

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

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

Sec. 1. Petition for removal from ozone transport region.

Resolved: That, not later than 30 days after the effective date of this resolve, the Department of Environmental Protection shall provide to the Governor a petition that requests the removal of areas of the State other than those listed in the Federal Register of November 6, 1991 as moderate or marginal ozone nonattainment areas from the ozone transport region established pursuant to the federal Clean Air Act, 42 United States Code, Section 7511c. The Governor shall submit the petition to the United States Environmental Protection Agency within 2 weeks of the receipt of the petition from the department; and be it further

Sec. 2. Request for redesignation as attainment areas. Resolved: That the Department of Environmental Protection shall submit to the United States Environmental Protection Agency a request for the redesignation to attainment for ozone of all areas of the State that qualify for that designation under the federal Clean Air Act, including, but not limited to, Hancock, Kennebec and Androscoggin counties and those parts of Franklin, Oxford and Somerset counties designated as nonattainment and incomplete data areas. The department shall submit a report to the Joint Standing Committee on Natural Resources by October 1, 1995 describing the department's progress in preparing the request. The department shall finalize and submit the redesignation request to the United States Environmental Protection Agency not later than January 1, 1996; and be it further

Sec. 3. Request for redesignation as rural transport areas. Resolved: That the Department of Environmental Protection shall submit to the United States Environmental Protection Agency a request, together with all necessary supporting documentation, to redesignate to rural transport areas under 42 United States Code, Section 7511a(h) all areas of the State that are currently designated nonattainment for ozone, do not qualify for redesignation to attainment and are eligible for designation as rural transport areas. The department shall submit a report to the Joint Standing Committee on Natural Resources by October 1, 1995 describing the department's progress in preparing the request. The department shall finalize and submit the redesignation request to the United States Environmental Protection Agency not later than January 1, 1996.

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

Effective June 30, 1995.

CHAPTER 44

H.P. 1135 - L.D. 1579

Resolve, for Laying of the County Taxes and Authorizing Expenditures of Androscoggin County for the Year 1995

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, Androscoggin County has certain expenses and liabilities that must be met as they become due; and

Whereas, it is necessary that the taxes for the year 1995 be immediately assessed in order to provide the required revenue for the county; 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

Sec. 1. Androscoggin County; taxes apportioned. Resolved: That the following sum is granted as a tax on Androscoggin County to be apportioned, assessed, collected and applied to the purposes of paying debts and necessary expenses of the county as authorized in this resolve, and for other purposes of law, for the calendar year 1995:

1995 TAX

\$4,464,585

; and be it further

Sec. 2. General Fund expenditures authorized. Resolved: That the following sums, based on the county budget filed in the office of the Secretary of State, are authorized as General Fund expenditures by the county during the calendar year 1995, in the specific total amounts of expenditures for personal services, contractual services, commodities and capital expenditures for each account in the county budget:

APPROPRIATION ACCOUNT NUMBER APPROPRIATIONS

1005 - Superior Court		
Contractual Services		\$10,000
1010 - Emergency Management Agency		
Personal Services		88,456
Contractual Services		5,360
Commodities		1,350
1015 - District Attorney		
Personal Services		135,368
Contractual Services		21,210
Commodities		8,100
1018 - District Attorney - Joint Budget		
Contractual Services		4,200
Commodities		700
1019 - District Attorney - Victim/Witness Grant		
Personal Services		10,452
1020 - County Commissioners		
Personal Services		52,144
Contractual Services		28,000
Commodities		800
1025 - County Treasurer		
Personal Services		72,802
Contractual Services		1,975
Commodities		1,850
1040 - County Buildings		
Personal Services		40,604
Contractual Services		345,180
Commodities		32,800
1050 - Jail - Support of Prisoners		
Personal Services		1,160,857
Contractual Services		351,900
Commodities		215,450
Capital Expenditures		4,700
1051 - Pretrial Services		
Personal Services		33,400
1065 - Register of Deeds		
Personal Services		112,164
Contractual Services		92,930

Commodities		3,700
Capital Expenditures		600
1070 - Register of Probate		
Personal Services		74,580
Contractual Services		22,900
Commodities		1,050
1075 - Sheriff		
Personal Services		566,055
Contractual Services		81,950
Commodities		25,620
Capital Expenditures		53,700
1090 - Auditing		
Contractual Services		9,400
1095 - Debt Service		
Contractual Services		490,000
2000 - Interest		
Contractual Services		508,388
2005 - Twin County Extension Service		
Contractual Services		43,160
2020 - Time and Tide RC&D		
Contractual Services		750
2025 - Employee Benefits		
Contractual Services:		
Blue Cross/Blue Shield		475,000
Unemployment Compensation		27,000
Maine State Retirement System		203,000
FICA		180,000
2035 - Soil Conservation		
Contractual Services		10,000
2040 - Duplicating Department		
Contractual Services		2,000
Commodities		2,000
2050 - Volunteer Firefighters Insurance		
Contractual Services		1,023

TOTAL GENERAL FUND \$5,614,628

; and be it further

Sec. 3. Summary. Resolved: That the figures appearing in this resolve represent the total amount of taxes and the total specific expenditures authorized for the calendar year 1995. The following is a summary of revenues and appropriations:

Total Appropriations		\$5,614,628
Available Credits:		
Estimated Revenue		\$894,058
Community Corrections		100,000

Transfer from Surplus	155,985
Total Available Credits	1,150,043
Amount to be raised by taxation	\$4,464,585

; and be it further

Sec. 4. County fiscal year. Resolved: That the county commissioners shall prepare and submit a county budget for 1996 that changes the county from a calendar fiscal year to a fiscal year of July 1st to June 30th. The county commissioners shall submit a budget for the period January 1, 1996 to June 30, 1997. Thereafter, the county commissioners shall prepare and submit budgets for a fiscal year of July 1st to June 30th; and be it further

Sec. 5. County legal services. Resolved: That the county commissioners shall prepare and request proposals in 1995 for future legal services for the county. A list of the names of attorneys and firms who submitted proposals, a summary of their bid prices and the name of the firm or attorney selected must be provided to the county legislative delegation with the 1996 budget document; and be it further

Sec. 6. County health insurance coverage. Resolved: That the county commissioners shall request proposals in 1995 from health insurance providers to provide health insurance coverage and benefits for county employees now eligible for health insurance benefits. A list of the names of insurance providers who submitted proposals, a summary of their bid prices and the name of the insurance provider selected must be provided to the county legislative delegation with the 1996 budget document; and be it further

Sec. 7. County manager recommendations. Resolved: That the county commissioners shall provide to the county legislative delegation with the 1996 budget a recommendation, including appropriate budget allocations, for a county manager's position. This recommendation must include written language describing the duties, responsibilities and authority of the manager. All allocations of funds for the county manager's position must be offset by equal reductions in allocations in other parts of the county budget. To achieve this goal the county commissioners may combine, eliminate or redefine existing positions to the extent allowed by existing law. This recommendation does not require the establishment of a county manager's position.

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

Effective June 30, 1995.

CHAPTER 45

H.P. 867 - L.D. 1217

Resolve, Establishing the Study Commission on Property Rights and the Public Health, Safety and Welfare

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

Whereas, Article 1, Section 21 of the Constitution of Maine and the Fifth Amendment of the Constitution of the United States provide that private property may not be taken for public use without just compensation; and

Whereas, every property owner holds property with the responsibility that it not be used to injure the health, safety, welfare, communities and environment of the people of the State; and

Whereas, Maine and United States Supreme Court decisions state that governmental actions including rules, that do not formally invoke the condemnation power, may result in a taking for which compensation is required; and

Whereas, under the Constitution of Maine and the Constitution of the United States, courts currently determine whether a law or regulation amounts to an unconstitutional "taking" of property requiring government compensation based on the facts of each case; and

Whereas, any change in the takings laws of the State may have far reaching effects on the public treasury of the State and municipalities; and

Whereas, there is an issue regarding resolution of claims for property owners seeking compensation under the Constitution of Maine and the Constitution of the United States; 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

Sec. 1. Commission established. Resolved: That the Study Commission on Property Rights and the Public Health, Safety and Welfare, referred to as the commission, is established; and be it further