

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND FIFTEENTH LEGISLATURE

THIRD SPECIAL SESSION

October 1, 1992 to October 6, 1992

FOURTH SPECIAL SESSION

October 16, 1992

ONE HUNDRED AND SIXTEENTH LEGISLATURE

FIRST REGULAR SESSION

December 2, 1992 to July 14, 1993

THE GENERAL EFFECTIVE DATE FOR

FIRST REGULAR SESSION

NON-EMERGENCY LAWS IS

OCTOBER 13, 1993

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
1993

PUBLIC LAWS
OF THE
STATE OF MAINE

AS PASSED AT THE
FIRST REGULAR SESSION

of the
ONE HUNDRED AND SIXTEENTH LEGISLATURE

1993

waived for any year in which DFAS or other federal employment in the DFAS project area averages 3,500 full-time equivalent positions. These positions must be new jobs within the region in which the DFAS facility is located and be compensated on a salary structure that meets or exceeds that of the proposed DFAS employees. The lease must provide that, in years in which the number of full-time equivalent positions falls below 3,500, a varied percentage of lease payments will be made as follows:

<u>EMPLOYMENT LEVEL</u>	<u>PERCENTAGE OF ANNUAL LEASE PAYMENT</u>
3,000 to 3,499	25%
2,500 to 2,999	50%
2,000 to 2,499	75%
Below 2,000	100%

(2) A credit enhancement arrangement on the part of the Federal Government. A credit enhancement may be a letter of credit, a performance bond, pledges of assets or securities or a guarantee of the project's debt from an appropriate federal agency such as the Small Business Administration, the Farmers Home Administration or other agency that is authorized to guarantee debt repayment, or another arrangement determined acceptable by the commissioner; or

(3) Any other form of assurance that revenues will be available for the repayment of the debt incurred in implementing the DFAS development program, either in lump sum or payments applied over time, should the facility close or employment levels fall below an acceptable level.

Sec. 11. 30-A MRSA §5273, sub-§6, as enacted by PL 1991, c. 886, §1 and affected by §2, is amended to read:

6. Certificate of approval. Upon approval of the DFAS development program, the commissioner shall issue a certificate of approval. For a period of 30 days following the issuance of the certificate of approval, any interested or aggrieved parties have the right to challenge or appeal the issuance of the certificate of approval, or any infirmities in connection with the application for, or proceedings relating to the issuance of the certificate of approval. After the expiration of the 30-day period, the issuance of the certificate of approval and the results of all proceedings relating to it are final, binding and unappealable, and no party has any right to appeal, challenge or otherwise seek judicial or administrative review

of the issuance of the certificate of approval or seek to obtain any injunctive or declaratory relief with respect to it.

See title page for effective date.

CHAPTER 5

S.P. 154 - L.D. 485

An Act to Make Supplemental Appropriations in Fiscal Year 1992-93 for the Purpose of Meeting Certain State Payrolls

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 will become due and payable on or before June 30, 1993; 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. Supplemental appropriations from General Fund. There are appropriated from the General Fund for the fiscal year ending June 30, 1993, to the department listed, the following sums.

1992-93

MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF

Augusta Mental Health Institute

Personal Services \$120,000

Provides for the appropriation of funds, when used in conjunction with available resources, to cover the February 17, 1993 payroll due to the delays in closing nursing home wards.

Bangor Mental Health Institute

Personal Services \$110,000

Provides for the appropriation of funds, when used in conjunction with available resources, to cover the February 17, 1993 payroll due to the delays in closing nursing home wards.

Mental Health Services - Community

All Other (\$230,000)

Provides for the deappropriation of funds through savings from reductions in administrative costs in community mental health agencies.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION TOTAL _____ \$0

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

Effective February 11, 1993.

CHAPTER 6

H.P. 24 - L.D. 27

An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1993

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 will become due and payable prior to July 1, 1993; 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:

PART A

Sec. A-1. Appropriation. There are appropriated from the General Fund for the fiscal year ending

June 30, 1993 to the departments listed, the following sums.

1992-93

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Buildings and Grounds Operations

All Other \$896,990

Provides for the appropriation of funds to maintain heat, lights, other utilities, rubbish removal and basic maintenance services in the capitol complex.

Maine Residents Property Tax Program

All Other (896,990)

Provides for the deappropriation of funds no longer needed to meet the requirements of this program.

Taxation - Bureau of

Positions - Other Count (-4.5)
Personal Services (110,000)
All Other 45,000

TOTAL _____ (65,000)

Provides for the deappropriation of funds from the elimination of 8 seasonal Clerk I positions and 3 seasonal Clerk Typist I positions and 2 seasonal Clerk II positions; elimination of overtime; the increase in contractual services for clerical support; and the upgrade of 2 seasonal, 18-week Clerk I positions to seasonal, 40-week Clerk III positions.

Tree Growth Tax Reimbursement

All Other (1,000,000)

Provides for the deappropriation of funds through the reduction of tree growth reimbursements to municipalities.