

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

Sec. 2. Health and Social Services Transition Team; creation. Resolved: That the Health and Social Services Transition Team, referred to in this resolve as "the team," is established. The team shall develop all legislation needed to implement the reorganization of services in accordance with this resolve, including, but not limited to, amendments to the statutes, reallocation of funds and transitional language. The legislation must be presented to the Legislature by ~~January~~ February 1, 1994 for consideration during the Second Regular Session of the 116th Legislature; and be it further

; and be it further

Sec. 2. Retroactivity. Resolved: That this resolve applies retroactively to January 1, 1994.

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

Effective February 16, 1994.

CHAPTER 46

H.P. 1192 - L.D. 1589

Resolve, Regarding the Sale of State-owned Property

Sec. 1. Commissioner of Defense and Veterans' Services; authority to negotiate and convey property. Resolved: That the Commissioner of Defense and Veterans' Services may negotiate with George F. Bryant and Janet A. Bryant for the sale in the amount of \$1 and subsequent conveyance by deed of the interest of the State in a certain parcel of land in the Town of Millinocket, described as follows:

Beginning at a found iron pipe flush with the ground, said pipe marking the southeast corner of Lot 2 Block 58, Plan Book 14, Page 19, and the southwest corner of Lot 13, Block 58, Plan Book 14, Page 19; thence S 72° 24' 30" E along the south line of Lot 13 Block 58 twenty-three and eight tenths (23.8') feet to a point opposite an angle point in a wooden fence; thence S 53° 49' 45" E nineteen and one tenth (19.1') feet to the southwest corner of a garage; thence S 72° 34' 00" E along the south wall of said garage twenty-two and five tenths (22.5') feet to the southeast corner of the garage and the concrete retaining wall; thence S 63° 10' 45" E along the south side of the retaining wall to its end and continuing for a total distance of thirty-six and five tenths (36.5') feet to the west side of Congress Street; thence northerly along the west

side of Congress Street eleven and nine tenths (11.9') feet to the corner of Lot 13 Block 58; thence westerly along the south line of Lot 13 Block 58 one hundred (100') feet to the point of beginning. Bearings are magnetic in the year 1993.

The above-described premises are a portion of Lot numbered twelve (12), in Block number fifty-eight (58), as laid down on a Plan of Land of Great Northern Paper Company at Millinocket, in the County of Penobscot, State of Maine, and recorded in Penobscot Registry of Deeds in Plan Book No. 14, Page 35, January 9, 1946.

See title page for effective date.

CHAPTER 47

H.P. 1234 - L.D. 1661

Resolve, to Direct the Department of Inland Fisheries and Wildlife to Simplify Fishing Rules

Sec. 1. Simplify current rules. Resolved: That the Department of Inland Fisheries and Wildlife shall prepare a simplified version of the department's current book of fishing rules by August 1, 1995; and be it further

Sec. 2. Public hearings required. Resolved: That public hearings concerning the simplified rules prepared pursuant to section 1 of this resolve must be held in accordance with the Maine Administrative Procedure Act no later than September 30, 1995; and be it further

Sec. 3. Publication of new rules. Resolved: That the Department of Inland Fisheries and Wildlife shall publish a new book that reflects the changes in ice fishing rules prior to the 1995-96 ice fishing season and changes in the open water fishing rules prior to the 1996 open water fishing season.

See title page for effective date.

CHAPTER 48

H.P. 1276 - L.D. 1724

Resolve, to Promote Consumer Choice, Competition and Quality in Mental Retardation Services

Sec. 1. Plan. Resolved: That the Department of Mental Health and Mental Retardation shall develop a plan for improvement of the community

mental retardation service system that includes, but is not limited to, the following components:

1. Service options driven by consumer choice and funded through mechanisms that support consumer choice and mobility;
2. A continuous quality improvement system that ensures the safety and health of consumers, identifies consumer needs and measures consumer satisfaction;
3. A cost-benefit analysis of adopting performance-based principles of reimbursement for all community mental retardation services, except respite care and family support services, that are as consistent as practicable in their treatment of similar items. The cost-benefit analysis must include, but is not limited to, the cost of compensating direct service employees at a rate similar to that for employees in intermediate care facilities for persons with mental retardation. The cost-benefit analysis must also include, but is not limited to, the benefits of quality improvements, reduction in staff turnover and enhanced auditing practices;
4. A licensing system that offers a feasible alternative to licensure as an intermediate care facility for persons with mental retardation; and
5. A guardianship system that eliminates the conflict of interest that exists when the Department of Mental Health and Mental Retardation acts as both guardian and service provider for a consumer; and be it further

Sec. 2. Participation. Resolved: That the Department of Mental Health and Mental Retardation shall include consumers, family members and service providers in the development of the plan; and be it further

Sec. 3. Report. Resolved: That by January 15, 1995, the Department of Mental Health and Mental Retardation shall submit the plan to the joint standing committee of the Legislature having jurisdiction over human resources matters and to the Executive Director of the Legislative Council. The plan must include a recommended schedule for implementation; and be it further

Sec. 4. Committee bill. Resolved: That the joint standing committee of the Legislature having jurisdiction over human resources matters may report out a bill during the First Regular Session of the 117th Legislature to authorize all or part of the plan submitted by the Department of Mental Health and Mental Retardation pursuant to this resolve.

See title page for effective date.

CHAPTER 49

H.P. 1388 - L.D. 1887

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Piscataquis County for the Year 1994

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 and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, Piscataquis County has certain expenses and liabilities that must be met as they become due; and

Whereas, it is necessary that the taxes for the year 1994 mentioned be immediately assessed in order to provide the required revenue for the county; 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

Sec. 1. Piscataquis County; taxes apportioned. Resolved: That the following sum is granted as a tax on Piscataquis County to be apportioned, assessed, collected and applied to the purposes of paying debts and necessary expenses of the county as authorized in this resolve, and for other purposes of law, for the calendar year 1994:

1994 TAX

\$1,384,803

; and be it further

Sec. 2. General Fund expenditures authorized. Resolved: That the following sums, based on the county budget filed in the office of the Secretary of State, are authorized as General Fund expenditures by the county during the calendar year 1994, in the specific total amounts of expenditures for personal