

MAINE STATE LEGISLATURE

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LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FOURTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 7, 1988 to July 1, 1989

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
SEPTEMBER 30, 1989

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
1989

PRIVATE AND SPECIAL LAWS

OF THE

STATE OF MAINE

AS PASSED AT THE

FIRST REGULAR SESSION

of the

ONE HUNDRED AND FOURTEENTH LEGISLATURE

1989

2. The potential benefits and practicality of developing a regional, multi-state system;
 3. Cost estimates for alternative system designs;
 4. Alternative mechanisms for funding the system;
- and
5. A recommendation for a system to serve the State and a recommended method of funding the system.

Sec. 2. Consultation with and cooperation of other agencies. The Public Utilities Commission shall consult with appropriate agencies and organizations serving the deaf community, with representatives of the deaf community and with relevant state agencies. The other state agencies shall cooperate with the Public Utilities Committee in conducting the study.

Sec. 3. Report. The Public Utilities Commission shall report their findings to the joint standing committee having jurisdiction over utility matters by January 5, 1990. The report shall include draft legislation for the implementation of a plan to provide a continuous telephone relay service.

Sec. 4. Staff. The Public Utilities Commission may contract for services to complete this study.

Sec. 5. Special Assessment. Every telephone utility subject to an assessment pursuant to the Maine Revised Statutes, Title 35-A, section 116 shall be subject to an additional assessment on its intrastate gross operating revenues to produce no more than \$45,000 in revenues in fiscal year 1989-90. This assessment may be billed on the effective date of this Act and shall be due July 1, 1989. The revenues produced from this assessment shall be used to conduct the study. These funds shall be raised and accounted for in accordance with the provisions of Title 35-A, section 116 and shall be paid to the Treasurer of State and deposited in a separate account in the Public Utilities Commission Regulatory Fund. The assessment charged to utilities under this section is a just and reasonable operation cost for rate-making purposes. Any funds remaining in the fund after the study has been completed will be returned proportionately to the utilities assessed.

Sec. 6. Allocation of the Public Utilities Commission Regulatory Fund. Income not otherwise allocated from the Public Utilities Commission Regulatory Fund is allocated for the fiscal year ending June 30, 1990 and shall be segregated, apportioned and disbursed as designated in the following schedule.

	1989-90
PUBLIC UTILITIES COMMISSION	
Public Utilities - Administrative Division	
All Other	\$45,000

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

Effective May 19, 1989.

CHAPTER 25

H.P. 1193 - L.D. 1660

An Act to Provide for an Interim Superintendent for the Augusta Mental Health Institute

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

Whereas, a management crisis currently exists at the Augusta Mental Health Institute; and

Whereas, the State of Maine is unable at present to find a suitable person to be appointed as superintendent of the Augusta Mental Health Institute; and

Whereas, the crisis at the Augusta Mental Health Institute requires that a suitably qualified person be appointed superintendent as expeditiously as possible; and

Whereas, the laws of Maine currently prohibit the appointment either of a corporation or a person who is not a state employee to the position of superintendent of the Augusta Mental Health Institute; and

Whereas, a suitable person may be available for appointment to the position of superintendent of the Augusta Mental Health Institute on a temporary basis provided that such person is not required to be a state employee; and

Whereas, the superintendent appointed pursuant to this law will find it necessary to enter into various contracts for consultant services and other services related to the care and treatment of patients at the Augusta Mental Health Institute; 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. Appointment of temporary superintendent. The Commissioner of Mental Health and Mental Retardation may make an interim appointment of an individual who meets the requirements of the Maine Revised Statutes, Title 34-B, section 3202, subsection 2, to be superintendent of the Augusta Mental Health Institute. The individual appointed shall not be a state employee.

Sec. 2. Additional conditions. For purposes of immunity and liability, Health Consortium Inc., any person or entity contracting with Health Consortium Inc., and any of their employees, including the interim superintendent, when providing services pursuant to a contract between Health Consortium, Inc. and the Department of Mental Health and Mental Retardation, including assisting and advising the department in carrying out its statutory duties at the Augusta Mental Health Institute, shall be deemed to be state employees or state agencies. The interim superintendent shall meet with committees of the Legislature at the request of those committees to provide any requested information and the commissioner shall provide to the joint standing committee of the Legislature having jurisdiction over human resource matters copies of all written materials provided to the commissioner or the Governor by the interim superintendent or Health Consortium, Inc. It is the intent of the Legislature that the costs of any contracts entered into by the Department of Mental Health and Mental Retardation relating to the appointment of an interim superintendent and the provision of services related to that interim appointment shall be paid from the Governor's contingency account.

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

Effective May 23, 1989.

CHAPTER 26

H.P. 419 - L.D. 584

An Act to Make Allocations for the Administrative Expenses of the Bureau of Lottery, Department of Finance, 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, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses incident to the operation of the Bureau of Lottery will become 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:

Sec. 1. Allocation of fund. In order to provide for the necessary expenses of operation and administration of

the Bureau of Lottery, the following amounts, or as much as may be necessary, are allocated from the revenues derived from operations of the State Lottery Fund.

	1989-90	1990-91
FINANCE, DEPARTMENT OF		
State Lottery Fund		
Positions	(43.5)	(43.5)
Personal Services	\$1,209,205	\$1,248,639
All Other	1,670,642	1,884,226
DEPARTMENT OF FINANCE		
TOTAL	\$2,879,847	\$3,132,865

Sec. 2. Allotments required. Upon receipt of allotments duly approved by the Governor, based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures from these allocations on the basis of these allotments and not otherwise.

Sec. 3. Legislative intent. It is the intent of the Legislature that the allocation of funds by the Legislature, as provided by this Act, shall apply to the administrative expenses only and that these allocations shall be allotted and approved under the Maine Revised Statutes, Title 5.

Sec. 4. Adjustments to allocations. Allocations may be increased or adjusted by the State Budget Officer with the approval of the Governor to specifically cover those adjustments determined to be necessary under any salary plan approved by the Legislature and those reclassifications or range changes which have been approved by the Department of Administration and submitted for legislative review prior to the effective date of this Act.

Sec. 5. Exclusion. Excluding sections 1 to 4 of this Act, up to \$90,000 each fiscal year may be expended for Capital Expenditures.

Sec. 6. Report. The Commissioner of Finance shall report to the Joint Standing Committee on Appropriations and Financial Affairs concerning the success of using direct mailing strategies initiated by the Bureau of Lottery by January 15, 1990.

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

Effective May 26, 1989.

CHAPTER 27

H.P. 572 - L.D. 776

An Act to Clarify the Common Boundary of the Town of Cape Elizabeth and the Town of Scarborough