

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 report must include at least 2 proposals for a motor vehicle inspection and maintenance program. The proposals must include the following.

1. Each proposal must address the following elements: geographic coverage, network type, test frequency, model year coverage, vehicle type coverage, exhaust emission test type, emission standards and emission control device inspections.

2. One of the proposals must include the following program components: statewide coverage and testing of light duty motor vehicles at the time of the existing annual safety inspection.

3. One proposal must include coverage of heavy duty diesel-powered vehicles. In developing a proposal for testing these vehicles, the commissioner shall consider both roadside testing and annual testing at the time of inspection.

4. Each of the proposals must include recommendations for addressing the needs of low-income vehicle owners for whom the inspection fee and repair costs may pose an unreasonable economic burden.

5. Each of the proposals must specify a time frame for implementation that provides adequate time for public education and a pilot program.

In addition to the proposals for a motor vehicle inspection and maintenance program, the report must include a recommendation as to whether an alternative strategy or program can be used, alone or in conjunction with a motor vehicle inspection and maintenance program, to achieve compliance with federal requirements through the United States Environmental Protection Agency's Project XL program, defined at 60 Federal Register, 27,282(1995). In studying the Project XL program, the commissioner shall consider, but is not limited to, strategies to reduce vehicle miles traveled in passenger cars and trucks.

In developing the proposals, the commissioner shall solicit input from the public. The Commissioner of Public Safety and the Secretary of State shall work with the commissioner in developing the proposals.

In the report, the commissioner shall rank the proposals and provide a justification for the rankings, including a description of environmental benefits and estimated costs to vehicle owners and station owners.

The commissioner shall also make a recommendation on the feasibility of including in any new motor vehicle inspection and maintenance program a method of providing credits toward the program requirements to motor vehicle owners who incurred costs under the repealed emission inspection program pursuant to the Maine Revised Statutes, Title 38, former chapter 28; and be it further

Sec. 3. Interim updates. Resolved: That the commissioner shall meet with the Joint Standing Committee on Natural Resources or a subcommittee appointed by the chairs at least twice between July 1, 1997 and December 1, 1997 to update and consult with the committee on the progress of the study; and be it further

Sec. 4. Legislation. Resolved: That the Joint Standing Committee on Natural Resources is authorized to report out legislation relating to a motor vehicle inspection and maintenance program or a Project XL program during the Second Regular Session of the 118th Legislature.

See title page for effective date.

CHAPTER 58

H.P. 487 - L.D. 658

Resolve, Requiring the Department of Human Services to Establish a Maximum Contaminant Level for MTBE

Sec. 1. Drinking water rules. Resolved: That the Commissioner of Human Services shall adopt rules establishing a maximum contaminant level for methyl tert-butyl ether, MTBE. The rules are major substantive rules pursuant to the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A and must be provisionally adopted and submitted to the Legislature for review no later than February 1, 1998. Notwithstanding Title 5, section 8072, subsection 3, those rules must be reviewed under Title 5, section 8072, subsections 4 and 5 by the joint standing committee of the Legislature having jurisdiction over natural resources matters.

See title page for effective date.

CHAPTER 59

H.P. 1098 - L.D. 1541

Resolve, Directing the Department of Human Services to Apply for a Waiver to Enable People with Disabilities to Purchase Medicaid Health Insurance

Sec. 1. Department of Human Services to apply for a waiver. Resolved: That by January 1, 1998, the Department of Human Services shall apply to the Federal Government for a waiver to permit funding under the federal Medicaid program for benefits under this resolve. Under the waiver, the

department shall permit people with disabilities who are on Medicaid who work at least 10 hours per week and whose employers do not offer health insurance coverage or whose health insurance coverage does not meet their health needs to purchase coverage under the Medicaid program. The waiver may also provide for the purchase of Medicaid coverage for children with disabilities whose parents work. The waiver must provide for a sliding scale fee based upon income and must be revenue-neutral. The waiver must provide that any savings be used to increase coverage for persons with disabilities. The department may adopt rules required to implement the waiver program in accordance with this resolve. Rules adopted under this resolve are routine technical rules for purposes of the Maine Revised Statutes, Title 5, chapter 375, subchapter II-A.

Sec. 2. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1997-98

**HUMAN SERVICES,
DEPARTMENT OF**

Bureau of Medical Services

All Other	\$50,000
Provides funds to support a portion of the estimated cost of applying for a Medicaid waiver.	

Sec. 3. Allocation. The following funds are allocated from the Federal Expenditure Fund to carry out the purposes of this resolve.

1997-98

**HUMAN SERVICES,
DEPARTMENT OF**

Bureau of Medical Services

All Other	\$50,000
Provides funds to support a portion of the estimated cost of applying for a Medicaid waiver.	

See title page for effective date.

CHAPTER 60

S.P. 556 - L.D. 1682

Resolve, Directing the Commissioner of Transportation to Propose an Adopt-A-Highway Program

Preamble. Whereas, 48 states currently have Adopt-A-Highway programs to remove litter from state highways; and

Whereas, the Adopt-A-Highway program represents a unique opportunity to encourage local organizations to voluntarily clean the State's highways; now, therefore, be it

Sec. 1. Commissioner of Transportation duties. Resolved: That the Commissioner of Transportation shall review the Adopt-A-Highway programs of other states and propose a plan for implementing a similar program in Maine that encourages local organizations to assist with litter removal from the State's highways; and be it further

Sec. 2. Report. Resolved: That the Commissioner of Transportation shall report the proposal, along with any necessary implementing legislation, to the Joint Standing Committee on Transportation no later than February 1, 1998; and be it further

Sec. 3. Committee authority. Resolved: That the Joint Standing Committee on Transportation may, by unanimous or majority vote of the committee, report out legislation to the Second Regular Session of the 118th Legislature on an Adopt-A-Highway program.

See title page for effective date.

CHAPTER 61

H.P. 1344 - L.D. 1895

Resolve, to Direct the State Board of Education to Study the School Funding Formula

Sec. 1. Committee to study school funding formula. Resolved: That the State Board of Education shall establish a committee to study the school funding formula. The state board shall appoint 10 members to the committee, and the committee shall also coordinate its work with the state board committee studying essential programs and services. Each member appointed must be impartial and have extensive knowledge of public education and school finance policies in the State. In appointing members to the committee, the state board shall give proper consideration to achieving statewide geographical