LAWS

OF THE

STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST REGULAR SESSION
December 6, 2000 to June 22, 2001

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 21, 2001

PUBLISHED BY THE REVISOR OF STATUTES
IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

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Augusta, Maine
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expenditures in the Bureau of Health in the Department of Human Services to General Fund undedicated revenue no later than June 30, 2001.

PART G

Sec. G-1. Carrying balances - Inland Fisheries and Wildlife program. In accordance with Public Law 1999, chapter 16, Part G, section 6, $726,092 must be transferred from the unappropriated surplus of the General Fund to the Carrying Balances - Inland Fisheries and Wildlife program on or before June 30, 2001.

PART H

Sec. H-1. Department of Mental Health, Mental Retardation and Substance Abuse Services; revenue. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the Department of Mental Health, Mental Retardation and Substance Abuse Services is authorized to seek reimbursement of expenditures under Medicaid Title XIX for targeted case management and shall deposit such reimbursements in the General Fund as undedicated revenue.

Sec. H-2. Transfers authorized. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the Department of Mental Health, Mental Retardation and Substance Abuse Services is authorized to transfer by financial order Personal Services expenditures funding between accounts within the same fund for the payment of overtime expenses at the Augusta Mental Health Institute, Bangor Mental Health Institute, Elizabeth Levinson Center, Aroostook Residential Center and Freeport Towne Square.

Sec. H-3. Report. The Department of Mental Health, Mental Retardation and Substance Abuse Services shall report back on a quarterly basis within 30 days of the close of each quarter to the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs and the joint standing committee of the Legislature having jurisdiction over health and human services matters on all transfers authorized pursuant to section 2.

PART I

Sec. I-1. Carrying balance. Any unencumbered balance of funds appropriated in Public Law 1999, chapter 731, Part A, section 1, remaining on June 30, 2001, in the Administration - Aeronautics program, General Fund account in the Department of Transportation may not lapse but must be carried forward to June 30, 2002, to be used for the same purposes. The Department of Transportation shall report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Transportation within 90 days of the closing of fiscal year 2000-01 concerning the amounts carried forward from June 30, 2001, and how these resources will be used in fiscal year 2001-02.

Sec. I-2. Carrying balance. Any unencumbered balance of funds appropriated in Public Law 1999, c. 731, Part A, section 1, remaining on June 30, 2001, in the Railroad Assistance Program, General Fund account in the Department of Transportation may not lapse but must be carried forward to June 30, 2002, to be used for the same purposes. The Department of Transportation shall report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Transportation within 90 days of the closing of fiscal year 2000-01 concerning the amounts carried forward from June 30, 2001, and how these resources will be used in fiscal year 2001-02.

PART J

Sec. J-1. Transfer. Notwithstanding any other provision of law, the balance of any appropriation or allocation that is not fully expended in any account administered by the Legislature may be transferred to be used to support the activities of the Legislature.

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

Effective February 1, 2001.

CHAPTER 2

S.P. 339 - L.D. 1146

An Act to Give the Legislative Council Discretion in Appointing Members to the Revenue Forecasting Commission

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

Whereas, it is important to change the membership of the Revenue Forecasting Committee to provide continuity to the committee; 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. 5 MRSA §1710-E, as amended by PL 1999, c. 127, Pt. A, §8, is further amended to read:

§1710-E. Revenue Forecasting Committee; established; membership

There is established the Revenue Forecasting Committee, referred to in this chapter as the "committee," for the purpose of providing the Governor, the Legislature and the State Budget Officer with analyses, findings and recommendations relating to the projection of revenues for the General Fund and the Highway Fund based on economic assumptions recommended by the Consensus Economic Forecasting Commission. The committee includes the State Budget Officer, the State Tax Assessor, the State Economist, an economist on the faculty of the University of Maine System selected by the chancellor, the Director of the Office of Fiscal and Program Review and ~~an analyst from the Office of Fiscal and Program Review designated by the director of that office~~ another member of the Legislature's nonpartisan staff familiar with revenue estimating issues appointed by the Legislative Council. One of the 6 members must be selected by a majority vote of the committee members to serve as the chair of the committee.

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

Effective February 22, 2001.

CHAPTER 3

H.P. 71 - L.D. 80

An Act to Allow Certified Insurance Counselors to Qualify as Risk Managers

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

Sec. 1. 24-A MRSA §2412-A, sub-§1, ¶B, as amended by PL 1999, c. 538, §1 and affected by §3, is further amended to read:

B. "Large commercial policyholder" means an insurance contract holder that is a corporation, partnership, trust, sole proprietorship or other business or public entity and that has certified that it meets:

(1) At least 2 of the following 3 criteria:

(a) A net worth of $10,000,000 as certified by a certified public accountant or public accountant authorized to do business in this State;

(b) Net revenue or sales of $5,000,000 as certified by a certified public accountant or public accountant authorized to do business in this State; or

(c) A total of more than 25 employees per individual company or more than 50 employees per holding company; and

(2) The following criteria:

(a) The use of an employed or retained risk manager to procure insurance. For purposes of this division, "risk manager" means a chartered property and casualty underwriter, a certified insurance counselor, an associate in risk management, a certified risk manager or a licensed insurance consultant; and

(b) Aggregate property and casualty insurance premiums, excluding workers' compensation, medical malpractice, life, health and disability insurance premiums as follows:

(i) Until December 31, 2000, $90,000;

(ii) From January 1, 2001 until December 31, 2001, $75,000;

(iii) From January 1, 2002 until December 31, 2002, $60,000; and

(iv) After January 1, 2003, $50,000.

"Large commercial policyholder" also includes a nonprofit or public entity with an annual budget or assets of $25,000,000 or more that meets the criteria listed in subparagraph (2) and a municipality with a population of 20,000 or more that meets the premium criteria listed in subparagraph (2), division (b).

A commercial policyholder that meets the premium criteria listed in subparagraph (2), division (b) but that does not meet 3 of the qualifying criteria listed in either subparagraph (1) or subparagraph (2), division (a) may petition the superintendent for a waiver of the remaining