

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 7, 1994 to June 30, 1995

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 29, 1995

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
1995

to Title 30-A, section 5681, subsection 5, in excess of the base General Fund revenue estimates effective July 1, 1993 for the previous month. The State Tax Assessor shall reduce any subsequent transfers to the Tourism Marketing and Development Fund by an amount equal to the amount of General Fund revenues defined in this paragraph that are below the base General Fund estimates effective July 1, 1993 for the previous month. This paragraph is repealed July 1, 1995.

Sec. F-2. Retroactivity. That section of this Part that amends the Maine Revised Statutes, Title 36, section 1811, 6th paragraph applies retroactively to July 1, 1994.

PART G

Sec. G-1. PL 1993, c. 471, §5 is amended to read:

Sec. 5. Working capital advance. The State Controller is authorized to advance to the Department of Economic and Community Development, Tourism Marketing and Development Fund \$2,200,000 from the General Fund unappropriated surplus on July 1, 1993. Funds advanced for this purpose must be returned to the General Fund no later than ~~June 30, 1995~~ June 30, 1997.

Sec. G-2. PL 1993, c. 707, Pt. M, §1 is amended to read:

Sec. M-1. General Purpose Aid for Local Schools; lapsed balances. Notwithstanding any other provision of law, ~~\$198,406~~ \$348,406 in fiscal year 1994-95 in the General Purpose Aid for Local Schools account lapse to the General Fund as a result of construction audit recoveries and \$600,000 lapse as the result of the calculation of individual school unit subsidies, the estimation of bond interest and the timing of bonding by school administrative units for construction projects.

Sec. G-3. Carrying balances - Inland Fisheries and Wildlife Program; lapsed balances. Notwithstanding any other provision of law, \$360,681 in fiscal year 1994-95 in the Carrying Balances-Inland Fisheries and Wildlife Program lapse to the General Fund as a result of a revenue shortfall in fiscal year 1993-94.

Sec. G-4. Transfer of funds. Notwithstanding any other provision of law, the State Controller is authorized to transfer \$246,804 of Medicaid reimbursement, currently held in suspense, to the General Fund, profit and loss, no later than June 30, 1995.

Sec. G-5. Transfer of funds. Notwithstanding any other provision of law, the State Controller may transfer \$336,915 from the Bureau of Medical

Services, Other Special Revenue account in the Department of Human Services to General Fund undedicated revenue no later than June 30, 1995.

Sec. G-6. Transfer of funds. Notwithstanding any other provision of law, the State Controller may transfer \$176,067 from the Administration - Human Services, Other Special Revenue account in the Department of Human Services to General Fund undedicated revenue no later than June 30, 1995.

Sec. G-7. Transfer from "Salary Plan." The "Salary Plan" program in the Department of Administrative and Financial Services may be made available as needed in allotment by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used for the implementation of collective bargaining agreements for state employees in the Judicial Department in fiscal year 1994-95.

PART H

Sec. H-1. PL 1993, c. 707, Pt. A, §1, under the caption "CORRECTIONS, DEPARTMENT OF," is amended by repealing all of that part relating to "Administration - Corrections."

Sec. H-2. PL 1993, c. 707, Pt. A, §1, under the caption "CORRECTIONS, DEPARTMENT OF," is amended by repealing all of that part relating to "Departmentwide."

Sec. H-3. Department of Corrections overtime report. The Department of Corrections shall have an independent, external review conducted of overtime practices and costs at all correctional facilities. The department shall submit a report detailing the findings and recommendations of this review to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over corrections matters no later than April 1, 1995.

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

Effective February 17, 1995.

CHAPTER 6

S.P. 242 - L.D. 639

An Act to Modify the Motor Vehicle Emission Inspection Requirement for Vehicle Registration

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

Whereas, current law requires that citizens of Maine present either a certificate of compliance or a certificate of waiver issued under the motor vehicle emission inspection program in order to register a motor vehicle; and

Whereas, the United States Environmental Protection Agency has advised the State that the agency is changing its interpretations of the requirements for state compliance with the Clean Air Act, including what elements will be necessary for an acceptable inspection and maintenance program; and

Whereas, it would be an unfair burden upon the State and its citizens to require presentation of these compliance and waiver certificates for the brief time period from March 1st to May 1st if the United States Environmental Protection Agency significantly changes its interpretation of the inspection and maintenance program; 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. 29-A MRSA §403, sub-§1, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

1. Requirement. ~~The~~ After May 1, 1995, the owner of a motor vehicle registered in any area designated by the Federal Government pursuant to 40 Code of Federal Regulations, Part 81 as nonattainment for ozone and classified as a moderate or a more severe nonattainment area must present a certificate of compliance or waiver, as defined by Title 38, section 2401, at the time of registration. A certificate of compliance or waiver is not required for motor vehicles exempted by Title 38, section 2402.

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

Effective February 28, 1995.

CHAPTER 7

S.P. 254 - L.D. 692

An Act to Extend the Reporting Deadlines of the Commission on Governmental Ethics and Election Practices and the Interim Advisory Committee on Alternative Dispute Resolution in the Public Sector

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

Whereas, the Interim Advisory Committee on Alternative Dispute Resolution in the Public Sector and the Commission on Governmental Ethics and Election Practices each require additional time in order to complete in a comprehensive and meaningful manner the tasks assigned to them by law by the 116th 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. PL 1993, c. 401, §4, sub-§4 is amended to read:

4. Reports; legislation. The committee shall submit a progress report to the Joint Standing Committee on Judiciary by January 1, 1994. The committee may recommend legislation at any time. The committee shall present a summary of its activities and findings, together with any recommended legislation, to the First Regular Session of the 117th Legislature by ~~January 31, 1995~~ March 3, 1995.

Sec. 2. PL 1993, c. 583, §3 is amended to read:

Sec. 3. Study by the Commission on Governmental Ethics and Election Practices; jurisdiction. The Commission on Governmental Ethics and Election Practices shall review its current duties prescribed by law and shall identify issues that the commission has been asked to investigate and has not clearly had the authority to investigate. The commission shall make recommendations, along with any proposed legislation, to clarify and, if necessary, to expand the commission's jurisdiction and duties to the joint standing committee of the Legislature having jurisdiction over legal affairs no later than ~~January 30, 1995~~ March 30, 1995.