

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

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
2001

Maine Dental Education Loan Program

All Other	\$60,000	\$120,000
Provides additional funds from the Fund for a Healthy Maine for loans to Maine residents enrolled in a school of dental education or to repay loan agreements for practicing doctors of dental medicine who practice in underserved population areas.		

See title page for effective date, unless otherwise indicated.

CHAPTER 440

S.P. 388 - L.D. 1285

An Act to Make Supplemental Highway Allocations for the Expenditures of State Government and to Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2001, June 30, 2002 and June 30, 2003

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 incident to the operation of state departments and institutions will become due and payable immediately after 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. Allocations. In order to provide for necessary expenditures of State Government and other purposes for the fiscal years ending June 30, 2002 and June 30, 2003, the following sums as designated in the

following tabulations are allocated out of any money not otherwise allocated.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

New Initiative: Provides funds for the Salary Plan to cover prospective salary cost increases associated with the collective bargaining process.

Highway Fund	2001-02	2002-03
Personal Services		\$2,346,927
Total		2,346,927

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Department totals	2001-02	2002-03
Department Summary - All Funds		2,346,927
Department Summary - Highway Fund		2,346,927

PUBLIC SAFETY, DEPARTMENT OF

State Police

New Initiative: Minimum shift coverage.

Highway Fund	2001-02	2002-03
Personal Services	608,929	621,471
All Other	54,071	56,529
Total	663,000	678,000

New Initiative: Transfer one Secretary position from the Bureau of Liquor Enforcement.

Highway Fund	2001-02	2002-03
Personal Services	25,128	25,835
All Other	268	276
Total	25,396	26,111

New Initiative: Transfer one Clerk Typist III position to the Bureau of Liquor Enforcement.

Highway Fund	2001-02	2002-03
Personal Services	(22,733)	(23,409)
All Other	(243)	(250)
Total	(22,976)	(23,659)

PUBLIC SAFETY, DEPARTMENT OF

Department totals	2001-02	2002-03
Department Summary - All Funds	665,420	680,452
Department Summary - Highway Fund	665,420	680,452

SECRETARY OF STATE, DEPARTMENT OF THE

Administration - Motor Vehicles

New Initiative: Provides funds for 10 limited-period Motor Vehicle Service Representative positions through June 7, 2003.

Highway Fund	2001-02	2002-03
Personal Services	261,011	359,410
All Other	32,109	9,191
Total	293,120	368,601

SECRETARY OF STATE, DEPARTMENT OF THE		
Department totals	2001-02	2002-03
Department Summary - All Funds	293,120	368,601
Department Summary - Highway Fund	293,120	368,601

TRANSPORTATION, DEPARTMENT OF

Highway and Bridge Improvement

New Initiative: Provides for the allocation of funds to continue highway and bridge improvement projects based on available additional revenues.

Highway Fund	2001-02	2002-03
All Other	500,000	500,000
Capital Expenditures	2,400,000	2,400,000
Total	2,900,000	2,900,000

Urban-Rural Initiative Program

New Initiative: Provides for an allocation of funds for the Urban-Rural Initiative Program representing its share of the proposed additional revenues.

Highway Fund	2001-02	2002-03
All Other	450,000	450,000
Total	450,000	450,000

TRANSPORTATION, DEPARTMENT OF

Department totals	2001-02	2002-03
Department Summary - All Funds	3,350,000	3,350,000
Department Summary - Highway Fund	3,350,000	3,350,000

STATEWIDE SUMMARY - ALL FUNDS	\$4,308,540	\$6,745,980
STATEWIDE SUMMARY - HIGHWAY FUND	\$4,308,540	\$6,745,980

PART B

Sec. B-1. Allocations; Highway Fund.

The following funds are allocated from the Highway Fund for the fiscal years ending June 30, 2002 and June 30, 2003 to the departments listed in order to provide funding for approved reclassifications and range changes.

	2001-02	2002-03
PUBLIC SAFETY, DEPARTMENT OF		
Administration - Public Safety		
Personal Services	\$4,433	\$4,492
All Other	(4,433)	(4,492)

TOTAL	0	0
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State Police

Personal Services	20,072	14,459
All Other	(20,072)	(14,459)

TOTAL	0	0
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Traffic Safety

Personal Services	2,629	2,629
All Other	(2,629)	(2,629)

TOTAL	0	0
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DEPARTMENT OF PUBLIC SAFETY

TOTAL	0	0
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SECRETARY OF STATE, DEPARTMENT OF THE

Administration - Motor Vehicle

Personal Services	7,030	7,116
All Other	(7,030)	(7,116)

TOTAL	0	0
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DEPARTMENT OF THE SECRETARY OF STATE

TOTAL	0	0
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TRANSPORTATION, DEPARTMENT OF

Administration and Planning

Personal Services	47,804	42,142
All Other	(47,804)	(42,142)

TOTAL	0	0
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Bridge Maintenance

Personal Services	98,218	55,687
All Other	(98,218)	(55,687)

TOTAL	0	0
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Highway and Bridge Improvement

Personal Services	89,165	73,108
All Other	(89,165)	(73,108)

TOTAL	0	0
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Highway Maintenance

Personal Services	269,330	103,048
All Other	(269,330)	(103,048)

TOTAL	0	0
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Traffic Service

Personal Services	10,199	9,773
All Other	(10,199)	(9,773)

TOTAL	0	0
DEPARTMENT OF TRANSPORTATION		
TOTAL	0	0
SECTION		
TOTAL ALLOCATIONS	0	0

Sec. B-2. Allocations; Federal Expenditures Fund. The following funds are allocated from the Federal Expenditures Fund for the fiscal years ending June 30, 2002 and June 30, 2003 to the departments listed in order to provide funding for approved reclassifications and range changes.

	2001-02	2002-03
TRANSPORTATION, DEPARTMENT OF		
Highway and Bridge Improvement		
Personal Services	195,161	141,318
All Other	(195,161)	(141,318)
TOTAL	0	0
Traffic Services		
Personal Services	7,735	6,170
All Other	(7,735)	(6,170)
TOTAL	0	0
DEPARTMENT OF TRANSPORTATION		
TOTAL	0	0
SECTION		
TOTAL ALLOCATIONS	0	0

Sec. B-3. Allocations; Island Ferry Service Fund. The following funds are allocated from the Island Ferry Service Fund for the fiscal years ending June 30, 2002 and June 30, 2003 to the departments listed in order to provide funding for approved reclassifications and range changes.

	2001-02	2002-03
TRANSPORTATION, DEPARTMENT OF		
Island Ferry Service		
Personal Services	9,552	4,640
DEPARTMENT OF TRANSPORTATION		
TOTAL	9,552	4,640

SECTION	9,552	4,640
TOTAL ALLOCATIONS	9,552	4,640

PART C

Sec. C-1. 29-A MRSA §603, sub-§1, as amended by PL 1999, c. 470, §7, is further amended to read:

1. Fee of \$23. A fee of ~~\$15~~ \$23 must be paid to the Secretary of State for the following:

- A. A report of a search of the records of the Bureau of Motor Vehicles for each name or identification number;
- B. Filing an application for a first certificate of title, including security interest;
- C. Filing notice of a security interest after the first certificate of title has been issued;
- D. A certificate of title after a transfer;
- E. A certificate of salvage;
- F. A corrected certificate of title or salvage;
- G. A duplicate certificate; or
- H. Assignment of a new vehicle identification number.

For a person who possesses a trailer or semitrailer registration pursuant to section 512, subsection 3, the fee is ~~\$10~~ \$18.

PART D

Sec. D-1. Supplemental allocations. There are allocated from various funds for the fiscal years ending June 30, 2002 and June 30, 2003, to the departments listed, the following sums.

	2001-02	2002-03
TRANSPORTATION, DEPARTMENT OF		
Highway and Bridge Improvement		
New Initiative: Reallocates funds from All Other to Personal Services to fund department-initiated position reorganizations and reclassifications.		
Highway Fund		
Personal Services	\$253,624	\$256,725
All Other	(253,624)	(256,725)
Total	0	0
Federal Expenditures Fund		

Personal Services	760,873	770,174
All Other	(760,873)	(770,174)
Total	<u>0</u>	<u>0</u>

Urban-Rural Initiative Program

New Initiative: Provides for the deallocation of funds currently not required to permit the allocation of funds for the Island Town Refund program.

2001-02 **2002-03**

Highway Fund

All Other	(15,000)	(15,000)
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Highway Maintenance

New Initiative: Reallocates funds from All Other to Personal Services to fund department-initiated position reorganizations and reclassifications.

2001-02 **2002-03**

Highway Fund

Personal Services	39,876	41,365
All Other	(39,876)	(41,365)
Total	<u>0</u>	<u>0</u>

Traffic Service

New Initiative: Reallocates funds from All Other to Personal Services to fund department-initiated position reorganizations and reclassifications.

2001-02 **2002-03**

Highway Fund

Personal Services	22,191	22,466
All Other	(22,191)	(22,466)
Total	<u>0</u>	<u>0</u>

Federal Expenditures Fund

Personal Services	66,572	67,397
All Other	(66,572)	(67,397)
Total	<u>0</u>	<u>0</u>

Bridge Maintenance

New Initiative: Reallocates funds from All Other to Personal Services to fund department-initiated position reorganizations and reclassifications.

2001-02 **2002-03**

Highway Fund

Personal Services	18,326	18,554
All Other	(18,326)	(18,554)
Total	<u>0</u>	<u>0</u>

Motor Transport Service

New Initiative: Reallocates funds from All Other to Personal Services to fund department-initiated position reorganizations and reclassifications.

	2001-02	2002-03
Highway Garage Fund		
Personal Services	1,839	1,860
All Other	(1,839)	(1,860)
Total	<u>0</u>	<u>0</u>

Island Town Refunds - Highway

New Initiative: Provides for the allocation of All Other funds to properly pay the island towns, in accordance with the Maine Revised Statutes, Title 29-A, section 203.

2001-02 **2002-03**

Highway Fund

All Other	15,000	15,000
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Administration and Planning

New Initiative: Reallocates funds from All Other to Personal Services to fund department-initiated position reorganizations and reclassifications.

2001-02 **2002-03**

Highway Fund

Personal Services	6,908	6,993
All Other	(6,908)	(6,993)
Total	<u>0</u>	<u>0</u>

**DEPARTMENT OF
TRANSPORTATION
TOTAL**

\$0 \$0

PART E

Sec. E-1. Authorization of financing for Department of Transportation headquarters building renovation. Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Commissioner of Administrative and Financial Services may enter into a financing arrangement for the renovation and furnishing of the Department of Transportation headquarters building located in Augusta under which the principal for the financing agreements may not exceed \$5,000,000. The rate of interest is estimated to be 6.0% over a 10-year period and to result in a total interest cost of approximately \$1,651,233. The commissioner may encumber, mortgage or otherwise grant security interests in the building and real property appurtenant to the building. The annual costs of this agreement must be paid from the Highway Fund allocations to the Department of Administrative and Financial Services. An annual Highway Fund allocation is required for this purpose to meet principal and interest costs beginning in fiscal year 2002-03. The agreement must provide a nonallocation clause in the event funds are not allocated or that funds are not available for this purpose.

PART F

Sec. F-1. Supplemental allocations. There are allocated from the Highway Fund for the fiscal years ending June 30, 2002 and June 30, 2003, to the departments listed, the following sums.

	2001-02	2002-03
PUBLIC SAFETY, DEPARTMENT OF		
State Police		
All Other	\$780,000	\$891,000
Allocates funds for the purchase of mobile data terminals for use in patrol cars.		
DEPARTMENT OF PUBLIC SAFETY		
TOTAL	780,000	891,000
TRANSPORTATION, DEPARTMENT OF		
Highway and Bridge Improvement		
Capital Expenditures	788,434	815,881
Allocates funds to restore cuts made in Private and Special Law 2001, chapter 23.		
Highway and Bridge Improvement		
All Other	650,000	650,000
Capital Expenditures	650,000	650,000
Total	1,300,000	1,300,000
Allocates additional funds for highway and bridge improvement projects.		
Urban-Rural Initiative Program		
All Other	662,802	(535,891)
Adjusts the net allocation for the Urban-Rural Initiative Program as required by the provisions of the Maine Revised Statutes, Title 23, section 1803-B, subsection 1, paragraph D.		
DEPARTMENT OF TRANSPORTATION		
TOTAL	2,751,236	1,579,990
SECTION		
TOTAL ALLOCATIONS	\$3,531,236	\$2,470,990

PART G

Sec. G-1. Lapsed balance. Notwithstanding any other provision of law, the State Controller shall lapse \$2,601,813 from the Highway Fund salary plan program to Highway Fund unallocated surplus at the close of the fiscal year ending June 30, 2001.

PART H

Sec. H-1. Allocation. The following funds are allocated from the Highway Fund to carry out the purposes of this Part.

	2001-02
TRANSPORTATION, DEPARTMENT OF	
Highway Maintenance	
All Other	\$1,100,000
Capital Expenditures	1,100,000
Allocates \$1,100,000 for the cost of reimbursing municipalities for Priority 1 and Priority 2 sand and salt building projects and \$1,100,000 for funding Priority 1 projects for the Department of Transportation. Funds allocated for this purpose may not lapse but must be carried into the next fiscal year.	
DEPARTMENT OF TRANSPORTATION	
TOTAL	\$2,200,000

PART I

Sec. I-1. 23 MRSA §1965, sub-§1, ¶I, as enacted by PL 1981, c. 595, §3, is amended to read:

I. Make contracts with the United States or any instrumentality or agency of the United States, another state or any instrumentality, municipality or agency of another state, including multi-state entities composed of other state agencies, this State or any of its agencies or instrumentalities, municipalities, public corporations, or bodies existing therein, private corporations, partnerships, associations and individuals;

PART J

Sec. J-1. 29-A MRSA §1304, sub-§4, ¶C, as enacted by PL 1993, c. 683, Pt. A, §2 and affected by Pt. B, §5, is amended to read:

C. The instruction permit entitles the permittee, as long as the permit is in the permittee's immediate possession, to drive a school bus on a public way. The permit is valid for one year.

(1) The permittee must be accompanied by a licensed school bus operator who has at least one year of driving experience and is at least 22 years of age.

(2) The accompanying operator must occupy a seat in the immediate vicinity of the permittee and, except other persons who have been issued a school bus instruction permit, no other passengers may be allowed on the bus.

PART K

Sec. K-1. Task force to study municipal excise tax and other motor vehicle registration fees. The Secretary of State shall appoint a task force that includes representation from the Maine Municipal Association to study the motor vehicle excise tax as well as other taxes and fees associated with the registration of a motor vehicle. The task force shall:

1. Evaluate the cumulative cost of all taxes and fees associated with motor vehicle registration as compared to taxes and fees assessed by other states;

2. Evaluate municipal reliance on the excise tax as a source of local revenue; and

3. Make a report of its recommendations and findings by January 15, 2002 to the Joint Standing Committee on Transportation, which has the authority to report out legislation.

The Secretary of State shall reimburse members who are not otherwise compensated by their employers for travel expenses related to task force meetings. The Secretary of State shall provide necessary staff to the task force.

PART L

Sec. L-1. 29-A MRSA §2084, sub-§1, as amended by PL 2001, c. 148, §5, is further amended to read:

1. Night equipment. A bicycle, motorized bicycle or tricycle, when in use in the nighttime, must have:

A. Lighted a front light that emits a white light visible from a distance of at least 200 feet to the front;

B. A red or amber light or reflector to the rear that is visible at least 200 feet to the rear; and

C. Reflector material on the pedals, unless the bicyclist is wearing reflective material on the feet or ankles.

~~A bicyclist must have reflector material on the foot or ankle.~~ A bicyclist may also use optional supplementary reflectors, lights or reflective or lighted safety equipment.

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

Effective June 21, 2001.

CHAPTER 441

H.P. 784 - L.D. 1028

An Act to Conform the Maine Tax Laws for 2000 with the United States Internal Revenue Code

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 would delay the processing of the year 2000 income tax returns; and

Whereas, legislative action is immediately necessary to ensure continued and efficient administration of the Maine income tax law and certain other state taxes; 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. 36 MRSA §111, sub-§1-A, as amended by PL 1999, c. 548, §1 and affected by §2, is further amended to read:

1-A. Code. "Code" means the United States Internal Revenue Code of 1986 and amendments to that Code as of December 31, ~~1999~~ 2000.

Sec. 2. Application. This Act applies to tax years beginning on or after January 1, 2000.

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

Effective June 22, 2001.
