

# 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.

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J.S. McCarthy Company  
Augusta, Maine  
1993

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**PRIVATE AND SPECIAL LAWS**

**OF THE**

**STATE OF MAINE**

**AS PASSED AT THE**

**FIRST REGULAR SESSION**

**of the**

**ONE HUNDRED AND SIXTEENTH LEGISLATURE**

**1993**

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**Accounts and Control**

Personal Services	368,518
All Other	205,345
<b>TOTAL</b>	<b>573,863</b>

**Highway Maintenance**

Personal Services	2,398,252
All Other	1,729,132
<b>TOTAL</b>	<b>4,127,384</b>

**Garages**

Personal Services	580,768
All Other	914,682
<b>TOTAL</b>	<b>1,495,450</b>

**Fare Collection**

Personal Services	7,166,514
All Other	2,997,794
<b>TOTAL</b>	<b>10,164,308</b>

**Patrol and Communications**

Personal Services	162,292
All Other	2,687,793
<b>TOTAL</b>	<b>2,285,085</b>

**Building Maintenance**

Personal Services	394,485
All Other	377,291
<b>TOTAL</b>	<b>771,776</b>

**MAINE TURNPIKE AUTHORITY**

<b>TOTAL</b>	<b>\$32,765,220</b>
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**Sec. 2. Transfer of allocations.** Any balance of an allocation or subdivision of an allocation made by the Legislature for the Maine Turnpike Authority that at any time is not required for the purpose named in the allocation or subdivision may be transferred prior to the closing of the books to any other allocation or subdivision of any allocation made by the Legislature for the use of the Maine Turnpike Authority for the same fiscal year. The transfer is subject to review by the Joint Standing Committee on Transportation. Financial statements describing the transfer must be submitted by the Maine Turnpike Authority to the Office of Fiscal and Program Review 30 days before the transfer is implemented. In case of extraordinary emergency transfers, the 30-day prior submission required may be waived by vote of the

committee. These financial statements must include information specifying the accounts that are affected, amount to be transferred, a description of the transfer and a detailed explanation of the reason the transfer is needed.

**Sec. 3. Encumbered balance at year end.** At the end of each fiscal year, encumbered balances may be carried to the next fiscal year.

See title page for effective date.

**CHAPTER 40**

**H.P. 268 - L.D. 346**

**An Act to Enable Parents of Children with Mental Illness to Care for Their Children at Home**

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

**Sec. 1. Waiver eligibility.** By October 1, 1993, if federal approval is granted, the Department of Human Services shall amend the State Medicaid Plan to allow persons with intermittent acute psychological care needs to qualify for the waiver authorized by 42 United States Code, Section 1396a(e)(3) if they meet the other conditions of eligibility. The Department of Human Services shall consult with the Department of Mental Health and Mental Retardation in developing the rules.

See title page for effective date.

**CHAPTER 41**

**H.P. 479 - L.D. 616**

**An Act Regarding the Future of the State's Mental Retardation Services System**

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

**Sec. 1. Development of new facilities.** The Department of Mental Health and Mental Retardation shall examine the feasibility of developing 3 state-operated, community-based mental retardation facilities, each having the capacity to serve up to 20 people. If the department finds the development of those facilities feasible, it shall present a development plan to the Joint Standing Committee on Human Resources by January 1, 1994. The plan must recommend a location for each of the facilities. In developing its recommendations regarding location of facilities, the department shall consider the option of locating one or more facilities on the grounds of Pineland Center. If the department does not

find the development of those facilities feasible or appropriate, it shall present its findings to the Joint Standing Committee on Human Resources by January 1, 1994, along with an alternative plan that specifies how the needs of Pineland Center residents will be met as the department's plan for Pineland Center evolves. The plan must identify the projected level of care needed by the residents; any gaps in community services including but not limited to recreation, crisis intervention and respite care; barriers to successful community living; the schedule for developing needed community services; and the level of services the department expects to offer at Pineland Center over the next 2 to 5 years.

**Sec. 2. Transition for Pineland Center employees.** The Department of Mental Health and Mental Retardation shall work with the Department of Labor to provide transition assistance to employees who are displaced by staff reductions at Pineland Center. Every practical effort, including but not limited to job training and placement services, must be made to assist the employees in finding other employment.

**Sec. 3. Economic redevelopment.** The Department of Mental Health and Mental Retardation, the Department of Economic and Community Development and the State Planning Office shall make every practical effort to seek economic redevelopment assistance for the areas affected by the reduction in capacity of Pineland Center. Federal funds or other funds must be sought. The Department of Mental Health and Mental Retardation and the Department of Economic and Community Development shall collaborate with local officials from the affected areas in seeking this assistance.

See title page for effective date.

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## CHAPTER 42

H.P. 1127 - L.D. 1526

### An Act to Amend the Charter of the Oxford Water District

**Mandate preamble.** This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, water is essential to the health and well-being of the inhabitants of the Town of Oxford; and

Whereas, changes in the debt limit of the Oxford Water District are necessary in order to expand and improve facilities; 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. P&SL 1961, c. 41, §10, first ¶** is amended to read:

**Sec. 10. Authorized to borrow money, to issue bonds and notes.** For accomplishing the purposes of this act, and for such other expenses as may be necessary for the carrying out of said purposes, said district, through its trustees, without vote of the inhabitants, is authorized to borrow money temporarily and to issue therefor its negotiable notes; and for the purpose of renewing and refunding the indebtedness so created, of paying any necessary expenses and liabilities incurred under the provisions of this act, including organizational and other necessary expenses and liabilities whether incurred by the district or the Town of Oxford, the district being authorized to reimburse said Town of Oxford for any such expense incurred by it and in acquiring properties, paying damages, laying pipes, mains, aqueducts and conduits, constructing, maintaining and operating a water plant or system and making renewals, additions, extensions and improvements to the same and to cover interest payments during the period of construction, said district, through its trustees, without the vote of its inhabitants, is also authorized to issue, from time to time, bonds, notes or other evidences of indebtedness of the district in one series, or in separate series, in such amount or amounts, bearing interest at such rate or rates, and having such terms and provisions as the trustees shall determine; provided the total indebtedness of the said district ~~shall~~ may not exceed the sum of \$300,000 \$1,500,000 at any one time outstanding.

**Sec. 2. Emergency clause; referendum; effective date.** In view of the emergency cited in the preamble, this Act takes effect when approved only for the purpose of permitting its submission to the legal voters of the Oxford Water District, resident in the district, at the next regular town meeting or at a special town meeting to be called and held for the purpose by December 31, 1993. The election must be called, advertised and conducted according to the laws related to municipal elections; provided, however, that the municipal officers of the town are not required to prepare for posting, nor the town clerk to post, a new list of voters and, for the purpose of registration of voters, the board of voter registration must be in session on the secular day next preceding the special election. The town clerk of the town shall