

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

FIRST SPECIAL SESSION
November 28, 1995 to December 1, 1995

SECOND REGULAR SESSION
January 3, 1996 to April 4, 1996

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PUBLIC LAWS OF THE STATE OF MAINE
AS PASSED AT
THE SECOND REGULAR SESSION OF THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE
1995

CHAPTER 508

H.P. 1180 - L.D. 1619

**An Act to Repeal the Sunset
Provision for Distribution from the
Maine Environmental Trust Fund**

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

Whereas, the provision governing distribution from the Maine Environmental Trust Fund will be repealed on March 31, 1996; and

Whereas, this legislation eliminates the language that would repeal this provision; 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Sec. 1. 12 MRSA §7759, sub-§3, as repealed and replaced by PL 1995, c. 217, §1, is amended to read:

3. Distribution from fund. Money distributed from the fund may be used for marketing the plates and for the production and marketing of goods using the environmental plate design. After the Treasurer of State has reimbursed the Secretary of State for costs of producing and issuing environmental registration plates in accordance with Title 29-A, section 455, the Treasurer of State shall, at the end of each quarter in the fiscal year, distribute the balance in the fund as follows:

A. Sixty percent of the balance must be deposited in the Maine State Parks Fund established in section 610; and

B. Forty percent of the balance must be deposited in the Maine Endangered and Nongame Wildlife Fund established in section 7757.

This subsection is repealed March 31, 1996.

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

Effective January 29, 1996.

CHAPTER 509

S.P. 698 - L.D. 1779

**An Act to Extend Certain Reporting
Deadlines**

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

Whereas, the Task Force to Monitor Deregulation of Hospitals, the Commission to Study Biotechnology and Genetic Engineering, the Judicial Compensation Commission, the Director of the State Planning Office, the Home School Study Committee, the Commission on Higher Education Governance and the Task Force on Tax Increment Financing require additional time in order to complete in a comprehensive and meaningful manner the tasks assigned by law; 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. 4 MRSA §1701, sub-§13, as enacted by PL 1995, c. 451, §1, is amended to read:

13. Biennial report required. No later than December 1st of each ~~odd-numbered~~ even-numbered year, the commission shall make its biennial report to the joint standing committees of the Legislature having jurisdiction over appropriations matters and judicial matters. The biennial report must include findings, conclusions and recommendations as to the proper salary and benefits, including retirement, to be

paid from the State Treasury and other sources for all justices and judges of this State. The commission is authorized to submit with its report any proposed legislation the commission determines necessary to implement these recommendations.

Sec. 2. PL 1995, c. 368, Pt. W, §12, sub-§1 is amended to read:

1. The Task Force to Monitor Deregulation of Hospitals, referred to in this section as the "task force," is established and may review the recommendations of the Maine Health Care Reform Commission. The task force shall monitor the impact of deregulation on health care providers and consumers, propose recommendations concerning data collection and financial analysis and recommend statutory changes to implement the elimination of regulatory functions of the Maine Health Care Finance Commission.

The task force shall report to the Legislature no later than ~~December~~ February 15, 1995 1996 its findings and recommendations concerning the collection of clinical and financial data and the development of a financial analysis capability.

Sec. 3. PL 1995, c. 395, Pt. Q, §7 is amended to read:

Sec. Q-7. Report. The commission shall submit ~~a~~ an interim report to the Legislative Council and the Joint Standing Committee on Education and Cultural Affairs by March 1, 1996 that must address the following issues: access to opportunity for higher education in Maine; systems and inter-system governance structures and opportunities for improvement; and community college issues. The commission shall also submit a work plan and budget to the Legislative Council. A final report outlining its the commission's findings pursuant to section 4 of this Part, together with any necessary implementing legislation, must be submitted to the Second Regular Session of the 117th Legislature no later than ~~December 15, 1995~~ June 30, 1996. The commission must meet the deadline for the interim report and must submit a work plan and budget in order for the commission to be authorized to continue working until June 30, 1996.

Sec. 4. PL 1995, c. 465, Pt. C, §1, sub-§1 is amended to read:

1. Except as otherwise provided in this section, the Director of the State Planning Office shall assume all remaining duties and responsibilities of the former Maine Waste Management Agency, its officers and its executive director, including administration of any rules adopted by that agency relating to these remaining duties. By ~~December 1, 1995~~ March 1, 1996, the director shall submit legislation to the Second Regular Session of the 117th Legislature to revise all

remaining references to the Maine Waste Management Agency in the Maine Revised Statutes to conform to the intent of this Act.

Sec. 5. Resolve 1993, c. 62, §4, as amended by Resolve 1995, c. 9, §1, is further amended to read:

Sec. 4. Report completed. Resolved: That the Home School Study Committee shall submit its report, including any necessary legislation, to the Second Regular Session of the 117th Legislature and the Governor no later than ~~November 15, 1995~~ February 23, 1996.

Sec. 6. Resolve 1993, c. 72, §7, as amended by Resolve 1995, c. 7, §1 and affected by §2, is further amended to read:

Sec. 7. Report. Resolved: That the commission shall submit its report with any accompanying legislation to the ~~First~~ Second Regular Session of the 117th Legislature by ~~November 1, 1995~~ February 15, 1996; and be it further

Sec. 7. Resolve 1995, c. 51, §9 is amended to read:

Sec. 9. Report. Resolved: That the task force shall submit its reports with any accompanying legislation to the Second Regular Session of the 117th Legislature by ~~December 15, 1995~~ January 31, 1996; and be it further

Sec. 8. Retroactivity. This Act applies retroactively to November 1, 1995.

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

Effective February 14, 1996.

CHAPTER 510

H.P. 1174 - L.D. 1606

An Act to Amend the Overtime Laws as They Pertain to Bonuses

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

Whereas, the Legislature amended the minimum wage law in the First Regular Session of the 117th Legislature, in part, to make it easier to understand; and

Whereas, some members of the business community are confused about whether the law was