

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.

J.S. McCarthy Company
Augusta, Maine
1997

Sec. 4. Resolve 1997, c. 68, §8, amended. Resolved: That Resolve 1997, c. 68, §8 is amended to read:

Sec. 8. Meetings. Resolved: That the task force may meet up to 4 times prior to reporting in 1997 and an additional number of times determined necessary by the Children's Cabinet and the task force prior to reporting in 1998; and be it further

Sec. 5. Resolve 1997, c. 68, §9, amended. Resolved: That Resolve 1997, c. 68, §9 is amended by adding after the first sentence a new sentence to read:

In addition, the task force shall submit a follow-up report to the Joint Standing Committee on Education and Cultural Affairs and the Governor, including any necessary implementing legislation, no later than December 15, 1998.

; and be it further

Sec. 6. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1998-99

LEGISLATURE

Task Force to Study Strategies to Support Parents as Children's First Teachers

Personal Services	\$440
All Other	900

Provides for the per diem and expenses of legislative members, and miscellaneous costs, including printing, of the Task Force to Study Strategies to Support Parents as Children's First Teachers.

LEGISLATURE TOTAL

\$1,340

; and be it further

Sec. 7. Retroactivity. Resolved: That those sections of this resolve that amend Resolve 1997, chapter 68, sections 8 and 9 are retroactive to December 1, 1997.

See title page for effective date.

CHAPTER 123

H.P. 1432 - L.D. 1996

Resolve, Requiring a Report on the Provision of Medicaid Services

Sec. 1. Report. Resolved: That the Department of Human Services, with the cooperation of the Department of Education, shall undertake an audit of and shall prepare a report on services provided in or by school administrative units, state intermediate educational units and regional sites of the Child Development Services System under the Maine Revised Statutes, Title 20-A, chapter 307-A, that are reimbursed through the Medicaid program. The report must include information on the qualifications of professionals and others providing services, reimbursement rates and policies regarding the use of specialists. The department shall provide this report and any recommendations to the joint standing committees of the Legislature having jurisdiction over education and cultural affairs and health and human services matters by January 1, 1999.

See title page for effective date.

CHAPTER 124

H.P. 1556 - L.D. 2185

Resolve, to Provide Accountability in the Probation System

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 Legislature recognizes the immediate need to address the issue of adequate staffing and resources in the Department of Corrections probation services to ensure the safety of the department staff and the public; and

Whereas, it is the intent of the Legislature that the implementation of new probation officer positions reflects the Department of Corrections' needs and ability to train and effectively employ the new probation officers; 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 group established. Resolved: That the Commissioner of Corrections shall

convene a study group to review procedures and consider improvements in juvenile and adult probation services. Specifically, the study group shall review the current resources, assessment instruments, services provided and issues of concern within the Department of Corrections; and be it further

Sec. 2. Membership. Resolved: That the study group consists of the Commissioner of Corrections or the commissioner's designee; the Attorney General or the Attorney General's designee; and a member of the judiciary appointed by the Chief Justice of the Maine Supreme Judicial Court. The study group also consists of the following members appointed by the President of the Senate: a Senator who sits on the Joint Standing Committee on Criminal Justice; a probation officer; a member of the Maine Association of Criminal Defense Lawyers; and a member of the Maine Sheriffs Association. The study group further consists of the following members appointed by the Speaker of the House of Representatives: a member of the House of Representatives who sits on the Joint Standing Committee on Criminal Justice; a juvenile caseworker; a member of the Maine Prosecutors Association; and a member of the Maine Chiefs of Police Association. The study group also consists of the following members appointed by the commissioner: a community services representative and a victims' advocate; and be it further

Sec. 3. Convening of study group. Resolved: That the Chair of the Legislative Council shall call the first meeting of the study group between the 30th and 45th days following the effective date of this resolve. A quorum is a majority of the members; and be it further

Sec. 4. Selection of chair. Resolved: That the study group shall select a chair from among the members at the first meeting; and be it further

Sec. 5. Staffing. Resolved: That the Department of Corrections shall provide staffing and clerical support to the study group. The commissioner shall carry out the requirements of this section to the extent possible within the existing budgeted resources of the department. The department may also request legislative drafting assistance from the Legislative Council; and be it further

Sec. 6. Compensation. Resolved: That the legislative members of the study group are entitled to receive the legislative per diem, as defined in the Maine Revised Statutes, Title 3, section 2, for attendance at meetings of the study group; and be it further

Sec. 7. Report. Resolved: That the study group shall submit its report and any necessary implementing legislation to the joint standing committee of the Legislature having jurisdiction over

corrections and criminal justice matters by January 15, 2000; and be it further

Sec. 8. Office space assessment. Resolved: That the Commissioner of Corrections shall perform an assessment of office space needs for the department's juvenile and adult probation services and shall prioritize the need for additional space. The 3 most urgent office space needs as identified by the commissioner must be addressed by January 1, 1999. The commissioner shall develop a plan to address the remaining needs by January 1, 2004. The commissioner shall report on the department's actions regarding the 3 most urgent office space needs and on its plan to deal with remaining needs to the joint standing committee of the Legislature having jurisdiction over corrections and criminal justice matters by January 15, 1999.

The commissioner shall carry out the requirements of this section to the extent possible within the existing budgeted resources of the department; and be it further

Sec. 9. Appropriation. Resolved: That the following funds are appropriated from the General Fund to carry out the purposes of this resolve.

1998-99

**CORRECTIONS,
DEPARTMENT OF**

Probation and Parole

All Other	\$50,000
Provides funds for the costs associated with drug and alcohol testing.	

**DEPARTMENT OF
CORRECTIONS
TOTAL**

\$50,000

LEGISLATURE

Study Commissions - Funding

Personal Services	\$550
All Other	500
Provides funds for the per diem and expenses of the legislative members of a probation services study panel.	

**LEGISLATURE
TOTAL**

\$1,050

TOTAL APPROPRIATIONS \$51,050

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

Effective April 16, 1998.

CHAPTER 125

H.P. 1475 - L.D. 2074

Resolve, to Reimburse Cable Companies for Expenditures Made while Participating in the Business Equipment Tax Reimbursement Tax Program

Sec. 1. Reimbursement of cable television companies. Resolved: That, notwithstanding the Maine Revised Statutes, Title 36, section 6652, subsection 1-A, cable television companies, as defined by Title 30-A, section 2001, subsection 2, must be reimbursed under Title 36, chapter 915 for the property tax year based on the status of property on April 1, 1996 if the claim was filed in a timely manner and otherwise complied with the requirements of chapter 915 at the time the claim was filed; and be it further

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

1998-99

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Personal Property Tax Reform

All Other \$61,507

Provides funds to reimburse cable companies that qualify for reimbursement pursuant to section 1 of the resolve.

See title page for effective date.

CHAPTER 126

S.P. 800 - L.D. 2157

Resolve, to Allow the Estate of Barbara Maxfield to Sue the State

Sec. 1. Authorization to sue the State. Resolved: That, notwithstanding any law to the contrary, the estate of Barbara Maxfield or its legal representative, on behalf of Allan Maxfield, sole beneficiary, who claims to have suffered damages as a result of the State's failure to intercept a drunken driver who caused the death of Barbara Maxfield at the Maine Turnpike Exit 6-A tollbooth, is authorized to bring a civil action against the State.

This action may be brought in the Cumberland County Superior Court within one year from the date this resolve is approved. Liability and damages, including punitive damages, must be determined according to state law as in litigation between individuals. The action may be heard by a Justice of the Superior Court or by a jury. The Maine Rules of Civil Procedure govern the conduct of the action. The Attorney General shall appear, answer and defend the action.

The Treasurer of State shall pay any judgment, including costs and interest, on final process issued by the Superior Court or, if applicable, the Supreme Judicial Court. Recovery may not exceed \$300,000 including costs and interest.

See title page for effective date.

CHAPTER 127

H.P. 1478 - L.D. 2077

Resolve, to Establish the Task Force to Increase Primary and Secondary Forest Product Manufacturing

Sec. 1. Task force established. Resolved: That the Task Force to Increase Primary and Secondary Forest Product Manufacturing, referred to in this resolve as the "task force," is established; and be it further

Sec. 2. Task force membership. Resolved: That the task force consists of 14 members as follows:

1. The State Tax Assessor;
2. The Director of the State Planning Office;
3. The Commissioner of Economic and Community Development or the commissioner's designee;
4. One representative of a college or university who has expertise in economic development, appointed by the Governor;
5. Two members of the Senate, appointed by the President of the Senate;