

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

CHAPTER 69

H.P. 258 - L.D. 336

An Act Relating to Interspousal Immunity

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

Sec. 1. 24-A MRSA §2902-A, as amended by PL 1991, c. 126, §§1 to 3, is repealed.

Sec. 2. 24-A MRSA §2902-D is enacted to read:

§2902-D. Family exclusions prohibited

An insurer may not sell or renew a motor vehicle liability insurance policy on or after January 1, 1994 with a provision that excludes coverage for injury to the insured or any family member of the insured.

See title page for effective date.

CHAPTER 70

S.P. 406 - L.D. 1264

An Act to Make Supplemental Allocations to Continue Certain Positions Established by Financial Order, to Establish Other Positions, to Transfer Positions among Funds and to Make Technical Corrections to the Laws for Fiscal Year 1992-93

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 state employee positions funded with federal expenditures, other special revenue and internal service funds and established by financial order in fiscal year 1992-93 will terminate on or about April 30, 1993 unless continued by the First Regular Session of the 116th Legislature; and

Whereas, other changes to allocations and the laws are necessary in fiscal year 1992-93; 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 §1583-A, as amended by PL 1993, c. 6, Pt. N, §1, is repealed and the following enacted in its place:

§1583-A. Creation of positions

Notwithstanding any other provision of law, positions may not be established except as authorized by legislative appropriation or allocation.

Sec. 2. PL 1993, c. 6, Pt. N, §2 is repealed.

Sec. 3. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

1992-93

ATLANTIC SEA RUN SALMON COMMISSION

Atlantic Sea Run Salmon Commission

Positions - Other Count	(2.0)
Personal Services	\$8,431

Provides for the allocation of funds to continue one Biologist I position and one Biologist II position originally established by financial order.

ATLANTIC SEA RUN SALMON COMMISSION TOTAL

8,431

ATTORNEY GENERAL, DEPARTMENT OF THE

Administration - Attorney General

Positions - Other Count	(1.0)
Personal Services	4,429
All Other	2,500
Capital Expenditures	1,000

TOTAL 7,929

Provides for the allocation of funds to support one Research Assistant position to assist families of homicide victims.

Administration - Attorney General

Positions - Other Count	(2.0)
Personal Services	13,216
All Other	1,750

TOTAL 14,966

Provides for the allocation of funds to support 2 Maine Drug Enforcement Agency Assistant Attorney General positions for drug prosecution.

DEPARTMENT OF THE ATTORNEY GENERAL
TOTAL

22,895

CONSERVATION, DEPARTMENT OF

Maine Conservation Corps

Positions - Other Count (4.5)
Personal Services 21,850

Provides for the allocation of funds for a youth corps program including the continuation of one Clerk Typist II limited-period position, one Volunteer Services Coordinator position and 3 Volunteer Services Assistant positions established by financial order.

DEPARTMENT OF CONSERVATION
TOTAL

21,850

CORRECTIONS, DEPARTMENT OF

Correctional Center

Positions - Other Count (3.0)
Personal Services 13,081

Provides for the allocation of funds to continue 3 Teacher positions established by financial order.

Youth Center-Maine

Positions - Other Count (0.5)
Personal Services 7,925
All Other 9,941

TOTAL 17,866

Provides for the allocation of funds to establish one part-time teacher position and for related operating expenses to serve migrant students in order to carry out the federal migrant grant awarded to the Maine Youth Center by the Department of Education.

Youth Center - Maine

Positions - Other Count (1.0)
Personal Services 14,434
All Other 35,166
Capital Expenditures (49,600)

TOTAL 0

Provides for the allocation of funds through a line category transfer to establish one Special Education Teacher position and for instructional materials and to reflect the approved budget of the federal Special Education grant awarded to the Maine Youth Center by the Department of Education.

DEPARTMENT OF CORRECTIONS
TOTAL

30,947

DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF

Military Training and Operations

Positions - Other Count (2.0)
Personal Services 17,500

Provides for the allocation of funds for one Planning and Research Associate I position and one Oil Burner Mechanic Supervisor position.

DEPARTMENT OF DEFENSE AND VETERANS' SERVICES
TOTAL

17,500

ENVIRONMENTAL PROTECTION, DEPARTMENT OF

Air Quality Control

Positions - Other Count (5.0)
Personal Services 26,101
All Other 3,222

TOTAL 29,323

Provides for the allocation of funds to continue 2 Environmental Specialist II positions, one Environmental Specialist III position, one Environmental Specialist IV position and one Conservation Aide position originally established by financial order.

Pollution Prevention

Positions - Other Count	(1.0)
Personal Services	6,096
All Other	154
TOTAL	6,250

Provides for the allocation of funds to continue one Environmental Specialist III position originally established by financial order to provide assistance to the public and governmental entities.

Water Quality Control

Positions - Other Count	(1.0)
Personal Services	7,081
All Other	179
TOTAL	7,260

Provides for the allocation of funds to continue one Environmental Specialist III position originally established by financial order to carry out regulatory development and administration.

Water Quality Control

Positions - Other Count	(2.0)
Personal Services	18,700
All Other	1,528
TOTAL	20,228

Provides for the allocation of funds to continue one Civil Engineer III position and one Environmental Specialist IV position originally established by financial order to assist municipalities in reducing pollution from wastewater discharges.

Water Quality Control

Positions - Other Count	(1.0)
Personal Services	5,830
All Other	147
TOTAL	5,977

Provides for the allocation of funds to continue one Environmental Specialist II position

originally established by financial order to assist in carrying out the Non-Point Source Program.

Water Quality Control

Positions - Other Count	(1.0)
Personal Services	6,305
All Other	159
TOTAL	6,464

Provides for the allocation of funds to continue one Environmental Specialist II position originally established by financial order to administer the Underground Injection Control Program.

DEPARTMENT OF ENVIRONMENTAL PROTECTION

75,502

EXECUTIVE DEPARTMENT

Maine Science and Technology Commission

Positions - Other Count	(1.0)
Personal Services	6,772

Provides for the allocation of funds for the continuation of one Clerk Typist III position established by financial order.

Planning Office

Positions - Other Count	(2.0)
Personal Services	16,092

Provides for the allocation of funds for the continuation of 2 Senior Planner positions that were created to support federal grants.

EXECUTIVE DEPARTMENT TOTAL

22,864

HUMAN SERVICES, DEPARTMENT OF

Health - Bureau of

Positions - Other Count	(2.5)
Personal Services	15,885

Provides for the allocation of funds to continue the Child-

hood Lead Poisoning Program as approved by Financial Order 4323 F2, which established one Public Health Nurse Consultant position, one Word Processing Operator position and one part-time Environmental Specialist II position.

Health - Bureau of

Positions - Other Count (1.0)
 Personal Services 7,036

Provides for the allocation of funds for the continuation of the Sexually Transmitted Disease Program as approved by Financial Order 4185 F2, which established one Health Program Manager position.

Health - Bureau of

Positions - Other Count (1.0)
 Personal Services 4,666
 All Other 750

TOTAL 5,416

Provides for the allocation of funds for the continuation of the Tuberculosis Control/AIDS Grant as approved by Financial Orders 4001 F2 and 4060 F2, including funding for one Data Entry Specialist position.

Health - Bureau of

Positions - Other Count (3.0)
 Personal Services 19,457

Provides for the allocation of funds for the continuation of the Year 2000 Surveillance Project Cooperative Agreement by Financial Order 4502 F2, which established one Health Program Manager position, one Systems Analyst position and one Clerk Typist III position.

Health - Bureau of

Positions - Other Count (4.0)
 Personal Services 25,505

Provides for the allocation of funds for the continuation of

the grant "Core Capacity Building for Breast and Cervical Cancer Prevention and Control" by Financial Order 4501 F2 which established one Health Program Manager position, one Epidemiologist position, one Public Health Educator III position and one Word Processing Operator position.

Medical Care Administration

Positions - Other Count (3.0)
 Personal Services 10,498
 All Other 1,500

TOTAL 11,998

Provides for the allocation of funds to continue the Managed Care Demonstration Project for Low-income Adults as approved by Financial Order 4186 F2, which established one Clerk Typist II position and 2 Human Services Aide III positions.

Medical Care Administration

Positions-Other Count (5.0)
 Personal Services 31,897

Provides for the allocation of funds to continue the Clinical Laboratory Improvement Amendment as approved by Financial Order 04381 F2 which established one Laboratory Certification Supervisor position, 3 Laboratory Certification Surveyor positions and one Clerk Typist III position.

DEPARTMENT OF HUMAN SERVICES
 TOTAL 117,194

LABOR, DEPARTMENT OF

Job Training Partnership Program

Personal Services 163,069

Provides for the allocation of funds to create 28 half-time seasonal positions in the Summer Youth Employment and Training Program for the service delivery area involving

the counties of Kennebec,
Somerset, Washington and
York.

1992-93

**ATTORNEY GENERAL,
DEPARTMENT OF THE**

Administration - Attorney General

Positions - Other Count	(1.0)
Personal Services	\$4,657
All Other	425

TOTAL	5,082
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Provides for the allocation of funds for one Clerk Stenographer III position.

**DEPARTMENT OF THE ATTORNEY
GENERAL
TOTAL**

5,082

CONSERVATION, DEPARTMENT OF

Geographic-Based Information Services

Positions - Other Count	(3.0)
Personal Services	24,149
All Other	7,020

TOTAL	31,169
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Provides for the allocation of funds for 2 Geographic-Based Information Services Coordinator positions, one Programmer Analyst position and associated support costs which were established by financial orders to provide geographic-based information system products and services and to distribute geographic-based information system data to the public.

**DEPARTMENT OF CONSERVATION
TOTAL**

31,169

**ECONOMIC AND COMMUNITY
DEVELOPMENT, DEPARTMENT OF**

Comprehensive Land Use Planning

Positions - Other Count	(0.5)
Personal Services	3,725

Provides for the allocation of funds for the continuation of a half-time Chief Planner position established by financial order.

**DEPARTMENT OF LABOR
TOTAL**

163,069

LIBRARY, MAINE STATE

Library Development Services

Positions - Other Count	(3.0)
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Provides headcount for the continuation of 3 Library Assistant positions established through Financial Order 4441 F2.

**MARINE RESOURCES, DEPARTMENT
OF**

Marine Sciences - Bureau of

Positions - Other Count	(1.0)
Personal Services	6,000

Provides for the allocation of funds for one Natural Science Educator position to provide educational services for the department's federal education program.

**DEPARTMENT OF MARINE
RESOURCES
TOTAL**

6,000

**MENTAL HEALTH AND MENTAL
RETARDATION, DEPARTMENT OF**

Mental Health Services - Children

Positions - Other Count	(2.0)
Personal Services	8,965

Provides for the allocation of funds for one Education Specialist II position and one Clerk Stenographer III position.

**DEPARTMENT OF MENTAL HEALTH
AND MENTAL RETARDATION
TOTAL**

8,965

**TOTAL ALLOCATIONS
SECTION 3**

\$495,217

Sec. 4. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
TOTAL 3,725

HUMAN SERVICES, DEPARTMENT OF

Nuclear Safety Program

Positions - Other Count (1.0)
 Personal Services 5,242

Provides for the allocation of funds to continue the Radiation Control Program as approved by Financial Order 4439 F2, which established one Engineering Technician III position.

DEPARTMENT OF HUMAN SERVICES
TOTAL 5,242

JUDICIAL DEPARTMENT

Total Quality Management

Positions - Other Count (1.0)
 Personal Services 13,200
 All Other 9,000

TOTAL 22,200

Provides for the allocation of funds for one Project Administrator position in order to implement Total Quality Management (TQM).

Judicial Branch/DHS IV-D Cooperative Agreement Project

Positions-Other Count (1.0)
 Personal Services 13,774
 All Other 3,726

TOTAL 17,500

Provides for the allocation of funds for one Project Manager position to provide court services in accordance with Judicial Branch/DHS IV-D Cooperative Agreement.

JUDICIAL DEPARTMENT
TOTAL 39,700

MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF

Substance Abuse Services - Mental Health and Mental Retardation

All Other 165,998

Provides for the allocation of funds from a Robert Wood Johnson Foundation Grant for dual diagnosis services.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
TOTAL 165,998

PUBLIC SAFETY, DEPARTMENT OF

Fire Marshal - Office of

Positions - Other Count (2.5)
 Personal Services 20,212
 All Other 3,905

TOTAL 24,117

Provides for the allocation of funds for 2 Fire Inspector positions, one part-time Clerk Typist II position and related All Other general operating costs for the purpose of conducting child care facility inspections as approved by Financial Order 0442 F2.

DEPARTMENT OF PUBLIC SAFETY
TOTAL 24,117

TOTAL ALLOCATIONS
SECTION 4 \$275,033

Sec. 5. Allocation. The following funds are allocated from the Central Motor Pool Fund to carry out the purposes of this Act.

1992-93

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Central Motor Pool

Positions - Other Count (3.5)
 Personal Services \$22,544

Provides for the allocation of funds for 2 Auto Mechanic I positions, one Data Entry Operator position and one 20-hour Laborer I position established by Financial Order 4573 F2.

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
TOTAL 22,544

TOTAL ALLOCATIONS SECTION 5 \$22,544

Sec. 6. Allocation. The following funds are allocated from Federal Block Grant funds to carry out the purposes of this Act.

1992-93

MENTAL HEALTH AND MENTAL RETARDATION, DEPARTMENT OF

Mental Health Services - Community

All Other \$168,537

Provides for the allocation of funds from an anticipated transfer of funds from the Office of Substance Abuse for community mental health services.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
TOTAL 168,537

TOTAL ALLOCATIONS SECTION 6 \$168,537

Sec. 7. PL 1993, c. 6, Pt. L, §3 is repealed.

Sec. 8. PL 1991, c. 780, Pt. KKK, §7, under the caption "ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF", the part related to Departments and Agencies - Statewide, first line is amended to read:

Unallocated (~~\$900,000~~)
(\$875,681)

Sec. 9. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1992-93

HUMAN SERVICES, DEPARTMENT OF

Administration - Social Services

Positions - Legislative Count (-1.0)
 Personal Services (\$27,955)
 All Other (7,431)

TOTAL (35,386)

Provides for the deappropriation of funds from the transfer of one Social Service Program Specialist II position to the Child Care Food Program, Federal Expenditure Fund.

DEPARTMENT OF HUMAN SERVICES
TOTAL (35,386)

TOTAL APPROPRIATIONS SECTION 9 (\$35,386)

Sec. 10. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

1992-93

HUMAN SERVICES, DEPARTMENT OF

Child Care Food Program

Positions - Other Count (1.0)
 Personal Services \$27,955
 All Other 7,431

TOTAL 35,386

Provides for the allocation of funds from the transfer of one Social Service Program Specialist II position from Administration - Social Services, General Fund.

DEPARTMENT OF HUMAN SERVICES
TOTAL 35,386

TOTAL ALLOCATIONS SECTION 10 \$35,386

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

Effective April 23, 1993.

CHAPTER 71

H.P. 223 - L.D. 291

An Act to Restrict the Use of State Facilities

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

Sec. 1. 5 MRSA §1825-I is enacted to read: