

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

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.

J.S. McCarthy Company
Augusta, Maine
1990

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FOURTEENTH LEGISLATURE

January 3, 1990 to April 14, 1990

Sec. 14. 12 MRSA §7369, sub-§9, as enacted by PL 1983, c. 502, §4, is repealed.

Sec. 15. 12 MRSA §7369, sub-§10, ¶A, as amended by PL 1985, c. 571, §5, is repealed and the following enacted in its place:

A. Allocations are required for Saturdays for the period of June 8th to August 31st. Allocations are required for Sundays on the Penobscot River for the period of June 8th to August 31st. If the department determines that the recreational use limit will be reached other days, the department shall provide by rule for allocations.

Sec. 16. 12 MRSA §7370, sub-§3, as enacted by PL 1983, c. 502, §4, is amended to read:

3. Budget. The expenditures from the Whitewater Rafting Fund ~~shall be~~ are subject to legislative approval in the same manner as the General Fund budgets of the department and the bureau are approved. The department and the bureau shall report annually, before February 1st, to the joint standing committee of the Legislature having jurisdiction over inland fisheries and wildlife on its planned expenditures for the next fiscal year ~~and the next previous, its actual and planned expenditures for the current fiscal year and its final expenditures for the last fiscal year.~~

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

Effective April 20, 1990.

CHAPTER 884

H.P. 332 - L.D. 451

An Act to Create a Fuel Assistance Reserve Fund

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

Sec. 1. 5 MRSA §3518-B is enacted to read:

§3518-B. Fuel Assistance Reserve Fund

1. Fuel Assistance Reserve Fund. The division shall use funds appropriated pursuant to this section to establish and capitalize the Fuel Assistance Reserve Fund. The division shall keep the Fuel Assistance Reserve Fund separate from all other funds managed by the division and use the fund only, without exception, under the conditions set forth in this section. The Division of Community Services shall use the Fuel Assistance Reserve Fund to ensure that fuel assistance benefits for the State's eligible elderly and low-income residents are available prior to the beginning of the heating season.

2. Timely distribution of benefits. The Division of Community Services shall make available to local program operators and municipal administrators of the fuel assistance program, no later than October 1st of each year, funds sufficient to cover anticipated fuel assistance payments and program administrative costs for at least the months of October, November and December.

3. Conditional use of the fund. The division's use of the fund is subject to the following conditions and limitations.

A. If the director reasonably anticipates that federal fuel assistance block grant funds are not available for distribution to the local program operators and municipal administrators by October 1st of each year, the division shall withdraw and distribute sufficient money from the fund as is necessary for the purposes set forth in this section. The division may withdraw funds prior to October 1st, provided that those funds are used only for costs incurred on or after October 1st.

Money may not be withdrawn from the fund if sufficient block grant funds are available to pay reasonably anticipated fuel assistance program and administrative costs for the months of October, November and December.

B. Money withdrawn from the fund must be sufficient to cover anticipated fuel assistance payments and fuel assistance program administrative costs for all local program operators and municipal administrators for the months of October, November and December.

C. The division may not withdraw money from the fund between October 1st and June 30th.

D. The fund may not be used if the Director of Community Services knows, or is reasonably certain, that no federal fuel assistance money will be received.

4. Recapitalization. If money is withdrawn from the fund for the purposes of this section, the Division of Community Services shall ensure that the fund is fully recapitalized by June 30, 1991.

5. Expiration of fund. Authorization for the fund expires on June 30, 1991. The division shall ensure that the fund is fully recapitalized and that all money in the fund is transferred to the General Fund no later than June 30, 1991.

Sec. 2. Working capital advance. The State Controller is authorized to advance to the Executive Department, Division of Community Services, \$8,000,000 from the General Fund to the Fuel Assistance Reserve Fund. These funds will be used to provide the working capital advance necessary to make timely fuel assistance payments to elderly and low-income residents until receipt of Low-income Home Energy Assistance

Block Grant funds. Funds advanced for this purpose must be returned to the General Fund no later than June 30, 1991, pursuant to the Maine Revised Statutes, Title 5, section 3518-B, subsection 5.

Sec. 3. Maine State Housing Authority; affordable rental housing study. The Maine State Housing Authority shall study ways to encourage the creation of affordable rental housing. The Maine State Housing Authority shall report to the Joint Standing Committee on Housing and Economic Development, the Joint Standing Committee on Taxation and the Office of the Executive Director of the Legislative Council by January 1, 1991 on options for creating affordable rental housing that offer the greatest potential for success. The Maine State Housing Authority shall consider tax-based incentives and other incentives.

See title page for effective date.

CHAPTER 885

S.P. 181 - L.D. 338

An Act to Clarify Costs Associated with the Purchase of Land by School Administrative Units

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

20-A MRSA §15603, sub-§18, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

18. Minor capital costs. "Minor capital costs" means costs relating to maintenance of plant ~~and~~, minor remodeling ~~and~~, site development and purchase of land not in conjunction with a construction project.

A. Minor capital costs shall not include construction of new buildings or the purchase of land in conjunction with a school construction project.

B. Expenditures to repay funds borrowed for ~~maintenance of plant and minor remodeling~~ minor capital expenditures shall be considered minor capital costs in the year in which these funds are repaid.

C. Purchase of land made in accordance with this section must be approved:

(1) By the legislative body of the school administrative unit; and

(2) By the commissioner, under rules adopted for this purpose.

See title page for effective date.

CHAPTER 886

H.P. 250 - L.D. 362

An Act to Provide for Base-year Revisions for Intermediate Care Facilities for the Mentally Retarded

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

Sec. 1. 22 MRSA §1708, sub-§2-A is enacted to read:

2-A. Base-year revisions. In calculating the prospective per diem rate for an intermediate care facility for the mentally retarded, the department shall base the facility's per diem rate for variable costs on the allowable costs incurred during its fiscal year ending in calendar year 1990. The department shall reimburse the facility for the actual reasonable costs of staff training, orientation of new professional staff, central office expenses and other variable costs in the establishment of the prospective per diem rate.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1990-91

HUMAN SERVICES, DEPARTMENT OF

Intermediate Care - Payments to Providers

All Other	\$263,384
-----------	-----------

Provides funds required due to rebasing per diem rates for intermediate care facilities for the mentally retarded to reflect necessary and reasonable costs.

Sec. 3. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

1990-91

HUMAN SERVICES, DEPARTMENT OF

Intermediate Care - Payments to Providers

All Other	\$466,616
-----------	-----------

Allocates federal matching funds to rebase per diem rates for intermediate care facilities for the mentally retarded to reflect necessary and reasonable costs.

See title page for effective date.
