

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTIETH LEGISLATURE

FIRST SPECIAL SESSION
November 13, 2002 to November 14, 2002

ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST REGULAR SESSION
December 4, 2002 to June 14, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
FEBRUARY 13, 2003

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 13, 2003

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

Penmor Lithographers
Lewiston, Maine
2003

organization has not retained the equipment for the required period of 6 months;

Sec. 2. 5 MRSA §1813-A, sub-§1, ¶C, as enacted by PL 1991, c. 418, §3, is amended to read:

C. "Qualifying nonprofit organization" means a public or private nonprofit entity that owns or operates a project or facility for the homeless ~~or~~; a nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501 (c) and that provides services to persons with physical or mental handicaps as defined in section 4553, subsection 7-A; or a nonprofit organization that has been determined to be exempt from taxation under the United States Internal Revenue Code, Section 501(c) and that contracts with the Department of Human Services to provide vehicles to low-income families to assist them in participating in work, education or training.

Sec. 3. 5 MRSA §1813-A, sub-§2, as corrected by RR 2001, c. 2, Pt. A, §7, is amended to read:

2. Surplus property. Pursuant to this chapter and rules adopted under section 1813, the Department of Administrative and Financial Services through the Bureau of General Services shall allow private sales of surplus property to nonprofit organizations that contract with the Department of Human Services to provide affordable vehicles to low-income families to assist them in participating in work, education or training; to homeless shelter sponsors; and to educational institutions.

See title page for effective date.

CHAPTER 38

H.P. 72 - L.D. 64

An Act to Reduce Workers' Compensation Costs for Self-insured Public Utilities

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

Sec. 1. 39-A MRSA §403, sub-§8, ¶A, as repealed and replaced by PL 2001, c. 224, §1, is amended by enacting a new subparagraph (3-A) to read:

(3-A) An individual self-insurer that is a transmission and distribution utility as defined in Title 35-A, section 102, subsection 20-B with an investment grade credit rating

may reduce its required security level by up to \$10,000,000, as long as:

(a) The self-insured transmission and distribution utility has a tangible net worth equal to or in excess of \$200,000,000;

(b) The self-insured transmission and distribution utility has had positive net earnings demonstrated by certified statements of financial condition audited by a certified public accountant for at least 3 of the 5 latest fiscal years, including one of the 2 most recent years, and its mean annual earnings for the 5 latest fiscal years are at least equal to the normal annual premium for the prospective fiscal coverage period, or it was eligible to make an alternative election, under Statement of Financial Accounting Standard No. 106, Employers' Accounting for Postretirement Benefits Other Than Pensions, that would have otherwise satisfied these earnings requirements;

(c) The self-insured transmission and distribution utility has credit facility equal to or in excess of twice its outstanding workers' compensation liabilities; and

(d) The reduction does not exceed \$10,000,000 and does not reduce the minimum required security level below \$100,000.

See title page for effective date.

CHAPTER 39

H.P. 537 - L.D. 731

An Act Regarding Case Management Officers

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

Sec. 1. 4 MRSA §183, sub-§1, ¶¶D and E, as enacted by PL 1997, c. 269, §1 and affected by §2, are amended to read:

D. Family case management officers shall employ appropriate case management techniques and have jurisdiction to hear and dispose of the following matters:

(1) Interim orders in actions involving the establishment, modification or enforcement of child support;

(2) Interim orders in actions involving divorce, legal separation, paternity or parental rights, including interim orders in post-judgment proceedings arising out of these actions, except that a contested motion concerning interim parental rights and responsibilities, excluding interim child support orders, may be determined by the family case management officer only if both parties consent to determination of the issue or issues in dispute by the family case management officer;

(2-A) Parental rights and responsibilities and parent-child contact orders entered pursuant to Title 19-A, section 4007, subsection 1, paragraph G, to make such orders consistent with subsequently entered orders in matters included in subparagraphs (1), (2) and (3);

(3) Final orders in any of the matters included in subparagraphs (1) and (2) when the proceeding is uncontested;

(4) Final orders in a contested proceeding when child support is the only contested issue; and

(5) Other actions assigned by the Chief Judge of the District Court.

E. Interim orders in any of the matters included in paragraph D, subparagraphs (1) ~~and~~ (2) ~~and~~ (2-A) are effective immediately and are subject to de novo review by a judge at the final hearing. Final orders in any of the matters included in paragraph D, subparagraphs (3) and (4) are subject to appellate review in the same manner as any final order of the District Court. The family case management officer shall inform the parties of the rights of review established in this paragraph.

See title page for effective date.

CHAPTER 40

H.P. 978 - L.D. 1324

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government and Highway Funds and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2004 and June 30, 2005

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; 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, 2004 and June 30, 2005, the following Highway Fund allocations as designated in the following tabulations are allocated. Other funds are presented for informational purposes only.

FY 2003-04 FY 2004-05

DEPARTMENT OF ADMINISTRATIVE AND FINANCIAL SERVICES

Budget - Bureau of the 0055

GENERAL FUND (Informational)

Positions - Legislative Count	(11,000)	(11,000)
Personal Services	\$960,109	\$958,001
All Other	155,153	177,366
GENERAL FUND TOTAL	1,115,262	1,135,367