

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND SEVENTEENTH LEGISLATURE

SECOND SPECIAL SESSION
September 5, 1996 to September 7, 1996

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

FIRST REGULAR SESSION
December 4, 1996 to March 27, 1997

FIRST SPECIAL SESSION
March 27, 1997 to June 20, 1997

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 26, 1997

FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 19, 1997

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
1997

PART G

Sec. G-1. PL 1995, c. 707, Pt. B, §2 is amended to read:

Sec. B-2. Authorization to expend Federal Block Grant Funds. The Department of Human Services may expend Federal Block Grant Funds provided to the State under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 in accordance with federal allocation and certain related Other Special Revenue allocation levels previously authorized by the 117th Legislature and in accordance with the Department of Human Services rules existing on the effective date of this Part on pass-through of child support funds, ~~except that authority to expend funds on the pass-through of child support funds terminates on April 1, 1997.~~ If the amount of block grant funds received under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996, however, is greater than the amount previously allocated by the 117th Legislature, the additional amounts accrue in the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 Block Grant account until allocation of these funds by the Legislature.

Sec. G-2. PL 1995, c. 707, Pt. B, §3 is amended to read:

Sec. B-3. Compliance with federal law. Notwithstanding any other provision of law, the Department of Human Services shall comply with all federal block grant funding restrictions under the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The department shall also expend federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 Federal Block Grant Funds within the limitations of section 5 of this Part to maintain all state welfare programs authorized on the effective date of this Part by state laws and rules, ~~except that authority to expend funds on the pass-through of child support funds and legal immigrant families terminates on April 1, 1997.~~

PART H

Sec. H-1. PL 1995, c. 651, §3, sub-§3 is amended to read:

3. The Department of Audit shall submit its proposal and any necessary implementing legislation, including proposals to transfer auditor positions to the Department of Audit from other state departments and agencies, to the Joint Standing Committee on Appropriations and Financial Affairs no later than ~~December 1, 1996~~ January 15, 1997.

Sec. H-2. PL 1995, c. 651, §4 is amended to read:

Sec. 4. Examination of financial reporting capabilities within the Bureau of Accounts and Control. The Department of Audit shall examine staffing levels in the Department of Administrative and Financial Services, Bureau of Accounts and Control as they relate to financial reporting. The Department of Audit shall submit its findings and recommendations, including any necessary implementing legislation, to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs no later than ~~December 1, 1996~~ January 15, 1997.

Sec. H-3. Retroactivity. Sections 1 and 2 of this Part apply retroactively to December 1, 1996.

PART I

Sec. I-1. Feasibility study. The Director of the Bureau of General Services within the Department of Administrative and Financial Services is directed to conduct a study utilizing existing staff resources to determine the feasibility of establishing an internal services fund account for maintenance, operation and repair services rendered to state facilities and agencies. The study must include, but is not limited to, a review of possible funding mechanisms, such as a square footage assessment. The director shall submit a report of the findings not later than February 28, 1997 to the Joint Standing Committee on Appropriations and Financial Affairs. The report may include proposed legislation to establish the internal services fund account.

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

Effective January 17, 1997.

CHAPTER 2

S.P. 9 - L.D. 1

An Act to Extend the Reporting Deadline for a Study by the Family Law Advisory Commission of the Statutes and Awards and Allocations Concerning Parental Rights and Responsibilities

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

Whereas, the Family Law Advisory Commission is required under Public Law 1995, chapter 694 to study the statutes and practices of awards and allocations concerning parental rights and

responsibilities and report back to the joint standing committee of the Legislature having jurisdiction over judiciary matters by December 15, 1996; and

Whereas, the law directs the Family Law Advisory Commission to seek input from the public and other interested parties; and

Whereas, the reporting deadline must be extended to allow the Family Law Advisory Commission to hold a public hearing and complete its study with the benefit of public input and comment; 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. PL 1995, c. 694, Pt. A, §16, sub-§4 is amended to read:

4. Report. The Family Law Advisory Commission shall submit a report, including any necessary implementing legislation, to the Legislature and the joint standing committee of the Legislature having jurisdiction over judiciary matters by ~~December 15, 1996~~ January 30, 1997 for consideration in the First Regular Session of the 118th Legislature. The report must include a summary of the study process, a list of participants and any recommendations, including any necessary implementing legislation.

Sec. 2. Retroactivity. This Act takes effect retroactively to December 15, 1996.

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

Effective January 28, 1997.

CHAPTER 3

H.P. 348 - L.D. 471

An Act to Fund Certain Collective Bargaining Agreements and Benefits for Certain Employees Excluded from Collective Bargaining

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

Whereas, certain obligations and expenses incident to the operation of state collective bargaining agreements will become due and payable immediately; and

Whereas, it is the responsibility of the Legislature to act upon those portions of collective bargaining agreements negotiated by the executive branch that require legislative action; and

Whereas, the Governor and the Legislature share a desire to address in a timely manner the needs of certain state employees excluded from collective bargaining units; 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. Costs to the General Fund.

There is appropriated in Part E of this Act funding sufficient when combined with other available funds to cover the costs to the General Fund in the amount of \$2,273,115 for the fiscal year ending June 30, 1997; in the amount of \$2,562,433 for the fiscal year ending June 30, 1998; and in the amount of \$5,086,291 for the fiscal year ending June 30, 1999 to implement the economic terms of the collective bargaining agreements made by the State and the Maine State Employees Association for the administrative services bargaining unit, the operations, maintenance and support services unit, the professional and technical services unit and the supervisory services unit.

Sec. A-2. Costs to the Highway Fund.

There is allocated in Part E of this Act funding sufficient when combined with other available funds to cover the costs to the Highway Fund in the amount of \$1,405,886 for the fiscal year ending June 30, 1997; in the amount of \$1,617,465 for the fiscal year ending June 30, 1998; and in the amount of \$3,314,040 for the fiscal year ending June 30, 1999 to fund salary and benefit changes of the collective bargaining agreements made by the State and the Maine State Employees Association for the administrative services bargaining unit, the operations, maintenance and support services unit, the professional and technical services unit and the supervisory services unit.

Sec. A-3. Special account funding. Funding provided by this Act must be segregated into a