid under this paragraph to any person:

(1) Until the person has exhausted any unemployment insurance benefits for which he is eligible in a subsequent benefit year for which he has qualified;

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

(3) Who is eligible for or who has exhausted, after the effective date of this paragraph, trade adjustment allowances as provided by the United States Trade Act of 1974, Title II, Chapter 2, Public Law 93-617, United States Code, Title 19, Section 2291, et seq., and any amendments or additions thereto, or a similar success or provision of that Act, except that any individual who was eligible for and received less than 26 weeks of benefits under the United States Trade Act may receive benefits for the number of weeks by which their benefits under that Act are less than 26 weeks;
or

(4) For a subsequent enrollment in any training program after his initial enrollment, following the effective date of this paragraph, and final termination of a training program approved under section 1192, subsection 6, 6-A or 6-B.

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

A. If a dislocated worker, as defined in section 1196, subsection 1, who is in training approved under section 1192, subsection 6, 6-A or 6-B, qualifies for an extended benefit year under sec-

tion 1043, subsection 5, paragraph B, or exhausts the maximum amount of benefits available to him under this subsection, the maximum amount under this subsection shall be increased by the product of his weekly benefit amount multiplied by the number of weeks in which he thereafter attends an approved training program. No increase may be made under this paragraph, with respect to any benefit year, greater than 26 times the individual's weekly benefit amount.

(1) Benefits paid to an individual under this paragraph shall not be charged against the experience rating record of any employer, but shall be charged to the General Fund.

(2) No benefits may be paid under this paragraph to any person:

(a) Until the person has exhausted any unemployment insurance benefits for which he is eligible in a subsequent benefit year for which he has qualified;

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

(c) Who is eligible for or who has exhausted, after the effective date of this paragraph, trade adjustment allowances as provided by the United States Trade Act of 1974, Title II, Chapter 2, Public Law 93-617, United States Code, Title 19, Section 2291, et seq., and any amendments or additions thereto, or a similar successor provision of that Act, except that any individual who was eligible for and received less than 26 weeks of benefits under the United States Trade Act may receive benefits for the number of weeks by which their benefits under that Act are less than 26 weeks; or

(d) For a subsequent enrollment in any training program after his initial enrollment, following the effective date of this paragraph, and final termina-

tion of a training program approved under section 1192, subsection 6, 6-A or 6-B.

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

PART K

4 MRSA §18, sub-§6, as enacted by PL 1985, c. 750, §1, is amended to read:

6. Fees. When the court refers parties to the Court Mediation Service after the filing of a complaint or petition under Title 19, section 214 or 581, or Title 19, chapter 13, the court shall assess the parties a \$60 fee to be apportioned equally between the parties, unless the court otherwise directs. The court shall not assess the parties any fees beyond the initial \$60 fee, unless one or both of the parties files under Title 19, section 214 or 581, or Title 19, chapter 13, a motion to amend a final decree, a motion to enforce a final decree or a motion for contempt. When the court refers the parties to the Court Mediation Service after the filing under Title 19, section 214 or 581, or Title 19, chapter 13, of a motion to amend a final decree, a motion to enforce a final decree or a motion for contempt, the court shall assess the parties another \$60 fee to be apportioned equally between the parties, unless the court otherwise directs.

A party may file an in forma pauperis application for waiver of a fee established by this subsection. If the court finds that the party does not have sufficient funds to pay the fee, it shall order the fee waived.

This subsection is repealed on June 30, 1987.

PART L

Transfer of funds. The Commissioner of Human Services shall establish within the department a General Fund Appropriations Account for the Maine Poison Control Program at the Maine Medical Center in Portland. The initial funding for this account shall be in the amount of \$35,000 for the fiscal year ending June 30, 1987. This amount shall be transferred to the account on July 1, 1986, from other General Fund resources available to the department. These transfers shall not be subject to the provisions of the Maine Revised Statutes, Title 5, section 1585.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect when approved.

Effective June 5, 1986.

CHAPTER 815

H.P. 1724 - L.D. 2413

AN ACT to Clarify the County which is
Responsible for Transportation
Expenses in an Involuntary
Hospitalization.

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

34-B MRSA §3863, sub-§4, ¶B, as enacted by PL 1983, c. 459, §7, is amended to read:

B. The county in of which the person is found a legal resident is responsible for any expenses of transportation under this section, including return from the hospital if admission is declined. If the person is not a resident of the State or if the county of residence cannot be determined, the expenses of transportation shall be the responsibility of the Department of Mental Health and Mental Retardation.

Effective August 29, 1986.

CHAPTER 816

H.P. 1732 - L.D. 2425

AN ACT to Allow Investments of State Funds
Linked to Agricultural Loans.

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

Sec. 1. 5 MRSA §135, as amended by PL 1985, c. 501, Pt. B, §14, is further amended by adding at the end a new paragraph to read: