

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

lands to the extent that those lands are acquired by the secretary prior to January 31, 1991, are not held in common with any other person or entity and are certified by the secretary by January 31, 1991, as held for the benefit of the Passamaquoddy Tribe:

The lands of Great Northern Nekoosa Corporation located in T.1, R.8, W.B.K.P. (Lowelltown), T.6, R.1, N.B.K.P. (Holeb), T.2, R.10, W.E.L.S. and T.2, R.9, W.E.L.S.; the land of Raymidga Company located in T.1, R.5, W.B.K.P. (Jim Pond), T.4, R.5, B.K.P.W.K.R. (King and Bartlett), T.5, R.6, B.K.P.W.K.R. and T.3, R.5, B.K.P.W.K.R.; the land of the heirs of David Pingree located in T.6, R.8, W.E.L.S.; any portion of Sugar Island in Moosehead Lake; the lands of Prentiss and Carlisle Company located in T.9, S.D.; any portion of T.24, M.D.B.P.P.; the lands of Bertram C. Tackeff or Northeastern Blueberry Company, Inc. in T.19, M.D.B.P.P.; any portion of T.2, R.8, N.W.P.; any portion of T.2, R.5, W.B.K.P. (Alder Stream); the lands of Dead River Company in T.3, R.9, N.W.P., T.2, R.9, N.W.P., T.5, R.1, N.B.P.P. and T.5, N.D.B.P.P.; any portion of T.3, R.1, N.B.P.P.; any portion of T.3, N.D.; any portion of T.4, N.D.; any portion of T.39, M.D.; any portion of T.40, M.D.; any portion of T.41, M.D.; any portion of T.42, M.D.B.P.P.; the lands of Diamond International Corporation, International Paper Company and Lincoln Pulp and Paper Company located in Argyle; and the lands of the Dyer Interests in T.A.R.7 W.E.L.S., T.3 R.9 N.W.P., T.3 R.3 N.B.K.P. (Alder Brook Township), T.3 R.4 N.B.K.P. (Hammond Township), T.2 R.4 N.B.K.P. (Pittston Academy Grant), T.2 R.3 N.B.K.P. (Soldiertown Township), and T.4 R.4 N.B.K.P. (Prentiss Township), and any lands in Albany Township acquired by the Passamaquoddy Tribe before January 1, 1991; and

C. Any land not exceeding 100 acres in the City of Calais acquired by the secretary for the benefit of the Passamaquoddy Tribe as long as the land is acquired by the secretary prior to January 1, 2001, is not held in common with any other person or entity and is certified by the secretary by January 31, 2001, as held for the benefit of the Passamaquoddy Tribe, if:

(1) The acquisition of the land by the tribe is approved by the legislative body of that city; and

(2) A tribal-state compact under the federal Indian Gaming Regulatory Act is agreed to by the State and the Passamaquoddy Tribe or the State is ordered by a court to negotiate such a compact.

Sec. 2. Tribal ratification. This Act is not effective unless within 60 days of the adjournment of the Legislature, the Secretary of State receives written notification by the Joint Tribal Council of the Passamaquoddy Tribe that the tribe has agreed to the provisions of this Act pursuant to the United States Code, Title 25, Section 1725(e)(1), copies of which must be submitted by the Secretary of State to the Secretary of the Senate, the Clerk of the House of Representatives and the Office of the Revisor of Statutes.

See title page for effective date.

CHAPTER 714

H.P. 1485 - L.D. 2011

An Act Regarding State Government Evaluation and Justification

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

Whereas, this legislation is intended to enhance the legislative process used to conduct evaluation, oversight and justification of state government agencies; 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. 3 MRSA §921, as enacted by PL 1989, c. 483, Pt. A, §4, is amended to read:

§921. Short title

This chapter ~~shall~~ may be known and ~~may be~~ cited as the "~~Maine Sunset~~ State Government Evaluation and Justification Act."

Sec. 2. 3 MRSA §923, sub-§3, as enacted by PL 1989, c. 483, Pt. A, §4, is amended to read:

3. Independent agency. "Independent agency" means a governmental entity subject to review ~~pursuant to this chapter~~ and to ~~automatic~~ termination ~~unless continued by Act of the Legislature pursuant to this chapter.~~

Sec. 3. 3 MRSA §924, sub-§1, as amended by PL 1991, c. 376, §1, is further amended to read:

1. Report required. Each agency and independent agency shall prepare and submit to the Legislature, through the committee, a justification report no later than February 1st of the calendar year prior to the review year specified in section 927 by a date specified by the committee.

Sec. 4. 3 MRSA §925, as enacted by PL 1989, c. 483, Pt. A, §4, is repealed.

Sec. 5. 3 MRSA §925-A is enacted to read:

§925-A. Committee analysis and recommendations

1. Authority. For each agency or independent agency or a component part of each agency or independent agency subject to review pursuant to section 922, the committee may conduct an analysis and evaluation that may include, but need not be limited to, an evaluation of the justification report, the extent to which the agency or independent agency operates in accordance with legislative intent and the degree of success achieved by the agency or independent agency in meeting its statutory and administrative mandate. In consultation with the Legislative Council, the committee shall select agencies or independent agencies for review either in accordance with the scheduling guideline provided in section 927 or at any time determined necessary or warranted by the committee. The Legislative Council shall provide the committee with assistance as required to carry out the purposes of this chapter.

2. Implementation of recommendations for change. For those agencies and independent agencies selected for review by the committee, the committee shall submit to the Legislature in a timely manner the findings, administrative directives or legislation required to implement its recommendations made as a result of its review, analysis and evaluation.

Sec. 6. 3 MRSA §926, sub-§1, as enacted by PL 1989, c. 483, Pt. A, §4, is amended to read:

1. Termination process. ~~Unless continued by Act of~~ The committee may recommend to the Legislature prior to June 30th of the year specified in section 927, ~~each~~ that any independent agency be terminated if indicated or warranted by the committee's review, analysis and evaluation of the independent agency. ~~An independent agency shall~~ may be accorded a grace period of not more than one year from June 30th of the year specified in section 927, the effective date of the legislation approving termination in which to complete its business ~~prior to termination~~. During the grace period, the statutory powers and duties of the independent agency ~~shall~~ are not be limited or reduced.

Sec. 7. 3 MRSA §927, as amended by PL 1993, c. 410, Pt. E, §1 and Pt. R, §1 and as affected

by §4, is further amended by repealing and replacing the headnote to read:

§927. Scheduling guideline for review of agencies or independent agencies

Sec. 8. 3 MRSA §927, first ¶, as enacted by PL 1989, c. 483, Pt. A, §§4 and 62, is repealed and the following enacted in its place:

The committee may use the following list as a guideline for scheduling reviews of agencies or independent agencies. Notwithstanding this list of agencies arranged by year, an agency or independent agency may be reviewed at any time by the committee pursuant to section 925-A.

Sec. 9. 3 MRSA §927-A is enacted to read:

§927-A. Maine Historical Society

Notwithstanding the fact that the Maine Historical Society is a private, nonprofit corporation, it must be reviewed by the committee no later than June 30, 1997, and at least every 10 years thereafter, as long as it receives an appropriation from the State. The termination provisions of this chapter do not apply to the Maine Historical Society.

Sec. 10. 3 MRSA §928, as enacted by PL 1989, c. 483, Pt. A, §4, is repealed.

Sec. 11. 3 MRSA §§929 and 930, as enacted by PL 1989, c. 483, Pt. A, §4, are amended to read:

§929. Future or reorganized agencies and independent agencies

~~The Legislature shall establish schedules for the submittal of periodic justification reports by agencies and independent agencies created or substantially reorganized after the effective date of this chapter and for the termination of independent agencies created or substantially reorganized after the effective date of this chapter. The chief staff administrator of a newly created or substantially reorganized agency shall contact the committee to ensure placement of that agency in the scheduling guideline outlined in section 927. The committee and the Legislative Council shall determine the placement of that agency in the scheduling guideline. All such agencies or independent agencies shall be~~ are subject to the provisions of this chapter.

§930. Legislative Council

~~The Legislative Council shall be responsible for and, subject to the approval of the Legislature, shall issue rules necessary for the efficient administration of this chapter.~~

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

Effective April 15, 1994.

CHAPTER 715

H.P. 1493 - L.D. 2013

An Act to Clarify Reporting Requirements for Party Committees and Political Action Committees

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

Sec. 1. 21-A MRSA §1017-A, sub-§2, ¶C, as enacted by PL 1991, c. 839, §23 and affected by §33, is amended to read:

C. The date and amount of each expenditure.

Sec. 2. 21-A MRSA §1017-A, sub-§3, as enacted by PL 1991, c. 839, §23 and affected by §33, is amended to read:

3. Other expenditures. Operational expenses and other expenditures in cash or in kind of the party committee that are not made on behalf of a candidate, committee or campaign must be reported as a separate item and may be reported as a lump sum. The party committee shall report:

A. The name and address of each recipient;

B. The reason for the expenditure; and

C. The date and amount of each expenditure.

Sec. 3. 21-A MRSA §1056-A is enacted to read:

§1056-A. Expenditures by political action committees

A political action committee shall report all expenditures in cash or in kind made by the committee.

Sec. 4. 21-A MRSA §1058, as amended by PL 1991, c. 839, §28, is further amended to read:

§1058. Reports, qualifications for filing

A political action committee that is registered with the commission or that accepts contributions, or incurs obligations ~~or makes expenditures~~ in an aggregate amount in excess of \$50 on any one or more campaigns for the office of Governor, for state or county office or for the support or defeat of a referen-

dum or initiated petition shall file a report on its activities in that campaign with the commission on forms as prescribed by the commission. A political action committee organized in this State required under this section to file a report shall file the report for each filing period under section 1059, ~~whether or not the expenditures are in excess of \$50 in any one period.~~ A political action committee organized outside this State shall file with the Commission on Governmental Ethics and Election Practices of this State a copy of the report that the political action committee is required to file in the state in which the political action committee is organized. The political action committee shall file the copy only if it has expended funds; or received contributions or made expenditures in this State. The copy of the report must be filed in accordance with the schedule of filing in the state where it is organized. Any person or organization organized to oppose a question to be voted on by the electorate at referendum shall report, within 10 days following the drafting of the question by the Secretary of State and prior to the distribution of any petitions for voter signatures pursuant to chapter 11, to the commission as required in this section and sections 1059 and 1060.

See title page for effective date.

CHAPTER 716

H.P. 558 - L.D. 755

An Act to Improve Access to Pharmaceuticals

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

Sec. 1. 32 MRSA §13702, sub-§25-A is enacted to read:

25-A. Rural health center. "Rural health center" means an incorporated nonprofit health facility that provides comprehensive primary health care to citizens in rural areas.

Sec. 2. 32 MRSA §13761, sub-§1, as enacted by PL 1987, c. 710, §5, is amended to read:

1. Pharmacy provider. "Pharmacy provider" means a pharmacy licensed in this State participating with a rural ~~community~~ health center under this subchapter.

Sec. 3. 32 MRSA §13761, sub-§2, as enacted by PL 1987, c. 710, §5, is repealed.

Sec. 4. 32 MRSA §13762, sub-§§1 and 3, as enacted by PL 1987, c. 710, §5, are amended to read: