

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SIXTEENTH LEGISLATURE

SECOND REGULAR SESSION

January 5, 1994 to April 14, 1994

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 14, 1994

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

other jurisdictions related to issues within the scope of the study.

6. The Legislative Council shall provide staff assistance upon the request of the commission, including assistance in preparing any recommended legislation.

7. The members of the commission are not entitled to compensation other than reimbursement for expenses, as defined in the Maine Revised Statutes, Title 5, chapter 379, upon application to the Executive Director of the Legislative Council.

8. The commission shall submit its report, together with any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over agriculture matters no later than April 15, 1995.

Sec. 9. Transfer of funds. Notwithstanding the provisions of the Maine Revised Statutes, Title 5, section 1585, no later than April 15, 1994, the Department of Agriculture, Food and Rural Resources shall transfer up to \$3,500 from the Maine Potato Board to the Legislature toward the actual expenses incurred by the Commission to Study Potato Quality Issues.

Sec. 10. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1994-95

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Marketing Services - Agriculture

All Other	\$3,000
Provides for the allocation of funds for additional operating costs of the Branding Law Program.	

DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

TOTAL \$3,000

LEGISLATURE

Commission to Study Potato Quality Issues

All Other	\$3,500
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Provides for the allocation of funds to cover the operating expenses of the Commission to Study Potato Quality Issues.

LEGISLATURE

TOTAL \$3,500

TOTAL ALLOCATIONS \$6,500

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

Effective April 15, 1994.

CHAPTER 700

S.P. 655 - L.D. 1824

An Act to Strengthen the Coordinated Delivery of Substance Abuse Services in the State

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

Sec. 1. 5 MRSA §20065, sub-§4, ¶A, as enacted by PL 1993, c. 410, Pt. LL, §12, is amended to read:

A. The terms of the 8 5 public members ap-
pointed under subsection 3, paragraph J are staggered. Of the initial appointees under that paragraph, 3 2 are appointed for terms of 3 years, 3 2 for terms of 2 years and 2 one for ~~terms~~ a term of one year. Thereafter, all appointments are for terms of 3 years, except that a member appointed to fill a vacancy in an unexpired term serves only for the remainder of that term. Members hold office until the appointment and confirmation of their successors. A public member may not be appointed for more than 2 consecutive, 3-year terms.

Sec. 2. 5 MRSA §20065, sub-§4, ¶C, as enacted by PL 1993, c. 410, Pt. LL, §12, is repealed.

Sec. 3. PL 1993, c. 410, Pt. LL, §14 is amended to read:

Sec. LL-14. Consolidation of substance abuse services programs. All substance abuse services and programs currently in existence throughout State Government, including but not limited to programs implemented by the Department of Education, the Department of Corrections and the Department of Mental Health and Mental Retardation are consolidated within the Office of Substance Abuse in accordance with the plan required in section 15 unless prohibited by federal law.

Sec. 4. PL 1993, c. 410, Pt. LL, §19 is amended to read:

Sec. LL-19. Policy continuity. It is the responsibility of the Office of Substance Abuse to ensure the continuity of the programs and policies transferred to it from the Department of Education by this Act. In order to fulfill that responsibility, the Office of Substance Abuse shall:

1. Establish a separate division for substance abuse prevention and education to oversee the transferred programs and policies;
2. Enter into a memorandum of agreement with the Department of Education establishing a plan, not inconsistent with this Act, that specifies how continuity of services and policy initiatives will be maintained and identifies how program and staff resources will be shared;
3. Utilize the Interdepartmental Council, established in the Maine Revised Statutes, Title 34-B, section 1214, as a mechanism to identify ongoing policy and service issues or problems and to resolve interdepartmental disputes; ~~and~~
4. Adopt policies to ensure that for fiscal year 1993-94 and for fiscal year 1994-95 the percentage of allocation of expenditures for prevention activities, education activities and treatment activities is maintained at the same level as in fiscal year 1992-93; and
5. Enter into a memorandum of agreement with the Department of Public Safety and the Maine National Guard that describes how the substance abuse activities of those agencies will be coordinated with the Office of Substance Abuse.

The Office of Substance Abuse shall report to the Joint Standing Committee on Human Resources by March 1, 1994 concerning the implementation of this section.

Sec. 5. Transition. Employees of the Division of Instruction within the Department of Education whose positions are transferred to the Office of Substance Abuse under this Act retain their positions within the Office of Substance Abuse and their employee rights, privileges and benefits, including sick

leave and vacation. All personnel transferred to the Office of Substance Abuse retain all applicable seniority rights and privileges with regard to employment in the Department of Education subject to agreement by the parties in collective bargaining. The Bureau of Human Resources within the Department of Administrative and Financial Services shall assist with the orderly implementation of this section.

Sec. 6. Report on request-for-proposal system. By March 1, 1995, the Substance Abuse Services Commission shall submit a report, along with any recommended legislation, to the Joint Standing Committee on Human Resources regarding the experience of the Office of Substance Abuse with awarding and renewing new and existing service contracts through a request-for-proposal system. In the report the commission shall address, but is not limited to, the following issues:

1. Whether the request-for-proposal system should be linked to performance-based contracting in any way;
2. Whether, given other mechanisms in the contracting process, the request-for-proposal system represents undue regulation or duplication of effort;
3. Whether the request-for-proposal system has a negative or positive impact on providers;
4. Whether the request-for-proposal system has a negative or positive impact on consumers; and
5. Whether the request-for-proposal system has a negative or positive impact on the Office of Substance Abuse and whether the office has the resources required to implement effectively the request-for-proposal system.

Sec. 7. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

1994-95

**CORRECTIONS,
DEPARTMENT OF**

Correctional Services

All Other (\$150,000)

Provides for the deappropriation of funds through a transfer of substance abuse funds to the Office of Substance Abuse within the Executive Department.

DEPARTMENT OF CORRECTIONS
TOTAL _____
(\$150,000)

EXECUTIVE DEPARTMENT

Office of Substance Abuse

All Other \$150,000

Provides for the appropriation of funds through a transfer of substance abuse funds from the Department of Corrections.

EXECUTIVE DEPARTMENT
TOTAL _____
\$150,000

TOTAL APPROPRIATIONS _____
-\$0-

Sec. 8. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

1994-95

EDUCATION, DEPARTMENT OF

Division of Instruction

Positions (-5.0)
 Personal Services (\$264,984)
 All Other (2,482,838)

Provides for the deallocation of funds for the purpose of consolidating substance abuse services and programs. From the Drug Free Schools Account one Education Specialist III position, 2 Education Specialist II positions, one Library Assistant position and All Other funds totalling \$2,415,321 are transferred to the Office of Substance Abuse. From the Student Assistance Team Account one Clerk Steno II position and All Other funds totalling \$67,517 are

also transferred to the Office of Substance Abuse. In addition, one Clerk Typist III position is internally transferred from the Student Assistance Team Account to the Drug Free Schools Account.

DEPARTMENT OF EDUCATION
TOTAL _____
(\$2,747,822)

EXECUTIVE DEPARTMENT

Office of Substance Abuse

Positions (5.0)
 Personal Services \$264,984
 All Other 2,482,838

Provides for the allocation of funds through the transfer of one Education Specialist III position, 2 Education Specialist II positions, one Clerk Steno II position, one Library Assistant position and related All Other funds from the Department of Education, Division of Instruction for the purpose of consolidating all substance abuse services and programs.

EXECUTIVE DEPARTMENT
TOTAL _____
\$2,747,822

TOTAL ALLOCATIONS _____
-\$0-

Sec. 9. Retroactivity. Those sections of this Act that amend Public Law 1993, chapter 410, Part LL, sections 14 and 19 apply retroactively to June 30, 1993.

See title page for effective date.

CHAPTER 701

S.P. 545 - L.D. 1570

An Act to Modify the Taxation of Leases on Automobiles