

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

G. Provide a centralized management oversight of services;

H. Coordinate University of Maine System academic offerings to avoid duplication with private and public institutions in this State; and

I. Develop a method to transfer academic credits to all universities within the University of Maine System.

3. Head of each campus; duties. The head of each campus ~~shall be~~ is the chief administrative and educational officer thereof and ~~shall be~~ is responsible for the ~~day-to-day~~ day-to-day operation and development of its academic program within the limits defined by the ~~board of trustees~~ Board of Trustees and the chancellor; and in addition, shall exercise such rights and privileges as are generally recognized in the administering of admissions, curriculum development, ~~extra-curricular~~ extracurricular programs, ~~long-range~~ long-range planning within the framework of the overall university plan, and supervision of faculty.

5. Boards of visitors; membership; duties; reimbursement. Each of the 7 universities has a board of visitors.

A. Each board of visitors consists of up to 20 members recommended by campus presidents and confirmed by the Board of Trustees. Membership should reflect the mission of the university and the region it serves.

B. Each board of visitors shall:

- (1) Advocate for the university;
- (2) Raise private funds for the university;
- (3) Advise the head of each campus on community and regional needs; and
- (4) Review for final recommendation to the Board of Trustees tuition increases, new academic programs and the 5-year plan of the university.

C. Members of the boards of visitors may receive reimbursement for travel and other necessary expenses for attendance at meetings of the board. Reimbursement expense for board members must be absorbed within the existing budgeted revenues of the University of Maine System.

Sec. 4. P&SL 1865, c. 532, §13, as amended by P&SL 1891, c. 284, is repealed.

Sec. 5. P&SL 1865, c. 532, §14, as enacted by P&SL 1865, c. 532, is repealed.

Sec. 6. P&SL 1865, c. 532, §18, as enacted by P&SL 1865, c. 532, is amended to read:

Section 18. Rights of the Legislature reserved. The ~~legislature shall have~~ Legislature has the right to grant any further powers, to alter, limit or restrain any of the powers vested in the ~~trustees~~ Board of Trustees of the ~~college~~ University of Maine System established by this ~~act~~ Act, as ~~shall~~ may be judged necessary to promote the best interests thereof. And this act ~~shall take~~ takes effect upon its approval by the ~~governor~~ Governor.

Sec. 7. Board of Trustees; review and report.

1. Review. The Board of Trustees of the University of Maine System shall:

A. Conduct a review and evaluation of programs existing on the effective date of this Act. This review must identify which of the programs best address future educational and economic priorities of citizens of the State;

B. Review the current method of distributing state resources in light of distinctive missions, enrollment shifts, program priorities, changing program costs, demographic patterns and emerging needs of the State. As part of its review, the board shall ensure that the needs of the State's nontraditional students are met in a more equitable manner;

C. Determine what savings result from reorganization of the system as set out in this Act and develop a mechanism to ensure that any such savings are used to reduce increases in tuition; and

D. Study methods employed in other jurisdictions and make recommendations to create a system that is substantially more market-driven.

2. Report. The Board of Regents shall report its findings and recommendations based on its work pursuant to subsection 1 to the Joint Standing Committee on Education by January 1, 1998. The Joint Standing Committee on Education may report out legislation it determines based on the report.

See title page for effective date.

CHAPTER 38

H.P. 1311 - L.D. 1859

An Act to Prevent Hunger Among Unemployed Maine Workers

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

Whereas, nearly 3,000 unemployed Maine people have already lost their food stamp benefits as a result of new federal laws restricting eligibility for certain individuals who are 18 to 50 years of age to 3 months of aid in a 3-year period; and

Whereas, this loss of benefits will place additional financial pressure on municipal general assistance programs and already overburdened soup kitchens and food pantries; remove thousands of federal dollars from the Maine economy; and cause serious hardship for those low-income individuals affected; and

Whereas, Congress has provided the opportunity for states to seek waivers of the provision causing ineligibility for these individuals in areas that do not have a sufficient number of jobs to provide employment for them; and

Whereas, the State has applied for and received a waiver for only 8 Maine counties and the Penobscot Nation; and

Whereas, several additional parts of the State and certain groups of individuals need relief from this provision because there are not sufficient jobs available to them to ensure that they will be protected from hunger and hardship; 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. Waiver; areas where and individuals for whom there are insufficient jobs. The Department of Human Services shall seek a waiver of the requirements of Section 824 (a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 for areas of the State that do not have a sufficient number of jobs to provide employment for individuals affected by this provision, including Kennebec County and Penobscot County and the Sanford labor market area. The department shall also seek a waiver for categories of individuals who have particular difficulty competing for jobs, regardless of where they reside in the State, including persons without access to reliable transportation; with significant literacy or language barriers; who are homeless; who are migrant farmworkers; or who lack the necessary skills, education, references or work

history to be reasonably expected to find work in the local economy. If the Federal Government does not approve the waiver for the areas and groups of individuals described in this section, the State shall resubmit a waiver request for those areas and groups that the United States Department of Agriculture is most likely to approve.

Sec. 2. Coordination of community service activities. To the extent that funds are available, including funds that can be matched pursuant to 7 United States Code, Section 2025 (h)(1), the Department of Human Services shall contract with public or private nonprofit agencies to assist in the creation of, placement of volunteers in or administration or supervision of volunteer community service activities for current or former food stamp recipients who would otherwise lose eligibility for benefits under Section 824 (a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, except that a public or private nonprofit agency shall provide any funds that are required to match these additional federal dollars. For purposes of this section, a volunteer community service activity is any activity that the host agency determines will assist that agency in delivering services or increase the volunteer's ability to become self-sufficient. Contracts with the department under this provision must provide for payment on the basis of volunteer placements completed.

Sec. 3. Impact evaluation. The Department of Human Services shall establish, to the extent feasible, a method to identify and locate persons who lose eligibility for the federal food stamp program as a result of Section 824(a)(2) of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The department is authorized to establish a dedicated account for the purpose of receiving private or public funds to be used to evaluate the impact of the loss of food stamps on these individuals, municipalities, nonprofit service providers, charities and the Maine economy. The department shall cooperate with private efforts to obtain funds for this purpose and shall, when appropriate, seek to match those funds with federal funds. The department is further directed to use funds in this account to obtain an independent evaluation pursuant to this section. The department shall cooperate with any independent evaluation that furthers the purpose of this section.

Sec. 4. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this Act.

	1997-98	1998-99
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**HUMAN SERVICES,
DEPARTMENT OF**

Bureau of Family Independence - Central

All Other	\$80,000	\$80,000
Provides allocations to authorize the expenditure of funds on community service activities if nonstate-administered funds are certified to be available to provide the required state match.		

Sec. 5. Allocation. The following funds are allocated from Other Special Revenue to carry out the purposes of this Act.

1997-98	1998-99
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HUMAN SERVICES, DEPARTMENT OF

Bureau of Family Independence - Central

All Other	\$500	\$500
Provides base allocations to authorize the expenditure of funds for an independent evaluation of the impact of the loss of food stamps if funding is made available from an outside source or foundation.		

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

Effective May 31, 1997.

CHAPTER 39

H.P. 1343 - L.D. 1894

An Act to Fund the Collective Bargaining Agreements and Benefits for Certain Employees Excepted from Collective Bargaining for the Judicial Branch

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 the state collective bargaining agreements for the judicial branch will become due and payable immediately; and

Whereas, it is the responsibility of the Legislature to act upon the portions of the collective bargaining agreement negotiated by the judicial 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 judicial branch employees excepted from collective bargaining; 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. Lump sum payment. A lump sum payment equal to 2.25% of the employee base rate paid for the first 26 paychecks in calendar year 1996 must be paid to each employee included in the Judicial Department in the Administrative Services Bargaining Unit, the Supervisory Bargaining Unit and the Professional Bargaining Unit, consistent with the terms of the collective bargaining agreements. This sum may not be considered earnable compensation under the Maine State Retirement System.

Sec. A-2. Adjustment of salary schedule for fiscal year 1997-98. Effective at the beginning of the pay week commencing closest to July 1, 1997, the salary schedule for the employees of the Judicial Department in the Administrative Services Bargaining Unit, the Supervisory Bargaining Unit and the Professional Bargaining Unit must be adjusted by 2%, consistent with the terms of the collective bargaining agreements.

Sec. A-3. Adjustment of salary schedule for fiscal years 1997-98 and 1998-99. Effective at the beginning of the pay week commencing closest to April 1, 1998, the salary schedule for the employees of the Judicial Department in the Administrative Services Bargaining Unit and the Supervisory Bargaining Unit must be adjusted for the increase in longevity, consistent with the terms of the collective bargaining agreements.

Sec. A-4. Other employees; similar and equitable treatment. Employees of the Judicial Department in classifications included in the Administrative Services Bargaining Unit, the Supervisory Bargaining Unit and the Professional Bargaining unit, but who are excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraphs C, F and G,