

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

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

Legislature having jurisdiction over criminal justice matters no later than November 1, 1996.

Sec. C-2. Development limitation; report from Commissioner of Human Services.

Development of family care homes by the Department of Human Services is limited to 20 homes in which the cost of resident housing and care is reimbursed by the department and 20 homes in which the cost of resident housing and care is paid for with private funds. By January 1, 1997 the Commissioner of Human Services shall report to the joint standing committee of the Legislature having jurisdiction over health and human services matters on the experience and progress of the department in developing adult family care homes.

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

Effective April 11, 1996.

CHAPTER 697

H.P. 1284 - L.D. 1764

An Act to Ensure the Proper and Humane Care of Persons Requiring Mental Health Services

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

Whereas, the discussion concerning closure of state mental health institutions is ongoing; and

Whereas, unless this legislation is enacted as an emergency measure, the continuation of or access to necessary mental health services for those persons requiring such services is in jeopardy; 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-B MRSA §3009 is enacted to read:

§3009. Access to mental health services

Any money that is identified as net General Fund savings through legislative actions or through departmental administrative actions due to the closure of or diminution of services at a state mental health

institution or to lowered administrative costs within the department must be used to provide mental health services to persons in need of those services in other appropriate settings and programs, including, but not limited to, community-based mental health programs. For the purposes of this section, "net General Fund savings" means total savings in the General Fund projected to be available due to a series of specific actions less any cost or liability resulting from implementing those actions.

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

Effective April 11, 1996.

CHAPTER 698

S.P. 704 - L.D. 1793

An Act to Extend the Electric Rate Stabilization Projects

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

Whereas, pursuant to current legislation, certificates of approval for electric rate stabilization projects may not be issued after February 1, 1996; and

Whereas, there continues to be a need for the approval of electric rate stabilization projects; 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. 35-A MRSA §3156, last ¶, as amended by PL 1995, c. 120, §2 and affected by §5, is further amended to read:

A certificate may not be issued under this section after February 1, ~~1996~~ 1997.

Sec. 2. PL 1993, c. 712, §8, as amended by PL 1995, c. 120, §3 and affected by §5, is further amended to read:

Sec. 8. Loans authorized. The Finance Authority of Maine may make loans to electric utilities for electric rate stabilization projects, as defined in the Maine Revised Statutes, Title 10, section 963-A from up to \$220,000,000 of the proceeds of revenue

obligation securities secured by capital reserve funds pursuant to Title 10, section 1053. Notwithstanding any provision of Title 10, chapter 110, loans may aggregate up to \$220,000,000 plus an amount determined by the Finance Authority of Maine of up to an additional aggregate of \$44,000,000 to fund any capital reserve fund established by the authority for these loans. Revenue obligation securities secured by capital reserve funds pursuant to Title 10, section 1053 relating to such loans may not be issued for an electric rate stabilization agreement, as defined in Title 35-A, section 3156, executed after ~~May 1, 1996~~ February 1, 1997. Any revenue obligation securities issued for electric rate stabilization projects secured by capital reserve funds pursuant to Title 10, section 1053 are limited obligations of the Finance Authority of Maine payable from revenues from borrowers and any capital reserve funds pledged for those securities as those funds are administered under Title 10, chapter 110, subchapter III and are not payable from any other assets or funds of the Finance Authority of Maine. In addition to all other applicable provisions, the requirements of Title 10, section 1045-A apply to loans for electric rate stabilization projects.

Sec. 3. PL 1993, c. 712, §9, as amended by PL 1995, c. 120, §4 and affected by §5, is further amended to read:

Sec. 9. Reports. The Finance Authority of Maine shall report by February 1, 1996 and May 1, 1997 to the joint standing committee of the Legislature having jurisdiction over utilities matters on all loans made to electric utilities for electric rate stabilization projects, as defined in the Maine Revised Statutes, Title 10, section 963-A. ~~The Each~~ report must identify each loan made, to whom the loan was made, the amount of the loan and the general description of the electric rate stabilization project for which the loan was made. ~~The Each~~ report may include recommendations for extending the period during which loans to electric utilities may be made or any other suggestions for changes to the provisions of this Act. The Public Utilities Commission shall report by February 1, 1996 and May 1, 1997 to the joint standing committee of the Legislature having jurisdiction over utilities matters on all electric rate stabilization agreements for which an application for a certificate of approval has been processed pursuant to Title 35-A, section 3156. ~~The Each~~ report must identify the number of applications received by the commission, the identity of the applicants, a general description of each application and, for each application, whether the application was approved or denied. ~~The Each~~ report may include recommendations for extending the period during which certificates of approval may be issued to electric utilities or any other suggestions for changes to the provisions of this Act.

Sec. 4. Retroactivity. This Act applies retroactively to February 1, 1996.

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

Effective April 11, 1996.

CHAPTER 699

H.P. 1337 - L.D. 1831

An Act to Create the Small Enterprise Growth Program

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

Sec. 1. 5 MRSA §12004-F, sub-§17 is enacted to read:

17. Small Expenses Only 10 MRSA
Enterprise Growth Board §471

Sec. 2. 10 MRSA c. 7, as amended, is repealed.

Sec. 3. 10 MRSA c. 13 is enacted to read:

CHAPTER 13

SMALL ENTERPRISE GROWTH PROGRAM

§381. Small Enterprise Growth Program established

There is established the Small Enterprise Growth Program.

§382. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Board. "Board" means the Small Enterprise Growth Board.

2. Fund. "Fund" means the Small Enterprise Growth Fund.

3. Program. "Program" means the Small Enterprise Growth Program.

4. Qualifying small business. "Qualifying small business" means a business employing 25 or fewer employees or having gross sales not exceeding \$2,000,000 within the most recent 12 months for which financial statements are available.