

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

480-Q, subsection 17, does not apply to an activity performed or caused to be performed on or after the effective date of this Act if the person performing the activity, or causing the activity to be performed, was in possession of applicable federal, state or local licenses prior to the effective date of this Act.

See title page for effective date.

CHAPTER 461

H.P. 1095 - L.D. 1539

An Act to Permit a One-time Transfer of Retained Funds for Community Corrections Programs

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

Whereas, the counties have not been fully reimbursed for the costs of care of state prisoners in county jails; and

Whereas, without full reimbursement, the counties are burdened by the continuing costs of jail operations incurred by housing state prisoners; and

Whereas, a one-time proportionate transfer of retained funds for community corrections programs to offset some of these county jail costs would greatly aid certain counties; 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. 34-A MRSA §1210, sub-§4, as amended by PL 1989, c. 127, §1, is further amended to read:

4. Verification of commitment; actual days served. As a condition of reimbursement, the department shall require the county to submit appropriate documentation verifying the court commitment and the actual number of days served for each prisoner for which reimbursement is requested. Documentation ~~shall~~ must include, but is not ~~be~~ limited to:

A. An invoice provided by the Department of Corrections, completed by the county, listing all

prisoners for which reimbursement is requested for the quarter;

B. One copy of the actual Court Judgment and Commitment Order, including class of crime, for each prisoner listed in the invoice submitted;

C. One copy of each Release Date Computation Sheet showing the actual number of days served by each prisoner included in the invoice submitted; and

D. By February 1st of each calendar year, ~~the county shall provide,~~ in a format provided by the ~~Department of Corrections department,~~ a copy of actual expenditures for the support of prisoners for the previous calendar year. The Department of Audit shall establish, in consultation with the counties and the ~~Department of Corrections department,~~ a uniform system of accounting for the support of prisoners for the counties pursuant to its authority in Title 5, section 243 and consistent with the requirements of this section. No county may be reimbursed after July 1, 1987, until it has implemented the uniform accounting system for the expenditure for support of prisoners.

In any fiscal year in which the actual amount appropriated for reimbursement to counties is less than the reimbursable costs the department projects, the department, notwithstanding the other provisions of this subsection, may reimburse counties prior to receiving the documentation required quarterly under this subsection.

Sec. 2. 34-A MRSA §1210, sub-§6-A, as amended by PL 1993, c. 517, §1, is further amended to read:

6-A. Funds to be used for community corrections programs. Thirty percent of all funds claimed by each county for reimbursement under this section must be retained by the department until the county demonstrates that the retained funds will be used for community corrections programs, as described in subsection 1, paragraph B, that are developed as part of a comprehensive local plan approved by the commissioner. One half of the retained funds must be retained until the county demonstrates that the funds will be used for adult programs, and 1/2 of the retained funds must be retained until the county demonstrates that the funds will be used for juvenile programs. All funds retained by the department under this subsection not released by the end of the year may not lapse, but must be carried forward into subsequent years, with each county's funds carried over for that county. A county may shift funds from the funds retained and available for adult programs pursuant to this subsection to juvenile diversion programs. All funds not committed by any county after 3 years from the date the county's

claim is approved by the department must be placed by the department in a pool from which supplementary funds periodically must be made available to all counties on a competitive basis. Annually, by September 1st, the commissioner shall submit to the joint standing committee of the Legislature having jurisdiction over corrections matters a report of the activity in the prior fiscal year of the funds retained under this subsection, including the following:

- A. The amount retained from each county;
- B. The amount of any funds that have been carried over from previous fiscal years for each county;
- C. The amount released to each county; and
- D. The specific programs for which funds were released for each county, including an indication of whether each program serves juveniles or adults.

During fiscal year 1995-96, the department shall distribute to the counties all retained funds that are committed or uncommitted by June 30, 1995 under this subsection. The amount each county receives is its proportionate share based on the amount owed to that county as compared to the total amount owed to all counties.

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

Effective July 3, 1995.

CHAPTER 462

S.P. 251 - L.D. 648

An Act to Correct Errors and Inconsistencies in the Laws of Maine

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

Whereas, Acts of this and previous Legislatures have resulted in certain technical errors and inconsistencies in the laws of Maine; and

Whereas, these errors and inconsistencies create uncertainties and confusion in interpreting legislative intent; and

Whereas, it is vitally necessary that these uncertainties and this confusion be resolved in order to prevent any injustice or hardship to the citizens of Maine; 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. 2 MRSA §6, sub-§5, as repealed and replaced by PL 1993, c. 410, Pt. L, §1, is amended to read:

5. Range 86. The salaries of the following state officials and employees are within salary range 86:

- Director of Labor Standards;
- Deputy Chief of the State Police;
- State Archivist;
- Director of Maine Geological Survey;
- Executive Director, Maine Land Use Regulation Commission;
- Chair, Maine Unemployment Insurance Commission;
- Child Welfare Services Ombudsman; and
- Director of the Maine Drug Enforcement Agency; ~~and~~
- ~~Executive Director, Maine Science and Technology Commission.~~

Sec. A-2. 2 MRSA §7, as amended by PL 1991, c. 885, Pt. A, §2 and affected by §§9 to 11, is repealed.

Sec. A-3. 4 MRSA §164, sub-§1-A, as amended by PL 1993, c. 675, Pt. B, §5 and c. 680, Pt. A, §1, is repealed and the following enacted in its place:

1-A. Appoint bail commissioners. Appoint bail commissioners pursuant to Title 15, section 1023, for any district;

Sec. A-4. 4 MRSA §164, sub-§15, ¶¶A and D, as amended by PL 1993, c. 680, Pt. A, §4, are further amended to read:

- A. A fisheries and wildlife offense means any violation of any provision of Title 12, Part 10; any provision of law enumerated in Title 12, section 7053; or any rule adopted by the Com-