

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND THIRTEENTH LEGISLATURE

AS PUBLIC LAWS AND CONSTITUTIONAL RESOLUTIONS

at the

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

AND

AS PRIVATE AND SPECIAL LAWS AND RESOLVES

at the

FIRST REGULAR SESSION

December 3, 1986 to June 30, 1987

FIRST SPECIAL SESSION

October 9, 1987 to October 10, 1987

SECOND SPECIAL SESSION

October 21, 1987 to November 20, 1987

SECOND REGULAR SESSION

January 6, 1988 to May 5, 1988

THIRD SPECIAL SESSION

September 15, 1988 to September 16, 1988

and the

FOURTH SPECIAL SESSION

November 28, 1988

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

Twin City Printery
Lewiston, Maine
1989

**PRIVATE AND
SPECIAL LAWS**

OF THE

STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

DEPARTMENT OF TRANSPORTATION		
TOTAL		\$ 66,416
TOTAL ALLOCATION, SECTION 1	<u>\$(1,165,601)</u>	<u>\$1,296,357</u>

Sec. 2. Allocations; Highway Fund. There is allocated from the Highway Fund for the fiscal years ending June 30, 1988, and June 30, 1989, to the departments listed, the sums identified in the following schedule in order to provide funding for approved reclassifications and salary range changes.

	<u>1987-88</u>	<u>1988-89</u>
<u>PUBLIC SAFETY, DEPARTMENT OF</u>		
State Police		
Personal Services	\$ 37,333	\$ 21,766
Administration — Public Safety		
Personal Services	3,224	6,244
DEPARTMENT OF PUBLIC SAFETY		
TOTAL	<u>\$ 40,557</u>	<u>\$ 27,009</u>

<u>SECRETARY OF STATE</u>		
Administration — Motor Vehicles		
Personal Services	\$102,312	\$128,970
TOTAL ALLOCATIONS, SECTION 2	<u>\$142,869</u>	<u>\$155,988</u>

Sec. 3. Legislative intent. It is the intent of the Legislature that the reclassifications and range changes represented by the appropriation and allocation amounts identified in this Act shall take effect upon approval of this Act.

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

Effective April 26, 1988.

CHAPTER 116

S.P. 788 — L.D. 2065

AN ACT to Implement Part of the Department of Human Services Long-Term Care Plan for the Elderly, Handicapped and Citizens with Long-Term Care Needs.

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

PART A

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

<u>HUMAN SERVICES, DEPARTMENT OF</u>		<u>1988-89</u>
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Intermediate Care — Payments to Providers		
All Other		\$129,000
Provides funds to increase the personal needs allowance for residents of nursing homes.		
Maine's Elderly, Bureau of Congregate Housing		
All Other		84,000
Provides funds to increase the number eligible for the Congregate Housing Services Program.		
TOTAL		<u>\$213,000</u>

PART B

Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

		<u>1988-89</u>
<u>HUMAN SERVICES, DEPARTMENT OF</u>		
Medical Care — Payments to Providers		
All Other		\$517,320

Effective August 4, 1988.

CHAPTER 117

H.P. 1929 — L.D. 2629

AN ACT to Authorize the Annexation of Cove Point Township by the Town of Greenville.

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

Sec. 1. One lot or parcel of land; annexed to Town of Greenville. The following lot or parcel of land bounded and described as follows and situated in Cove Point Township in Piscataquis County is annexed to the Town of Greenville:

On the south by the Town of Greenville, and on the west, north and east by Moosehead Lake, and being the same property as shown on a survey map dated 1915 and recorded in Plan Book 3, Page 3 in the Piscataquis County Registry of Deeds.

Sec. 2. Referendum; effective date. This Act shall take effect 90 days after adjournment of the Legislature, only for the purpose of permitting its submission to the legal voters in the Town of Greenville and Cove Point Township in Piscataquis County at the next regular

municipal election after the effective date of this Act, and warrants shall be issued for that election in the manner now provided by law for the holding of municipal elections, notifying and warning the qualified voters of the town and township to vote on the approval or rejection of this Act.

The town clerk of Greenville shall prepare the required ballots, on which the town clerk shall reduce the subject matter of this Act to the following question:

"Shall the Town of Greenville annex a portion of Cove Point Township in Piscataquis County?"

The voters shall indicate by a cross or check mark placed against the words "Yes" or "No" their opinion of the same. The votes of legal voters of the Town of Greenville and legal voters in Cove Point Township shall be counted, tallied and recorded separately.

This Act shall take effect for both the town and the township upon its acceptance by separate majorities of the legal voters of each entity voting at this election, provided that the total number of votes cast for and against the acceptance of this Act at the election by legal voters of each entity equals or exceeds 50% of the total votes cast for all candidates for Governor in the same entity at the last gubernatorial election.

If the number of votes cast is less than 50%, the question may be posed to the voters at a subsequent regular or special election within one year. If the number of votes cast is 50% or more and the referendum fails, it may not be submitted again to the voters under the provisions of this Act. If there are no legal voters in Cove Point Township at the time of the next regular municipal election or a subsequent regular or special election, if required, the Act shall be considered approved upon its acceptance by a majority of the legal voters of the town, if sufficient votes have been cast.

The result of the votes shall be declared by the municipal officers of the town and due certificates thereof shall be filed by the town clerk with the Secretary of State within 10 days of the date of the vote.

Effective pending referendum.

CHAPTER 118

S.P. 802 — L.D. 2103

AN ACT to Require an Interdepartmental Study of and Plan for the Use of 3rd-Party Funds for Children in Need of Treatment.

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

Sec. 1. Study; plan. The Commissioner of Human Services, the Commissioner of Mental Health and Men-

tal Retardation and the Commissioner of Educational and Cultural Services, or their designees, shall study the current and potential use of 3rd-party funds by the State for the provision of services to handicapped children and shall develop a Medicaid plan which coordinates and maximizes the utilization of state and federal funds for the provision of services to these handicapped children.

Sec. 2. Report. The commissioners shall report no later than December 9, 1988, to the joint standing committee of the Legislature having jurisdiction over human resources on the study required by this Act. The report shall include a statement of the following:

1. How the State can make greater use of 3rd-party funds for existing services for children in need of treatment, and what the State is doing to implement this use;
2. How the State could make use of 3rd-party funds to provide new services for children in need of treatment paying particular attention to provision of Medicaid reimbursement for child care and treatment services to children in foster homes who would otherwise require institutional or other out-of-home treatment and care;
3. What legislation, if any, is needed to implement the plan required in section 1; and
4. What appropriations, if any, are necessary to permit the State to implement the plan required in section 1, and whether such appropriation will be requested by the Governor.

Effective August 4, 1988.

CHAPTER 119

H.P. 1872 — L.D. 2564

AN ACT Making Allocations for the Expenditure of Funds Received by the State as a Result of Federal Court Orders in the Stripper Well Overcharge Case and the Diamond Shamrock Case.

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 certain state departments 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,