

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

interest in real estate, the transaction must be approved by the Legislature before the interest is transferred. Any revenues derived from these uses are to be credited to a separate fund to be used for the purposes of this chapter. Notwithstanding any other provision of law, the board of trustees may grant or otherwise transfer utility easements without legislative approval;

See title page for effective date.

CHAPTER 97

S.P. 289 - L.D. 787

An Act to Expand the Membership of the State Employee Health Commission

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

Sec. 1. 5 MRSA §285-A, sub-§2, as amended by PL 1993, c. 68, §1, is further amended to read:

2. Membership. The State Employee Health Commission consists of ~~16~~ 18 labor and management members as follows:

- A. One labor member from each bargaining unit recognized under Title 26, chapter 9-B, appointed by the employee organization certified to represent the unit;
- B. One labor member from the largest bargaining unit recognized under Title 26, chapter 14, appointed by the employee organization authorized to represent the unit;
- C. One labor member appointed by the retiree chapters of the Maine State Employees Association;
- D. Four management members appointed by the Commissioner of Administrative and Financial Services;
- E. One management member appointed by the Court Administrators;
- F. The Executive Director of Health Insurance, ex officio; ~~and~~
- G. One member representing retirees appointed by the Maine Association of Retirees;
- H. One labor member from the Maine Technical College System faculty or administrative unit, appointed by the employee organization authorized to represent the units; and

I. One management member from the Maine Technical College System appointed by the President of the Maine Technical College System.

All appointed or elected members serve at the pleasure of their appointing or electing authorities.

See title page for effective date.

CHAPTER 98

H.P. 707 - L.D. 964

An Act Establishing Education as a Priority for the State by Expediting Consideration of the Education Budget

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

Sec. 1. 20-A MRSA §15607, first ¶, as enacted by PL 1983, c. 859, Pt. G, §§2 and 4, is amended to read:

The Legislature shall annually, prior to ~~April 1st~~ March 15th, enact legislation ~~which shall to do the following:~~

See title page for effective date.

CHAPTER 99

H.P. 1001 - L.D. 1412

An Act to Make Additional Appropriations and Allocations for the Expenditures of State Government for the Fiscal Year Ending June 30, 1995

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable prior to July 1, 1995; 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:

PART A

Sec. A-1. Supplemental appropriations from General Fund. There are appropriated from the General Fund for the fiscal year ending June 30, 1995, to the departments listed, the following sums.

1994-95

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Office of the Commissioner - Administrative and Financial Services

All Other (106,952)
 Provides for the appropriation of funds through the transfer from the Bureau of Human Resources program to meet unanticipated expenditures.

Administration - Human Resources

Personal Services (106,952)
 Provides for the deappropriation of funds through salary savings.

Administration - Human Resources

All Other (13,000)
 Provides for the deappropriation of funds through a transfer to the office of the Commissioner of Administrative and Financial Services program to meet unanticipated expenditures. Funds are no longer required in this program.

Accounts and Control - Bureau of - Systems Project

All Other (500,000)

Provides for the deappropriation of funds through savings in data processing.

Budget - Bureau of the

Personal Services (40,000)

Provides for the deappropriation of funds through salary savings.

Elderly Householders' Tax Refund

All Other (127,908)

Provides for the deappropriation of funds through a transfer to the Division of Financial and Personnel Services program in order to settle a federal audit finding. Funds are no longer needed in this account.

Financial and Personnel Services - Division of

All Other 200,000

Provides for the appropriation of funds through a transfer from the Maine Residents Property Tax program to settle an audit finding with the Federal Government related to overcharges to federal accounts for health insurance.

Public Improvements - Planning/Construction - Administration

Personal Services (10,000)

Provides for the deappropriation of funds through salary savings.

Maine Residents Property Tax Program

All Other (72,092)

Provides for the deappropriation of funds

through the transfer to the Division of Financial and Personnel Services program in order to settle a federal audit finding. Funds are no longer needed in this program.

Personal Services (20,000)

Provides for the deappropriation of funds through salary savings.

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL

(656,952)

DEPARTMENT OF CONSERVATION TOTAL

(20,000)

ATTORNEY GENERAL, DEPARTMENT OF THE Administration - Attorney General

DEFENSE AND VETERANS' SERVICES, DEPARTMENT OF

Administration - Maine Emergency Management Agency

Personal Services (120,000)

Personal Services (28,000)

Provides for the deappropriation of funds through salary savings.

Provides for the deappropriation of funds from salary savings due to vacancies.

Human Services Division

Military Training and Operations

Personal Services (30,000)

Personal Services (27,100)
All Other 63,600

Provides for the deappropriation of funds through salary savings.

TOTAL 36,500

Human Services Division

Personal Services (12,000)

Provides for the appropriation of funds through the line category transfer of Personal Services savings generated through vacancies to All Other to cover increased workers' compensation obligations.

Provides for the deappropriation of funds from available salary savings.

Chief Medical Examiner - Office of

Military Training and Operations

All Other 12,000

All Other 255,000

Provides for the appropriation of funds to meet year-end projected costs.

Provides for the appropriation of funds to cover increased All Other expenses, and for repayment of the working capital advance from Public Law 1983, chapter 477, Part E, Subpart 12.

DEPARTMENT OF THE ATTORNEY GENERAL TOTAL

(150,000)

CONSERVATION, DEPARTMENT OF

Veterans Services

Engineering and Realty

Personal Services (6,200)

All Other 6,200
 TOTAL -0-
 Provides for the line category transfer of Personal Services savings to All Other to satisfy increased All Other obligations.

Special Veterans Services

Personal Services (8,500)
 Provides for the deappropriation of funds from salary savings generated through extended vacancies.

DEPARTMENT OF DEFENSE AND VETERANS' SERVICES
 TOTAL 255,000

ECONOMIC AND COMMUNITY DEVELOPMENT, DEPARTMENT OF

Administration - Economic and Community Development

All Other 252,500
 Provides for the appropriation of funds for a shortage due to modular furniture, relocation and other costs.

Contingent Account

All Other 27,500
 Provides for the appropriation of funds to pay certain rent obligations remaining in fiscal year 1994-95. Notwithstanding any other provision of law, the Department of Administrative and Financial Services, Bureau of General Services is not authorized to pay May or June 1995 rent payments until authorized by the Commissioner of Economic

and Community Development to do so. These funds do not lapse but must be carried forward until June 30, 1996 for the same purposes.

Energy Resources - Office of

Personal Services (20,558)
 Provides for the deappropriation of funds through salary savings.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT
 TOTAL 259,442

EDUCATION, DEPARTMENT OF

Administrative Services Unit

All Other (500)
 Provides for the deappropriation of funds to be transferred to Preschool Handicapped.

Educational Restructuring and Improvements

All Other (14,600)
 Provides for the deappropriation of funds to be transferred to Preschool Handicapped.

Division of Higher Education

All Other (800)
 Provides for the deappropriation of funds to be transferred to Preschool Handicapped.

Preschool Handicapped

All Other 398,400
 Provides for the appropriation of funds for preschool handicapped students requiring

public education services for compliance with the federal Individuals with Disabilities Education Act.		Provides for the deappropriation of funds through salary savings.	
Reimbursement for State Mandates		EXECUTIVE DEPARTMENT TOTAL	(102,302)
All Other	(2,500)	HUMAN SERVICES, DEPARTMENT OF	
Provides for the deappropriation of funds to be transferred to Preschool Handicapped.		Administration - Human Services	
		Personal Services	70,000
Division of School Business Services		Provides for the appropriation of funds to cover an anticipated shortfall in Personal Services.	
All Other	(50,000)	Administration - Regional - Human Services	
Provides for the deappropriation of funds to be transferred to Preschool Handicapped.		Personal Services	10,000
		Provides for the appropriation of funds to cover an anticipated shortfall in Personal Services.	
Division of Special Services		Administration - Income Maintenance	
All Other	(30,000)	Personal Services	50,000
Provides for the deappropriation of funds to be transferred to Preschool Handicapped.		Provides for the appropriation of funds to cover an anticipated shortfall in Personal Services.	
DEPARTMENT OF EDUCATION TOTAL	300,000	Administration - Social Services	
EXECUTIVE DEPARTMENT		Personal Services	70,000
Blaine House		Provides for the appropriation of funds to cover an anticipated shortfall in Personal Services.	
Personal Services	(25,157)	Child Welfare Services	
Provides for the deappropriation of funds through salary savings.		All Other	1,020,000
		Provides for the appropriation of funds to cover an anticipated shortfall in fiscal year 1994-95.	
Planning Office			
Personal Services	(35,000)		
Provides for the deappropriation of funds through salary savings.			
Office of Substance Abuse			
Personal Services	(42,145)		

**Elder and Adult Services -
Bureau of**

Personal Services 100,000
Provides for the appropriation of funds to cover an anticipated shortfall in Personal Services.

**Elder and Adult Services -
Bureau of**

Positions - Legislative Count (-1.0)
Personal Services (7,251)
Provides for the deappropriation of funds for the transfer of one Clerk Typist III position to the Bureau of Medical Services.

Health - Bureau of

All Other (170,000)
Provides for the deappropriation of funds from a claim for administrative case management through the federal Title XIX program.

**Income Maintenance -
Regional**

Personal Services 250,000
Provides for the appropriation of funds to cover an anticipated shortfall in Personal Services.

**Medical Care - Payments to
Providers**

All Other (250,000)
Provides for the deappropriation of funds due to reimbursement of early intervention funds from the Department of Education.

Medical Care Administration

All Other (1,150,000)
Provides for the deappropriation of funds due to

a retroactive claim through federal Title XIX for the Maine Health Program administration costs from January 1, 1993 to December 31, 1994.

Medical Care Administration

Personal Services 150,000
Provides for the appropriation of funds to cover an anticipated shortfall in Personal Services.

Medical Care Administration

Positions - Legislative Count (1.0)
Personal Services 7,251
Provides for the appropriation of funds for the transfer of one Clerk Typist III position from the Bureau of Elder and Adult Services.

Social Services - Regional

Personal Services 500,000
Provides for the appropriation of funds to cover an anticipated shortfall in Personal Services.

**State Supplement to Federal
Supplemental Security Income**

All Other 850,000
Provides for the appropriation of funds due to an anticipated shortfall.

**DEPARTMENT OF HUMAN
SERVICES
TOTAL**

1,500,000

JUDICIAL DEPARTMENT

**Courts - Supreme, Superior,
District and Administrative**

All Other 750,000
Provides for the appropriation of funds to meet general operating costs for the

remainder of fiscal year
1994-95.

shortages in the 4th quarter
payroll.

**JUDICIAL DEPARTMENT
TOTAL**

750,000

**DEPARTMENT OF MARINE
RESOURCES
TOTAL**

-0-

**MARINE RESOURCES,
DEPARTMENT OF**

**Administration - Marine
Resources**

Personal Services 5,500

Provides for the appropriation of funds through the transfer from the Bureau of Marine Sciences program to meet a projected shortage in the 4th quarter payroll.

Marine Development - Bureau of

Personal Services 2,000

Provides for the appropriation of funds through a transfer from the Bureau of Marine Sciences program to meet a projected shortage in the 4th quarter payroll.

Marine Patrol - Bureau of

Personal Services 36,700

Provides for the appropriation of funds through the transfer from the Bureau of Marine Sciences program. The shortage is due to the excessive separation costs associated with 2 retirements.

Marine Sciences - Bureau of

Personal Services (44,200)

Provides for the deappropriation of funds through the transfer to the Bureau of Marine Patrol, the Bureau of Marine Development and the Marine Resources Administration programs to meet projected

**MENTAL HEALTH AND
MENTAL RETARDATION,
DEPARTMENT OF**

**Medicaid Services - Mental
Retardation**

All Other 3,769,030

Provides for the appropriation of funds to the Division of Mental Retardation seed account to cover the costs of the weekly seed charges from the Department of Human Services for the remainder of fiscal year 1994-95.

**Mental Health Services -
Community Medicaid**

All Other (300,000)

Provides for the deappropriation of funds from the Division of Mental Health seed account to transfer to the Division of Mental Retardation seed account to cover the cost of the Medicaid seed for the remainder of fiscal year 1994-95.

**Mental Health Services -
Children**

All Other (50,000)

Provides for the deappropriation of funds through a transfer to the Division of Mental Retardation seed account to cover the cost of the Medicaid seed for the remainder of fiscal year 1994-95.

**Mental Retardation Services -
Community**

All Other (300,000)
 Provides for the deappropriation of funds from the Division of Mental Retardation operating fund All Other line category to be transferred to the Division of Mental Retardation seed account to cover the cost of the Medicaid seed for the remainder of fiscal year 1994-95.

DEPARTMENT OF MENTAL HEALTH AND MENTAL RETARDATION
TOTAL 3,119,030

PROPERTY TAX REVIEW, STATE BOARD OF
Property Tax Review - State Board of

All Other (55,000)
 Provides for the deappropriation of funds through savings in professional services by the State.

STATE BOARD OF PROPERTY TAX REVIEW
TOTAL (55,000)

PUBLIC SAFETY, DEPARTMENT OF
Administration - Public Safety

Personal Services (49,017)
 Provides for the deappropriation of funds through salary savings.

DEPARTMENT OF PUBLIC SAFETY
TOTAL (49,017)

TREASURER OF STATE, OFFICE OF
Debt Service - Treasury

All Other 1,241,583
 Provides for the appropriation of funds to meet debt service needs for fiscal year 1994-95. An additional \$1,482,414 will also be transferred from debt service earnings.

OFFICE OF TREASURER OF STATE
TOTAL 1,241,583

SECTION A-1
TOTAL APPROPRIATIONS 6,391,784

Sec. A-2. Allocation. The following funds are allocated from the Highway Fund for the fiscal year ending June 30, 1995 to carry out the purposes of this Part.

1994-95

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
Claims Board

Personal Services (8,000)
 All Other 8,000
 Provides for the allocation of funds through the line category transfer from Personal Services salary savings to All Other to meet unexpected court-related expenditures.

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES
TOTAL -0-

SECTION A-2
TOTAL ALLOCATIONS -0-

Sec. A-3. Allocation. The following funds are allocated from the Federal Expenditures Fund for the fiscal year ending June 30, 1995 to carry out the purposes of this Part.

1994-95

EDUCATION, DEPARTMENT OF

School to Work Transition

All Other (150,000)

Provides for the deallocation of funds to be transferred to the Department of Labor, Job Training Partnership Program as part of the federal school-to-work opportunities project.

DEPARTMENT OF EDUCATION TOTAL

(150,000)

HUMAN SERVICES, DEPARTMENT OF

Elder and Adult Services - Bureau of

All Other 38,500
Capital Expenditures 1,500

TOTAL 40,000

Provides for the allocation of funds to support the Maine NET long-term care federal planning grant to design a capitated managed care system for long-term care services for the elderly.

Elder and Adult Services - Bureau of

Positions - Other Count (1.0)
Personal Services 7,251

Provides for the allocation of funds for the transfer of one Clerk Typist III position from the Bureau of Medical Services.

Medical Care Administration

All Other 1,150,000

Provides for the allocation of funds for the transfer of administrative costs and subsequent reimbursement to the General Fund as a result of the recovery of administrative costs for the Maine Health

Program from the cost allocation claim to federal Title XIX.

Medical Care Administration

Positions - Other Count (-1.0)
Personal Services (7,251)

Provides for the deallocation of funds for the transfer of one Clerk Typist III position to the Bureau of Elder and Adult Services.

DEPARTMENT OF HUMAN SERVICES TOTAL

1,190,000

LABOR, DEPARTMENT OF

Job Training Partnership Program

Personal Services 50,000
All Other 100,000

Provides for the allocation of funds through the transfer from the Department of Education for the purpose of supporting the federal school-to-work opportunities project.

DEPARTMENT OF LABOR TOTAL

150,000

SECTION A-3

TOTAL ALLOCATIONS 1,190,000

Sec. A-4. Allocation. The following funds are allocated from Other Special Revenue funds for the fiscal year ending June 30, 1995 to carry out the purposes of this Part.

1994-95

EDUCATION, DEPARTMENT OF

Administrative Office of the Commissioner

All Other 1,000

Provides for the allocation of funds for the Commissioner's

Task Force on Safe and Drug Free Schools.

DEPARTMENT OF EDUCATION
TOTAL _____
1,000

SECTION A-4
TOTAL ALLOCATIONS _____
1,000

Sec. A-5. Allocation. The following funds are allocated from the Federal Block Grant Fund for the fiscal year ending June 30, 1995 to carry out the purposes of this Part.

1994-95

HUMAN SERVICES, DEPARTMENT OF

Risk Reduction

Personal Services (20,000)
 All Other 20,000

Provides for the allocation of funds through the line category transfer of Personal Services salary savings to All Other for consultant work on cholesterol site visits and workshops.

DEPARTMENT OF HUMAN SERVICES
TOTAL _____
-0-

SECTION A-5
TOTAL ALLOCATIONS _____
-0-

Sec. A-6. Allocation. The following funds are allocated from the Tree Harvesting Fund for the fiscal year ending June 30, 1995 to carry out the purposes of this Part.

1994-95

BAXTER STATE PARK AUTHORITY

Tree Harvesting Fund

All Other 100,000

Provides for the allocation of funds to raise the level of expenditures to meet higher than anticipated revenues.

BAXTER STATE PARK AUTHORITY
TOTAL _____
100,000

SECTION A-6
TOTAL ALLOCATIONS _____
\$100,000

PART B

Sec. B-1. PL 1993, c. 410, Pt. EEE, §1 is repealed.

Sec. B-2. PL 1993, c. 410, Pt. EEE, §2 is repealed.

Sec. B-3. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, an amount not to exceed \$9,700,000 in fiscal year 1994-95 may be transferred from the available balance in the Maine Rainy Day Fund to the Departments and Agencies - Statewide program in the Department of Administrative and Financial Services to be made available by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used for remodification of state employees' pay dates.

Allocations from the Highway Fund in section 6 of this Part are to be made available by financial order upon the recommendation of the State Budget Officer and approval of the Governor to be used for remodification of state employees' pay dates for the affected Highway Fund accounts.

Sec. B-4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1994-95

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Departments and Agencies - Statewide

Personal Services \$9,700,000

Provides for the appropriation of funds associated with a modification of Cycle A and Cycle B payrolls in accordance with this Part.

Rainy Day Fund Program

Unallocated (\$9,700,000)

**DEPARTMENT OF
ADMINISTRATIVE AND
FINANCIAL SERVICES
TOTAL**

_____ \$-0-

Sec. B-5. Deappropriation. It is the intent of the Legislature that \$9,700,000 be deappropriated from the Departments and Agencies - Statewide program in the Department of Administrative and Financial Services within the 1995-96 General Fund "Current Services" budget Act in order to ensure that identified surplus personal services funds are returned to the Maine Rainy Day Fund.

Sec. B-6. Allocation. The following funds are allocated from the Highway Fund to carry out the purpose of this Part.

1994-95

**ADMINISTRATIVE AND
FINANCIAL SERVICES,
DEPARTMENT OF**

**Departments and Agencies -
Statewide**

Personal Services	\$4,500,000
Provides for the allocation of funds associated with the modification of Cycle A and Cycle B payrolls in accordance with this Part.	

PART C

Sec. C-1. PL 1993, c. 707, Pt. M, §1, as amended by PL 1995, c. 5, Part G, § 2, is further amended to read:

Sec. M-1. General Purpose Aid for Local Schools; lapsed balances. Notwithstanding any other provision of law, ~~\$348,406~~ \$368,406 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~~ \$880,000 lapse as the result of the calculation of individual school unit subsidies, the estimation of bond interest and the timing of bonding by school administration units for construction projects.

Sec. C-2. Carrying balance. Any balance remaining on June 30, 1995 in the General Fund "Public Improvements - Planning Constructions - Administration" program in the Department of Administrative and Financial Services may not lapse but must be carried forward until June 30, 1996 to be used for the same purpose.

Sec. C-3. Lapsed balances. Any balances remaining in the Blaine House Renovations and Repairs General Fund account within the Executive Department must lapse to the General Fund by June 30, 1995.

Sec. C-4. Lapsed balances. Any balances remaining in the Governor's Restructuring Commission General Fund account within the Executive Department must lapse to the General Fund by June 30, 1995.

Sec. C-5. Revenue reprojction. Notwithstanding the Maine Revised Statutes, Title 5, section 1513, subsection 1, the April 1995 increase of revenue estimates for the fiscal year 1994-95 during the First Regular Session of the 117th Legislature does not increase the appropriation to the Maine Rainy Day Fund.

Sec. C-6. Revenue reprojction. Notwithstanding the Maine Revised Statutes, Title 30-A, section 5683, subsection 3, the April 1995 increase of revenue estimates for fiscal year 1994-95 during the First Regular Session of the 117th Legislature does not increase the appropriation to the Property Tax Relief Fund.

Sec. C-7. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Controller is authorized to transfer \$1,500,000 from AFDC Special Revenues, Account 014-10A-0138-01 to the General Fund as undedicated revenue no later than June 30, 1995.

Sec. C-8. Transfer of funds. Notwithstanding the Maine Revised Statutes, Title 5, section 1585, the State Controller is authorized to transfer \$900,000 from the Securities Division, Account 014-02A-0093-02 to the General Fund as undedicated revenue no later than June 30, 1995.

Sec. C-9. Working capital advance. The Department of Defense and Veterans' Services shall return the working capital advance in the amount of \$165,000, as authorized by Public Law 1983, chapter 477, Part E, subpart 12, to the General Fund no later than June 30, 1995.

PART D

Sec. D-1. Productivity initiatives. The intent of the productivity initiative is to expedite and facilitate the implementation of improvements in State Government operations through the realization of cost savings from increased productivity of state employees, more efficient delivery of services and the elimination of waste, duplication and unnecessary programs. The initiative is designed to provide incentives to state agencies and employees to participate through the sharing of any savings realized

among the General Fund, state department budgets and employees according to a predetermined formula. The intent of this Part is to develop a mechanism so as to achieve \$45,346,780 in savings to the General Fund in the 1996-97 biennium as identified in the 1996-97 General Fund current services budget Act.

Sec. D-2. Productivity Realization Task Force.

1. Task force established. The Productivity Realization Task Force, referred to in this Part as the "task force," is established to advise and assist the Governor and the Legislature in the design and implementation of changes in State Government operations intended to improve the productivity of the work force and the efficiency of state services. The task force is solely an advisory group and has no independent authority.

2. Membership; chair. The task force consists of 13 members. The Governor shall appoint 6 members, to include 2 members from the Governor's cabinet, one member representing the business sector, one member representing employee unions and one state employee; the Speaker of the House shall appoint 3 members, to include at least one Representative and one member representing the public sector; the President of the Senate shall appoint 3 members, to include one Senator and one member representing the private sector; and the Chief Justice of the Supreme Judicial Court or the chief justice's designee is a member. The Governor, the President of the Senate and the Speaker of the House shall jointly select a chair of the task force from among the 13 members.

3. Appointment deadline; first meeting. Task force members must be appointed within 48 hours of the effective date of this Part. The first meeting of the task force must be called by the chair within 16 days after the effective date of this Part.

4. Expenses. Members of the task force may not receive any compensation or reimbursement for expenses. The Legislative Council shall absorb the costs of the legislative members of the task force within existing resources.

5. Staff. Upon request of the task force, the Legislative Council, the Administrative Office of the Courts, the Bureau of the Budget and the State Planning Office and other bureaus within the Department of Administrative and Financial Services shall provide assistance and staff to the task force, within existing resources.

Sec. D-3. Task force authorization.

1. Scope of study. The task force shall consider all reasonable productivity improvements throughout State Government, including, but not limited to:

- A. Position reductions through attrition to the extent feasible;
- B. Administration;
- C. Changes in supervisory and management roles and responsibilities including span of control;
- D. Redundant tasks and functions;
- E. Position enlargements and restructuring;
- F. Use of technology;
- G. Changes in agency and program missions and objectives and the relevance of programs to enabling legislation;
- H. Program restructuring; and
- I. Alternative systems of service delivery including the potential, when applicable, for privatization.

Within the scope of its work, the task force shall utilize all concepts, approaches and methodologies accepted by State Government for the implementation of strategic performance budgeting and receive and consider the recommendations of any task force or commission authorized by law to guide and implement performance-based budgeting in State Government.

2. Recommendations to Executive and Legislature. The task force shall recommend that the Governor reduce, eliminate or otherwise alter current state programs and operations in order to achieve the deappropriations to be authorized in fiscal year 1995-96 and fiscal year 1996-97. The task force is authorized to recommend that the Legislature eliminate positions in State Government or reduce, eliminate or otherwise alter state programs and operations in order to make permanent the Governor's implementation of task force recommendations pursuant to authorized deappropriation levels during the prior fiscal year, or to implement other task force recommendations.

3. Reports. The task force shall report its findings, recommendations and accomplishments to the Governor, to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on State and Local Government no later than December 31st of each fiscal year. The task force report must be submitted to the Governor for review and comment prior to submission to the legislative committees. The Governor shall prepare and submit legislation necessary to implement any accepted findings and recommendations of the task force. The task force also shall provide a monthly report to the Governor, the Joint Standing Committee on Appropriations and Financial Affairs and the Joint

Standing Committee on State and Local Government recommending position reductions with cost-saving estimates for each fiscal year of the biennium by position and department, and recommend measures to reduce, eliminate or otherwise alter state programs and operations in order to meet the deappropriation to be authorized in fiscal year 1995-96 and fiscal year 1996-97.

Sec. D-4. Implementation of task force recommendations by Governor. The Governor shall review the recommendations of the task force as presented throughout the fiscal year. Nothing in this Part may be construed to constrain the Governor's authority to exercise the powers granted by the Constitution of Maine or statutes to execute the laws of the State.

Any recommendation of the task force that requires a change to the Maine Revised Statutes, a Public Law or a Private and Special Law enacted by the Legislature, except as expressly authorized by section 5 of this Part, and that the Governor seeks to implement requires the following.

1. The Governor shall immediately notify the Legislature of the specific recommendation or recommendations that require legislation to implement; the departments, programs and positions to be affected; and the projected savings and deappropriations required in fiscal year 1995-96 and fiscal year 1996-97.

2. After having provided at least 2 weeks' notice to the President of the Senate and the Speaker of the House, the Governor shall convene the Legislature into special session to address legislation to implement the specific recommendation or recommendations identified by the Governor in subsection 1. Should the Legislature be in regular session, the Governor shall immediately submit legislation to implement the specific recommendation or recommendations identified by the Governor in subsection 1.

3. Once that legislation has been submitted to the Office of the Revisor of Statutes, the Legislature has 3 calendar days, excluding holidays and weekends, to enact legislation that achieves the same amount of projected savings and deappropriations in fiscal year 1995-96 and fiscal year 1996-97 as those identified by the Governor in subsection 1. Those savings and deappropriations may not be achieved by increasing revenue. If the Legislature fails to enact legislation that achieves the same amount of projected savings or deappropriations in fiscal year 1995-96 and fiscal year 1996-97 as those identified by the Governor in subsection 1, the Governor is authorized to achieve the savings through use of the temporary curtailment of allotment power specified in the Maine Revised Statutes, Title 5, section 1668, in addition to

the temporary powers granted by section 5 of this Part, provided that the Governor may not curtail allotments under this section in the General Purpose Aid for Local Schools Program and the Local Government Fund.

4. Notwithstanding the Maine Revised Statutes, Title 3, section 2, 6th paragraph, the members of the Senate and House of Representatives must each be compensated \$55 for every day's attendance, expenses and mileage pursuant to Title 3, section 2, 10th paragraph.

Sec. D-5. Appropriation and position transfers. Notwithstanding any other provision of law, the Governor is authorized by financial order to transfer positions authorized by the Legislature between General Fund accounts and between departments and to transfer the available balances of any General Fund appropriation between line categories, accounts and departments in order to achieve the savings necessary to meet the lump-sum deappropriations to be authorized in fiscal year 1995-96 and fiscal year 1996-97. When the Governor determines that the transfer of a position is necessary, any incumbent in the transferred position at the time of transfer must be transferred along with the position. In exercising the Governor's delegated authority under this section, the Governor shall ensure that the Governor's actions are designed to achieve the goals set forth in section 1 of this Part and conform to the following standards:

1. Improvement of the effectiveness with which General Fund dollars available in the biennium are spent;

2. Reduction of the ratio of management, administrative, clerical and supervisory personnel of a department or agency to the front-line personnel;

3. Consolidation or restructuring of redundant State Government services, programs and operations where possible;

4. Integration of the effective use of technology into state departments, agencies, programs and operations; and

5. Achievement of the most effective delivery of services to Maine citizens.

Sec. D-6. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Part.

1994-95

**ADMINISTRATIVE AND
FINANCIAL SERVICES,
DEPARTMENT OF**

Productivity Realization Task Force

All Other \$250,000
 Provides for the necessary expenses, including consulting fees, of the Productivity Realization Task Force.

LEGISLATURE

Legislature

Personal Services (\$250,000)
 Provides for the deappropriation of funds from available balances.

TOTAL APPROPRIATIONS \$-0-

Sec. D-7. Repeal. This Part is repealed June 30, 1997.

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

Effective May 15, 1995.

CHAPTER 100

S.P. 169 - L.D. 430

An Act to Prohibit State Legislative Employees from Using State Time or Property for Campaigning

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

Sec. 1. 3 MRSA §§170 and 170-A are enacted to read:

§170. Partisan employees; restricted activities

Partisan legislative employees who assume active roles in campaigns shall either limit their activities to evenings and weekends or take leave to pursue these activities if they occur during the Legislature's regular business day, which is 8 a.m. to 5 p.m. This includes fund raising for campaign efforts as well as other activities that are directly related to election or reelection efforts.

§170-A. Use of legislative equipment and resources

Legislative employees are prohibited from at any time using the computer system, telephones, copying machines and other legislative equipment for work related to campaigns.

See title page for effective date.

CHAPTER 101

S.P. 235 - L.D. 600

An Act to Clarify Credit Union Common Bond Requirements

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

Sec. 1. 9-B MRSA §814, sub-§1, as enacted by PL 1975, c. 500, §1, is amended to read:

1. Field of membership. "Field of membership" of a credit union means those persons having a common bond of occupation or association; residence or employment within a well-defined neighborhood, community or rural district; employment by a common employer or by employers located within a well-defined industrial park or community; membership in a bona fide fraternal, religious, cooperative, labor, rural, educational or similar organization; and members of the immediate families of such persons.

Sec. 2. 9-B MRSA §814, sub-§1, ¶¶A and B are enacted to read:

A. When determining whether a credit union's proposed field of membership meets the requirements of this section, the superintendent shall consider all guidelines established by the National Credit Union Administration that address the issues of common bond, overlapping fields of membership, expansions or conversions of field of membership and the documentation required for amending a field of membership.

B. The superintendent shall provide notice to interested parties of a bylaw amendment sought by a credit union that proposes a change in field of membership.

See title page for effective date.

CHAPTER 102

H.P. 471 - L.D. 652

An Act Pertaining to the Signing of Petitions