

# 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**

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

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**J.S. McCarthy Company**  
**Augusta, Maine**  
**2001**

A license for the practice of funeral service as used in this chapter shall be is the license given to a person who is engaged in the practice of funeral service as above defined.

**Sec. 3. 32 MRSA §1451, 2nd ¶**, as amended by PL 1989, c. 450, §16, is further amended to read:

The board may adopt rules consistent with law governing ~~the care, preparation, transportation, cremation, burial or disposition of dead human bodies, and governing the practice of~~ funeral service, including but not limited to licensing or registration, or both, of practitioner trainees, practitioners of funeral service, funeral directors, embalmers, funeral attendants, funeral home establishments and branches. These rules shall do not become effective unless adopted in conformity with the ~~Maine Administrative Procedure Act~~, Title 5, chapter 375, subchapter II.

See title page for effective date.

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**CHAPTER 170**

**H.P. 427 - L.D. 548**

**An Act to Repeal the Requirement that the Kennebec County Budget be Approved by the Legislature**

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

**Sec. 1. 30-A MRSA c. 3, sub-c. I, art. 8** is amended by repealing the article headnote and enacting the following in its place:

**Article 8**

**KENNEBEC COUNTY BUDGET COMMITTEE**

**Sec. 2. 30-A MRSA §862**, as amended by PL 1991, c. 533, §3 and affected by §10, is further amended to read:

**§862. Kennebec County Budget Committee**

In Kennebec County there is established the Kennebec County ~~Advisory~~ Budget Committee to carry out the purposes of this article. The ~~advisory~~ budget committee consists of 9 elected officials and a subcommittee of 6 nonvoting members of the county legislative delegation or their designees as provided in this section.

**1. Membership; elected officials.** The 9 ~~advisory~~ budget committee members who are elected officials are appointed as provided in this section.

~~A. In 1991 and annually thereafter~~ Annually, the county commissioners shall call a meeting of elected officials within each county commissioner district no later than September 15th. A public notice of the meeting must be issued at least 10 days before the meeting is held. Each commissioner shall serve as the nonvoting moderator of the meeting in that commissioner's district. At the meeting, the elected officials shall nominate a slate of proposed members for the ~~advisory~~ budget committee. Each commissioner shall select one ~~advisory~~ budget committee member from the slate of proposed members within 7 days of the meeting, ~~except for the selection of the initial advisory budget committee as provided in subsection 1-B.~~

**1-A. Membership; legislative delegation.** A subcommittee of 6 members of the Kennebec County legislative delegation or their designees shall serve as nonvoting members of the ~~advisory~~ budget committee.

A. The subcommittee is appointed by the chair and must be ratified by a vote of the legislative delegation.

B. The subcommittee shall serve as a resource to the ~~advisory~~ budget committee and as a liaison to the legislative delegation.

~~**1-B. Initial election.** Notwithstanding subsections 1 and 3, in the initial election of the advisory budget committee in 1991, 3 members are elected from each county commissioner district. One member from each district is appointed for a term of 3 years, one member from each district is appointed for a term of 2 years and one member from each district is appointed for a term of one year.~~

**2. Duties.** The ~~advisory~~ budget committee shall review the budget estimates prepared by the county commissioners, hold public hearings in the county and submit their recommendations to the county commissioners.

**3. Term of office.** The term of office for an ~~advisory~~ a budget committee member who is an elected official is 3 years, provided that an ~~advisory~~ a budget committee member remains an elected official in the elected official's municipality. ~~This subsection does not apply to the initial advisory budget committee members whose terms are described in subsection 1-B.~~

**4. Vacancies.** The county commissioners shall appoint an elected official to fill any vacancy occurring on the ~~advisory~~ budget committee. A vacancy must be filled from the commissioner district in which the vacancy occurred and is for the balance of the unexpired term.

**5. Expenses.** Members are not entitled to compensation, but must be reimbursed at the county rate from the county treasury for expenses authorized by the county commissioners that are lawfully incurred in the performance of their duties.

**Sec. 3. 30-A MRSA §863**, as repealed and replaced by PL 1991, c. 533, §4 and affected by §10, is amended to read:

**§863. Budget committee organization**

The ~~advisory~~ budget committee shall organize and conduct its meetings as follows.

**1. Organization.** The county commissioners shall direct the county clerk to call an organizational meeting of the ~~advisory~~ budget committee no later than 60 days before the end of the county's fiscal year. At the organizational meeting, the committee shall:

- A. Elect a chair and a recording secretary from among its members; and
- B. Adopt rules, procedures and bylaws.

**2. Meetings.** The ~~advisory~~ budget committee shall determine the time and location of the ~~advisory~~ budget committee meetings. The meetings must be held at times convenient for the public. The ~~advisory~~ budget committee shall keep minutes and record votes for every meeting. The county clerk shall issue a public notice of a meeting no later than 7 days before the meeting is held.

**3. Resources.** The county commissioners shall provide the ~~advisory~~ budget committee with necessary clerical assistance, office expenses and suitable meeting space, as well as access to county files and information.

**Sec. 4. 30-A MRSA §864**, as amended by PL 1991, c. 533, §§5 to 8 and affected by §10, is further amended to read:

**§864. Budget procedures**

**1. Commissioners' budget.** The county commissioners shall submit an itemized budget estimate, as described in sections 701, 702 and 7503, to the ~~advisory~~ budget committee in a timely fashion, no later than 60 days before the end of the county's fiscal year.

**2. Budget review process.** The ~~advisory~~ budget committee shall develop a proposed budget following review of the ~~proposed~~ itemized budget estimate prepared by the county commissioners, together with any supplementary material prepared by the head of each county department or provided by any independent board or institution or another governmental agency. The ~~advisory~~ budget committee may ~~advise~~

propose that the ~~proposed~~ budget estimate be increased, decreased, altered or revised, provided that:

- A. The ~~advisory~~ budget committee enters into its minutes an explanation for any recommended change in the estimated expenditures and revenues as initially presented by the county commissioners; and
- B. The total estimated revenues, together with the amount of county tax to be levied, equals the total estimated expenditures.

**3. Public hearing.** The ~~advisory~~ budget committee shall hold at least 2 public hearings in the county on the proposed budget before the end of the county's fiscal year and before submitting the budget to the commissioners ~~finally approve the budget~~. At least one public hearing must be held in the northern part of the county and at least one public hearing must be held in the southern part of the county. Notice of the hearing must be given at least 10 days before the hearing in a newspaper of general circulation within the county.

**3-A. Written notification.** Written notice and a copy of the proposed budget must be sent at least 10 days before the public hearing to the clerk of each municipality in the county. The municipal clerk shall notify the elected officials of the proposed budget.

**4. Approval of budget.** After the public hearings are completed, the ~~advisory~~ budget committee shall adopt a final budget and shall submit its ~~recommendations that budget~~ to the county commissioners for ~~approval~~ review not later than the end of the county's fiscal year, subject to the conditions and restrictions imposed in subsection 2. The county commissioners may not revise the budget adopted by the budget committee except by unanimous vote of the county commissioners. If the adopted budget is changed by the county commissioners, the budget committee may reject that change by a 2/3 vote of its membership. Those actions are final and are not subject to further action by either the county commissioners or the budget committee.

~~**4-A. Legislative approval.** Before January 15th of the fiscal year for which the budget is prepared, the county commissioners shall submit the budget to the Legislature. The Legislature shall approve, disapprove or amend the budget as submitted.~~

**5. Interim budget.** If the budget is not approved before the start of a fiscal year, until a budget is finally adopted, the county shall operate on an interim budget ~~which that~~ may not exceed the previous year's budget.

**6. Transfer of funds.** The county commissioners may transfer funds as provided in section 922.

**Sec. 5. Transition.** The members of the Kennebec County Advisory Budget Committee who are elected officials continue to hold office as members of the Kennebec County Budget Committee established in this Act for the remainder of the term to which they were appointed. Following completion of their terms, vacancies are filled as provided in the Maine Revised Statutes, Title 30-A, section 862.

See title page for effective date.

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## CHAPTER 171

### H.P. 264 - L.D. 313

#### An Act Regarding Prisoner Participation in Public Work Projects or Improvements to Charitable Organizations' Property

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

**Sec. 1. 30-A MRSA §1605, sub-§2,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is repealed.

**Sec. 2. 30-A MRSA §1605, sub-§2-A** is enacted to read:

**2-A. Grant of privilege.** The granting of a privilege described in subsection 1 is governed by the following:

A. Prior to 90 days after the adjournment of the First Regular Session of the 121st Legislature, the sheriff may grant a privilege described in subsection 1; and

B. Beginning 90 days after the adjournment of the First Regular Session of the 121st Legislature, unless the court expressly grants a privilege described in subsection 1, the prisoner is sentenced to ordinary confinement. The court may grant a privilege at the time of sentence or commitment or thereafter.

**Sec. 3. 30-A MRSA §1605, sub-§3,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

**3. Wages, self-employment income; collection.** If a prisoner is employed for wages or salary, the sheriff shall collect the wages or salary or require the prisoner to turn over the wages or salary in full when received. If the prisoner is self-employed, the self-employment income ~~shall must~~ be turned over to the sheriff ~~as may be ordered by the court.~~ The sheriff

shall deposit the income in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. The wages or salaries are not subject to trustee process in the hands of either the employer or the sheriff, and the self-employment income is not subject to trustee process in the hands of the sheriff during the prisoner's term and ~~shall may~~ be disbursed only as provided in this section; but for tax purposes they are income of the prisoner.

This subsection is repealed 90 days after the adjournment of the First Regular Session of the 121st Legislature.

**Sec. 4. 30-A MRSA §1605, sub-§3-A** is enacted to read:

**3-A. Wages, self-employment income; collection.** If a prisoner is employed for wages or salary, the sheriff shall collect the wages or salary or require the prisoner to turn over the wages or salary in full when received. If the prisoner is self-employed, the self-employment income must be turned over to the sheriff as may be ordered by the court. The sheriff shall deposit the income in a trust checking account and shall keep a ledger showing the status of the account of each prisoner. The wages or salaries are not subject to trustee process in the hands of either the employer or the sheriff, and the self-employment income is not subject to trustee process in the hands of the sheriff during the prisoner's term and may be disbursed only as provided in this section; but for tax purposes they are income of the prisoner.

This subsection takes effect 90 days after the adjournment of the First Regular Session of the 121st Legislature.

**Sec. 5. 30-A MRSA §1605, sub-§5,** as enacted by PL 1987, c. 737, Pt. A, §2 and Pt. C, §106 and amended by PL 1989, c. 6, c. 9, §2 and c. 104, Pt. C, §§8 and 10, is further amended to read:

**5. Disbursements.** ~~By order of the court, the~~ The wages or salaries of employed prisoners and employment income of self-employed prisoners ~~shall must~~ be disbursed by the sheriff for the following purposes, in the following order ~~stated~~:

- A. The board of the prisoners;
- B. Necessary travel expenses to and from work and other incidental expenses of the prisoners;
- C. Support of the prisoners' dependents, if any;
- D. Payments, either in full or ratably, of restitution, and of the prisoners' obligations, acknowledged in writing, in accordance with Title 17-A, chapter 54, or ~~which that~~ have been reduced to judgment; and