

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

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

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 4, 1996

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

benefits for families whose eligibility for AFDC has terminated due to employment obtained through work search activities pursuant to this chapter, in which case the family must have received AFDC for at least one of the last 3 months.

3. Periodic reporting. The department shall require reporting of income or circumstances ~~in the 5th and 11th months of receipt of extended medical assistance for the purpose of determining eligibility and premium payments for benefits under this section in accordance with rules adopted by the department.~~ Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter II-A.

4. Premiums; copayments; deductibles. To continue to receive extended medical assistance following the first 6 months of coverage, a family entering the transitional medical assistance program prior to February 1, 1997, with income above 133% of the federal poverty guidelines must pay premiums for the 7th to 9th months at \$10 per month and for the 10th to 12th months at \$20 per month in accordance with rules adopted by the department. Rules adopted pursuant to this subsection are routine technical rules as defined by Title 5, chapter 375, subchapter II-A. A family entering the transitional medical assistance program on or after February 1, 1997 whose family's average gross monthly earnings, less the average monthly costs for such child care as is necessary for employment, is above 100% of the federal poverty guidelines, shall pay, beginning in their 7th month of receiving transitional medical assistance, monthly premiums equal to 3% of their average gross monthly earnings, less the average monthly costs for such child care as is necessary for employment.

5. Scope of services. The scope of services provided under this section must be the same as the scope of services provided when a family received AFDC.

6. Extended benefits. The department shall extend the transitional medical assistance program to families who meet the requirements of the program and who enter the transitional medical assistance program on or after February 1, 1997 for 2 years beyond the families' initial one-year period of eligibility. In administering the extended benefits under this subsection, the department shall require the reporting of income or circumstances and the payment of premiums according to subsections 3 and 4.

Sec. 2. Department directed to seek waiver. By October 1, 1996, the Department of Human Services shall determine whether the purposes of the Maine Revised Statutes, Title 22, section 3741-G, subsection 6 may be accomplished without a waiver of the provisions of the United States Social

Security Act, 42 United States Code (1995). If the department determines that no waiver is required, the department shall amend the state plan to accomplish the purposes of this subsection.

If the department determines that a waiver under the United States Social Security Act, 42 United States Code, Section 1315(a) (1995) is necessary to achieve the purposes of Title 22, section 3741-G, subsection 6, by December 1, 1996, the department shall apply for the waiver or request an amendment to a pending or existing waiver.

See title page for effective date.

CHAPTER 693

H.P. 1159 - L.D. 1593

An Act to Implement the Productivity Plan of the Department of Agriculture, Food and Rural Resources Relating to the Animal Welfare Board, the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council

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

Whereas, the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council play an important public role in educating the public and contributing to the health of Maine's dairy industry; and

Whereas, the Maine Dairy Promotion Board and the Maine Dairy and Nutrition Council will operate more efficiently and provide enhanced services as public instrumentalities; 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. 5 MRSA §12004-H, sub-§§3 and 4, as amended by PL 1991, c. 376, §26, are repealed.

Sec. 2. 5 MRSA §12004-I, sub-§2-B, as enacted by PL 1991, c. 779, §2, is repealed.

Sec. 3. 7 MRSA §1, as amended by PL 1995, c. 502, Pt. C, §3, is further amended to read:

§1. Department of Agriculture, Food and Rural Resources

The Department of Agriculture, Food and Rural Resources, is established and is maintained for the improvement of agriculture and the advancement of the interests of husbandry. The Department of Agriculture, Food and Rural Resources is referred to in this Title as the "department" and consists of the Commissioner of Agriculture, Food and Rural Resources, in this Title called the "commissioner," and the following: The Aroostook Water and Soil Management Board, the Board of Pesticide Control, ~~the Maine Dairy and Nutrition Council Committee, the Maine Dairy Promotion Board, the Maine Milk Commission, the Maine Potato Board, the Seed Potato Board, the State Soil and Water Conservation Commission, the Harness Racing Commission and the Board of Veterinary Medicine.~~ The commissioner is appointed by the Governor, subject to review by the joint standing committee of the Legislature having jurisdiction over agriculture matters and to confirmation by the Legislature, and holds office during the pleasure of the Governor. The commissioner is entitled to receive actual expenses incurred in the performance of the commissioner's official duties. The commissioner may employ such clerical labor as may be required, subject to the Civil Service Law, and may expend such sums for postage, telephone, telegraph and other general office expenses as may be necessary in the performance of the commissioner's duties, the same to be paid out of any money appropriated by the Legislature for such purpose.

Sec. 4. 7 MRSA §2, 3rd ¶, as amended by PL 1989, c. 878, Pt. B, §7, is further amended to read:

The commissioner does not have authority to exercise or interfere with the exercise of any discretionary statutory authority granted to the following, which authority is exclusively within the specific board, bureau, agency, commission, committee or other governmental unit: ~~The Maine Dairy and Nutrition Council Committee, the Maine Dairy Promotion Board, the Maine Milk Commission, the Seed Potato Board, the Harness Racing Commission, the Maine Potato Board, the Soil and Water Conservation Commission, the Board of Veterinary Medicine and the Board of Pesticide Control.~~

Sec. 5. 7 MRSA §2956, 3rd ¶ from the end, as corrected by RR 1993, c. 1, §17, is amended to read:

Each licensed dealer shall pay to the commission an annual license fee of \$1 and the sum of 6 1/2¢ per hundredweight as monthly payments, based on quantity of milk purchased or produced in any market area, or purchased or produced in an uncontrolled area and sold in any market area. Two and one-half cents

per hundredweight may be deducted by dealers from amounts paid by them to producers of such milk, except that the milk farm-processed into cream for the manufacture of butter is not subject to such sums of 6 1/2¢ per hundredweight. Of the amount paid by each dealer, 1 1/2¢ per hundredweight must be paid by the commission to the Maine Dairy and Nutrition Council for the purposes authorized by section 2999. The commission shall make payments to the Maine Dairy and Nutrition Council on a monthly basis.

Sec. 6. 7 MRSA §2991, sub-§3-A is enacted to read:

3-A. Council. "Council" means the Maine Dairy and Nutrition Council.

Sec. 7. 7 MRSA §2992, as amended by PL 1993, c. 689, §1, is repealed.

Sec. 8. 7 MRSA §2992-A is enacted to read:

§2992-A. Maine Dairy Promotion Board

1. Board established as a public instrumentality. The Maine Dairy Promotion Board is established as a public body corporate and politic and a public instrumentality of the State. The exercise of powers conferred by this chapter is held to be the performance of essential government functions.

A. Employees of the board may not be construed to be state employees for any purpose, including the state civil service provisions of Title 5, Part 2 and Title 5, chapter 372.

B. The board may not be construed to be a state agency for any purposes, including the budget, accounts and control, auditing, purchasing or other provisions of Title 5, Part 4.

C. Notwithstanding paragraphs A and B:

(1) Employees of the board, including employees hired after the effective date of this section, are state employees for the purposes of the state retirement provisions of Title 5, Part 20 and the state employee health insurance program under Title 5, chapter 13, subchapter II;

(2) All meetings and records of the board are subject to the provisions of Title 1, chapter 13, subchapter I, except that by majority vote of those members present records and meetings of the board may be closed to the public when public disclosure of the subject matter of the records or meetings would adversely affect the competitive position of the milk industry of the State or segments of that industry. The Commissioner of Agriculture, Food and

Rural Resources and those members of the Legislature appointed to serve on the joint standing committee of the Legislature having jurisdiction over agricultural, conservation and forestry matters have access to all material designated confidential by the board;

(3) For the purposes of the Maine Tort Claims Act, the board is a governmental entity and its employees are employees as those terms are defined in Title 14, section 8102;

(4) Funds received by the board pursuant to chapter 611 must be allocated to the board by the Legislature in accordance with Title 5, section 1673; and

(5) Except for representation of specific interests required by subsection 2, members of the board are governed by the conflict of interest provisions set forth in Title 5, section 18.

2. Board membership. The board consists of the following 5 members:

A. Two members appointed by organizations of producers who sell milk on the Maine market. The members appointed under this paragraph may not be from the same organization;

B. Two members appointed by organizations of producers who sell milk on the Boston market under the current federal milk marketing order. The members appointed under this paragraph may not be from the same organization; and

C. The Commissioner of Agriculture, Food and Rural Resources.

3. Board chair. The board shall annually elect a chair.

4. Producer members. A person who is a producer may not be appointed to the board if that person:

A. Sells milk on the same market as a producer member; and

B. Belongs to the same agricultural cooperative as that producer member or sells milk to the same dealer as that producer member.

5. Cross membership; prohibition. A board member may not be a member of the Maine Dairy and Nutrition Council, established under section 2998-B.

6. Quorum; voting. Fifty-one percent of the members of the board constitutes a quorum and the

affirmative vote of at least 51% of members present at a meeting is necessary to transact all business and carry out the duties of the board.

7. Terms. Board members are appointed to 4-year terms and may not serve more than 2 consecutive terms. A vacancy caused by death, resignation or otherwise must be promptly filled by the appointing authority for the vacated position. A producer member who changes the market in which the member sells milk is considered to have vacated membership if the change continues in excess of 6 months.

8. Compensation. The members of the board are entitled to compensation from funds received pursuant to chapter 611 according to such guidelines as the board may establish.

9. Executive director; staff. The board shall appoint an executive director who is the board's chief administrative officer and serves at the pleasure of the board. The executive director shall employ, as the board directs, additional staff who serve at the pleasure of the executive director. The salary paid to the executive director and other staff of the board must be fixed by the board. The board may delegate to its staff the power to execute the board's policies and programs, subject to the board's oversight.

10. Sharing of staff. The board and the Maine Dairy and Nutrition Council, established in section 2998-B, may share an executive director and staff. The total salary of a shared employee may be agreed to by the board and council and the percentage of the salary paid by the board must be proportional to the work performed for the board by the shared employee. The board shall utilize accounting procedures adequate to track the proportion of work a shared employee performs for the board.

11. Debt. A debt or obligation incurred by the board is not a debt or obligation of the State.

Sec. 9. 7 MRSA §2993, sub-§3 and 5, as amended by PL 1993, c. 689, §2, are further amended to read:

3. Books and records. Shall keep books, records and accounts of all its activities, which must be open to inspection and audit by the State at all times. ~~The State Auditor~~ An independent certified public account shall conduct an annual audit of the financial records of the board and report the results of the audit to the board, the commissioner, the Treasurer of State and the Legislature. ~~All books and records of the board must be open to public inspection in accordance with Title 1, chapter 13, except that records and meetings of the board may by vote be closed to the public when public disclosure of the subject matter of the records or meetings would~~

~~adversely affect the competitive position of the milk industry of the State or segments of that industry;~~

~~5. **Funding.** May, in addition to the money received by the board pursuant to section 2994, receive and expend funds from any source, public or private, that it determines necessary to carry out its purposes. All money received from any source must be placed in a nonlapsing, separate account or accounts to be expended for those purposes.~~

Sec. 10. 7 MRSA §2994, as enacted by PL 1991, c. 376, §28, is repealed.

Sec. 11. 7 MRSA §2994-A is enacted to read:

§2994-A. Cooperation with similar boards

The board may cooperate with similar organizations in other states and regions and may pay to the similar organizations that part of its funds as it determines is in the best interest of the dairy industry of the State.

Sec. 12. 7 MRSA §2997, sub-§§1-A and 1-B are enacted to read:

1-A. Board. "Board" means the Maine Dairy Promotion Board.

1-B. Council. "Council" means the Maine Dairy and Nutrition Council.

Sec. 13. 7 MRSA §2998, as amended by PL 1993, c. 689, §3, is repealed.

Sec. 14. 7 MRSA §2998-A, as enacted by PL 1993, c. 689, §4, is repealed.

Sec. 15. 7 MRSA §2998-B is enacted to read:

§2998-B. Maine Dairy and Nutrition Council

1. Council established as a public instrumentality. The Maine Dairy and Nutrition Council is established as a public body corporate and politic and a public instrumentality of the State. The exercise of powers conferred by this chapter is held to be the performance of essential government functions.

A. Employees of the council may not be construed to be state employees for any purpose, including the state civil service provisions of Title 5, Part 2 and Title 5, chapter 372.

B. The council may not be construed to be a state agency for any purposes, including the budget, accounts and control, auditing, purchasing or other provisions of Title 5, Part 4.

C. Notwithstanding paragraphs A and B:

(1) Employees of the council, including employees hired after the effective date of this section, are state employees for the purposes of the state retirement provisions of Title 5, Part 20 and the state employee health insurance program under Title 5, chapter 13, subchapter II;

(2) All meetings and records of the council are subject to the provisions of Title 1, chapter 13, subchapter I, except that by majority vote of those members present records and meetings of the board may be closed to the public when public disclosure of the subject matter of the records or meetings would adversely affect the competitive position of the milk industry of the State or segments of that industry. The Commissioner of Agriculture, Food and Rural Resources and those members of the Legislature appointed to serve on the joint standing committee of the Legislature having jurisdiction over agricultural, conservation and forestry matters have access to all material designated confidential by the council;

(3) For the purposes of the Maine Tort Claims Act, the council is a governmental entity and its employees are employees as those terms are defined in Title 14, section 8102;

(4) Funds received by the council pursuant to chapters 603 and 611 must be allocated to the board by the Legislature in accordance with Title 5, section 1673; and

(5) Except for representation of specific interests required by subsection 2, members of the council are governed by the conflict of interest provisions set forth in Title 5, section 18.

2. Council membership. The council consists of the following 5 members:

A. Two members appointed by organizations of Maine milk producers who sell milk on the Maine market. The members appointed under this paragraph may not be from the same organization;

B. Two members appointed by organizations of Maine milk producers who sell milk on the Boston market under the current federal milk marketing order. The members appointed under this paragraph may not be from the same organization; and

C. One member representing Maine milk dealers, appointed by the commissioner.

3. Council chair. The council shall annually elect a chair.

4. Producer members. A person who is a producer may not be appointed to the council if that person:

A. Sells milk on the same market as a producer member; and

B. Belongs to the same agricultural cooperative as that producer member or sells milk to the same dealer as that producer member.

5. Cross membership; prohibition. A council member may not be a member of the Maine Dairy Promotion Board, established under section 2992-A.

6. Quorum; voting. Fifty-one percent of the members of the council constitutes a quorum and the affirmative vote of at least 51% of members present at a meeting is necessary to transact all business and carry out the duties of the council.

7. Terms. Producer members are appointed to 4-year terms and may not serve more than 2 consecutive terms. The dealer council member is appointed to a 4-year term and may not serve consecutive terms. A vacancy caused by death, resignation or otherwise, must be promptly filled by the appointing authority for the vacated position. A producer member who changes the market in which the member sells milk is considered to have vacated membership if the change continues in excess of 6 months.

8. Compensation. The members of the council are entitled to compensation from funds received pursuant to chapters 603 and 611 according to such guidelines as the council may establish.

9. Executive director; staff. The council shall appoint an executive director who is the council's chief administrative officer and serves at the pleasure of the council. The executive director shall employ, as the council directs, additional staff who serve at the pleasure of the executive director. The salary paid to the executive director and other staff of the council must be fixed by the council. The council may delegate to its staff the power to execute the council's policies and programs, subject to the council's oversight.

10. Sharing of staff. The council and the Maine Dairy Promotion Board, established in section 2992-A, may share an executive director and staff. The total salary of a shared employee may be agreed to by the council and board and the percentage of the salary paid by the council must be proportional to the

work performed for the council by the shared employee. The council must utilize accounting procedures adequate to track the proportion of work a shared employee performs for the council.

11. Debt. A debt or obligation incurred by the council is not a debt or obligation of the State.

Sec. 16. 7 MRSA §2999, sub-§§3 and 5, as enacted by PL 1993, c. 689, §5, are amended to read:

3. Books and records. Shall keep books, records and accounts of all its activities, which must be open to inspection and audit by the State at all times. ~~The State Auditor~~ An independent certified public accountant shall conduct an annual audit of the financial records of the council and report the results of the audit to the council, the commissioner, the Treasurer of State and the Legislature. ~~All books and records of the council must be open to public inspection in accordance with Title 1, chapter 13, except that records and meetings of the council may by vote be closed to the public when public disclosure of the subject matter of the records or meetings would adversely affect the competitive position of the State's milk industry or segments of that industry;~~

5. Funding. May receive and expend funds from any source, public or private, that it determines necessary to carry out its purposes. ~~All money received from any source must be placed in a nonlapsing, separate account or accounts, to be expended for those purposes.~~

Sec. 17. 7 MRSA §3153, sub-§1, as enacted by PL 1983, c. 573, §4, is amended to read:

1. Establishment. Within 180 days after the effective date of this chapter, the commissioner shall ~~promulgate~~ adopt rules establishing a fund to be known as the "Maine Milk Pool," to which all ~~moneys~~ money collected from Maine dealers pursuant to subsections 2 and 3 ~~shall~~ must be credited. These funds ~~shall~~ must be redistributed to eligible Maine market producers, eligible northern Maine market producers and eligible Boston market producers according to procedures, ~~northern Maine market producers~~ established under ~~subsection~~ subsection 4.

Sec. 18. 7 MRSA §3153, sub-§3, as amended by PL 1985, c. 506, Pt. B, §5, is further amended to read:

3. Additional collections for promotion. Effective June 1, 1984, each producer-dealer shall on a monthly basis pay to the Maine Milk Pool a promotion fee equal to .6 of 1% for a period of one year ending May 31, 1985, and thereafter shall, on a monthly basis, pay a promotion fee at the rate of 10¢ per hundredweight applied to all milk produced by the producer-dealer. This promotion fee ~~shall~~ must be

credited on a monthly basis to the Maine Dairy Promotion Board, except that 1.5¢ per hundredweight for the first year and 2¢ per hundredweight thereafter ~~shall~~ must be paid by the board on a monthly basis to the Maine Dairy and Nutrition Council. This promotion fee ~~shall~~ must also be paid to the Maine Milk Pool by Maine market dealers on all milk imported for sale within the State and ~~such~~ those sums ~~shall~~ must be credited in the same manner.

Sec. 19. 7 MRSA §3154, sub-§2, as amended by PL 1985, c. 506, Pt. B, §6, is further amended to read:

2. Deductions. Prior to the redistribution of the pool as provided in section 3153, the commissioner shall deduct the following:

A. Amounts sufficient to cover the costs of administering this chapter. Those amounts ~~shall~~ must be determined annually and ~~shall~~ must be adopted by rule by the commissioner; and

B. Amounts paid to the Maine Dairy Promotion Board on a monthly basis for the purposes authorized by ~~Title 36, section 4501-2993,~~ equal to .6 of 1% for one year beginning June 1, 1984, and ending May 31, 1985, and thereafter equal to the rate of 10¢ per hundredweight applied to all milk produced, purchased or imported for sale within the State, excluding milk consumed on the farm where produced. Of the amount credited to the Maine Dairy Promotion Board, 1.5¢ per hundredweight for the first year after the establishment of the pools and 2¢ per hundredweight thereafter ~~shall~~ must be paid by the board on a monthly basis to the Maine Dairy and Nutrition Council; ~~and.~~

Sec. 20. Allocation. The following funds are allocated from Other Special Revenue funds to carry out the purposes of this Act.

1996-97

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Maine Dairy and Nutrition Council

Positions - Other Count	(-3.5)
Personal Services	(\$138,555)
All Other	(105,623)
TOTAL	(244,178)

Deallocates funds to reflect the establishment of the Maine

Dairy and Nutrition Council as a public instrumentality of the State.

Maine Dairy Promotion Board

Positions - Other Count	(-2.0)
Personal Services	(70,706)
All Other	(625,667)
Capital Expenditures	(4,500)
TOTAL	(700,873)

Deallocates funds to reflect the establishment of the Maine Dairy Promotion Board as a public instrumentality of the State.

DEPARTMENT OF AGRICULTURE, FOOD AND RURAL RESOURCES

TOTAL	(\$944,961)
--------------	--------------------

MAINE DAIRY AND NUTRITION COUNCIL

Maine Dairy and Nutrition Council

All Other	\$244,178
-----------	-----------

Allocates funds to reflect the establishment of the Maine Dairy and Nutrition Council as a public instrumentality of the State.

MAINE DAIRY AND NUTRITION COUNCIL

TOTAL	\$244,178
--------------	------------------

MAINE DAIRY PROMOTION BOARD

Maine Dairy Promotion Board

All Other	\$700,873
-----------	-----------

Allocates funds to reflect the establishment of the Maine Dairy Promotion Board as a public instrumentality of the State.

MAINE DAIRY PROMOTION BOARD

TOTAL	\$700,873
--------------	------------------

TOTAL ALLOCATIONS _____ \$-0-

Sec. 21. Transition provisions. The following provisions apply to the Maine Dairy and Nutrition Council on July 1, 1996.

1. Funds transferred. All funds held by the State for distribution to the Maine Dairy and Nutrition Council pursuant to the Maine Revised Statutes, Title 7, sections 2956, 3153 and 3154 must be transferred to the council in its capacity as an independent agency.

2. Personnel transferred. Employees of the Maine Dairy and Nutrition Council must be transferred from state employment to the Maine Dairy and Nutrition Council in its capacity as an independent agency.

3. Retirement benefits. Employees of the Maine Dairy and Nutrition Council continue to be treated as state employees for purposes of rights and benefits under the Maine State Retirement System. The retirement accounts of employees transferred to the council in its capacity as an independent agency must remain in the state regular plan. New employees also become members of the Maine State Retirement System under the state regular plan. The council shall make employer contributions at the state regular plan rate. Employees shall make employee contributions at the state regular plan rate.

4. Health insurance. Employees of the Maine Dairy and Nutrition Council continue to be treated as state employees for the purposes of the State Employee Health Insurance Program. Council employees are entitled to the same retirement health benefits as state employees.

5. Debt or obligation. A debt or obligation incurred by the Maine Dairy and Nutrition Council prior to July 1, 1996 that remains, in whole or in part, payable to any person becomes a debt or obligation of the council, not the State.

6. Contracts and agreements. All contracts and agreements with the Maine Dairy and Nutrition Council in effect prior to July 1, 1996 remain in effect following the effective date of this Act.

7. Terms of council members. Members of the Maine Dairy and Nutrition Council on July 1, 1996 serve as members of the council in its capacity as an independent agency until their terms expire. New members must be chosen to achieve the qualifications required in the Maine Revised Statutes, Title 7, section 2998-B at the earliest possible date.

8. Accrued fringe benefits. The accrued fringe benefits of employees transferred to the Maine Dairy and Nutrition Council in its capacity as an

independent agency, including vacation and sick leave, health and life insurance and retirement, remain with the transferred employee.

9. Transfer of property and equipment. All property and equipment owned by the Maine Dairy and Nutrition Council remains the property and equipment of the council as an instrumentality.

Sec. 22. Transitional actions. From the effective date of this Act until July 1, 1996, the Maine Dairy and Nutrition Council is authorized to sign contracts and take planning measures necessary for transition in its capacity as an independent agency.

1. Assistance. The Department of Administrative and Financial Services shall assist the Maine Dairy and Nutrition Council and the council's executive director with the orderly implementation of transition provisions under this Act.

Sec. 23. Transition provisions. The following provisions apply to the Maine Dairy Promotion Board on July 1, 1996.

1. Funds transferred. All funds held by the State for distribution to the Maine Dairy Promotion Board pursuant to the Maine Revised Statutes, Title 7, sections 3153 and 3154 must be transferred to the board in its capacity as an independent agency.

2. Personnel transferred. Employees of the Maine Dairy Promotion Board shall be transferred from state employment to the Maine Dairy Promotion Board in its capacity as an independent agency.

3. Retirement benefits. Employees of the Maine Dairy Promotion Board continue to be treated as state employees for purposes of rights and benefits under the Maine State Retirement System. The retirement accounts of employees transferred to the board in its capacity as an independent agency must remain in the state regular plan. New employees also become members of the Maine State Retirement System under the state regular plan. The board shall make employer contributions at the state regular plan rate. Employees shall make employee contributions at the state regular plan rate.

4. Health insurance. Employees of the Maine Dairy Promotion Board continue to be treated as state employees for the purposes of the State Employee Health Insurance Program. Board employees are entitled to the same retirement health benefits as state employees.

5. Debt or obligation. A debt or obligation incurred by the Maine Dairy Promotion Board prior to July 1, 1996 that remains, in whole or in part, payable to any person becomes a debt or obligation of the board, not the State.

6. Contracts and agreements. All contracts and agreements with the Maine Dairy Promotion Board in effect prior to July 1, 1996 remain in effect following the effective date of this Act.

7. Terms of board members. Members of the Maine Dairy Promotion Board on July 1, 1996 serve as members of the board in its capacity as an independent agency until their terms expire. New members must be chosen to achieve the qualifications required in the Maine Revised Statutes, Title 7, section 2992-A at the earliest possible date.

8. Accrued fringe benefits. The accrued fringe benefits of employees transferred to the Maine Dairy Promotion Board in its capacity as an independent agency, including vacation and sick leave, health and life insurance and retirement, remain with the transferred employee.

9. Transfer of property and equipment. All property and equipment owned by the Maine Dairy Promotion Board remains the property and equipment of the board as an instrumentality.

Sec. 24. Transitional actions. From the effective date of this Act until July 1, 1996, the Maine Dairy Promotion Board is authorized to sign contracts and take planning measures necessary for transition in its capacity as an independent agency.

1. Assistance. The Department of Administrative and Financial Services shall assist the Maine Dairy Promotion Board and the board's executive director with the orderly implementation of transition provisions under this Act.

Sec. 25. Effective date. Those sections of this Act that amend the Maine Revised Statutes, Title 7, sections 2956, 2993, 2999, 3153 and 3154 are effective July 1, 1996. Those sections of this Act that repeal the Maine Revised Statutes, Title 7, sections 2992, 2994, 2998 and 2998-A are effective July 1, 1996. Those sections of this Act that enact the Maine Revised Statutes, Title 7, section 2991, subsection 3-A, section 2992-A, section 2994-A, section 2997, subsection 1-A and section 2998-B are effective July 1, 1996.

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

Effective April 11, 1996, unless otherwise indicated.



CHAPTER 694

H.P. 1347 - L.D. 1842

**An Act to Recodify and Revise the
Maine Revised Statutes, Title 19**

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

PART A

Sec. A-1. 5 MRSA §12004-I, sub-§52-B is enacted to read:

<u>52-B.</u>	<u>Family Law</u>	<u>None</u>	<u>19</u>
<u>Judiciary:</u>	<u>Advisory</u>	<u>Authorized</u>	<u>MRSA</u>
<u>Family Law</u>	<u>Commission</u>		<u>§2001</u>

Sec. A-2. 19 MRSA §214, sub-§9, as amended by PL 1993, c. 472, §1, is further amended to read:

9. Support order. The court may order either parent of a minor child to contribute reasonable and just sums as child support payable weekly, monthly or quarterly. The court also may order the child's nonprimary care provider to pay past support. Availability of public welfare benefits to the family may not affect the decision of the court as to the responsibility of a parent to provide child support. The court shall inquire of the parties concerning the existence of a child support order entered pursuant to chapter 7, subchapter V. If such an order exists, the court shall consider its terms in establishing a child support obligation. A determination or modification of child support under this section and a determination of past support must comply with chapter 7, subchapter I-A.

After January 1, 1990, the court may order either parent to provide child support beyond the child's 18th birthday if the child is attending secondary school as defined in Title 20-A, section 1, until the child graduates, withdraws or is expelled from secondary school or attains the age of 19, whichever first occurs.

The court's order may include a requirement for the payment of part or all of the medical expenses, hospital expenses and other health care expenses of the child. The court order must include a provision requiring the obligated parent to obtain and maintain health insurance coverage for medical, hospitalization and dental expenses, if health insurance is available to the obligated parent at reasonable cost. The court order must also require the obligated parent to furnish proof of coverage to the obligee within 15 days of receipt of a copy of the court order. For the purposes of this section, health insurance is considered reasonable in cost if it is employment-related or other group health insurance. If health insurance is not available