

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 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.

J.S. McCarthy Company
Augusta, Maine
1992

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
SECOND REGULAR SESSION

of the
ONE HUNDRED AND FIFTEENTH LEGISLATURE

1991

Sec. 23. 37-B MRSA §528, as enacted by PL 1989, c. 547, §3, is amended to read:

§528. Staff

The Bureau Division of Veterans' Services shall provide clerical and professional staff to assist the commission.

Sec. 24. 37-B MRSA §603, as amended by PL 1989, c. 503, Pt. B, §172, is further amended to read:

§603. Board of trustees

The administration of the homes is vested in the Board of Trustees of the Maine Veterans' Homes, as authorized by Title 5, section 12004-G, subsection 34. The board ~~shall consist~~ consists of 10 members, one of whom ~~shall must~~ be the Director Supervisor of the Bureau Division of Veterans' Services, ex officio, who shall serve without term. The Governor shall appoint the remaining trustees, who ~~shall must~~ be honorably discharged war veterans. One member ~~shall must~~ be appointed from and ~~shall~~ represent each of the largest veterans' organizations, not exceeding 5, ~~which that~~ are nationally chartered and have a department in Maine. The remaining members ~~shall must~~ be appointed at large and shall serve staggered 3-year terms. The membership ~~shall must~~ be distributed across the State so that 3 reside in the southern part of the State, 3 in the central part and 3 in the northern part. In the event of a vacancy, ~~the a~~ successor ~~shall must~~ be appointed to complete the unexpired term. Each trustee shall continue to hold office until a successor is appointed and qualified.

Sec. 25. Report to Joint Standing Committee on Appropriations and Financial Affairs. The following departments and agencies of State Government shall prepare and report the following.

All departments and agencies of State Government, including, without limitation, each department and agency in the executive branch, the legislative and judicial departments, the Office of the Secretary of State, the Office of the Attorney General, the Office of Treasurer of State, the Office of the State Auditor, the Finance Authority of Maine, the Maine State Housing Authority and all independent agencies and institutions of higher education shall prepare a plan that, at a minimum, reduces the cost of administrative personnel by 10% in fiscal year 1991-92 and fiscal year 1992-93. The plan must state the total current number of administrative and nonadministrative personnel and the total amount of administrative salaries for the agency. In addition, the plan must include a list of administrative positions and a list of nonadministrative positions. With respect to each list, the positions must be displayed by job classification showing the number of positions in each classification and the funding source for each classification and position. The plan must specifically detail each position

to be abolished, reduced to a part-time position or combined with another position. The plan must describe how department or agency programs will be administered and how the organization will be managed as a result of the reduction in the cost of administrative personnel and salaries. The plan must specify the amount of savings to be achieved, by funding source, as a result of the reduction in administrative personnel.

For the purpose of this section, for all departments and agencies of State Government identified in this section, "administrative personnel" means employees whose primary functions involve: the management or administration of a department, department units or department programs; supervision of employees; policy development; policy implementation; execution of nondirect service responsibilities; and clerical or secretarial duties. The term "administrative personnel" does not apply to employees, such as caseworkers, motor vehicle registration employees, mental health workers and prison guards, whose duties or responsibilities primarily involve providing direct services to members of the public or clients of the State or similar types of responsibilities.

Each organization subject to this section shall provide its report no later than February 10, 1992 to the Joint Standing Committee on Appropriations and Financial Affairs. The committee shall review the agency reports and determine the amount of savings that can be incurred.

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

Effective January 31, 1992.

CHAPTER 627

S.P. 688 - L.D. 1829

An Act to Require that Financial Examinations of Home Service Companies Be Conducted by the Superintendent of Insurance

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

Sec. 1. 32 MRSA §13235, sub-§§1 and 6, as enacted by PL 1987, c. 395, Pt. A, §212, are amended to read:

1. Time of filing; financial statement. Each home service company shall file with the director, annually, within 90 days of the close of its fiscal year, its annual statement in a form prescribed by or acceptable to the director. The annual statement ~~shall must~~ include a current financial statement, including a balance sheet, income statement and statement of operations cash flow

prepared in accordance with generally accepted accounting principles and certified by an independent certified public accountant.

6. Examination. The director may make an examination of the affairs of any licensed home service company as ~~he deems~~ necessary. Such an examination must be performed under the guidance of the Superintendent of Insurance specifically for determination of the financial condition of the home service company. The director, upon advice from the Superintendent of Insurance, may take appropriate action allowed under section 13229. Every home service company shall make its books and records relating to its home service contract operations available for the examination. All expenses relating to such an examination ~~shall~~ **must** be borne by the home service company being examined.

See title page for effective date.

CHAPTER 628

H.P. 977 - L.D. 1420

An Act to Correct an Error in the Law Creating a Special Housing Allowance

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

Whereas, shelter costs have become very high and are continuing to rise in all parts of the State; and

Whereas, many families receiving Aid to Families with Dependent Children benefits do not have sufficient income to meet these costs; and

Whereas, this creates severe hardship and the threat of homelessness for these families as well as significant cost to municipalities that must meet these needs through their general assistance programs; 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. 22 MRSA §3760-D, sub-§2-A, as enacted by PL 1991, c. 622, Part M, §15, is repealed.

Sec. 2. Effective date. This Act takes effect retroactively to December 23, 1991.

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

Effective February 13, 1992.

CHAPTER 629

H.P. 1568 - L.D. 2210

An Act to Correct an Omission from the Recodification of Title 30

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

Whereas, the Maine Revised Statutes, Title 30 was recodified as Title 30-A in 1989; and

Whereas, language in Title 30 designating the Director of the Maine State Housing Authority as the official responsible for certifying that housing-related bonds meet the bond volume requirements of the Internal Revenue Code was unintentionally omitted from the recodification of the Act; and

Whereas, the unintended repeal of this designation has created uncertainty concerning the issuance of the Maine State Housing Authority's bonds, the proceeds of which are used to finance housing for low-income people in the State; 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. 30-A MRSA §4741, sub-§14, as amended by PL 1991, c. 622, Pt. J, §21 and affected by §25, is further amended to read:

14. State housing credit agency. The Maine State Housing Authority is designated the housing credit agency for the State and may receive and allocate, according to a process established by rulemaking pursuant to Title 5, chapter 375, subchapter II, the annual state housing credit ceiling for the low-income housing credit established by the United States Code, Title 26; ~~and~~

Sec. 2. 30-A MRSA §4741, sub-§15, as enacted by PL 1991, c. 622, Pt. J, §22 and affected by §25, is amended to read: