

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

The department is responsible for providing a safety net of adult mental health services for people with major mental illness who the department or its designee determines can not otherwise be served by the local service networks. The department may develop contracts to deliver safety net services if the department determines contracts to be appropriate and cost-effective. The state-operated safety net must include, but is not limited to:

A. Backup emergency hospital beds for people requiring medical stabilization, assessment or treatment;

B. Intermediate and long-term treatment for people who need long-term structured care;

C. Forensic services;

D. Intensive case management; and

E. Other services determined by the commissioner to be needed.

See title page for effective date.

CHAPTER 424

H.P. 1337 - L.D. 1886

An Act Concerning Certain Biennial Budget Bills and to Change Certain Provisions of the Law

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable prior to July 1, 1997; 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. Adjustments to allocations. Allocations from the Maine Nuclear Emergency Planning Fund, the Public Utilities Commission Regulatory Fund, the Public Utilities Commission Reimbursement Fund, the Public Advocate Regulatory

Fund, the Ground Water Oil Clean-up Fund, the Maine Coastal and Inland Surface Oil Clean-up Fund, the Maine Hazardous Waste Fund, the State Alcoholic Beverages Fund and the State Lottery Fund and all federal block grant allocations may be increased or adjusted by the State Budget Officer, with the approval of the Governor, to specifically cover those adjustments determined necessary under any salary plan approved by the Legislature and those reclassifications and range changes that have been approved by the Department of Administrative and Financial Services and submitted for legislative review prior to the effective date of Public Law 1997, chapter 24.

Sec. A-2. Allotments required - Bureau of Alcoholic Beverages and Lottery Operations.

Upon receipt of allotments duly approved by the Governor, based upon work programs submitted to the State Budget Officer, the State Controller shall authorize expenditures from allocations from the State Alcoholic Beverages Fund and the State Lottery Fund in Part A of Public Law 1997, chapter 24, on the basis of these allotments and not on any other basis.

Sec. A-3. Federal block grant additional funds.

Any additional funds that become available due to implementation of the federal block grants and the possible overlapping of other grants may be carried forward for future allocations by the Legislature or may be used to offset any possible reductions in the federal block grants.

Sec. A-4. Federal block grant encumbered balances at year-end.

At the end of each fiscal year, all encumbered balances in the federal block grants may not be carried forward more than one time, except that encumbered balances in the Community Development Block Grant may be carried twice and encumbered balances of grant awards for capital construction projects may carry until the completion of the project, provided that the construction was started prior to the end of the year for which the allocation was made.

Sec. A-5. Capital expenditures. Notwithstanding the allocations in Part A of Public Law 1997, chapter 24 and the provision of section 2 of this Part, up to \$500,000 in the State Alcoholic Beverages Fund and up to \$90,000 in the State Lottery Fund may be expended for capital expenditures in each fiscal year of the biennium.

Sec. A-6. Legislative intent. It is the intent of the Legislature that allocations by the Legislature from the State Alcoholic Beverages Fund and the State Lottery Fund in Part A of Public Law 1997, chapter 24 apply to administrative expenses only and that these allocations must be allotted and approved under the Maine Revised Statutes, Title 5. It is not the intent of the Legislature to affect the use of the working

capital provided under Title 28-A or other activities required of the State Liquor and Lottery Commission under Title 28-A.

Sec. A-7. Ground Water Oil Clean-up Fund; Maine Coastal and Inland Surface Oil Clean-up Fund; Maine Hazardous Waste Fund; encumbered balances at year-end. At the end of each fiscal year, all encumbered balances in the Ground Water Oil Clean-up Fund, the Maine Coastal and Inland Surface Oil Clean-up Fund and the Maine Hazardous Waste Fund may not be carried forward more than one time.

PART B

Sec. B-1. 5 MRSA §1670, sub-§4 is enacted to read:

4. Budget approval. All budget recommendations pertaining to federal block grants must be submitted as part of the unified current services budget legislation in accordance with sections 1663 to 1666.

Sec. B-2. 5 MRSA §1886, sub-§2-A, ¶D, as amended by PL 1991, c. 780, Pt. Y, §88, is further amended to read:

D. Submit a budget of estimated revenues and costs to be incurred by the program ~~in the same manner as required for the General Fund in chapters 145 and 149 as part of the unified current services budget legislation in accordance with sections 1663 to 1666.~~ Notwithstanding section 1583, allocations may be increased or adjusted by the State Budget Officer, with approval of the Governor, to specifically cover those adjustments determined to be necessary by the Commissioner of Administrative and Financial Services. Further, any request for adjustment to the allocation is subject to review by the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs; and

Sec. B-3. 28-A MRSA §61, sub-§6, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

6. Expenses. The expenses for the administration of the commission in carrying out the duties as set forth in this Title ~~shall~~ must be paid from such amounts as the Legislature may allocate from the revenues derived from the operations of the commission. The commission shall submit its budget recommendations as part of the unified current services budget legislation in accordance with Title 5, sections 1663 to 1666. These amounts ~~shall~~ must become available in accordance with Title 5, chapters 141 to 155.

Sec. B-4. 35-A MRSA §116, sub-§2, as amended by PL 1991, c. 343, §2, is further amended to read:

2. Committee recommendations; legislative approval of budget. The commission shall submit its budget recommendations as part of the unified current services budget legislation in accordance with Title 5, sections 1663 to 1666. The joint standing committee of the Legislature having jurisdiction over public utilities shall make recommendations to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs regarding all expenditures from the fund established pursuant to this section. ~~Except as otherwise provided, the assessments and expenditures provided in this section are subject to legislative approval in the same manner as the budget of the Public Utilities Commission is approved.~~ The commission shall make an annual report in accordance with section 120 of its planned expenditures for the year and on its use of funds in the previous year. The commission may also receive other funds as appropriated by the Legislature.

Sec. B-5. 35-A MRSA §116, sub-§8, as amended by PL 1995, c. 665, Pt. O, §1, is further amended to read:

8. Public Advocate assessment. Every utility subject to assessment under this section is subject to an additional annual assessment on its intrastate gross operating revenues to produce ~~\$617,680 in revenues for fiscal year 1995-96 and \$645,860 in fiscal year 1996-97~~ sufficient revenue for expenditures allocated by the Legislature for operating the Office of Public Advocate. The revenues produced from this assessment are transferred to the Public Advocate Regulatory Fund and may only be used to fulfill the duties specified in chapter 17. The assessments charged to utilities under this subsection are considered just and reasonable operating costs for rate-making purposes. The Public Advocate shall develop a method of accounting for staff time within the Office of Public Advocate. All professional and support staff shall account for their time in such a way as to identify the percentage of time devoted to public utility regulation and the percentage of time devoted to other duties that may be required by law.

A. The Public Advocate shall submit its budget recommendations as part of the unified current services budget legislation in accordance with Title 5, sections 1663 to 1665. The assessments and expenditures provided in this section are subject to legislative approval ~~in the same manner as the budget of the Public Advocate is approved.~~ The Public Advocate shall make an annual report of its planned expenditures for the year and on its use of funds in the previous year.

The Public Advocate may also receive other funds as appropriated by the Legislature.

B. The Public Advocate may use the revenues provided in accordance with this section to fund 7 employees and to defray the costs incurred by the Public Advocate pursuant to this Title, including administrative expenses, general expenses, consulting fees and all other reasonable costs incurred to administer this Title.

C-1. Except as specified in this subsection, funds that are not expended at the end of a fiscal year do not lapse but must be carried forward to be expended for the purposes specified in this section in succeeding fiscal years; but unexpended funds in excess of 10% of the total annual assessment authorized in this section must, at the option of the Public Advocate, either be presented to the Legislature in accordance with paragraph A for reallocation and expenditure or used to reduce the utility assessment in the following fiscal year.

D. Any utility, subject to this section, that willfully fails to pay the assessments in accordance with this section commits a civil violation for which a forfeiture of not more than \$500 may be adjudged per day for which payment is not made following the due date.

Sec. B-6. 35-A MRSA §117, sub-§4 is enacted to read:

4. Budget approval. The commission shall submit its budget recommendations for the Public Utilities Commission Reimbursement Fund as part of the unified current services budget legislation in accordance with Title 5, sections 1663 to 1666.

Sec. B-7. 37-B MRSA §958, as enacted by PL 1983, c. 460, §3, is amended to read:

§958. Budget approval

The committee shall report to each Legislature its budget recommendations for disbursements from the fund, together with ~~an allocation bill, as provided in Title 5, section 1664~~ allocations set forth in the unified current services budget legislation in accordance with Title 5, sections 1663 to 1666. The report ~~shall~~ must be reviewed by the legislative committee having jurisdiction over energy and natural resources prior to action by the legislative committee having jurisdiction over appropriations and financial affairs. Upon approval of the allocation Act, the State Controller shall authorize expenditures from the fund, as approved by the committee.

Sec. B-8. 38 MRSA §555, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §125, is further amended to read:

§555. Budget approval

The commissioner shall submit budget recommendations for disbursements from the fund in accordance with section 551, subsection 5, paragraphs A, C, F and H for each biennium. The budget must be submitted as part of the unified current services budget legislation in accordance with Title 5, sections 1663 to 1666. The State Controller shall authorize expenditures therefrom as approved by the commissioner. Expenditures pursuant to section 551, subsection 5, paragraphs B, D, E and G may be made as authorized by the State Controller following approval by the commissioner.

Sec. B-9. 38 MRSA §570-A, first ¶, as amended by PL 1993, c. 355, §24, is further amended to read:

The commissioner shall submit budget recommendations for disbursements from the fund in accordance with section 569-A, subsection 8, paragraphs A, C, G, H and I for each biennium. The budget must be submitted as part of the unified current services budget legislation in accordance with Title 5, sections 1663 to 1666. The State Controller shall authorize expenditures from the fund as approved by the commissioner. Expenditures pursuant to section 569-A, subsection 8, paragraphs B, D, E and J may be made as authorized by the State Controller following approval by the commissioner.

Sec. B-10. 38 MRSA §1319-D, 3rd ¶, as affected by PL 1989, c. 890, Pt. A, §40 and amended by Pt. B, §256, is further amended to read:

The commissioner shall submit budget recommendations for disbursements from the fund in accordance with section 1319-E, subsection 1, paragraphs C and E for each biennium. The budget must be submitted as part of the unified current services budget legislation in accordance with Title 5, sections 1663 to 1666. The State Controller shall authorize expenditures therefrom as approved by the commissioner. Expenditures pursuant to section 1319-E, subsection 1, paragraphs A and D may be made as authorized by the State Controller following approval by the commissioner.

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

Effective June 9, 1997.
