

# MAINE STATE LEGISLATURE

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**LAWS**  
OF THE  
**STATE OF MAINE**

AS PASSED BY THE  
ONE HUNDRED AND THIRTEENTH LEGISLATURE  
FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

Chapters 1-542

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

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Twin City Printery  
Lewiston, Maine  
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**PUBLIC LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
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ONE HUNDRED AND THIRTEENTH LEGISLATURE  
1987

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## CHAPTER 427

This subsection does not apply if the employee settles the claim without the consent of the governmental entity.

This subsection does not apply if notice is not required to have been filed as provided in section 8107, if the employee does not notify the governmental entity within 30 days after receiving actual written notice of the claim against him or within 15 days after the service of a summons and complaint upon him, and if the governmental entity is prejudiced thereby.

Sec. 4. 14 MRSA §8112, sub-§3, as enacted by PL 1977, c. 578, §4, is repealed and the following enacted in its place:

3. Act or omission outside course or scope of employment. When a governmental entity assumes the defense of an employee under subsection 1 or 2, the governmental entity may refuse to indemnify its employee if the court determines that the act or omission of the employee occurred outside the course or scope of his employment.

Sec. 5. 14 MRSA §8112, sub-§4, as enacted by PL 1977, c. 578, §4, is repealed.

Effective September 29, 1987.

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## CHAPTER 428

H.P. 1039 — L.D. 1397

**AN ACT to Implement the Recommendations of the Social Services Transportation Review Committee.**

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

Sec. 1. 23 MRSA §4209, sub-§§1 and 2, as amended by PL 1981, c. 493, §2, are further amended to read:

1. Geographic regions. The Department of Transportation shall divide the State into a number of geographic regions for regional distribution of state administered transportation funds. Upon designation of the geographic regions ~~and every year thereafter~~, a regional public transportation agency shall be selected from each region to formulate ~~an annual~~ a biennial regional operations plan. Selection shall be by the Department of Transportation with the consent of the Departments of Human Services and Mental Health and Mental Retardation. The Department of Transportation shall establish a schedule for submittal of the biennial regional operations plan and shall reference these plans in its biennial transportation improvement plan submitted to the Legislature.

2. Biennial regional operations plan. The ~~annual~~ biennial regional operations plan submitted by each regional public transportation agency shall provide for the following:

A. Maximum feasible coordination of funds among all

state agencies that sponsor transportation in the ~~district~~ region;

B. Development and maintenance of a permanent and effective public transportation system, with particular regard to low income, elderly and handicapped residents;

C. Participation of private transit operators in the service, to the greatest extent possible; and

D. Conformity with general operations requirements as may be prescribed by the commissioner.

In years in which no biennial plan is required, amendments to the effective operations may be submitted. Approval of each regional operations plan shall be by the Department of Transportation with the consent of the Departments of Human Services and Mental Health and Mental Retardation. Upon approval, all agencies, groups or organizations named to participate in the provision of service in accordance with a regional operations plan shall become eligible to receive funds administered by the Department of Transportation.

Sec. 2. 23 MRSA §4209, sub-§3, as amended by PL 1985, c. 174, Pt. E, is further amended to read:

3. State assistance. Within the limits of available funding, the department shall provide assistance as follows:

A. Planning and technical assistance, information transfer, capital and operations planning, performance monitoring and evaluation, quality assurance, accounting, assistance with management information systems and service reporting to a regional operations plan drafter or transportation provider and securing of provider compliance with the requirements of other state agencies in these areas;

A-1. Act as mediator and, if necessary, final arbiter of disputes between state agencies and transportation providers regarding service;

B. Capital assistance to transportation providers for up to 1/2 of the nonfederal share required by federal assistance programs;

C. Operating assistance to transportation providers in an amount up to 1/2 of the operating deficit incurred in fulfillment of the ~~annual~~ biennial regional operations plan; and

D. Notwithstanding any other provision of law and except as funds are necessary to carry out the object of this section, funds appropriated for public transportation shall not lapse at the end of a fiscal year, but shall be carried forward from year to year to be expended for the same purpose.

Sec. 3. 23 MRSA §4209, sub-§4, as amended by PL 1981, c. 493, §2, is further amended to read:

4. Human services assistance; priorities. Liaison appointed by the Departments of Human Services and Mental Health and Mental Retardation shall act to coordinate purchase of service contracts and serve in an advisory capacity to the department in matters concerning public transportation. In the event that transportation funds for human services' programs are insufficient for full implementation of the human services' portion of an approved ~~annual~~ biennial regional operations plan, priorities established by the Departments of Human Services and Mental Health and Mental Retardation shall determine the priority clients that shall be initially served by human services' funds. Each department and its agents shall actively engage local transportation providers in the planning of new services that are expected to have a transportation component.

The Department of Human Services and the Department of Mental Health and Mental Retardation shall assure that any new service to be provided be adequately funded to cover the costs of the transportation component of the program.

Sec. 4. 23 MRSA §4209, sub-§7, as amended by PL 1983, c. 812, §144, is repealed.

Effective September 29, 1987.

## CHAPTER 429

H.P. 1063 — L.D. 1446

### AN ACT to Allow the Governor to Order Emergency Activation of the Guard in Advance of an Imminent Disaster.

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

37-B MRSA §742, sub-§1, ¶A, as enacted by PL 1983, c. 594, §33, is amended to read:

A. Whenever a disaster or civil emergency exists or appears imminent, the Governor shall, by proclamation, declare a state of emergency in the State or any section of the State. If the Governor is temporarily absent from the State or is otherwise unavailable, the next person in the State who would act as Governor if the office of the Governor were vacant may, by proclamation, declare the fact that a civil emergency exists or appears sufficiently imminent to activate emergency preparedness plans in any or all areas of the State. A copy of the proclamation shall be filed with the Secretary of State.

Effective September 29, 1987.

## CHAPTER 430

H.P. 896 — L.D. 1197

### AN ACT to Amend the Inflation Incrementing Provision in the Tax Laws.

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

Sec. 1. 36 MRSA §5402, as amended by PL 1983, c. 3, §5, is further amended to read:

#### §5402. Definitions

As used in this chapter, unless the context indicates otherwise, the following terms have the following meanings.

1. Consumer Price Index. "Consumer Price Index" means the average over a 12-month period of the National Consumer Price Index, not seasonally adjusted, published monthly by the Bureau of Labor Statistics, United States Department of Labor designated as the "National Consumer Price Index for All Urban Consumers- United States City Average."

1-A. Base year index. "Base year index" means the Consumer Price Index for the period July 1, 1985, through June 30, 1986.

2. Percentage adjustment factor. "Percentage adjustment factor" means 1/2 of the percentage increase change in the Consumer Price Index for the 12-month period ending June 30th of the calendar year in which the current taxable year begins over the Consumer Price Index for the 12-month period ending June 30th of the immediately preceding year, base year index expressed as a decimal rounded to the nearest one-thousandth.

3. Inflation factor. "Inflation factor" means the percentage adjustment factor plus 1. The inflation factor for any taxable year shall not exceed 1.070 a 7% change from the prior year. In any year when the change exceeds 7%, an inflation factor so limited shall be utilized.

Sec. 2. 36 MRSA §5403, as amended by PL 1983, c. 3, §6, is further amended to read:

#### §5403. Annual adjustments for inflation

On or about September ~~15~~ 15th of each taxable year, the State Tax Assessor shall multiply the inflation factor for that taxable year by the dollar amounts of both the standard deduction and the personal exemption as ~~adjusted under this chapter in the immediately preceding taxable year.~~ The State Tax Assessor shall also multiply the inflation factor by certain dollar bracket amounts in the tax rate schedule for each filing status, as follows:

1. Single individuals and married persons filing separate returns. The inflation factor shall be multiplied by the dollar bracket amounts, ~~as adjusted under this chapter in the immediately preceding taxable year,~~ on the tax rate schedule for single individuals and married