

# MAINE STATE LEGISLATURE

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

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

**SECOND SPECIAL SESSION**

December 12, 1991 to January 7, 1992

**SECOND REGULAR SESSION**

January 8, 1992 to March 31, 1992

THE GENERAL EFFECTIVE DATE FOR  
SECOND REGULAR SESSION  
NON-EMERGENCY LAWS IS  
JUNE 30, 1992

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  
1992

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

**AS PASSED AT THE**  
**SECOND SPECIAL SESSION**

**of the**  
**ONE HUNDRED AND FIFTEENTH LEGISLATURE**

**1991**

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**PART TT**

**Report of privatization plans.** Prior to implementing any plans to privatize mental health or mental retardation services and no later than February 15, 1992, the Department of Mental Health and Mental Retardation must report such plans to the Joint Standing Committee on Human Resources.

**PART UU**

**Sec. UU-1. Commuting vehicle stipend.** Notwithstanding any other provision of law, no commuting vehicle stipend may be awarded, authorized or implemented to any nonrepresented employee of the University of Maine System, the Maine Technical College System and the Maine Maritime Academy as of the effective date of this Act. Any savings realized by the University of Maine System, the Maine Technical College System and the Maine Maritime Academy must be used to offset any proposed or implemented tuition increase.

**Sec. UU-2. Report required.** The University of Maine System, the Maine Technical College System and the Maine Maritime Academy shall report total cost savings pursuant to section 1 of this Part and Part II, sections 1 and 2 to the Joint Standing Committee on Appropriations and Financial Affairs by February 1, 1992.

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

Effective December 23, 1991, unless otherwise indicated.

**CHAPTER 623**

**S.P. 211 - L.D. 538**

**An Act Relating to Assumption of Medical Expenses by the State in Child Protection Investigations**

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

**22 MRSA §4024** is enacted to read:

**§4024. Department responsible for required services**

If the department requires that a child receive mental health services or other medical services as an alternative to the initiation of a child protection proceeding, the department shall inform the person responsible for the child that the services must be approved by the department. If the person responsible for the child's medical expenses is unable to pay for the services required,

the department shall inform the person responsible for the child that the department will pay for the services if the services are approved by the department.

Effective April 7, 1992.

**CHAPTER 624**

**S.P. 823 - L.D. 1991**

**An Act to Correct An Engrossing Error in Public Law 1991, Chapter 622**

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

**Whereas,** an error was made in assembling the engrossed version of L.D. 1985, which became Public Law 1991, chapter 622; and

**Whereas,** the error needs to be corrected immediately in order that the law correctly reflects the actions of this Legislature; and

**Whereas,** this change must take effect 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:**

**Sec. 1. PL 1991, c. 622, Pt. H** is repealed.

**Sec. 2. PL 1991, c. 622, Pt. PP** is repealed.

**Sec. 3. Retroactivity.** This Act is retroactive to December 23, 1991.

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

Effective January 9, 1992.

**CHAPTER 625**

**S.P. 789 - L.D. 1986**

**An Act to Determine the Distribution Method of the Supplemental Reduction to General Purpose Aid for Local Schools for Fiscal Year 1991-92**

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

**Sec. 1. 20-A MRSA §15602, sub-§6** is enacted to read:

**6. Supplemental state subsidy for fiscal year 1991-92.** Notwithstanding subsections 1 to 5, for fiscal year 1991-92 only, the state share of the foundation allocation, debt service allocation and minimum subsidy for all school administrative units is limited to \$504,427,946. The necessary additional reduction of \$17,131,200 from the amount specified in subsection 5 must be applied only to the state share of the foundation allocation and the minimum subsidy allocation. The additional reduction of \$17,131,200 represents savings from a reduction in bus purchases of \$75,000, the omission of home study pupils from subsidy calculations of \$945,956 and an additional \$16,110,244 reduction in state subsidy overall.

**Sec. 2. 20-A MRSA §15610, sub-§1, ¶F** is enacted to read:

F. In addition to the reduction specified in paragraph E, for fiscal year 1991-92, the state share of the foundation allocation and the minimum subsidy allocation must be further reduced by an amount based on 50% of each of the following amounts:

- (1) An amount calculated as approximately 3.41% of the unit's state share of its foundation allocation and minimum subsidy; and
- (2) An amount calculated by multiplying approximately 0.287 mills by the state valuation of the unit.

The amount to be reduced may not exceed the unit's subsidy for foundation allocation and minimum subsidy.

**Sec. 3. 20-A MRSA §15612, sub-§14** is enacted to read:

**14. Hardship fund.** For fiscal year 1991-92, a hardship fund is established to assist school administrative units severely affected by the supplemental reduction in the foundation allocation and minimum subsidy required under section 15602, subsection 6. The fund must be capitalized with up to \$4,500,000 from General Fund revenues collected above budgeted General Fund revenues. The joint standing committee of the Legislature having jurisdiction over education shall establish a definition of hardship and criteria for adjusting a unit's foundation allocation and minimum subsidy. The commissioner shall administer the fund.

**Sec. 4. PL 1991, c. 622, Pt. HH, §2** is repealed and the following enacted in its place:

**Sec. HH-2. Actual over-budgeted General Fund revenues.** For the period January 1, 1992 to June 30, 1992, up to \$4,500,000 of any actual General Fund revenues collected above budgeted General Fund revenues, on a cumulative basis for the 6-month period, must be transferred to the General Purpose Aid for Local Schools hardship fund. Any remaining actual General Fund revenues collected above budgeted General Fund revenues must be transferred to the Local Government Fund and distributed no later than August 1992.

**Sec. 5. Retroactivity.** This Act applies retroactively to January 1, 1992.

Effective April 7, 1992.