

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

any other provision of law, the Town of Southwest Harbor may issue and sell its temporary general obligation bond anticipation notes in a principal amount not to exceed \$800,000 for an additional period not to exceed 2 years for the purpose of refinancing a certain outstanding temporary note originally issued in November 1994 in that amount to finance the water project for the Town of Southwest Harbor, subsequently reissued in 1995 and 1996, and further that the 3-year limitation regarding temporary or anticipatory borrowing contained in Title 30-A, section 5772 must be extended to 5 years for the Town of Southwest Harbor water project.

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

Effective May 28, 1997.

CHAPTER 41

S.P. 580 - L.D. 1745

Resolve, to Direct the Land and Water Resources Council to Develop a Report and Proposed Actions to Control Mercury Emissions and Discharges

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

Whereas, the 116th Legislature established the Land and Water Resources Council, in part to study specific water resource management issues and problems of statewide significance and formulate policies that achieve the goal of protecting the quality of Maine's water resources; and

Whereas, mercury is a persistent, bioaccumulative and highly toxic metal that is found in air emissions and water discharges from various facilities both within Maine and beyond its borders; and

Whereas, mercury contamination from discharge and deposition has caused fish consumption advisories in Maine water; 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

Sec. 1. Report and recommendations. Resolved: That the Land and Water Resources

Council shall develop a long-range strategy to evaluate and reduce the levels and sources of mercury contamination affecting Maine's environment. The council shall seek the advice and support of the Maine Environmental Priorities Project, Legislators, the Federal Environmental Protection Agency and other groups in completing this task. The strategy includes, but is not limited to, the following:

1. A description of the levels and locations of mercury contamination that are known or suspected to exist in Maine's environment;

2. A survey of sources and quantities of mercury discharged to or deposited into Maine's natural resources. This survey should include both in-state and out-of-state sources and estimates of relative contribution;

3. Recommendations for further data acquisition, if necessary; and

4. Recommendations for regulatory, legislative, pollution prevention or technical assistance actions to reduce mercury contamination; and be it further

Sec. 2. Report. Resolved: That the evaluation and recommendations of the Land and Water Resources Council on mercury be part of its annual report to the joint standing committee of the Legislature having jurisdiction over natural resource matters. The council shall report its initial evaluation and recommendations as part of its January, 1998 annual report; and be it further

Sec. 3. Legislation. Resolved: That the Joint Standing Committee on Natural Resources may report out legislation regarding the reduction of mercury emissions and discharges to the Second Regular Session of the 118th Legislature.

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

Effective May 30, 1997.

CHAPTER 42

S.P. 336 - L.D. 1114

Resolve, to Extend the Protections against Spousal Impoverishment under the Medicaid Program

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

Whereas, under current Medicaid regulations, a spouse who remains at home after his or her spouse is admitted to a nursing facility receives a monthly support allowance from the noninstitutionalized spouse; and

Whereas, current regulations do not extend such protection to spouses of residents of cost-reimbursed residential care facilities; and

Whereas, absent such spousal support protections, a spouse may be in drastically reduced financial circumstances as a result of the institutionalization of the other spouse, a condition known as "spousal impoverishment"; and

Whereas, this inequity in the system creates disincentives for people to use less restrictive alternatives to nursing facility care; 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

Sec. 1. Study. Resolved: That the Commissioner of Human Services, in conjunction with the Long-term Care Steering Committee, shall undertake a study of the levels of spousal and family support assistance available to both married and single recipients of services under the different long-term care and assisted living programs and develop recommendations regarding the promotion of greater equity in the levels of resource and income support allowances available to the spouses and families of individuals receiving long-term health care in various settings. They shall also study medical and financial eligibility screening and the availability and development of long-term care options. In the course of the study the commissioner and the Long-term Care Steering Committee shall consult with the long-term care ombudsman program, Legal Services for the Elderly, the Alzheimer's Association, other consumer representatives and providers of long-term care services; and be it further

Sec. 2. Reports. Resolved: That the Commissioner of Human Services and the Long-term Care Steering Committee shall submit a report containing final recommendations on medical and financial eligibility screening and an interim report on the availability and development of long-term care options to the Joint Standing Committee on Health and Human Services no later than January 1, 1998. They shall submit a report containing final recommendations on the availability and development of long-term care options and levels of spousal and family support assistance to the Joint Standing Committee on Health and Human Services no later

than November 1, 1998. In submitting reports to the committee, the commissioner and the Long-term Care Steering Committee may submit proposed legislation concerning financial support for the spouses and families of long-term care recipients.

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

Effective May 30, 1997.

CHAPTER 43

H.P. 265 - L.D. 329

Resolve, Directing the Commissioner of Labor to Implement the Recommendations of the Commission to Study Poverty Among Working Parents with Regard to Pay Discrimination Based on Gender

Sec. 1. Rulemaking regarding discrimination in pay based on gender. Resolved: That the Commissioner of Labor shall adopt rules in consultation with the Maine Human Rights Commission to implement the provisions of the Maine Revised Statutes, Title 26, section 628, prohibiting discrimination in pay on the basis of gender. The commissioner shall forward the final rules to the Joint Standing Committee on Labor no later than March 1, 1998. These rules are routine technical rules under Title 5, chapter 375, subchapter II-A. The department shall enforce those rules within currently available resources.

See title page for effective date.

CHAPTER 44

H.P. 444 - L.D. 594

Resolve, Authorizing the Maine Technical College to Achieve Cost Savings through the Lease-purchase of Facilities

Sec. 1. Authorization of lease-purchase of buildings, equipment and real property for the Maine Technical College System. Resolved: That, in compliance with the Maine Revised Statutes, the Maine Technical College System is authorized to lease-purchase its current office space in Augusta, Maine together with related buildings, equipment and the site on which the buildings are located. The principal amount of the lease-purchase may not