

# 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.

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Twin City Printery  
Lewiston, Maine  
1989

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**PRIVATE AND  
SPECIAL LAWS**

OF THE

**STATE OF MAINE**

AS PASSED AT THE  
SECOND REGULAR SESSION

of the

ONE HUNDRED AND THIRTEENTH LEGISLATURE

1987

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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.

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## 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.

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## 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,

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

**PART A**

**Sec. 1. Allocation.** The following funds are allocated from the Stripper Well Fund, as established in Public Law 1987, chapter 533, for the 2 fiscal years ending June 30, 1989, to the following departments:

ADMINISTRATION, DEPARTMENT OF

Bureau of Public Improvements

Capital Construction, Repair and Improvements Program

All Other \$1,000,000

Provides funds to be used for those projects concerning energy conservation and weatherization repairs to state buildings that are the highest priority on the list of projects submitted to the Joint Standing Committee on Appropriations and Financial Affairs. All projects supported with these funds must demonstrate a payback period of 6 years or less at current fuel prices.

DEPARTMENT OF ADMINISTRATION TOTAL \$1,000,000

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Bureau of Oil and Hazardous Materials Control

Positions (2)  
 Personal Services (\$ 60,000) (\$ 60,000)

Deallocates funds authorized by Public Law 1987, chapter 533, section 3, but not approved by the Federal Department of Energy.

DEPARTMENT OF ENVIRONMENTAL PROTECTION TOTAL (\$ 60,000) (\$ 60,000)

EXECUTIVE DEPARTMENT

Office of Energy Resources Licensed Adult Care

Boarding Homes Demonstration Program

All Other \$ 800,000

Provides funds for a weatherization and modified demonstration Central Heating Improvement Program for homes which house low-income public pay clients. Individual grants not to exceed \$500 per qualifying resident in each facility.

Division of Community Services

Low-Income Home Energy Assistance Program

All Other 1,600,000

Provides funds to be used in accordance with the federal "Home Energy Assistance Act of 1981" which provides assistance for eligible low-income households to offset costs of home energy that are excessive in relation to household income.

Office of Energy Resources

Maine School and Hospital Conservation Program

All Other 300,000

Provides funds for grants to public and nonprofit schools and hospitals that do not qualify under the Institutional Conservation Program (ICP). Grants are not to exceed 50% of project costs for each facility.

EXECUTIVE DEPARTMENT TOTAL \$2,700,000

FINANCE AUTHORITY OF MAINE

Commercial and Governmental Underground Tank Removal and Replacement Program

All Other (\$1,000,000)

Deallocates funds authorized by Public Law 1987, chapter 533, section 3, but not approved by the Federal Department of Energy.

Energy Conservation Program

All Other \$ 900,000

Provides funds to continue an energy conservation program by providing interest subsidies to businesses, and to nonprofit entities, for loans for energy conservation expenditures, in accordance with rules promulgated by the Finance Authority of Maine in accordance with the Maine Administrative Procedure Act, Maine Revised Statutes, Title 5, chapter 375.

FINANCE AUTHORITY OF MAINE TOTAL (\$1,000,000) \$ 900,000

MAINE STATE HOUSING AUTHORITY

Residential Underground Tank Removal and Replacement Program

All Other (\$2,500,000)

Deallocates funds authorized by Public Law 1987, chapter 533, section 3, but not approved by the Federal Department of Energy.

MAINE STATE HOUSING AUTHORITY TOTAL (\$2,500,000)

HUMAN SERVICES, DEPARTMENT OF

Bureau of Maine's Elderly

Elder Ride Share Pilot Program

All Other (\$ 50,000)

Deallocates funds authorized by Public Law 1987, chapter 533, section 3, but not approved by the Federal Department of Energy.

DEPARTMENT OF HUMAN SERVICES TOTAL (\$ 50,000)

TOTAL ALLOCATION, PART A (\$3,610,000) \$4,540,000

**Sec. 2. Allowance for state administration purposes.** An allowance for the use of funds allotted in this Act, not to exceed 5% of the funds allocated to each agency, shall be available to each of the agencies funded under this Act.

**Sec. 3. Unexpended balances carried forward.** Any unexpended balances of allocations made from this fund on June 30, 1989, shall not lapse, but shall be carried forward until the purposes of this Act have been accomplished. The Governor, through the Office of Energy Resources, shall report annually to the Legislature, beginning on December 1, 1988, as to the progress on the expenditures of funds and to recommendations for the reallocation of funds.

**PART B**

**Sec. 1. Establishment of funds.** There is established the "Diamond Shamrock Fund" within the Office of Energy Resources. Interest accruing in this fund shall be used for the same purposes. Any additional funds received by the Federal Government relating to the Diamond Shamrock case shall be deposited in this fund.

**Sec. 2. Allocations.** There is allocated from the Diamond Shamrock Fund for the fiscal year ending June 30, 1989, to the following department:

|   |                |
|---|----------------|
| <u>EXECUTIVE DEPARTMENT</u>   | <u>1988-89</u> |
| Division of Community Services  |                |
| Low-Income Home Energy Assistance Program   |                |
| All Other   | \$ 188,000     |
| Provides funds to be used in accordance with the federal "Home Energy Assistance Act of 1981" which provides assistance for eligible low-income households to offset the costs of home energy that are excessive in relation to household income. |                |

EXECUTIVE DEPARTMENT TOTAL \$ 188,000

TRANSPORTATION, DEPARTMENT OF

Park and Ride Lots

All Other

Provides funds to study, develop or build "park and ride lots" to relieve traffic congestion.

\$ 100,000

Transportation Services

Capital Expenditures 100,000

Provides funds to be distributed statewide to local, designated public transportation providers for energy conservation initiatives such as conversion to more efficient systems. Funds may be used to match the Urban Mass Transit Administration, Section 3, discretionary funds as available.

DEPARTMENT OF TRANSPORTATION TOTAL \$ 200,000

TOTAL ALLOCATIONS, PART B \$ 388,000

**Sec. 3. Allowance for state administration purposes.** An amount not to exceed 5% of the funds allocated in this Act shall be available for administration of this program.

**Sec. 4. Unexpended balance carried forward.** Any unexpended balance of the allocation made from this fund on June 30, 1989, shall not lapse, but shall be carried forward until the purposes of this Act have been accomplished. The Governor, through the Office of Energy Resources, shall report annually to the Legislature, beginning on December 1, 1988, as to the progress on the expenditures of funds and to any recommendation for the reallocation of funds.

**PART C**

PL 1987, c. 533, §3, under the caption "HUMAN SERVICES, DEPARTMENT OF" in that part relating to "Bureau of Maine's Elderly", first blocked paragraph is amended to read:

Provides funds to be distributed through the various area agencies for aging to those elderly persons needing weatherization assistance whose household income is \$13,400 or less per year. The bureau shall develop a simple form for self-declaration of income. This demonstration program shall reimburse homeowners for 50% of the cost of weatherization materials and labor. No single household may receive more than \$500 \$750 in assistance from this program and the area agencies may contract with local groups to provide service.

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

Effective April 27, 1988.