

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE  
ONE HUNDRED AND FOURTEENTH LEGISLATURE  
**FIRST SPECIAL SESSION**

August 21, 1989 to August 22, 1989

and

**SECOND REGULAR SESSION**

January 3, 1990 to April 14, 1990

THE GENERAL EFFECTIVE DATE FOR  
NON-EMERGENCY LAWS IS  
July 14, 1990

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

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J.S. McCarthy Company  
Augusta, Maine  
1990

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

**AS PASSED AT THE**  
**FIRST SPECIAL SESSION**

**of the**

**ONE HUNDRED AND FOURTEENTH LEGISLATURE**

**August 21, 1989 to August 22, 1989**

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for the revenue obligation securities to be issued with letters of credit securing the capital reserve fund obligation; and

**Whereas**, delaying the bond issue until the effective date of Public Law 1989, chapter 552, will result in increased costs to the beneficiaries of the bond issue and may have other adverse effects in the event that the current favorable market for issuing tax-exempt bonds changes before the bonds can be issued; 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:**

**Sec. 1. 10 MRSA §1053, sub-§2**, as enacted by PL 1985, c. 344, §78, is amended to read:

**2. Application.** Money held in any capital reserve fund, except as provided in this section, shall be used solely with respect to revenue obligation securities, repayment of which is secured by any such fund and solely for the payment of principal of the securities, the purchase or redemption of the securities, including any fees or premiums or the payment of interest on the securities. In addition, if the authority obtains a letter of credit, insurance contract, surety bond or similar financial undertaking to establish and fund a capital reserve fund under subsection 1, money in the fund may be used to pay, as and when due, whether by acceleration or otherwise, all reimbursement obligations of the authority established in connection with that letter of credit, insurance contract, surety bond or similar financial undertaking, including, but not limited to, all fees, expenses, indemnities and commissions. Money in excess of the reserve requirement ~~set forth~~ established as provided in subsection 3 may be transferred to other funds and accounts of the authority.

**Sec. 2. 10 MRSA §1053, sub-§§3 and 4**, as amended by PL 1987, c. 697, §12, are further amended to read:

**3. Reserve requirement.** The authority may provide that money in any such fund shall not be withdrawn at any time in such amount as would reduce the amount of any such fund ~~to less than the maximum amount of principal and interest becoming due and payable under any applicable trust agreement or other agreement in the next succeeding 12-month period~~ below an amount established by the authority with respect to the fund, the amount established by the authority being referred to as the "capital reserve requirement," except for the purpose of paying the amount due and payable with respect to revenue obligation securities, repayment of which is secured by any such fund, or reimbursement obligations of the authority with respect to any letter of credit, insurance contract, surety bond or similar financial undertaking pertaining to any such fund.

**4. Issuance limit.** The authority may provide that it shall not issue revenue obligation securities if the capital reserve requirement established by the authority with respect to securities outstanding and then to be issued and secured by any such fund will exceed the amount of any such fund, including the amount available to be drawn on under any letter of credit, insurance contract, surety bond or other similar financial undertaking given to secure the capital reserve requirement, at the time of issuance, unless the authority, at the time of issuance of the securities, shall deposit in any such fund from proceeds of the securities so to be issued, or from other sources, an amount, which, together with the amounts then in any such fund and amounts available to be drawn under any letter of credit, insurance contract, surety bond or other similar financial undertaking, will not be less than the capital reserve requirement.

**Sec. 3. PL 1989, c. 552, §§16 and 17** are repealed.

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

Effective August 23, 1989.

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## CHAPTER 595

S.P. 675 - L.D. 1796

### An Act to Ensure Prompt Collection of Certain Outpatient Health Care Data

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

**22 MRSA §394, sub-§2, ¶C**, as amended by PL 1989, c. 565, §5, is further amended to read:

C. A completed uniform hospital discharge data set, or comparable information, for each patient discharged from the facility after June 30, 1983; and for each major ambulatory service listed pursuant to subsection 11, occurring after January 1, ~~1994~~ 1990.

See title page for effective date.

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## CHAPTER 596

S.P. 680 - L.D. 1798

### 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

**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
<b>ADMINISTRATION, DEPARTMENT OF</b>		
Public Improvements - Planning - Construction - Administration		
Capital Expenditures	\$230,000	
Provides funds to upgrade the electrical capacity in the State Office Building.		
<b>DEPARTMENT OF ADMINISTRATION TOTAL</b>	<u>\$230,000</u>	
<b>AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF</b>		
Marketing Services - Agriculture		
All Other	\$156,000	\$156,000
Provides for the transfer of funds from the Department of Economic and Community Development, Business Development Program, to support the quality assurance effort for which positions were authorized in Public Law 1987, chapter 844.		
Agricultural Production		
All Other	\$120,000	
Restores funds deappropri- ated in Public Law 1989, chapter 501, Part N, to provide a match for a soil		

conservation and irrigation project in Aroostook County with the United States Army Corps of Engineers.

**Soil and Water Conservation Commission**

All Other \$143,500

Provides funds in the amount of \$46,000 for scientific monitoring of sediment and nutrient control structures in the Long Lake area; \$15,000 for diagnostic work at Madawaska Lake; and \$82,500 to assist farmers in meeting their share of the matching funds necessary to draw down federal funds to construct sediment and nutrient structures in the Fish River Chain of Lakes Watershed. This appropriation shall not take effect until the transfers described in Part L of this Act have taken place. Also, these funds shall not lapse but shall carry forward until June 30, 1991.

**DEPARTMENT OF AGRICULTURE,  
FOOD AND RURAL RESOURCES  
TOTAL**

\$419,500      \$156,000

**ATTORNEY GENERAL,  
DEPARTMENT OF THE**

**Administration - Attorney General**

Personal Services \$3,673      \$5,076

Provides funds to implement the salary change for the Attorney General authorized in Public Law 1989, chapter 501, Part O, sections 7 and 22, effective September 4, 1989.

**DEPARTMENT OF THE ATTORNEY  
GENERAL  
TOTAL**

\$3,673      \$5,076

**AUDIT, DEPARTMENT OF**

**Departmental Bureau (Audit)**

Personal Services \$13,537      \$15,167

Provides funds to implement the salary change for the State Auditor authorized in Public Law 1989, chapter 501, Part O, sections 7 and 22, effective September 4, 1989.

DEPARTMENT OF AUDIT				Provides funds for the		
TOTAL	\$13,537	\$15,167		transfer of a Public		
DEFENSE AND VETERANS'				Relations Representative		
SERVICES, DEPARTMENT OF				from the Maine Environ-		
Administration - Maine Emergency				mental Protection Fund to		
Management Agency				match an allocation of		
				funds in Part B of this Act.		
				Air Quality Control		
All Other	\$340,000			Positions	(4)	(4)
				Personal Services	\$136,565	\$140,898
Provides funds for 25%				Provides funds for the		
state and local share of				transfer of a Senior		
disaster assistance for the				Meteorologist, a Civil		
Maine 1989 flood.				Engineer I, an Environ-		
DEPARTMENT OF DEFENSE AND				mental Specialist IV and a		
VETERANS' SERVICES				Clerk IV from the Maine		
TOTAL	\$340,000			Environmental Protection		
ECONOMIC AND COMMUNITY				Fund to match a dealloca-		
DEVELOPMENT, DEPARTMENT OF				tion of funds in Public Law		
Business Development				1989, chapter 501, and an		
				allocation of funds in Part		
				B of this Act.		
All Other	(\$156,000)	(\$156,000)		Land Quality Control		
Provides for the transfer of				Positions	(2)	(2)
funds to the Department of				Personal Services	\$72,285	\$78,165
Agriculture, Food and				Provides funds for the		
Rural Resources,				transfer of a Civil Engineer		
Marketing Services				I and a Division Director		
Program, to support the				of Environmental Services		
quality assurance effort for				from the Maine Environ-		
which positions were				mental Protection Fund to		
authorized in Public Law				match a deallocation of		
1987, chapter 844.				funds in Public Law 1989,		
				chapter 501.		
DEPARTMENT OF ECONOMIC				Water Quality Control		
AND COMMUNITY DEVELOP-				Positions	(6)	(6)
MENT				Personal Services	\$223,713	\$228,922
TOTAL	(\$156,000)	(\$156,000)		Provides funds for the		
ENVIRONMENTAL PROTECTION,				transfer of a Clerk IV, a		
DEPARTMENT OF				Civil Engineer II, a		
Administration - Environmental				Biologist III, a Civil		
Protection				Engineer I and 2 Environ-		
				mental Specialist IV		
All Other	\$2,500			positions from the Maine		
Provides funds for 1/2 the				Environmental Protection		
cost of a structural analysis				Fund to match a dealloca-		
of the Ray Building.				tion of funds in Public Law		
Administration - Environmental				1989, chapter 501, and an		
Protection				allocation of funds in Part		
				B of this Act.		
All Other	\$80,000	\$83,650		Solid Waste Management		
Provides funds to cover				Positions	(1)	(1)
unanticipated costs of envi-				Personal Services	\$44,309	\$46,173
ronmental enforcement and				Provides funds for the		
litigation for which				transfer of a Civil Engineer		
penalties and fines accrue				II from the Maine		
to the General Fund.				Environmental Protection		
Administration - Environmental				Fund to match a dealloca-		
Protection				tion of funds in Public Law		
				1989, chapter 501.		
Positions	(1)	(1)				
Personal Services	\$32,060	\$33,517				

Administration - Environmental Protection

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

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

Air Quality Control

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

Deappropriates funds to reflect the transfer of 2 Assistant Engineers and an Environmental Specialist II to the Maine Environmental Protection Fund as authorized in Public Law 1989, chapter 501.

Land Quality Control

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

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

Water Quality Control

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

Deappropriates funds to reflect the transfer of 2 Environmental Specialist II positions, one Clerk Typist II and one Biologist I to the Maine Environmental Protection Fund as authorized in Public Law 1989, chapter 501.

Solid Waste Management

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

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

Water Quality Control

All Other	\$30,000
Capital Expenditures	15,000
<b>TOTAL</b>	<b>\$45,000</b>

Provides funds for laboratory analysis for ground and surface water samples, methane gas monitoring equipment and additional water quality sampling equipment to verify work being done by the landfill operator as a result of the landfill failure at the Consolidated Waste Services Landfill in Norridgewock.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

<b>TOTAL</b>	<b>\$71,086</b>	<b>\$21,414</b>
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EXECUTIVE DEPARTMENT

Administration - Executive - Governor's Office

Positions	(1)	(1)
Personal Services	\$45,500	\$45,500
All Other	(45,500)	(45,500)

Provides for the transfer of funds from All Other to Personal Services and establishes one position for the State of Maine Office in Washington, D.C.

Division of Community Services - Temporary Housing Assistance Program

All Other		\$250,000
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Provides funds to be passed through to the Community Action Program (C.A.P.) agencies for temporary assistance for people who need shelter or who are in danger of becoming homeless through eviction. Assistance may include security deposits, rent arrearages, forward rent payments, or other expenses necessary to prevent eviction or to establish a person in a rental.

EXECUTIVE DEPARTMENT TOTAL

<b>TOTAL</b>	<b>\$250,000</b>	<b>\$0</b>
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FINANCE, DEPARTMENT OF

Administrative Services - Finance

Personal Services	\$2,935	\$4,888
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Provides funds for the proposed reclassification of a Personnel Officer, Range 24 to Personnel Manager, Range 27.

Administrative Services - Finance

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

Provides funds for the reorganization and reclassification of a Chief Accountant, Range 24 to Director of Finance, Range 27.

Bureau of the Budget

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

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

DEPARTMENT OF FINANCE TOTAL \$19,630 \$24,107

MAINE STATE HOUSING AUTHORITY

Housing Opportunities for Maine Fund

All Other \$500,000

Provides funds to establish a system of cost reimbursement for sponsors of facilities that provide emergency housing for the homeless. The funds shall be used to finance the operating budgets of the facilities and to allow the sponsors to add necessary services.

MAINE STATE HOUSING AUTHORITY TOTAL \$500,000

HUMAN SERVICES, DEPARTMENT OF

Child Welfare Services

All Other \$75,000

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

Purchased Social Services

All Other \$51,000

Provides funds to maintain the existing vocal relay service for the deaf and hearing impaired.

Departmentwide

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

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

DEPARTMENT OF HUMAN SERVICES TOTAL \$488,500 \$437,175

LEGISLATURE

Legislature

Capital Expenditures \$66,000

Provides funds for a new roll call machine for the House of Representatives.

LEGISLATURE TOTAL \$66,000

MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF

Mental Health Services - Community

All Other \$142,086 \$171,353

Provides funds for a 1% cost-of-living adjustment for all service providers, effective September 1, 1989.

Mental Retardation Services - Community

All Other \$94,260 \$113,678

Provides funds for a 1% cost-of-living adjustment for all service providers, effective September 1, 1989.

Mental Health Services - Children

All Other \$43,900 \$52,944

Provides funds for a 1% cost-of-living adjustment for all service providers, effective September 1, 1989.

Mental Health Services - Community

All Other \$20,000

Provides funds for Compeer, Inc. for the recruitment of private citizens to serve as supportive friends to



persons with mental illness through the continuation of the Compeer program grant.

Law 1989, chapter 501, and to match funds to position transfers in Part A.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION		
TOTAL	\$300,246	\$337,975

DEPARTMENT OF ENVIRONMENTAL PROTECTION		
TOTAL	\$59,272	\$58,522
PART B		
TOTAL	\$59,272	\$58,522

TREASURER OF STATE

Administration - Treasury

Personal Services	\$4,255	\$5,210
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Provides funds to implement the salary change for the State Treasurer authorized in Public Law 1989, chapter 501, Part O, sections 7 and 22, effective September 4, 1989.

TREASURER OF STATE TOTAL	\$4,255	\$5,210
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PART A TOTAL	\$2,550,427	\$846,124
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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.		
Maine Environmental Protection Fund		
Personal Services	\$19,670	\$20,537
Allocates funds to correct position transfers from General Fund in Public		

PART C

**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:

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

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

**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:

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

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

**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:

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

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

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

Courts - Supreme, Superior, District and Administrative

Personal Services	\$178,300	\$254,800
		\$216,400

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

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

Courts - Supreme, Superior,  
District and Administrative

Personal Services	<u>\$83,300</u>	<u>\$60,000</u> <u>\$100,000</u>
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Provides funds to increase the per diem compensation for active retired justices and judges beginning ~~December 3, 1990~~  
September 4, 1989.

**Sec. 6. PL 1989, c. 501, Part A, §1, under the caption "JUDICIAL DEPARTMENT," the last 2 lines are amended to read:**

JUDICIAL DEPARTMENT TOTAL	<u>\$161,158</u> <u>\$422,758</u>	<u>\$1,126,794</u> <u>\$1,128,394</u>
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**Sec. 7. PL 1989, c. 501, Part A, §1 are amended to read:**

PART A TOTAL	<u>\$66,665,428</u> <u>\$66,927,028</u>	<u>\$68,884,369</u> <u>\$68,885,369</u>
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**Sec. 8. PL 1989, c. 501, Pt. O, §22 is amended to read:**

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

**PART D**

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

	1989-90	1990-91
FINANCE, DEPARTMENT OF		
State Contingency Account - Finance		
Personal Services	(\$585,478)	(\$1,244,585)

Deappropriates funds provided in Public Law 1989, chapter 501, to meet the economic items included in the collective bargaining 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.

DEPARTMENT OF FINANCE TOTAL	<u>(\$585,478)</u>	<u>(\$1,244,585)</u>
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BOARD OF TRUSTEES OF THE MAINE VOCATIONAL-TECHNICAL INSTITUTE SYSTEM

Maine Vocational-Technical Institute System - Board of Trustees

All Other	\$585,478	\$1,244,585
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Provides funds for the implementation of the economic items included in the collective bargaining 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.

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

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

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

**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. Funds received by the ~~unit~~ municipality shall be used to reduce property tax collections required by the ~~unit~~ municipality during its current fiscal year or during the following fiscal year to 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 administrative unit of which the municipality is a member. If the municipality is a member of a municipal school unit, the municipality's adjustment is 100% of the calculated amount for that municipal school unit. If the municipality is a member of a school admin-

istrative district or a community school district, the municipality's adjustment is that percentage of the district's calculated amount that is used in the district's cost sharing agreement to determine that municipality's annual assessment for the district's budget. State funds provided for this adjustment shall be limited to the amount appropriated by the Legislature for this purpose. The amount due to each municipality shall be provided as a single payment. For the fiscal year during which the municipality appropriates these adjustment funds, the legislative body of the municipality will identify the amount, source and purpose of this adjustment.

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

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

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

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

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

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

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

1989-90

**FINANCE, DEPARTMENT OF**

**Property Tax Relief Reserve Fund**

Unallocated \$57,425

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

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

1989-90

**EDUCATIONAL AND CULTURAL SERVICES, DEPARTMENT OF**

**Block Grants to Municipalities**

All Other \$57,425

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

**PART F**

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

49-A. Human Maine Hospice Expenses Only 22 MRSA Services: Hospices Council §8611

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

**CHAPTER 1680**

**MAINE HOSPICE COUNCIL**

**§8611. Maine Hospice Council established**

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

**§8612. Rule-making authority**

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

**§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 greater of \$10 or 1/10 a minimum of \$25 but no greater 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. The 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

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

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

The Maine Solid Waste Management Fund, referred to in this section as the "fund," is established as a nonlapsing fund to support programs administered by the Maine Waste Management Agency and the Department of Environmental Protection. The fund shall be segregated into 2 subsidiary accounts. The first subsidiary account, which shall be called ~~the operations account,~~

~~shall receive all fees established and received under article 1 and shall be used solely for the development and operation of 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.~~

Money in the fund not currently needed to meet the obligations of the agency shall be deposited with the Treasurer 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.

~~Money in the administrative account~~ Funds related to administration may only be expended in accordance with allocations approved by the Legislature for administrative expenses directly related to the agency's and the department's programs. Funds related to operations may only be expended in accordance with allocations approved by the Legislature and solely for the development and operation of publicly owned facilities owned or approved by the agency and for the repayment of any obligations of the agency incurred under article 3. These allocations shall be based on estimates of the actual costs necessary for the agency and the department to administer their 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.

### 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.

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

### **§5165. Credit for income tax of another state**

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.

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

### **§5224-A. Return of part-year resident**

If an individual changes ~~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 individ-

ual'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.

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

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

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

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

## PART K

**Authorization of the lease with option to purchase or lease-purchase of highway maintenance equipment and motor vehicles.** Approval as required by the Maine Revised Statutes, Title 5, section 1587, is given to the Department of Transportation to enter into lease with option to purchase or lease-purchase financing arrangements for highway maintenance equipment and motor vehicles, with an outright purchase price not to exceed \$12,500,000. The estimated rate of interest is 6.35% for 5-year serial notes or certificates of participation, for an estimated total interest cost of \$2,381,250.

The department and its agencies shall finance the cost with funds designated as "All Other" within their regular budgets.

## PART L

**Transfer to the Rainy Day Fund.** After the State Controller officially closes the financial accounts of the State for the year ended June 30, 1989, an amount not to exceed \$2,500,000 shall be transferred to the Rainy Day Fund from the fund balance remaining in the General Fund after the deduction of all appropriations, financial commitments or other designated funds.

Once the transfer referred to above is completed, and \$211,000 has been reserved in the General Fund for appropriations in this Act, 50% of the fund balance remaining in the General Fund shall be transferred to the Rainy Day Fund.

## PART M

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

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

### §1743. Competitive bids

Any contract for any public improvement in which the State or any of its agencies hold in fee ~~or by lease hold~~ 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.

**Sec. 4. 26 MRSA §979-D, sub-§1, ¶E**, as amended by PL 1985, c. 785, Pt. B, §117, is further amended to read:

E. To confer and negotiate in good faith:

(1) To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession. All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining, except those matters which are prescribed or controlled by public law. Such matters appropriate for collective bargaining to the extent they are not prescribed or controlled by public law include but are not limited to:

- (a) Wage and salary schedules to the extent they are inconsistent with rates prevailing in commerce and industry for comparable work within the State;
- (b) Work schedules relating to assigned hours and days of the week;
- (c) Use of vacation or sick leave, or both;
- (d) General working conditions;
- (e) Overtime practices;

(f) Rules for personnel administration, except the following: Rules relating to applicants for employment in state service and classified employees in an initial probationary status, including any extensions thereof, provided such rules are not discriminatory by reason of an applicant's race, color, creed, sex or national origin;

(g) Compensation system for state employees, which is defined as:

(i) Guide charts, if any, and job evaluation factors, including factor language and factor weights, used to evaluate jobs for pay purposes;

(ii) Job point to pay grade conversion tables;

(iii) The number of and spread between pay steps within pay grades;

(iv) The number of and spread between pay grades within the system; and

(v) Temporary payment of recruitment and retention stipends, provided the stipends are allowed under Civil Service Law;

(h) The nature of and procedures governing appeals of the allocation or reallocation of job classifications to pay grades resulting from any revisions to the compensation system; and

(i) Implementation of any revisions to the compensation system.

(2) Subparagraph (1), shall not be construed to be in derogation of or contravene the spirit and intent of the merit system principles and personnel laws.

(3) Cost items shall be submitted for inclusion in the Governor's next operating budget within 10 days after the date on which the agreement is ratified by the parties. If the Legislature rejects any of the cost items submitted to it, all cost items submitted shall be returned to the parties for further bargaining. Cost items related to a collective bargaining agreement reached under this chapter and submitted to the Legislature for its approval under this subparagraph shall not be submitted in the same legislation that contains cost items for employees exempted from the definition of "state employee"

under section 979-A, subsection 6, and employees of the legislative branch, except that cost items for those employees exempted under section 979-A, subsection 6, paragraphs E and F, need not be excluded.

(4) Collective bargaining over the subjects described in subparagraph (1), divisions (g), (h) and (i), is subject to the following.

(a) Subparagraph (1), division (g), shall not be construed to authorize any more than one system for evaluating jobs of state employees in bargaining units recognized under this chapter.

(b) Either the public employer or the bargaining agents may compel the other party to bargain collectively over the subjects described in subparagraph (1), divisions (g), (h) and (i), provided that bargaining over those subjects may not be compelled by either the public employer or the bargaining agents sooner than 10 years after the parties' last agreement to revise the compensation system made pursuant to a demand to bargain.

(c) During the periods of time described in division (b), when the subjects described in subparagraph (1), divisions (g), (h) and (i), are not mandatory subjects of bargaining, they shall be permissive subjects of bargaining.

(d) Bargaining over the subjects described in subparagraph (1), divisions (g), (h) and (i), shall be conducted separately and apart from bargaining with individual bargaining agents over all other negotiable subjects and shall be conducted within a committee composed of representatives of management and of the bargaining units recognized under this chapter.

(e) The labor representatives on the committee shall consist of equal numbers of representatives from each of the bargaining units recognized under this chapter. Each bargaining unit shall have one vote, regardless of the number of representatives, on any matter addressed by the committee. The labor position on any matter addressed by the committee shall be established by majority vote of the units recognized under this chapter. A majority vote of the units is necessary to initiate bargaining over the matters described in subparagraph (1), divisions (g), (h) and (i).

(f) Notwithstanding the time frame provided in subparagraph (3), cost items resulting from revisions to the compensation system may only be submitted to the Legislature for funding after all appeals from the allocation or reallocation of job classifications under the revised system have been finally decided. The cost items relating to an individual bargaining unit shall be submitted to the Legislature for funding as part of the next legislation submitted pursuant to subparagraph (3) to fund a collective bargaining agreement between the State and that bargaining unit.

(g) Bargaining over the subjects described in subparagraph (1), divisions (g), (h) and (i), shall be subject to the dispute resolution procedures of subsections 2, 3 and 4. For purposes of subsection 4, paragraph D, controversies over the subjects described in subparagraph (1), divisions (g), (h) and (i), shall be deemed "controversies over salaries."

(5) Nothing in this chapter may be construed to exclude from the scope of collective bargaining the subjects described in subparagraph (1), divisions (g), (h) and (i).

**Sec. 5. 26 MRSA §1026, sub-§1**, as amended by PL 1985, c. 737, Pt. A, §65, is further amended to read:

**1. Negotiations.** It shall be the obligation of the university, academy, vocational-technical institutes or state schools for practical nursing and the bargaining agent to bargain collectively. "Collective bargaining" means, for the purpose of this chapter, their mutual obligation:

- A. To meet at reasonable times;
- B. To meet within 10 days after receipt of written notice from the other party requesting a meeting for collective bargaining purposes, provided the parties have not otherwise agreed in a prior written contract;
- C. To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except that by such obligation neither party shall be compelled to agree to a proposal or be required to make a concession;
- D. To execute in writing any agreements arrived at, the term of any such agreement to be subject to negotiation, but not to exceed 3 years; and
- E. To participate in good faith in the mediation, fact finding and arbitration procedures required by this section.

Cost items in any collective bargaining agreement of vocational-technical institutes employees shall be submitted for inclusion in the Governor's next operating budget within 10 days after the date on which the agreement is ratified by the parties. If the Legislature rejects any of the cost items submitted to it, all cost items submitted shall be returned to the parties for further bargaining. Cost items shall include salaries, pensions and insurance. Cost items related to a collective bargaining agreement reached under this chapter and submitted to the Legislature for its approval under this subsection shall not be submitted in the same legislation that contains cost items for employees exempted from the definition of "vocational-technical institute employee" under section 1022, subsection 11, except that cost items for those employees exempted under section 1022, subsection 11, paragraph D, need not be excluded.

**Sec. 6. 26 MRSA §1285, sub-§1, ¶E**, as enacted by PL 1983, c. 702, is amended to read:

E. To confer and negotiate in good faith with respect to wages, hours, working conditions and contract grievance arbitration, except that by such obligation neither party may be compelled to agree to a proposal or be required to make a concession. All matters relating to the relationship between the employer and employees shall be the subject of collective bargaining, except those matters which are prescribed or controlled by law. Such matters appropriate for collective bargaining, to the extent they are not prescribed or controlled by law, include, but are not limited to:

- (1) Wage and salary schedules to the extent they are inconsistent with rates prevailing in commerce and industry for comparable work within the State;
- (2) Work schedules relating to assigned hours and days of the week;
- (3) Use of vacation or sick leave, or both;
- (4) General working conditions;
- (5) Overtime practices; and
- (6) Rules for personnel administration, except for rules relating to applicants for employment and employees in an initial probationary status, including any extensions thereof, provided that the rules are not discriminatory by reason of an applicant's race, color, creed, sex or national origin.

Cost items shall be included in the Judicial Department's next operating budget in accordance with Title 4, section 24. If the Legislature rejects any of the cost items submitted to it, all cost items submitted shall be returned to the parties for further bargaining. Cost items related to a collective bargaining agreement reached under this chapter and



submitted to the Legislature for its approval under this subsection shall not be submitted in the same legislation that contains cost items for employees exempted from the definition of "judicial employee" under section 1282, subsection 5, except that cost items for employees exempted under section 1282, subsection 5, paragraphs F and G, need not be excluded.

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

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.

**Sec. 8. 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:

Courts - Supreme, Superior,  
District and Administrative

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

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

**Sec. 9. PL 1989, c. 564, §5** is enacted to read:

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

**PART O**

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

**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, then the disposal shall be by private sale to that political subdivision, homeless shelter sponsor or educational institution; that equipment to be retained for a period of at least one year in a current ongoing program. Any item purchased by a political 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 institution for a period of 6 months from the date of the private sale and the State reserves the right to refuse to sell additional equipment to a political subdivision, homeless shelter sponsor or educational institution if it is determined that the political subdivision, homeless shel-

ter sponsor or educational institution has not retained the equipment for the required period of 6 months;

**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:

**§1813-A. Sale of surplus property**

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

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

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

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

**PART P**

**Benefit increases.** The Legislative Council is authorized to make necessary provisions to extend increases in benefits to Legislators that are comparable to the benefit increases granted to state employees under the most recent collective bargaining agreement.

**PART Q**

**5 MRSA §1890-B,** as enacted by PL 1989, c. 501, Pt. P, §17, is repealed and the following enacted in its place:

**§1890-B. Misuse of computer information systems**

**1. Violation.** No person may knowingly use a computer information system operated by a state department or agency or the Legislature, for the express purpose of:

A. Advocating, directly to voters eligible to vote, the election or defeat of a clearly identified candidate for elective state or county office; or

B. Soliciting contributions reportable under Title 21-A, chapter 13.

**2. Penalty.** A violation of subsection 1 is a Class C crime.

**Emergency clause.** In view of the emergency cited in the preamble, this Act shall take effect when approved, except that Part J, sections 3 and 6 shall be effective for tax years beginning on or after January 1, 1989, and Part J, sections 1, 2, 4 and 5 shall take effect on April 26, 1987.

Effective August 23, 1989, unless otherwise indicated.

**CHAPTER 597**

**S.P. 682 - L.D. 1801**

**An Act Concerning Operator Licenses Held by Persons 15 Years of Age**

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

Whereas, recent legislation affecting the ability of 15-year-old persons to obtain and hold motor vehicle operator licenses will take effect September 30, 1989; and

Whereas, that legislation needs to be amended to permit present 15-year-old license applicants to receive and retain their operating privileges; 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:**

**29 MRSA §538**, as amended by PL 1989, c. 513, §3, is further amended by adding at the end a new paragraph to read:

The Secretary of State may issue a license to those individuals 15 years of age who have filed an application for an instruction permit or driver's license with the Secretary of State on or before September 29, 1989. This paragraph shall be repealed October 1, 1990.

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

Effective August 23, 1989.

**CHAPTER 598**

**S.P. 684 - L.D. 1803**

**An Act Establishing the Higher Education Students Financial Assistance Board**

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

Whereas, the Legislature recently enacted Public Law 1989, chapter 559, "An Act to Provide Comprehensive, Consolidated Student Financial Assistance Services," which established a program within the Finance Authority of Maine to administer a comprehensive, consolidated system of student financial assistance programs and created the Student Financial Aid Transition Advisory Committee to provide the Legislature with advice on implementation of the program; and

Whereas, this legislation will establish the Higher Education Students Financial Assistance Board within the Finance Authority of Maine, facilitating the nomination of members to the board and permitting the commencement of a nationwide search for a director of the newly created Division of Higher Education Students Financial Assistance; and

Whereas, the transition committee has recommended this legislation as necessary to ensure the smooth transition described in Public Law 1989, chapter 559 and provide the necessary leadership at an early date, prior to the development and implementation of all the legislation necessary to accomplish the transition; 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:**

**Sec. 1. 5 MRSA §12004-I, sub-§18-A** is enacted to read:

<u>18-A. Education:</u>	<u>Higher Education</u>	<u>Legislative</u>	<u>10 MRSA</u>
<u>Financial Aid</u>	<u>Students Finan-</u>	<u>Per Diem for</u>	<u>§1014</u>
	<u>cial Assistance</u>	<u>Gubernatorial</u>	
	<u>Board</u>	<u>Appointees</u>	
		<u>Only</u>	

**Sec. 2. 10 MRSA §964, sub-§2, ¶¶C and D**, as enacted by PL 1989, c. 552, §5, are amended to read:

- C. The Division of Lending; ~~and~~
- D. The Division of Finance; ~~and~~

**Sec. 3. 10 MRSA §964, sub-§2, ¶E** is enacted to read:

E. The Division of Higher Education Students Financial Assistance.

**Sec. 4. 10 MRSA §965, first ¶**, as amended by PL 1987, c. 403, §1, is further amended to read: