

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.

J.S. McCarthy Company
Augusta, Maine
2002

2. Authority. In order to carry out its mission, the board may make expenditures in accordance with the following:

A. Beginning with the 2004-2005 biennium, the Governor shall include in the budget submitted to the Legislature each biennium a line item to allow the expenditure by the board of any non-General Fund revenues received by the board, including federal funds, grants or gifts; and

B. Beginning with the 2004-2005 biennium, the Governor shall include in the budget submitted to the Legislature each biennium a line item to allow the expenditure by the board of any non-General Fund revenues received by the board to fund a full-time position.

3. Membership. The board consists of at least 7 and no more than 11 members who are appointed to serve as follows:

A. Except as provided in paragraph B, the Governor shall appoint all of the members, the majority of whom must have experience in the administration of historical records or in a field of research activity that makes extensive use of historical records;

B. The Director of the Maine Historical Society and the State Archivist are members ex officio and are voting members; and

C. The Governor shall appoint either the Director of the Maine Historical Society or the State Archivist to serve as the Maine Historical Records Coordinator and to serve as the chair of the board. The coordinator shall serve a term of 4 years and may not be compensated but may receive the reimbursements allowed members of the board.

All members, with the exception of the coordinator, serve 3-year terms. All members serve without compensation. All legally allowed expenditures incurred by the members in the performance of their duties may be reimbursed by the National Historical Publications and Records Commission or by other funds available to the board.

4. Maine Historical Records Advisory Board Fund. The Maine Historical Records Advisory Board Fund, referred to in this section as the "fund," is established for use by the board. Balances in the fund may not lapse and must be carried forward and used for the purposes of this section. The board may accept and deposit in the fund money from private and public sources.

Sec. 4. 5 MRSA §12004-I, sub-§18-D is enacted to read:

| | | | |
|------------------|-------------------|-------------------|---------------|
| <u>18-D.</u> | <u>Maine</u> | <u>Not</u> | <u>5 MRSA</u> |
| <u>Education</u> | <u>Historical</u> | <u>Authorized</u> | <u>§98</u> |
| | <u>Records</u> | | |
| | <u>Advisory</u> | | |
| | <u>Board</u> | | |

Sec. 5. Initial members. The members serving on the effective date of this Act on the Maine Historical Records Advisory Board established pursuant to Executive Order No. 7 ordered on January 30, 1989 continue serving their terms of office as members of the Maine Historical Records Advisory Board established in the Maine Revised Statutes, Title 5, section 98.

Sec. 6. Appropriations and allocations. The following appropriations and allocations are made.

SECRETARY OF STATE, DEPARTMENT OF THE

Administration - Archives

Initiative: Provides initial allocations for the Maine Historical Records Advisory Board.

| Federal Expenditures Fund | 2001-02 | 2002-03 |
|------------------------------------|----------------|----------------|
| Personal Services | \$0 | \$500 |
| All Other | 0 | 500 |
| Total | \$0 | \$1,000 |
| Other Special Revenue Funds | 2001-02 | 2002-03 |
| Personal Services | \$0 | \$500 |
| All Other | 0 | 500 |
| Total | \$0 | \$1,000 |

SECRETARY OF STATE, DEPARTMENT OF THE DEPARTMENT TOTALS

| | 2001-02 | 2002-03 |
|-------------------------------------|----------------|----------------|
| FEDERAL EXPENDITURES FUND | \$0 | \$1,000 |
| OTHER SPECIAL REVENUE FUNDS | \$0 | \$1,000 |
| DEPARTMENT TOTAL - ALL FUNDS | \$0 | \$2,000 |

See title page for effective date.

CHAPTER 705

S.P. 834 - L.D. 2215

An Act to Address the Cash Flow and Funding Needs of State Government for the Fiscal Years Ending June 30, 2002 and June 30, 2003

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

Sec. 1. 5 MRSA §150, 2nd ¶, as amended by PL 2001, c. 467, Pt. A, §1, is further amended to read:

The Treasurer of State, with the approval of the Governor, may negotiate a temporary loan or loans in anticipation of taxes levied for that fiscal year, but not exceeding a total of that amount of taxes estimated by the Treasurer of State to be collected in the fiscal year in which the temporary loan or loans, or renewal of the temporary loan or loans, is made, as long as the temporary loans or renewals of the temporary loans do not exceed any limitation set forth in the Constitution of Maine, Article IX, Section 14. Any such loans may be renewed from time to time as the Treasurer of State, with the approval of the Governor, determines, except that each loan or renewal of the loan must be retired not later than the close of the fiscal year in which the loan was originally made and for which were levied the taxes in anticipation of the collection of which the loan was originally made; and that each loan or renewal of the loan must comply with the provisions of this section and the Constitution of Maine, Article IX, Section 14. ~~The Treasurer of State shall pay the loan or loans in anticipation of taxes during the year and there is appropriated for any year in which the Treasurer of State and the Governor determine it necessary to borrow in anticipation of taxes the sum of \$100,000,000.~~

Sec. 2. Appropriations and allocations.

The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Bureau of General Services Capital Improvement Reserve Fund

Initiative: Deappropriates funds designated for an architectural and engineering assessment of the Harlow Building that will be shifted to bond funds.

| | | |
|---------------------|----------------|----------------|
| General Fund | 2001-02 | 2002-03 |
| All Other | \$0 | (\$129,392) |

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

| | | |
|-------------------------------------|----------------|--------------------|
| DEPARTMENT TOTALS | 2001-02 | 2002-03 |
| GENERAL FUND | \$0 | (\$129,392) |
| DEPARTMENT TOTAL - ALL FUNDS | \$0 | (\$129,392) |

SECRETARY OF STATE, DEPARTMENT OF THE

Bureau of Administrative Services and Corporations

Initiative: Provides funds for the increased referenda costs as a result of the number and the length of the questions to be submitted to the voters in June 2002 and November 2002.

| | | |
|---------------------|----------------|----------------|
| General Fund | 2001-02 | 2002-03 |
| All Other | \$8,000 | \$121,392 |

| | | |
|--|----------------|------------------|
| SECRETARY OF STATE, DEPARTMENT OF THE DEPARTMENT TOTALS | 2001-02 | 2002-03 |
| GENERAL FUND | \$8,000 | \$121,392 |
| DEPARTMENT TOTAL - ALL FUNDS | \$8,000 | \$121,392 |

TREASURER OF STATE, OFFICE OF THE

Debt Service - Treasury

Initiative: Provides funds for the debt services costs associated with a tax anticipation note issue in fiscal year 2002-03.

| | | |
|---------------------|----------------|----------------|
| General Fund | 2001-02 | 2002-03 |
| All Other | \$0 | \$7,500,000 |

| | | |
|--|----------------|--------------------|
| TREASURER OF STATE, OFFICE OF THE DEPARTMENT TOTALS | 2001-02 | 2002-03 |
| GENERAL FUND | \$0 | \$7,500,000 |
| DEPARTMENT TOTAL - ALL FUNDS | \$0 | \$7,500,000 |

| | | |
|----------------------------------|----------------|--------------------|
| SECTION TOTALS | 2001-02 | 2002-03 |
| GENERAL FUND | \$8,000 | \$7,492,000 |
| SECTION TOTAL - ALL FUNDS | \$8,000 | \$7,492,000 |

See title page for effective date.

CHAPTER 706

H.P. 1595 - L.D. 2098

An Act to Protect Workers from Unilateral Imposition of Random or Arbitrary Drug Testing

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

Sec. 1. 26 MRSA §684, sub-§3, ¶A, as enacted by PL 1989, c. 536, §§1 and 2 and affected by c. 604, §§2 and 3, is amended to read:

A. The employer and the employee have bargained for provisions in a collective bargaining agreement, either before or after the effective date of this subchapter, that provide for random or arbitrary testing of employees. A random or arbitrary testing program that would result from implementation of an employer's last best offer is not considered a provision bargained for in a collective bargaining agreement for purposes of this section; or

See title page for effective date.