

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

SECOND REGULAR SESSION
January 5, 2000 to May 12, 2000

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 11, 2000

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
2000

This Act takes effect for all the purposes immediately upon acceptance by a majority of the legal voters voting at the meeting only if the total number of votes cast for and against the acceptance of this Act at the meeting equal or exceed 15% of the total vote for all candidates for Governor cast in the Town of St. Agatha at the next preceding gubernatorial election, but failure of approval by the necessary percentage of voters at any meeting does not prohibit a subsequent meeting or meetings to be held for the purpose on or before December 31, 2001.

Effective pending referendum.

CHAPTER 87

H.P. 1803 - L.D. 2530

An Act to Provide Payment for Overtime Amounts Due and to Reimburse for Costs Incurred in An Action to Recover those Amounts

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

Sec. 1. Payments to employees and former employees. Upon receipt of a written release as provided in section 3, the Department of Administrative and Financial Services shall make payments as settlement of claims against the State, as specified in a document attached to a letter dated April 4, 2000 from David Plimpton, Special Master in the case of Mills v. Maine, No. 92-410-P-H (D.Me. 1992) to the chairs of the Joint Standing Committee on Judiciary. Copies of the document are on file at the Office of the Attorney General, the Bureau of Employee Relations within the Department of Administrative and Financial Services, the Department of Corrections and the Maine State Employees Association. Notwithstanding Title 5, section 17001, subsection 13, amounts paid pursuant to this Act are not considered "earnable compensation" for purposes of retirement.

Sec. 2. Costs of suit. Upon presentation of invoices indicating payment for the following costs, the Department of Administrative and Financial Services shall reimburse the entities who made the following payment:

1. Special Master Fees in the case of Mills v. Maine before the U.S. District Court for the District of Maine, not to exceed \$51,841.24;
2. Transcription costs in the case of Mills v. Maine, not to exceed \$5,815.47; and
3. Cost of printing legal briefs for appeal of the case of Alden v. Maine, 119 S. Ct. 2240 (1999) to the U.S. Supreme Court, not to exceed \$11,322.60.

Sec. 3. Release. Payments may not be made under this Act to any person unless that person signs a release releasing the State, its commissioners, directors and employees from any and all liability for claims relating to or arising out of claims for overtime compensation owed under the Fair Labor Standards Act, 29 United States Code, Section 201 et seq., including, but not limited to, all claims that were or could have been raised in the matters of Mills et al. v. Maine, Alden v. Maine, Farr et al. v. Maine, No. CV-97-438 (Cumb. Cty 2/26/96) and Blackie v. Maine, 75 F.3d 716 (1st Cir. 1996).

Sec. 4. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

2000-01

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Miscellaneous Acts and Resolves

All Other	\$282,894
Provides funds to pay employees and former employees for overtime and to reimburse for certain litigation costs in the cases of <u>Mills v. Maine</u> and <u>Alden v. Maine</u> .	

See title page for effective date.

CHAPTER 88

S.P. 915 - L.D. 2367

An Act to Provide for Safety in the Maine Conservation Corps

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

Whereas, the Legislature has identified the immediate need for providing additional safety equipment for operations of the Maine Conservation Corps; and

Whereas, the concentration of the Maine Conservation Corps activities in late spring, summer and early fall requires immediate attention to these safety needs; 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. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	1999-00	2000-01
LABOR, DEPARTMENT OF		
Employment Services Activity		
All Other	\$34,052	\$20,757
Provides funds for the purchase of safety-related equipment for the Maine Conservation Corps program.		

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

Effective May 5, 2000.

CHAPTER 89

S.P. 1042 - L.D. 2630

An Act to Support Maine's Only Representative to the Nation's Capital Bicentennial Celebration

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

Sec. 1. Appropriation. The following funds are appropriated from the General Fund to carry out the purposes of this Act.

	2000-01
ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF	
Miscellaneous Acts and Resolves	
All Other	\$10,000
Provides funds to the Brewer Hometown Band, which will	

represent the State at the Nation's Capital Bicentennial Celebration in October. These funds match funds to be raised by the band.

See title page for effective date.

CHAPTER 90

S.P. 990 - L.D. 2545

An Act to Reduce the State Tax Valuation for the Town of Standish

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

Whereas, it is necessary that this legislation be enacted as an emergency in order that decisions regarding county taxes and school appropriations and any other decisions based on the just value of property in the Town of Standish be based on the correct 2000 state tax valuation for Portland Water District's property; and

Whereas, on November 16, 1999, the Maine Supreme Judicial Court ruled that the property known as Portland Water District property situated in the Town of Standish is exempt from taxes; and

Whereas, awaiting the next valuation adjustment by the State is a severe hardship to the Town of Standish; 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. Establish 2000 state valuation for Town of Standish. Notwithstanding the Maine Revised Statutes, Title 36, the 2000 state valuation of the Town of Standish must be based on a valuation that values the property of the Portland Water District in the Town of Standish at \$2,019,244.

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

Effective May 5, 2000.