

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND NINETEENTH LEGISLATURE

FIRST REGULAR SESSION
December 2, 1998 to June 19, 1999

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 18, 1999

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
1999

Salary Plan program, referred to in section 2 of this Part, in the amount of \$337,000 for the fiscal year ending June 30, 2000 and in the amount of \$732,000 for the fiscal year ending June 30, 2001, to implement the economic terms of the collective bargaining agreements made between the Judicial Department and the Maine State Employees Association for the administrative services bargaining unit, the supervisory bargaining unit and the professional bargaining unit and for the costs of those Judicial Department employees excluded from collective bargaining pursuant to the Maine Revised Statutes, Title 26, section 1282, subsection 5, paragraphs C, D, E, F and G.

Sec. C-2. Transfer from the Salary Plan program and special account funding. The Salary Plan program in the Department of Administrative and Financial Services may be made available as needed through allotment by financial order, upon the recommendation of the State Budget Officer and approval of the Governor, to be used for the implementation of collective bargaining agreements for employees of the Judicial Department in fiscal years 1999-00 and 2000-01. Positions supported from sources other than the General Fund must be funded whenever possible from those other sources.

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

Effective June 9, 1999.

CHAPTER 35

H.P. 621 - L.D. 861

An Act to Create a Seamless Treatment Plan for the Adult Offender with Substance Abuse Problems

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

Whereas, substance abuse is a serious problem that affects the majority of adults who become part of the population of the Department of Corrections; and

Whereas, comprehensive substance abuse treatment may help reduce the rate of recidivism for many prisoners; and

Whereas, creating and implementing a comprehensive substance abuse treatment plan as soon as possible is in the best interest of those in the custody of the Department of Corrections, as well as the public; 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. Comprehensive substance abuse treatment program for adult offenders in the Department of Corrections. The Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse shall take action to create, implement and operate a comprehensive residential substance abuse treatment program for adults committed to the custody of the Department of Corrections. The program must include uniform clinical assessment of prisoners to identify substance abuse problems, to ensure access to the program that facilitates participation of the prisoner and the prisoner's family and to provide a system to monitor treatment progress and a follow-through mechanism to ensure treatment completion. In formulating its treatment program, the department may consider other states' model programs, including the State of New York Department of Correctional Services "Stay'n Out" therapeutic community program.

Sec. 2. Report. The Department of Corrections and the Department of Mental Health, Mental Retardation and Substance Abuse Services, Office of Substance Abuse shall present a proposal to implement and fund the comprehensive substance abuse treatment program to the Joint Standing Committee on Criminal Justice by May 1, 1999. The proposal must also include a plan for annual reporting to the Joint Standing Committee on Criminal Justice on the progress in implementing and providing substance abuse treatment programs.

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

Effective June 10, 1999.

CHAPTER 36

H.P. 1533 - L.D. 2186

An Act to Authorize York County to Hold Bond Referenda for New County Facilities

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional

expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, two thirds of all of the members elected to each House have determined it necessary to enact this measure.

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

PART A

Sec. A-1. To raise money for construction of jail facility for York County. The county commissioners of York County are authorized to raise and expend a sum not to exceed \$20,000,000 for construction of a county jail facility located in York County.

Sec. A-2. Aid from other sources. The county commissioners of York County are authorized to borrow any portion of the sums authorized by this Part from or through any agency or department of the State and the Federal Government. The county commissioners are authorized to receive grants of money and other assistance from or through any agency or department of the State and the Federal Government for any of the purposes authorized in this Part.

Sec. A-3. Bonds. To provide funds for the county jail facility, the treasurer of York County, with the approval of the county commissioners, may borrow upon the full faith and credit of the county such sums as necessary, not exceeding in the aggregate \$20,000,000, and may issue bonds for those sums that must bear on their face the words "York County Capital Improvement Bonds Act of 1999, Part A." Each authorized issue is payable in such annual installments, beginning not more than 2 years from the date of authorization and not earlier than the year 2001, as will extinguish each loan in not more than 20 years from its date. The bonds must be signed by the treasurer of the county and countersigned by the majority of the county commissioners. The county may sell the securities at public or private sale upon such terms and conditions as the county commissioners may determine proper but at not less than par and accrued interest.

Sec. A-4. Temporary notes. The county treasurer, with the approval of the county commissioners, may issue temporary notes of the county payable not more than one year from their dates in anticipation of the issue of bonds under this Part and may renew those notes, but the time within which the bonds become due and payable may not by reason of such temporary notes be extended beyond the term fixed by this Part. Any notes issued in anticipation of

the bonds must be paid from the proceeds of the bonds.

Sec. A-5. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of the ratification of this Part, are deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. A-6. Service fees. The county may negotiate with the municipality in which the county jail facility constructed with funds provided under this Part is located for the annual payment of reasonable service fees reflecting the cost of municipal services associated with the county jail facility.

Sec. A-7. Referendum for ratification. This Part must be submitted to the legal voters of York County. The dates of the submission must be determined by the York County Board of Commissioners but may not be later than 18 months after adjournment of the Legislature. The York County commissioners are authorized to expend such funds as necessary to implement the referendum.

The county commissioners shall cause the preparation of the required ballots on which they shall state the subject matter of this Part in the following question:

"Do you favor a \$20,000,000 bond issue for construction of a new jail facility for York County?"

The ballot must also contain the following information determined by the county commissioners to be accurate as of the date when it is necessary to begin preparation of the ballot question:

1. A statement of the total debt service of the requested issue divided into principal and interest and indicating the interest rate and period of the bond; and
2. A statement of the county's bonded indebtedness prior to the requested bond issue.

The voters shall indicate by a cross or a check mark placed against the words "Yes" or "No" their opinion of the question.

This Part takes effect immediately upon its acceptance by a majority of the legal voters voting at the election provided the total number of votes cast for and against the acceptance of this Part equals or exceeds 30% of the total votes for all candidates for Governor cast in the next previous gubernatorial election in the county. If at the first election the total

number of votes cast for or against acceptance of this Part is less than 30% of the total votes for all candidates for Governor cast in the county in the next previous gubernatorial election, the county commissioners may submit the question to voters not more than one other time within the time prescribed in this section.

The result of the elections must be declared by the York County commissioners and due certificate filed with the Secretary of State.

PART B

Sec. B-1. To raise money for the construction of county office facilities for York County. The county commissioners of York County are authorized to raise and expend a sum not to exceed \$5,000,000 for construction of county office facilities located in York County.

Sec. B-2. Aid from other sources. The county commissioners of York County are authorized to borrow any portion of the sums authorized by this Part from or through any agency or department of the State and the Federal Government. The county commissioners are authorized to receive grants of money and other assistance from or through any agency or department of the State and the Federal Government for any of the purposes authorized in this Part.

Sec. B-3. Bonds. To provide funds for county office facilities, the treasurer of York County, with the approval of the county commissioners, may borrow upon the full faith and credit of the county such sums as necessary, not exceeding in the aggregate \$5,000,000, and may issue bonds for those sums that must bear on their face the words "York County Capital Improvement Bonds Act of 1999, Part B." Each authorized issue is payable in such annual installments, beginning not more than 2 years from the date of authorization and not earlier than the year 2001, as will extinguish each loan in not more than 20 years from its date. The bonds must be signed by the treasurer of the county and countersigned by the majority of the county commissioners. The county may sell the securities at public or private sale upon such terms and conditions as the county commissioners may determine proper but at not less than par and accrued interest.

Sec. B-4. Temporary notes. The county treasurer, with the approval of the county commissioners, may issue temporary notes of the county payable not more than one year from their dates in anticipation of the issue of bonds under this Part and may renew those notes, but the time within which the bonds become due and payable may not by reason of such temporary notes be extended beyond the term

fixed by this Part. Any notes issued in anticipation of the bonds must be paid from the proceeds of the bonds.

Sec. B-5. Bonds authorized but not issued. Any bonds authorized but not issued, or for which bond anticipation notes have not been issued within 5 years of the ratification of this Part, are deauthorized and may not be issued, provided that the Legislature may, within 2 years after the expiration of that 5-year period, extend the period for issuing any remaining unissued bonds or bond anticipation notes for an additional amount of time not to exceed 5 years.

Sec. B-6. Service fees. The county may negotiate with the municipality in which the county office facilities constructed with funds provided under this Part are located for the annual payment of reasonable service fees reflecting the cost of municipal services associated with county office facilities.

Sec. B-7. Referendum for ratification. This Part must be submitted to the legal voters of York County. The dates of the submission must be determined by the York County Board of Commissioners but may not be later than 18 months after adjournment of the Legislature. The York County commissioners are authorized to expend such funds as necessary to implement the referendum.

The county commissioners shall cause the preparation of the required ballots on which they shall state the subject matter of this Part in the following question:

"Do you favor a \$5,000,000 bond issue for construction of county office facilities for York County?"

The ballot must also contain the following information determined by the county commissioners to be accurate as of the date when it is necessary to begin preparation of the ballot question:

1. A statement of the total debt service of the requested issue divided into principal and interest and indicating the interest rate and period of the bond; and

2. A statement of the county's bonded indebtedness prior to the requested bond issue.

The voters shall indicate by a cross or a check mark placed against the words "Yes" or "No" their opinion of the question.

This Part takes effect immediately upon its acceptance by a majority of the legal voters voting at the election provided the total number of votes cast for and against the acceptance of this Part equals or exceeds 30% of the total votes for all candidates for Governor cast in the next previous gubernatorial

election in the county. If at the first election the total number of votes cast for or against acceptance of this Part is less than 30% of the total votes for all candidates for Governor cast in the county in the next previous gubernatorial election, the county commissioners may submit the question to voters not more than one other time within the time prescribed in this section.

The result of the elections must be declared by the York County commissioners and due certificate filed with the Secretary of State.

Effective pending referendum.

CHAPTER 37

S.P. 740 - L.D. 2089

An Act to Authorize Department of Transportation Bond Issues in the Amount \$56,042,031 to Match Available Federal Funds for Improvements to Highways and Bridges, Airports and State-owned Ferry Facilities; Development of Rail Corridors and Marine Infrastructure; and Replacement of Public Transportation Fleets Statewide

Preamble. Two thirds of both Houses of the Legislature deeming it necessary in accordance with the Constitution of Maine, Article IX, Section 14, to authorize the issuance of bonds on behalf of the State of Maine to provide funds to match available federal funds for improvements to highways and bridges, airports and state-owned ferry facilities; development of rail corridors and marine infrastructure; and replacement of public transportation fleets statewide.

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

Sec. 1. Authorization of bonds to provide for improvements to highways and bridges, airports and state-owned ferry facilities; development of rail corridors and marine infrastructure; and replacement of public transportation fleets statewide. The Treasurer of State is authorized, under the direction of the Governor, to issue bonds in the name and on behalf of the State in an amount not exceeding \$56,042,031 to provide funds to match available federal funds for improvements to highways and bridges, airports and state-owned ferry facilities; development of rail corridors and marine infrastructure; and replacement of public transportation fleets statewide, as authorized by section 6 of this Act. The bonds are a pledge of the

full faith and credit of the State. The bonds may not run for a period longer than 20 years from the date of the original issue of the bonds. At the discretion of the Treasurer of State, with the approval of the Governor, any issuance of bonds may contain a call feature.

Sec. 2. Records of bonds issued to be kept by the Treasurer of State. The Treasurer of State shall keep an account of each bond showing the number of the bond, the name of the successful bidder to whom sold, the amount received for the bond, the date of sale and the date when payable.

Sec. 3. Sale; how negotiated; proceeds appropriated. The Treasurer of State may negotiate the sale of the bonds by direction of the Governor, but no bond may be loaned, pledged or hypothecated on behalf of the State. The proceeds of the sale of the bonds, which must be held by the Treasurer of State and paid by the Treasurer of State upon warrants drawn by the State Controller, are appropriated solely for the purposes set forth in this Act. Any unencumbered balances remaining at the completion of the project in section 6 of this Act lapse to the debt service account established for the retirement of these bonds.

Sec. 4. Interest and debt retirement. The Treasurer of State shall pay interest due or accruing on any bonds issued under this Act and all sums coming due for payment of bonds at maturity.

Sec. 5. Disbursement of bond proceeds. The proceeds of the bonds must be expended as set out in section 6 of this Act under the direction and supervision of the Commissioner of Transportation.

Sec. 6. Allocations from Highway Fund and General Fund bond issues; improvements to highways and bridges, airports and state-owned ferry facilities; development of rail corridors and marine infrastructure; and replacement of public transportation fleets statewide. The proceeds of the sale of bonds must be expended as designated in the following schedule.

TRANSPORTATION, DEPARTMENT OF

Highway Fund

Highway and Bridge Improvements	\$19,226,031
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Highway Fund Total	\$19,226,031
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General Fund

Airports	\$3,000,000
State-owned Ferry Facilities	1,000,000