

# 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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Director of Data Processing position, one Assistant Director for Mediation Services position, one Assistant Director of Personnel position, one Assistant Director of Regional Operations position, one Deputy Director of Benefits Delivery position, one Deputy Director of Business Services position, one Deputy Director Dispute Resolution position, one Deputy Director of Medical and Rehabilitation Services position, one General Counsel position, one Executive Director position and 11 Hearing Officer positions.

**Workers' Compensation Board**

Personal Services	\$50,000	\$50,000
All Other	30,000	30,000
<b>TOTAL</b>	<u>\$80,000</u>	<u>\$80,000</u>

Provides for the allocation of funds to cover the expenses of the 8 appointed members of the Workers' Compensation Board.

**WORKERS' COMPENSATION BOARD TOTAL**

<u>\$5,721,276</u>	<u>\$5,496,515</u>
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**SECTION 1 TOTAL ALLOCATIONS**

<u>\$6,007,576</u>	<u>\$5,787,315</u>
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**Sec. 2. Adjustments to allocations.** Allocations may be increased or adjusted by the State Budget Officer with the approval of the Governor to cover specifically those adjustments determined necessary under any salary plan approved by the Legislature.

**Sec. 3. Positions.** All active positions in the General Fund account of the Workers' Compensation Board on June 4, 1993 must be transferred to the new Other Special Revenue Fund account of the Workers' Compensation Board.

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

Effective July 2, 1993.

**CHAPTER 48**

**H.P. 436 - L.D. 555**

**An Act to Limit Administrative Costs in Contracted Services**

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

**Whereas,** the State provides funds to community agencies, some of which are not operated efficiently; and

**Whereas,** scarce resources that should be supporting clients are being used to support inappropriate administrative expenses; and

**Whereas,** a task force must be created as soon as possible in order that its recommendations be ready for consideration in the next regular session of the Legislature; 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. Administrative Costs Task Force established.** The Administrative Costs Task Force, referred to in this Act as the "task force," is established to develop a method for the State to define and measure administrative costs in contracted services. To the greatest extent possible, the method recommended by the task force must:

1. Reduce costs;
2. Have no negative impact on service recipients;
3. Be flexible enough to recognize the unique characteristics and missions of individual agencies;
4. Be equitable; and
5. Be administered simply and efficiently.

**Sec. 2. Duties.** In preparing its recommendation, the task force shall consider at least the following:

1. The advisability of implementing the policy contained in this document as originally presented to the First Regular Session of the 116th Legislature;
2. The advisability of implementing the policy contained in Legislative Document 230 as originally presented to the First Regular Session of the 116th Legislature;
3. The reports submitted by state agencies in accordance with Public Law 1991, chapter 591, Part II, section 3;
4. The efforts of other jurisdictions to define and limit administrative costs;

5. The efforts of the Executive Department, Office of Substance Abuse and of agencies in other jurisdictions to implement performance-based contracts;

6. Whether current contracting procedures can be changed in a manner that would enable both fiscal and performance standards to be addressed; and

7. Whether a unified cost-finding system should be implemented through the contracting system.

**Sec. 3. Membership.** The task force consists of the following members:

1. One member of the Senate and 2 members of the House of Representatives from the Joint Standing Committee on Human Resources, appointed by the presiding officers of their respective legislative bodies;

2. One member of the Senate and one member of the House of Representatives from the Joint Standing Committee on Appropriations and Financial Affairs, appointed by the presiding officers of their respective legislative bodies;

3. Four members representing private agencies that provide services under contracts with the State, 2 appointed by the President of the Senate and 2 appointed by the Speaker of the House of Representatives; and

4. Four members representing state departments, appointed by the Governor.

At least one of the legislative members appointed by the President of the Senate and one of the legislative members appointed by the Speaker of the House of Representatives must be from the minority party.

**Sec. 4. Appointment deadline; first meeting.** Appointments must be made within 30 days of the effective date of this Act. The task force shall hold its first meeting, called by the Executive Director of the Legislative Council, before August 1, 1993.

**Sec. 5. Report.** The task force shall report its findings, along with any necessary legislation, to the Joint Standing Committee on Human Resources and the Joint Standing Committee on Appropriations and Financial Affairs no later than November 5, 1993.

**Sec. 6. Staff.** Upon request of the task force, the Legislative Council shall provide staff to the task force.

**Sec. 7. Expenses.** The legislative members of the task force are entitled to receive expenses and legislative per diem for meetings attended. Other members are reimbursed for their expenses, except that representatives from state departments receive no reimbursement.

The Legislative Council shall absorb the costs of the task force within existing resources.

**Sec. 8. Chair.** The President of the Senate and the Speaker of the House of Representatives shall appoint jointly a chair from among the legislative members of the task force.

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

Effective July 13, 1993.

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**CHAPTER 49**

**H.P. 699 - L.D. 951**

**An Act Regarding Law Court Staffing**

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

**Sec. 1. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

	1993-94	1994-95
<b>JUDICIAL DEPARTMENT</b>		
<b>Courts - Supreme, Superior, District and Administrative</b>		
Positions - Other Count	(1.0)	(1.0)
Personal Services	\$26,325	\$36,850
All Other	2,500	1,000
Capital Expenditures	2,500	
<p>Provides allocations for one Staff Attorney position and related expenses to handle additional workers' compensation appeals in the courts. These allocations will be funded through a transfer from the Workers' Compensation Board. The Judicial Department shall contract with the Workers' Compensation Board to receive the necessary funding for this position and all related expenses.</p>		
<b>JUDICIAL DEPARTMENT TOTAL</b>	<b>\$31,325</b>	<b>\$37,850</b>
<b>TOTAL ALLOCATIONS</b>	<b>\$31,325</b>	<b>\$37,850</b>

See title page for effective date.

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