

MAINE STATE LEGISLATURE

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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

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IN ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED,
TITLE 3, SECTION 163-A, SUBSECTION 4.

J.S. McCarthy Company
Augusta, Maine
2001

CHAPTER 80

H.P. 396 - L.D. 517

An Act to Establish the Identification Card of a Maine Indian Tribe as an Acceptable Form of Identification

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

Sec. 1. 29-A MRSA §1410, sub-§7 is enacted to read:

7. Maine Indian tribe identification cards. An official identification card issued by a federally recognized Indian tribe in the State is deemed an identification card issued under this section. Cards issued under this subsection may be issued only to members of the tribe and must be stamped and issued by the clerk of the tribe. The identification card must state, at a minimum, the name, date of birth and place of residence, or mailing address if different from the residence, of the cardholder.

See title page for effective date.

CHAPTER 81

S.P. 224 - L.D. 789

An Act to Discourage Frivolous Appeals

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

Sec. 1. 14 MRSA §1802 is amended to read:

§1802. Appeal found to be frivolous

If an appeal to the law court or Superior Court is found by that court to have been frivolous and intended for delay, treble costs may be allowed to the prevailing party.

See title page for effective date.

CHAPTER 82

H.P. 322 - L.D. 412

An Act to Amend the Maine Consumer Credit Code

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

Sec. 1. 9-A MRSA §3-308, sub-§3, as repealed and replaced by PL 1985, c. 113, §2, is amended to read:

3. A schedule of payments may provide for the deferral of the first periodic payment subsequent to any down payment for a period of not more than ~~90 days~~ 12 months, except that interest or costs may not accrue in connection with the deferral of the first periodic payment;

See title page for effective date.

CHAPTER 83

S.P. 212 - L.D. 777

An Act to Make Additional Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and Change Certain Provisions of State Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2001

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

Whereas, the 90-day period may not terminate until after the beginning of the next fiscal year; and

Whereas, certain obligations and expenses will become due and payable prior to July 1, 2001; 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:

PART A

Sec. A-1. Supplemental allocations from Highway Fund. There are allocated from the Highway Fund for the fiscal year ending June 30, 2001 to the departments listed the following sums.

2000-01

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Buildings and Grounds Operations

Personal Services	\$15,000
All Other	(15,000)
TOTAL	<u>0</u>

Provides for the transfer of All Other funds to Personal Services to cover winter and emergency overtime.

Salary Plan

Personal Services	(500,000)
Provides for the deallocation of funds not required to meet costs associated with collective bargaining.	

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES TOTAL

(500,000)

TRANSPORTATION, DEPARTMENT OF

Local Bridges

Personal Services	(400,000)
Capital Expenditures	400,000
TOTAL	<u>0</u>

Provides for the allocation of funds required to properly align funds to meet project requirements.

Highway and Bridge Improvement

Personal Services	400,000
Capital Expenditures	(400,000)
TOTAL	<u>0</u>

Provides for the allocation of funds required to properly align funds to meet project requirements.

Island Town Refund

All Other	12,116
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Provides for the allocation of All Other funding to properly pay the island towns, in accordance with the Maine Revised Statutes, Title 29-A, section 203.

Highway Maintenance

All Other	1,500,000
Capital Expenditures	1,500,000
TOTAL	<u>3,000,000</u>

Provides for the allocation of funds for maintenance materials, equipment rental and ongoing project commitments.

Highway and Bridge Improvement

Capital Expenditures	(3,000,000)
Provides for the deallocation of funds due to the delay in project construction.	

DEPARTMENT OF TRANSPORTATION TOTAL

12,116

SECTION TOTAL ALLOCATIONS

(487,884)

Sec. A-2. Supplemental allocations from Highway Garage Fund. There are allocated from the Highway Garage Fund for the fiscal year ending June 30, 2001 the following sums.

2000-01

TRANSPORTATION, DEPARTMENT OF

Motor Transport Service

Personal Services	300,000
All Other	(300,000)
TOTAL	<u>0</u>

Provides for the allocation of funds no longer required in All Other to cover the cost of collective bargaining increases.

DEPARTMENT OF TRANSPORTATION TOTAL

0

SECTION
TOTAL ALLOCATIONS _____
0

Sec. A-3. Supplemental allocations from Island Ferry Service Fund. There are allocated from the Island Ferry Service Fund for the fiscal year ending June 30, 2001 the following sums.

2000-01

**TRANSPORTATION,
DEPARTMENT OF
Island Ferry Service**

Personal Services 200,000

Provides for the allocation of funds to cover the cost of collective bargaining increases.

Island Ferry Service

All Other 300,000

Provides for the allocation of All Other funding for extraordinary vessel maintenance, fire-fighting equipment and increased fuel costs.

**DEPARTMENT OF
TRANSPORTATION
TOTAL** _____
500,000

SECTION
TOTAL ALLOCATIONS _____
500,000

Sec. A-4. Allocation. The following funds are allocated from the Federal Expenditures Fund for the fiscal year ending June 30, 2001 to carry out the purposes of this Part.

2000-01

**TRANSPORTATION,
DEPARTMENT OF
Highway Maintenance**

Personal Services 50,000

All Other 50,000

Capital Expenditures 500,000

Provides for the allocation of funds in order to provide departmental engineering services support costs and contract funding to construct

an emergency relief project in southern Maine.

**DEPARTMENT OF
TRANSPORTATION
TOTAL** _____
600,000

SECTION
TOTAL ALLOCATIONS _____
600,000

Sec. A-5. Allocation. The following funds are allocated from Other Special Revenue funds for the fiscal year ending June 30, 2001 to carry out the purposes of this Part.

2000-01

**TRANSPORTATION,
DEPARTMENT OF
Highway Maintenance**

All Other 150,000

Capital Expenditures 150,000

Provides for the allocation of funds to meet the municipal share of ongoing maintenance projects.

**DEPARTMENT OF
TRANSPORTATION
TOTAL** _____
300,000

SECTION
TOTAL ALLOCATIONS _____
300,000

Sec. A-6. Allocation. The following funds are allocated from the Marine Ports Fund for the fiscal year ending June 30, 2001 to carry out the purposes of this Part.

2000-01

**TRANSPORTATION,
DEPARTMENT OF
Marine Ports Fund**

All Other 3,000,000

Provides for the allocation of All Other funds resulting from the sale of the Portland Drydock. These funds must be used to provide a \$1,000,000 grant for a dredging and marine infrastructure loan fund and \$2,000,000 to support the Ocean Gateway/International Marine Terminal improvement

project at the Portland Pier and any costs for legal services and other expenses related to delivery of the drydock to the buyer, as well as costs arising from the removal of hazardous waste and contaminants from the drydock.

DEPARTMENT OF TRANSPORTATION	
TOTAL	3,000,000
SECTION	
TOTAL ALLOCATIONS	\$3,000,000

PART B

Sec. B-1. Nonlapsing funds. Any unencumbered balance of funds remaining in the Department of Transportation, Administration and Planning program, Highway Fund account on June 30, 2001, after assuming all costs for that program, including collective bargaining costs, may not lapse. These funds may be transferred to the Building Renovations Account established in the Maine Revised Statutes, Title 23, section 1655 within the Department of Transportation to support building renovation initiatives within the Department of Transportation. Within 30 days of acceptance of the financial order, the Commissioner of Transportation shall provide to the members of the Joint Standing Committee on Transportation a report detailing the financial adjustments to affected Highway Fund program accounts and detailing the status of the Building Renovations Account.

Sec. B-2. Transfer to the Department of Transportation. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, at the close of fiscal year 2000-01, the State Controller shall transfer an amount not to exceed \$3,000,000 from the unallocated balance in the Highway Fund that is in excess of \$17,715,924 after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute, to the Highway and Bridge Improvement program, Highway Fund account, in the Department of Transportation. The Commissioner of Transportation is authorized to allot these funds, by financial order, upon the recommendation of the State Budget Officer and the approval of the Governor. Within 30 days of acceptance of the financial order, the Commissioner of Transportation shall provide to the members of the Joint Standing Committee on Transportation a report detailing the financial status of the Highway and Bridge Improvement program.

PART C

Sec. C-1. 23 MRSA §4210 is enacted to read:

§4210. Transportation Facilities Fund

1. Fund established. The Transportation Facilities Fund, referred to in this section as the "fund," is established as a nonlapsing fund through the Department of Administrative and Financial Services, Bureau of Accounts and Control as an internal service fund administered by the Department of Transportation.

2. Fund services. Money deposited in the fund may include, but is not limited to, money transferred to the account from within the department, money received from the units within the department using the rental spaces provided by the fund and earnings by the fund from the Treasurer of State's cash pool.

3. Distribution from fund. Money distributed from the fund may be used for the purpose of purchasing, operating, maintaining, improving, repairing, constructing and managing buildings, including permanent storage facilities, garages and field office buildings, except for buildings and facilities under the supervision of the Department of Administrative and Financial Services, Bureau of General Services.

4. Leased space. Use of the fund in order to lease space to the operating units of the department must comply with the rate schedule approved by the commissioner. Lease payments must provide for repair costs, operating costs, necessary capital investment, working capital for the fund and must be developed and levied in accordance with the provisions of Federal Office of Management and Budget Circular A-87 or its successor document.

5. Budget. Upon recommendation of the State Budget Officer and approval by the Governor, prior legislatively authorized budgets within the department may be realigned to ensure adequate funding for projected lease payments. Within 10 days of any realignment of a prior legislatively authorized budget, the commissioner shall submit a written report that details the realignments to the joint standing committee of the Legislature having jurisdiction over transportation matters. After realignment of the budgets, full and normal budgeting will occur for the fund in future years. Expenditures from the fund are subject to allocations that must be approved by the Legislature.

PART D

Sec. D-1. 23 MRSA §1655 is enacted to read:

§1655. Building Renovations Account

1. Account established. The Building Renovations Account, referred to in this section as the "account," is established in the Highway Fund within the department. The purpose of the account is to maintain temporary control and accountability over the receipt of funds through allocations, transfers or from other various sources that are earmarked for the building renovation project at the Department of Transportation main facility in the Capitol Complex.

2. Nonlapsing account. Any unexpended money remaining in the account at the end of a fiscal year may not lapse but must be carried forward.

3. Transfer authority. The commissioner or the Commissioner of Administrative and Financial Services may transfer funds from the account within the Department of Transportation to the Capital Construction and Improvement Reserve Fund, established in Title 5, section 1742-F, subsection 1 within the Department of Administrative and Financial Services, Bureau of General Services. Funds may be transferred and allotted by financial order upon recommendation of the State Budget Officer and approval of the Governor to be used toward the expenditures of the building renovation project.

PART E

Sec. E-1. 5 MRSA §1742-F is enacted to read:

§1742-F. Capital Construction and Improvement Reserve Fund

1. Fund. The Capital Construction and Improvement Reserve Fund, referred to in this section as the "fund," is established as a program account in the Highway Fund within the Department of Administrative and Financial Services, Bureau of General Services. The purpose of the fund is to maintain control and accountability over the receipt and expenditures of funds earmarked for the building renovation project at the Department of Transportation main facility in the Capitol Complex. Funds appropriated, allocated, transferred or deposited in the fund accrue interest earnings that must be used for construction and improvements of the building renovation project.

2. Use of funds. The money deposited into the fund may be used for, but is not limited to, the cost of preconstruction consultant services, preconstruction operational costs, any direct or indirect costs for repairs, renovations and construction associated with the actual project described in subsection 1 and for any debt service costs that may be incurred.

3. Nonlapsing account. Any unexpended money remaining in the fund may not lapse but must be carried forward.

4. Transfer authority. The Commissioner of Administrative and Financial Services may transfer funds from the Building Renovations Account, established in Title 23, section 1655, subsection 1 to the Capital Construction and Improvement Reserve Fund within the Department of Administrative and Financial Services, Bureau of General Services for the purpose of accruing interest earnings to be used for the Department of Transportation building renovation project. These funds may be transferred and allotted at any time during the fiscal year by financial order upon recommendation of the State Budget Officer and approval of the Governor.

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

Effective May 3, 2001.

CHAPTER 84

H.P. 195 - L.D. 206

An Act to Clarify the Use of 2-sided Ballots

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

Sec. 1. 21-A MRSA §848, sub-§1, as amended by PL 1995, c. 459, §100, is further amended to read:

1. Ballot format. Ballots furnished for elections must have the titles of offices and the names of candidates arranged in vertical columns. The office title with a statement of the number of candidates to be voted for must be printed above the names of the candidates for that office. The names of candidates must be printed in the order provided by law. In all except primary and nonpartisan elections, the party designation of each candidate must be printed following or below the candidate's name, in bold type. The number of columns and the length of the ballot may be adjusted as is necessary to accommodate all of the offices, candidates and write-in spaces constituting the total slate for that election. The Secretary of State shall determine the colors of paper on which each ballot must be printed. Symbols such as arrows or ovals may be used to indicate the voter's choice of candidate for each office for which the voter must either complete an arrow or completely fill in an oval to indicate the voter's choice. For ballots that are double-sided, each side of the ballot must include a clearly printed message at the bottom of the ballot reminding the voter to mark both sides of the ballot.

See title page for effective date.
