

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
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least one program or significant subprogram within a policy area that has the same or similar goals and objectives as one or more other state agencies; develop jointly with those state agencies measurable objectives; and coordinate strategies for achieving those objectives. During selection of the program, and development of the joint goals and objectives, each agency shall consult with and receive comments from the joint standing committee of the Legislature having jurisdiction over that agency's matters, the State Budget Officer and the Director of the Office of Fiscal and Program Review.

Each state agency shall submit its joint measurable objectives and strategies to the Director of the State Planning Office, who shall provide copies to the State Budget Officer, the Office of Fiscal and Program Review and the joint standing committee of the Legislature having jurisdiction over the agency's matters.

5. Development of policy areas. By December 31, 1997, the State Budget Officer and the Legislative Council or the council's designee, in consultation with state agencies, shall ~~develop a plan to~~ group all state agencies into policy areas, which must be formed around common goals and measurable objectives. Any plan grouping that proposes to transfer or modify the existing statutory mission or mandate of an agency must be submitted to and approved by the Legislature prior to implementation.

7. Development of joint budget proposals. By September 1, 1998, state agencies within each policy area shall develop budget proposals that are tied to their joint measurable objectives ~~and in their~~ strategic plan.

Sec. 10. 5 MRSA §1710-P, sub-§8, as amended by PL 1995, c. 560, Pt. K, §82 and affected by §83 and enacted by c. 705, §2, is further amended to read:

8. Demonstration project; job training programs. The Department of Labor, the Department of Education, the Department of Human ~~Resources Services~~, the Department of Mental Health, Mental Retardation and Substance Abuse Services and the Maine Technical College System shall at a minimum select job training as ~~one of the policy areas in which they and~~ develop joint strategic planning and budgeting goals and objectives and coordinate strategies as a demonstration project for the purposes of carrying out the requirements of subsections 4 to 7 ~~for the biennium beginning July 1, 1997.~~

Sec. 11. 5 MRSA §12004-I, sub-§29-C, as enacted by PL 1995, c. 395, Pt. B, §2, is amended to read:

29-C. Finance	Commission on Perform- ance Budg- eting	Not Authorized	5 MRSA @1710-K <u>§1710-L</u>
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See title page for effective date.

CHAPTER 185

H.P. 228 - L.D. 292

An Act to Modify Waiver of a Defense in the Criminal Law

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

Sec. 1. 17-A MRSA §101, sub-§1, as repealed and replaced by PL 1981, c. 324, §24, is amended to read:

1. The State is not required to negate any facts expressly designated as a "defense," or any exception, exclusion or authorization ~~which that~~ is set out in the statute defining the crime by proof at trial, unless the existence of the defense, exception, exclusion or authorization is in issue as a result of evidence admitted at the trial ~~which that~~ is sufficient to raise a reasonable doubt on the issue, in which case the State must disprove its existence beyond a reasonable doubt. This subsection does not require a trial judge to instruct on an issue that has been waived by the defendant. The subject of waiver is addressed by the Maine Rules of Criminal Procedure.

See title page for effective date.

CHAPTER 186

H.P. 960 - L.D. 1323

An Act to Remove the Sunset for the Employment of an Owner's Representative

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

Sec. 1. 5 MRSA §1753, sub-§5, as enacted by PL 1993, c. 606, §2, is amended to read:

5. Report required. A school unit employing an owner's representative under this section shall provide a report to the Bureau of General Services describing the effectiveness of an owner's representative to a project ~~and the recommendations for continuation or discontinuation beyond the date of repeal of this section.~~ The Bureau of General Services shall provide the joint standing committee of the