

# MAINE STATE LEGISLATURE

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**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.**

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**1997**

delegated primary enforcement authority in administering the act, and obtaining federal funding for water systems in the State for carrying out the requirements of the Act. In conjunction with this requirement, the auditor shall seek a written statement from the United States Environmental Protection Agency outlining the scope and nature of the agency's particular requirements for Maine's program.

**Sec. A-4. Recommendations.** In addition to the evaluation required under section 2 of this Part, the audit must include recommendations to the Maine Public Drinking Water Commission regarding how the program should be organized, staffed, funded, managed, and prioritized in order to best administer the federal Safe Drinking Water Act, maintain primacy of the State in administering this act, and maximize the availability of federal funds to water systems in the State for carrying out the requirements of the act.

**Sec. A-5. Report to Legislature.** No later than September 15, 1998, the Maine Public Drinking Water Commission shall report the findings of the audit to the joint standing committee of the Legislature having jurisdiction over health and human services.

**Sec. A-6. Funding for audit.** The Maine Public Drinking Water Commission shall provide funding for the audit under this section from federal funds available for drinking water programs under the jurisdiction of the Department of Human Services. The commission is authorized to determine the funding level of the audit, but may not spend more than \$25,000.

**Sec. A-7. Allocation.** The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1998-99

## HUMAN SERVICES, DEPARTMENT OF

### Public Drinking Water Fund

All Other	\$25,000
Provides funds for an audit of the Maine Public Drinking Water Control Program.	

## PART B

**Sec. B-1. 22 MRSA §2660-C, sub-§6** is enacted to read:

**6. Annual accounting.** Within 60 days of the conclusion of the fiscal year for the program, the manager of the program shall submit to the commission an accounting of all of the funds expended by the program during the fiscal year.

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

Effective April 2, 1998.

## CHAPTER 667

H.P. 1515 - L.D. 2137

### An Act to Address the Crisis in Access to Dental Care for Low- income Children

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

**Whereas,** children in the State do not have access to dental services under the Medicaid program at locations close to their residences; and

**Whereas,** lack of these dental services causes a deterioration in the health of the children of the State; 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. 22 MRSA §3174-R** is enacted to read:

#### **§3174-R. Access to dental services for children under Medicaid**

The department shall increase access to comprehensive dental care for children under the Medicaid program so that services are received on a timely basis in the regions of the State in which they live, in accordance with this section.

**1. Telephone referral service.** By April 1, 1998, the department shall establish a toll-free telephone referral service to provide individuals with information on dental services and assistance in accessing dental services. The telephone service must provide persons calling about dental services with oral notice of the availability of assistance in arranging for appointments for dental screening and necessary

corrective treatment, transportation to dental appointments and other services necessary to ensure access.

**2. Increasing providers.** The department shall work with a statewide dental association and dentists in the State to increase the number of providers of dental care and the number participating in the Medicaid program.

**3. Goal.** It is the goal of the Legislature that children enrolled in the Medicaid program in all regions of the State have the same access to dental care as children enrolled in private dental insurance programs.

**4. Annual report.** By February 15, 1999 and annually thereafter, the department shall submit to the joint standing committee of the Legislature having jurisdiction over health and human services matters an annual report containing information related to the progress of the department in meeting the goal stated in subsection 3 and an action plan to increase access to dental care. The report must include an analysis of the progress being made in increasing access, the problems incurred within the prior year and corrective action to be taken. The action plan must consider the following strategies to increase access: nonprofit clinics; purchase of practice clinics; enhanced reimbursement for dentists serving a large number of children under the Medicaid program; and contracts with dental clinics and health centers to provide dental care.

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

Effective April 2, 1998.

## CHAPTER 668

S.P. 793 - L.D. 2120

### An Act Concerning Technical Changes to the Tax Laws

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

**Whereas,** delay in making technical changes to the tax laws would interfere with administration of those laws; and

**Whereas,** legislative action is immediately necessary in order to ensure continued and efficient administration of the tax laws; 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. 10 MRSA §1305,** as enacted by PL 1997, c. 352, §1, is amended to read:

**§1305. Terminal rental adjustment clauses; vehicle leases that are not sales or security interests**

Notwithstanding any other provision of law, in the case of motor vehicles or trailers, a transaction does not create a sale or security interest merely because the agreement provides that the rental price is permitted or required to be adjusted upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer. A transaction may be considered a sale for purposes of Title 36.

**Sec. 2. 10 MRSA §1495, sub-§2,** as enacted by PL 1997, c. 495, §1, is amended to read:

**2. Payroll processing services.** "Payroll processing services" means preparing and issuing payroll checks; preparing and filing ~~tax returns, including quarterly~~ state income withholding tax reports or unemployment insurance contribution reports; ~~and or~~ collecting, holding and turning over to the State Tax Assessor income withholding taxes pursuant to Title 36, chapter 827 or unemployment insurance contributions pursuant to Title 26, chapter 13, subchapter 7.

**Sec. 3. 18-A MRSA §3-715, sub-§(18),** as enacted by PL 1979, c. 540, §1, is amended to read:

(18) Pay taxes, assessments, compensation of the personal representative, and other expenses incident to the administration of the estate. ~~In the collection and payment of state inheritance taxes, the personal representative shall observe the provisions of Title 36, chapter 557;~~

**Sec. 4. 26 MRSA §979-A, sub-§6, ¶J,** as amended by PL 1989, c. 654, §3 and affected by §13, is further amended to read:

J. Who substantially participates in the formulation and effectuation of policy in a department or agency or has a major role, other than a typically supervisory role, in the administration of a collective bargaining agreement in a department or agency; ~~or~~

**Sec. 5. 26 MRSA §979-A, sub-§6, ¶K,** as amended by PL 1989, c. 654, §4 and affected by §13, is further amended to read: