

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals
(may include minor formatting differences from printed original)

LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND EIGHTEENTH LEGISLATURE

SECOND REGULAR SESSION
January 7, 1998 to March 31, 1998

SECOND SPECIAL SESSION
April 1, 1998 to April 9, 1998

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 30, 1998

SECOND SPECIAL SESSION
NON-EMERGENCY LAWS IS
JULY 9, 1998

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

Whereas, some of those parents are responsible for child support and are in arrears in making those payments; and

Whereas, it would benefit the children of these parents if lump-sum settlements from workers' compensation claims were applied to child support obligations; 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. 19-A MRSA §2360-A is enacted to read:

§2360-A. Lump-sum settlement; workers' compensation claims

On a monthly basis, the department shall notify the Workers' Compensation Board, referred to in this section as the "board," of the names and social security numbers of all persons who owe the department child support debts that have been liquidated by judicial or administrative action. Before approving any lump-sum settlement, the board shall determine whether the person receiving the settlement is on the list of persons who owe to the department child support debts that have been liquidated by judicial or administrative action. If the person is on the list, the board shall notify the department of the pending settlement and inform the person of the notification to the department.

Sec. 2. 39-A MRSA §352, sub-§3, ¶¶C and D, as enacted by PL 1991, c. 885, Pt. A, §8 and affected by §§9 to 11, are amended to read:

C. The employee's post-injury earnings and prospects, considering all means of support, including the projected income and financial security resulting from proposed employment, self-employment or any business venture or investment and the prudence of consulting with a financial or other expert to review the likelihood of success of these projects; ~~and~~

D. Any other information, including the age of the employee and of the employee's dependents, that would bear upon whether the settlement is in the best interest of the claimant; and

Sec. 3. 39-A MRSA §352, sub-§3, ¶E is enacted to read:

E. The existence of a child support debt of which notification has been sent pursuant to Title 19-A, section 2360-A.

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

Effective April 1, 1998.

CHAPTER 655

S.P. 783 - L.D. 2110

**An Act to Amend the Laws
Regarding the Consensus Revenue
Forecasting Process**

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

Sec. 1. 5 MRSA §1664, 2nd ¶, as amended by PL 1995, c. 665, Pt. S, §1, is further amended to read:

Part 1 must consist of a budget message by the Governor-elect or the Governor that outlines the 4-year financial policy of the State Government for the ensuing biennium and the following biennium, describing in connection therewith the important features of the financial plan. It must embrace a general budget summary setting forth the aggregate figures of the budget in such a manner as to show the balanced outlines relations between the total proposed expenditures and the total anticipated revenues together with the other means of financing the budget for each fiscal year of the ensuing biennium, contrasted with the corresponding figures for the last completed fiscal year and the fiscal year in progress. The following biennium financial plan must include the forecasted Highway Fund and General Fund appropriation requirements and projected revenues and other available resources shown in a budget fund flow statement and a comparative statement that presents income source for revenue projections and appropriation estimates by major program categories. This forecast must assume the continuation of current laws and include reasonable and predictable estimates of growth in revenues and expenditures based on national and local trends and program operations. General Fund and Highway Fund revenue must be forecasted for the following biennium by income sources as provided in ~~current law~~ chapter 151-B. Expenditure forecasts for the General Fund and the Highway Fund must be forecasted on the basis of current law and assumed inflation variables related to program operations. It must specifically describe the estimated loss in revenue during the last completed fiscal year and the fiscal year in progress, and the

anticipated loss in revenue for each fiscal year of the ensuing biennium, caused by tax expenditures provided in Maine statutes; the term "tax expenditures" means those state tax revenue losses attributable to provisions of Maine tax laws that allow a special exclusion, exemption or deduction or provide a special credit, a preferential rate of tax or a deferral of tax liability. The general budget summary must be supported by explanatory schedules or statements, classifying the expenditures contained therein by organization units, objects and funds, and the income by organization units, sources and funds.

Sec. 2. 5 MRSA §1665, sub-§3, as enacted by PL 1989, c. 501, Pt. P, §13, is amended to read:

3. Revenue estimates. ~~Tentative revenue estimates prepared by the The State Budget Officer during the month of September of the even-numbered years shall be revised by this officer during the following November shall use the revenue projections recommended by the Revenue Forecasting Committee in setting revenue estimates~~ for inclusion in the budget. The revenue estimates ~~shall~~ **must** be classified so as to show the income by organization units, sources and funds, or in any other manner, at the discretion of the State Budget Officer.

Sec. 3. 5 MRSA §1665, sub-§7, as amended by PL 1995, c. 665, Pt. S, §2, is further amended to read:

7. General Fund and Highway Fund revenue and expenditure forecasts. By September 30th of each odd-numbered year and May 31st of each even-numbered year, the State Budget Officer shall prepare and deliver a report to the Governor, the Legislature and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs containing a forecast of revenue and expenditures for the following biennium. The forecast must assume the continuation of current laws and include reasonable and predictable estimates of growth in revenues and expenditures based on national and local trends and program operations. General Fund and Highway Fund revenue must be forecasted by income source as provided in ~~current law chapter 151-B~~. Expenditure forecasts for the General Fund and the Highway Fund must be forecasted on the basis of current law and assumed inflation variables related to program operations. The forecast for the General Fund and the Highway Fund must be presented in a budget fund flow statement and a comparative statement showing each income source for revenue projections and expenditure estimates for each major program category.

Sec. 4. 5 MRSA §1710-E, as enacted by PL 1995, c. 368, Pt. J, §1, is amended to read:

§1710-E. Revenue Forecasting Committee; established; membership

There is established the Revenue Forecasting Committee, referred to in this chapter as the "committee," for the purpose of providing the Governor, the Legislature and the State Budget Officer with analyses, findings and recommendations relating to the projection of revenues for the General Fund and the Highway Fund based on economic assumptions recommended by the Consensus Economic Forecasting Commission. The committee includes the State Budget Officer, the State Tax Assessor, the State Economist and an economist on the faculty of the University of Maine System selected by the chancellor ~~and~~, the Director of the Office of Fiscal and Program Review ~~and an analyst from the Office of Fiscal and Program Review designated by the director of that office~~. One of the ~~5~~ **6** members must be selected by a majority vote of the committee members to serve as the chair of the committee.

Sec. 5. 5 MRSA §1710-G, as amended by PL 1997, c. 157, §1, is further amended to read:

§1710-G. Use of revenue forecasts

The State Budget Officer shall ~~consider~~ **use** the revenue projections recommended by the committee in setting revenue estimates in accordance with section 1665, subsection 3. The State Budget Officer shall use the revenue projections of the committee in preparing General Fund and Highway Fund revenue and expenditure forecasts in accordance with section 1664 and section 1665, subsection 7. If new information becomes available and the State Budget Officer ~~adjusts~~ wishes to recommend an adjustment to the revenue projections already recommended by the committee in setting revenue estimates in accordance with section 1665, subsection 3, the State Budget Officer shall submit to the Governor, the Legislative Council and the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report that presents the analyses, findings and recommendations by revenue line and explains the variances from the revenue projections recommended by the committee, the State Budget Officer shall convene a meeting of the committee as soon as practicable so that the committee may review any new data and make any additional recommendations it feels necessary.

Sec. 6. 5 MRSA §1710-H, as enacted by PL 1995, c. 368, Pt. J, §1, is amended to read:

§1710-H. Meetings

The committee shall meet at least 4 times a year. Additional meetings may be called by a majority vote of the committee or by the State Budget Officer as specified in section 1710-G.

See title page for effective date.

CHAPTER 656

H.P. 1502 - L.D. 2124

An Act to Allow Liquor Licenses for Commercial Vessels

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

Whereas, vessels operating on inland waters are currently not eligible for liquor licenses on the same basis as coastal vessels; and

Whereas, it is necessary to authorize liquor licenses for commercial vessels that carry at least 25 passengers and operate on inland waters before the beginning of the summer season in order to provide for continuing and improved services by such vessels; 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. 28-A MRSA §2, sub-§15, ¶V, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

V. "Vessel" means any ship, vessel or boat of any kind used for navigation of the coastal water or for commercial navigation of inland waters, and licensed for carrying not less than 25 passengers under the requirements of the Public Utilities Commission or the United States Coast Guard, and used only on waters other than inland waters.

Sec. 2. 28-A MRSA §1077, sub-§2, ¶B, as amended by PL 1997, c. 373, §103, is further amended to read:

B. Except as provided in subparagraph (1), licenses issued under this section to vessel companies operating boats within the State authorize

the licensees to sell liquor in the boats after leaving and before reaching ports within the State and licenses issued under this section to commercial vessel companies operating boats on inland waters authorize the licensees to sell liquor on board the boat after leaving and before reaching docks on inland waters.

(1) A licensee may sell liquor for consumption on board a vessel that is in port or docked, only if prior approval for the sale is obtained from the bureau under the license application procedure in section 653. A separate approval must be obtained for each port or dock location from which on-board sales of liquor are to be made.

Sec. 3. 28-A MRSA §1077, sub-§2, ¶C, as enacted by PL 1987, c. 45, Pt. A, §4, is amended to read:

C. A vessel licensed to sell liquor under this section may sell liquor on Sundays only between the hours of ~~12 noon~~ 9:00 a.m. and midnight on inland waters and when operated within the 3-mile limit on coastal waters.

Sec. 4. 28-A MRSA §1077, sub-§2, ¶D is enacted to read:

D. Notwithstanding the provisions of sections 121 and 122, a vessel on inland waters may sell liquor without approval of the municipal officers or, in the case of unincorporated places, the county commissioners.

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

Effective April 1, 1998.

CHAPTER 657

H.P. 1526 - L.D. 2148

An Act to Grant the Joint Standing Committee Having Jurisdiction over Criminal Matters the Authority to Review the Appointments of the Commissioner of Public Safety and the Chief of the State Police

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

Sec. 1. 25 MRSA §1501, first ¶, as amended by PL 1975, c. 771, §261, is further amended to read: