

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 5, 1990 to July 10, 1991

Chapters 1 - 590

THE GENERAL EFFECTIVE DATE FOR
NON-EMERGENCY LAWS IS
OCTOBER 9, 1991

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
1991

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

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ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Whereas, unless this legislation takes effect immediately, this problem will adversely affect retired Legislators this year; 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:

3 MRSA §2, first ¶, as affected by PL 1989, c. 878, Pt. D, §§14 and 15, is amended to read:

Each member of the Senate and House of Representatives, beginning with the first Wednesday of December 1990 and thereafter, ~~shall receive~~ is entitled to \$10,500 in the first year and \$7,500 in the 2nd year of each biennium, ~~and shall except that if a Legislator who is a recipient of retirement benefits from the federal Social Security Administration files a written request with the Executive Director of the Legislative Council within one week after the biennium commences, the Legislator is entitled to \$9,000 in each year of the biennium.~~ In addition, each Legislator is entitled to be paid for travel at each legislative session once each week at the same rate per mile to and from that Legislator's place of abode as state employees receive, the mileage to be determined by the most reasonable direct route, except that Legislators may be reimbursed for tolls paid for travel on the Maine Turnpike provided they have a receipt for payment of the tolls, such tolls to be reimbursed when Legislators use the Maine Turnpike in traveling to and from sessions of the Legislature or in performance of duly authorized committee assignments. Each Legislator is entitled to mileage on the first day of the session, and such amounts of salary and expenses at such times as the Legislature may determine during the session, and the balance at the end thereof.

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

Effective December 14, 1990.

CHAPTER 5

H.P. 10 - L.D. 13

An Act to Increase the Amount the State may Borrow in Anticipation of Tax Revenues

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 be after the period during which temporary funds will be required; and

Whereas, legislative action is immediately necessary to ensure that sufficient cash is available for payment of obligations authorized by the Legislature; 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 §150, 2nd ¶, as amended by PL 1981, c. 705, Pt. P, is further amended to read:

The Treasurer of State, with the approval of the Governor may negotiate a temporary loan or loans in anticipation of taxes levied for that fiscal year, but not exceeding a total of that amount of taxes estimated by the Treasurer of State to be collected in the fiscal year in which such temporary loan or loans, or renewal thereof, is made, provided that such temporary loans or renewals thereof shall not exceed any limitation set forth in the Constitution of Maine, Article IX, Section 14. Such loans may be renewed from time to time as the Treasurer of State, with the approval of the Governor, may determine, provided that each loan or renewal thereof shall be retired not later than the close of the fiscal year in which such loan was originally made and for which was levied the taxes in anticipation of the collection of which such loan was originally made; and that each such loan or renewal thereof shall comply with the provisions of this section and the Constitution of Maine, Article IX, Section 14. The Treasurer of State is directed to pay such loan or loans in anticipation of taxes during such year and there is appropriated for any year in which the Treasurer of State and the Governor deem it necessary to borrow in anticipation of taxes the sum of \$30,000,000; except that for fiscal year 1990-91, the sum may not exceed \$125,000,000.

Sec. 2. Tax Anticipation Note Debt Service Account established. The Tax Anticipation Note Debt Service Account is established for the purpose of meeting the State's obligation, including issuance costs, as a result of any tax anticipation notes that may be issued to meet expenditures already incurred by State Government during fiscal year 1990-91. Any earnings in excess of those needed to service this debt must be transferred to the General Fund no later than June 30, 1991.

Sec. 3. Treasurer of State authorization. The Treasurer of State is authorized to set aside sufficient General Fund revenues in fiscal year 1990-91 in the event there are insufficient resources in the debt service account established in section 3 of this Act to meet principal, interest and related payments. The Treasurer of State shall report to the Joint Standing Committee on Appropriations and Financial Affairs the amount, if any, of General Fund revenue set aside.

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

Effective January 4, 1991.

CHAPTER 6

S.P. 70 - L.D. 126

An Act to Allow the Systems Assessment Commission to Extend Reporting Deadlines

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

Whereas, the Systems Assessment Commission was established by Public Law 1989, chapter 501, Part BB, section 8; and

Whereas, the commission was to submit a report to the 115th Legislature by December 15, 1990; and

Whereas, the commission needs additional time to prepare its final report; 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. PL 1989, c. 501, Pt. BB, §8, ¶G, as amended by PL 1989, c. 894, §1, is further amended to read:

G. The commission has the following duties.

(1) The commission, with the assistance of the Department of Mental Health and Mental Retardation, the Superintendent of the Augusta Mental Health Institute, the Superintendent of the Bangor Mental Health Institute and any other agency or department of State Government, shall develop a long-range plan for the Augusta Mental Health Institute and the Bangor Mental Health Institute. The plan shall include consideration of the creation of a smaller acute care facility or facilities to take the place of the current facilities and any other option for humane, safe and cost-effective delivery of services to Maine's mentally ill citizens. Following the development of a long-range plan for the Augusta Mental Health Institute, the commission shall develop a plan for the Bangor Mental Health Institute. Any plans developed shall also include an assessment of the need for and delivery of community services, including consider-

ation of the drafting of model legislation governing the delivery of mental health services statewide. The commission shall coordinate with the Bureau of Public Improvements, the State House and Capitol Park Commission and the Supreme Judicial Court Plan and Design Commission in the development of its plans for the Augusta Mental Health Institute and the Bangor Mental Health Institute.

(2) The commission shall issue a preliminary report to the Joint Standing Committee on Human Resources no later than January 15, 1990. Copies of this report shall be sent to the Maine Commission on Mental Health, legislative leadership, the Joint Standing Committee on Appropriations and Financial Affairs and to the Governor. The plan shall include a preliminary assessment of the issue. The commission shall include any necessary adjustments to its budget which reflect anticipated costs for contracts and other services necessary for the development of the long-range plan. A final report shall be issued to the 115th Legislature no later than ~~December 15, 1990~~ February 28, 1991. This report shall include a complete plan for the Augusta Mental Health Institute and the Bangor Mental Health Institute, including a full assessment of an alternative facility or facilities, community resources which are needed, costs, time frames and necessary implementing legislation.

Sec. 2. Retroactivity. This Act applies retroactively to December 15, 1990.

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

Effective January 29, 1991.

CHAPTER 7

S.P. 93 - L.D. 178

An Act to Authorize Flag Plates on Motor Vehicles

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

Whereas, there is an ongoing conflict in the Middle East; and

Whereas, the citizens of Maine are seeking ways to show support for the men and women of the armed services in the Persian Gulf region; and