

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

SECOND REGULAR SESSION
January 2, 2002 to April 25, 2002

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
JULY 25, 2002

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
2002

program if that person is a member of a household of an eligible person; and

11-A. Retention of eligibility. A person who was eligible for the program at any time from August 1, 1998 to July 31, 1999 and who does not meet the requirements of subsection 10 retains eligibility for the program if that person is a member of a household of an eligible person; and

12. Funds not to lapse. Funds appropriated from the General Fund to carry out the purpose of this section may not lapse but must carry from year to year.

Sec. 2. 22 MRSA §254-A, as enacted by PL 1997, c. 643, Pt. RR, §3, is amended to read:

§254-A. Elderly low-cost drug program information

The department shall produce and provide educational materials about the availability of benefits under and application process for the elderly low-cost drug program established under section 254. These materials must include brochures for the Bureau of Revenue Services to mail to eligible residents with drug cards, posters for pharmacies and flyers for pharmacists to include with prescription drug purchases.

Sec. 3. 36 MRSA §191, sub-§2, ¶X, as amended by PL 2001, c. 439, Pt. L, §6, is repealed.

Sec. 4. 36 MRSA c. 905, as amended, is repealed.

Sec. 5. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services, Bureau of

Initiative: Eliminates one Tax Examiner position and one Clerk Typist II position and deappropriates funds from savings resulting from the transfer of certain administrative responsibilities for the elderly low-cost drug program from the Department of Administrative and Financial Services, Bureau of Revenue Services to the Department of Human Services, Bureau of Family Independence effective January 1, 2003.

| | | |
|-------------------------------|----------------|----------------|
| General Fund | 2001-02 | 2002-03 |
| Positions - Legislative Count | (0,000) | (-2,000) |
| Personal Services | \$0 | (\$33,683) |
| All Other | 0 | (22,629) |
| Total | \$0 | (\$56,312) |

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

| | | |
|--------------------------|----------------|----------------|
| DEPARTMENT TOTALS | 2001-02 | 2002-03 |
|--------------------------|----------------|----------------|

| | | |
|-------------------------------------|------------|-------------------|
| GENERAL FUND | \$0 | (\$56,312) |
| DEPARTMENT TOTAL - ALL FUNDS | \$0 | (\$56,312) |

HUMAN SERVICES, DEPARTMENT OF

Family Independence, Bureau of - Regional

Initiative: Adds 1 1/2 Family Independence Specialist positions and appropriates funds resulting from the transfer of certain administrative responsibilities for the elderly low-cost drug program from the Department of Administrative and Financial Services, Bureau of Revenue Services to the Department of Human Services, Bureau of Family Independence effective January 1, 2003.

| | | |
|-------------------------------|----------------|----------------|
| General Fund | 2001-02 | 2002-03 |
| Positions - Legislative Count | (0,000) | (1,500) |
| Personal Services | \$0 | \$29,760 |
| All Other | 0 | 26,552 |
| Total | \$0 | \$56,312 |

HUMAN SERVICES, DEPARTMENT OF

| | | |
|--------------------------|----------------|----------------|
| DEPARTMENT TOTALS | 2001-02 | 2002-03 |
|--------------------------|----------------|----------------|

| | | |
|---------------------|------------|-----------------|
| GENERAL FUND | \$0 | \$56,312 |
|---------------------|------------|-----------------|

| | | |
|-------------------------------------|------------|-----------------|
| DEPARTMENT TOTAL - ALL FUNDS | \$0 | \$56,312 |
|-------------------------------------|------------|-----------------|

| | | |
|-----------------------|----------------|----------------|
| SECTION TOTALS | 2001-02 | 2002-03 |
|-----------------------|----------------|----------------|

| | | |
|---------------------|------------|------------|
| GENERAL FUND | \$0 | \$0 |
|---------------------|------------|------------|

| | | |
|----------------------------------|------------|------------|
| SECTION TOTAL - ALL FUNDS | \$0 | \$0 |
|----------------------------------|------------|------------|

Sec. 6. Effective date. This Act takes effect January 1, 2003 except that that section of this Act that repeals the Maine Revised Statutes, Title 36, section 191, subsection 2, paragraph X takes effect January 1, 2004.

Effective January 1, 2003, unless otherwise indicated.

CHAPTER 692

H.P. 1548 - L.D. 2051

An Act to Increase the Workers' Compensation Insurance Assessment to Fund a Hearing Officer Position

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

Sec. 1. 39-A MRSA §154, sub-§6, as amended by PL 2001, c. 393, §1, is further amended to read:

6. Assessment levied. The assessments levied under this section may not be designed to produce

more than \$6,000,000 in revenues annually beginning in the 1995-96 fiscal year, more than \$6,600,000 annually beginning in the 1997-98 fiscal year or more than \$6,735,000 beginning in the 1999-00 fiscal year, ~~except that in the 2001-02 fiscal year the assessment may not be designed to produce more than \$7,035,000 in the 2001-02 fiscal year or more than \$6,860,000 beginning in the 2002-03 fiscal year.~~ Assessments collected that exceed \$6,000,000 beginning in the 1995-96 fiscal year, \$6,600,000 beginning in the 1997-98 fiscal year or \$6,735,000 beginning in the 1999-00 fiscal year or \$7,035,000 in fiscal year 2001-02 or \$6,860,000 beginning in the 2002-03 fiscal year by a margin of more than 10% must be refunded to those who paid the assessment. Any amount collected above the board's allocated budget and within the 10% margin must be used to create a reserve of up to 1/4 of the board's annual budget. Any collected amounts or savings above the allowed reserve must be used to reduce the assessment for the following fiscal year. The board shall determine the assessments prior to May 1st and shall assess each insurance company or association and self-insured employer its pro rata share for expenditures during the fiscal year beginning July 1st. Each self-insured employer shall pay the assessment on or before June 1st. Each insurance company or association shall pay the assessment in accordance with subsection 3.

Sec. 2. Use of funds. Notwithstanding Private and Special Law 2001, chapter 24, the increase to the assessment on workers' compensation insurance established in section 1 of this Act may be used to fund the full-time administrative hearing officer position in the Caribou office of the Workers' Compensation Board.

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

WORKERS' COMPENSATION BOARD

Administration - Workers' Compensation Board

Initiative: Allocates funds for one Administrative Hearing Officer position in the Caribou office of the Workers' Compensation Board.

| Other Special Revenue Funds | 2001-02 | 2002-03 |
|-------------------------------|---------|-----------|
| Positions - Legislative Count | (0.000) | (1.000) |
| Personal Services | \$0 | \$110,561 |
| All Other | 0 | 14,439 |
| Total | \$0 | \$125,000 |

See title page for effective date.

CHAPTER 693

H.P. 1575 - L.D. 2081

An Act to Implement the Unanimous and the Majority Recommendations of the Commission to Study Equity in the Distribution of Gas Tax Revenues Attributable to Snowmobiles, All-terrain Vehicles and Watercraft

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

Sec. 1. 12 MRSA §1893, sub-§1, ¶¶A and B, as enacted by PL 1997, c. 678, §13, are amended to read:

A. Within available funds, the snowmobile program shall develop and maintain snowmobile trails and provide educational and informational materials for the use of operators of snowmobiles. The bureau may charge a reasonable fee for such services and materials when the money credited to it under chapter 715, subchapter II is insufficient to satisfy the demand for those services and materials. All fees collected must be deposited in the bureau's Snowmobile Trail Fund. The bureau shall administer the Snowmobile Trail Fund and the snowmobile program's other activities must be conducted pursuant to section 7824, subsection 4. The Snowmobile Trail Fund receives funding as provided in chapter 715, subchapter II and Title 36, section ~~2903-B~~ 2903-D, subsection 2.

B. The bureau shall administer the ATV Recreational Management Fund established under section 7854, subsection 4 for the purposes given in that subsection and for the acquisition of land to be used for ATV trails. The bureau may adopt rules in accordance with Title 5, chapter 375, subchapter II for the issuance of grants-in-aid from the fund and to further define alpine tundra areas pursuant to section 7851, subsection 2-A. Additional funding for the ATV Recreational Management Fund is as provided in Title 36, section ~~2903-C~~ 2903-D, subsection 3.

Sec. 2. 12 MRSA §1894, last ¶, as enacted by PL 1997, c. 678, §13, is repealed.

Sec. 3. 12 MRSA §1896, as enacted by PL 1997, c. 678, §13, is amended to read:

§1896. Boating Facilities Fund

There is created within the bureau the Boating Facilities Fund, referred to in this subchapter as the "fund." The fund, as funded under Title 36, section ~~2903-A~~ 2903-D, subsection 1, must be available to the