

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

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TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
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CHAPTER 706

H.P. 1916 - L.D. 2661

**An Act to Implement
Recommendations of the Joint
Standing Committee on Education
and Cultural Affairs Relating to the
Review of the State Cultural and
Other Agencies under the State
Government Evaluation Act**

**Be it enacted by the People of the State of
Maine as follows:**

Sec. 1. 3 MRSA §959, sub-§1, ¶E, as amended by PL 1999, c. 127, Pt. C, §9, is further amended to read:

E. The joint standing committee of the Legislature having jurisdiction over education and cultural affairs shall use the following list as a guideline for scheduling reviews:

- (1) Telecommunications Relay Services Advisory Council in 1997;
- (2) Department of Education in 1997;
- (2-A) State Board of Education in 1997;
- (3) Maine Arts Commission in 1999;
- ~~(4) Maine Conservation School in 1999;~~
- (5) Maine Historic Preservation Commission in 1999;
- (5-A) Notwithstanding section 952, Maine Historical Society in 1999;
- (6) Maine Library Commission in 1999;
- (6-A) Maine State Cultural Affairs Council in 1999;
- (6-B) Maine State Library in 1999;
- (6-C) Maine State Museum in 1999;
- (7) Maine State Museum Commission in 1999;
- (8) Office of State Historian in 1999;
- (9) Board of Trustees of the Maine Maritime Academy in 2001;
- (10) Board of Trustees of the University of Maine System in 2001;
- (11) Educational Leave Advisory Board in 2001;

(12) Maine Technical College System in 2001;

(13) Maine Health and Higher Educational Facilities Authority in 2003; and

(14) Maine Educational Loan Authority in 2003.

Sec. 2. 5 MRSA §1581, as amended by PL 1999, c. 420, §1, is further amended by adding at the end a new paragraph to read:

The Maine Humanities Council must be a separate appropriation not included under any other department or agency in the General Fund appropriation bill.

Sec. 3. 20-A MRSA c. 325, as amended, is repealed.

Sec. 4. 27 MRSA §82, as amended by PL 1989, c. 700, Pt. B, §18, is further amended to read:

§82. Maine State Museum Commission

The Governor shall appoint the Maine State Museum Commission, as established by Title 5, section 12004-G, subsection 7-C, consisting of 15 members especially qualified and interested in the several fields of museum activity. Of those members first appointed, 5 ~~shall be~~ are appointed for terms of 2 years, 5 for 4 years and 5 for 6 years. Their successors ~~shall be~~ are appointed for ~~6~~ 4 years. Members are limited to 2 consecutive 4-year terms. Each member shall serve for the term of the appointment and ~~thereafter~~ until a successor is appointed and qualified. The commission shall elect a chair and vice-chair from its members. In case of the termination of a member's service during the term, the Governor shall appoint a successor for the unexpired term. Members ~~shall be compensated according to~~ are entitled to compensation in accordance with the provisions of Title 5, chapter 379.

Sec. 5. 27 MRSA §261, as amended by PL 1975, c. 771, §292, is repealed and the following enacted in its place:

§261. Appointment

The Governor shall appoint the State Historian. The State Historian must be a resident of the State, a member of an historical society in the State and distinguished as a researcher, writer, lecturer or teacher of Maine history. In making the appointment, the Governor shall consider any recommendation for the position by the Maine State Cultural Affairs Council. The term of appointment for the State Historian is 4 years or until a successor is appointed and qualified. Reappointment is permitted.

Sec. 6. 27 MRSA §§262 to 266 are repealed.

Sec. 7. 27 MRSA §268 is enacted to read:

§268. Duties

The duties of the State Historian are:

1. History and heritage. To enhance the knowledge of Maine citizens of the State's history and heritage;

2. Teaching of history. To encourage the teaching of Maine history in the public schools;

3. Consult. To serve as consultant to the Governor and Legislature on matters pertaining to Maine history;

4. Lecture. To lecture on topics of Maine history within the historian's area of expertise as determined appropriate by the State Historian;

5. Respond to inquiries. To respond to inquiries about the existence and location of documents, artifacts and other materials of Maine history; and

6. Report. To report to the joint standing committee of the Legislature having jurisdiction over cultural affairs during the first regular session of each legislative biennium.

Sec. 8. 27 MRSA §453, sub-§1, as amended by PL 1989, c. 912, §4, is further amended to read:

1. Amount; gifts and donations. ~~Any~~ A contracting agency, except a school administrative unit, shall expend out of ~~any~~ money appropriated or allocated by the Legislature for the construction of ~~any~~ a public building or facility, except for ~~a~~ correctional facilities facility, a minimum amount of 1% of the construction portion of the appropriation or allocation, for the purpose of acquiring, transporting and installing works of art. School units ~~which~~ that have decided to participate in the Percent for Art Program shall expend a minimum amount of 1% of the cost of the eligible school construction project or of any building or facility that is part of an eligible project or ~~\$40,000~~ \$50,000, whichever is less.

Donations and gifts to the contracting agency may be used to offset the minimum amount identified in this subsection. The value of works of art received as a donation or a gift ~~shall~~ must be determined by the commission.

Sec. 9. Transition to 4-year terms for Maine State Museum Commission members. The limit of 2 consecutive terms for members of the Maine State Museum Commission applies to full terms beginning after the effective date of this Act. Members holding office on the Maine State Museum Commission on the effective date of this Act or successors appointed to serve the remainder of those

terms remain in office until expiration of the terms. After the effective date of this Act, the first 8 terms that expire must be filled by appointments, including reappointment of the incumbent, that expire on the anniversary date of that position in the year 2006. When the remaining 7 positions expire, they must be filled by appointments, including reappointment of the incumbent, that expire on the anniversary date of that position in the year 2008.

See title page for effective date.

CHAPTER 707

H.P. 1900 - L.D. 2644

An Act Relating to Eligibility for the Elderly Low-cost Drug Program

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 22 MRSA §254, sub-§11, as enacted by PL 1999, c. 551, §2, is amended to read:

11. Retention of eligibility. A person who was eligible for the program at any time from August 1, 1998 to July 31, 1999 and who does not meet the requirements of subsection 10 retains eligibility for the program ~~until February 28, 2001~~ if that person is a member of a household of an eligible person.

Sec. 2. 36 MRSA §6162-B, sub-§2, as enacted by PL 1999, c. 401, Pt. KKK, §5 and affected by §10 and c. 531, Pt. F, §2, is amended to read:

2. Limitation. An individual does not qualify under this program if that individual receives state supplemental income benefits or Medicaid pharmaceutical benefits.

See title page for effective date.

CHAPTER 708

S.P. 981 - L.D. 2524

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