

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2003**

Public Safety shall report on the negotiated rate for future bienniums to the joint standing committee of the Legislature having jurisdiction over transportation matters by November 1, 2004.

**Sec. C-2. Reclassification authorized.**

Notwithstanding any other provision of law, for the purpose of providing full-time supervisory coverage of the Maine Turnpike, the Department of Public Safety is authorized to reclassify 4 State Trooper positions to 4 State Police Corporal positions within the Maine State Police Turnpike Enforcement program.

**PART D**

**Sec. D-1. Calculation and transfer.**

Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part B, section 1 that applies against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and shall transfer the calculated amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2003-04 and 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2005.

**Sec. D-2. Calculation and transfer.**

Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part B, section 1 that applies against each Highway Fund account for all departments and agencies from increased attrition and shall transfer the calculated amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2003-04 and 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2005.

**Sec. D-3. Calculation and transfer.**

Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part B, section 1 that applies against each Highway Fund account for all departments and agencies from extending the amortization schedule of the unfunded liability and shall transfer the calculated amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2003-04 and 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2005.

**Sec. D-4. Calculation and transfer.**

Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part B, section 1 that applies against each Highway Fund account for all departments and agencies from savings associated with postponing merit increases and shall transfer the calculated amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2003-04 and 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2005.

**Sec. D-5. Calculation and transfer.**

Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in Part B, section 1 that applies against each Highway Fund account for all departments and agencies from savings in the cost of health insurance from hospital rate adjustments and shall transfer the calculated amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2003-04 and 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over appropriations and financial affairs a report of the transferred amounts no later than January 15, 2005.

**Emergency clause.** In view of the emergency cited in the preamble, this Act takes effect July 1, 2003.

Effective July 1, 2003.

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**CHAPTER 41**

**H.P. 1014 - L.D. 1379**

**An Act To Make Additional  
Allocations From the Highway Fund  
and Other Funds for the  
Expenditures of State Government  
and To Change Certain Provisions of  
State Law Necessary to the Proper  
Operations of State Government for  
the Fiscal Year Ending 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 prior to June 30, 2003; 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. Supplemental allocations.** There are allocated from various funds for the fiscal year ending June 30, 2003, to the departments listed, the following sums.

#### PUBLIC SAFETY, DEPARTMENT OF 16

##### Traffic Safety Commercial Vehicle Enforcement 0715

Initiative: Transfer one Auto Mechanic position from Liquor Enforcement.

Highway Fund	<b>2002-03</b>
Positions - Legislative Count	1.000

##### Liquor Enforcement - Bureau of 0293

Initiative: Transfer one Auto Mechanic position to Traffic Safety Commercial Vehicle Enforcement.

General Fund	<b>2002-03</b>
Positions - Legislative Count	(1.000)

#### PUBLIC SAFETY, DEPARTMENT OF

<b>DEPARTMENT TOTALS</b>	<b>2002-03</b>
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<b>HIGHWAY FUND</b>	<b>\$0</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>0</b>
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#### SECRETARY OF STATE, DEPARTMENT OF 29

##### Administration - Motor Vehicles 0077

Initiative: This initiative funds contractual services for needed functionality in the bureau's new computer system that was not included in the original request for proposal. Current services will be maintained, and in

some cases enhanced, as a direct result of the functionality derived from this initiative.

Highway Fund	<b>2002-03</b>
All Other	156,174
Total	156,174

#### SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS

**2002-03**

<b>HIGHWAY FUND</b>	<b>156,174</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>156,174</b>
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#### TRANSPORTATION, DEPARTMENT OF 17

##### Highway and Bridge Improvement 0406

Initiative: To provide for the supplemental funding for current highway and bridge improvement projects due to project construction changes and/or increased contractor costs. This amount is the nonfederal share of the increased cost of these projects. This funding is necessary in order to maintain the capital improvement schedule as previously established for this fiscal period.

Highway Fund	<b>2002-03</b>
Capital Expenditures	3,892,702
Total	3,892,702

##### Highway Maintenance 0330

Initiative: Provides for the deallocation of Personal Services funding that was carried forward from fiscal year 2001-02 and is not necessary to fund Personal Services costs in fiscal year 2002-03.

Highway Fund	<b>2002-03</b>
Personal Services	(3,892,702)
Total	(3,892,702)

#### TRANSPORTATION, DEPARTMENT OF

<b>DEPARTMENT TOTALS</b>	<b>2002-03</b>
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<b>HIGHWAY FUND</b>	<b>0</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>0</b>
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<b>SECTION TOTALS</b>	<b>2002-03</b>
<b>HIGHWAY FUND</b>	<b>156,174</b>
<b>SECTION TOTAL -</b>	
<b>ALL FUNDS</b>	<b>\$156,174</b>

**PART B**

**Sec. B-1. Supplemental allocations.** The following funds are allocated from the Highway Fund for the fiscal year ending June 30, 2003, to the departments listed, in order to provide funding for approved reclassifications and range changes.

	<b>2002-03</b>
<b>PUBLIC SAFETY, DEPARTMENT OF</b>	
<b>Administration - Public Safety</b>	
Personal Services	(\$15,862)
<b>Highway Safety DPS</b>	
Personal Services	15,862
<b>State Police</b>	
Personal Services	4,515
All Other	(4,515)
<b>TOTAL</b>	<b>0</b>
<b>DEPARTMENT OF PUBLIC SAFETY</b>	
<b>TOTAL</b>	<b>0</b>
<b>TRANSPORTATION, DEPARTMENT OF</b>	
<b>Highway and Bridge Improvement</b>	
Personal Services	118,620
All Other	(118,620)
<b>TOTAL</b>	<b>0</b>
<b>DEPARTMENT OF TRANSPORTATION</b>	
<b>TOTAL</b>	<b>0</b>
<b>SECTION TOTALS</b>	<b>2002-03</b>
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$0</b>

**Sec. B-2. Allocations; Federal Expenditures Fund.** There are allocated from the Federal Expenditures Fund for the fiscal year ending June 30, 2003, to the departments listed, the sums identified in the following, in order to provide funding for approved reclassifications and range changes.

**2002-03****TRANSPORTATION,  
DEPARTMENT OF****Highway and Bridge  
Improvement**

Personal Services	\$118,620
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**TRANSPORTATION,  
DEPARTMENT OF  
TOTAL****118,620****SECTION TOTALS****SECTION TOTAL -  
ALL FUNDS****\$118,620****PART C**

**Sec. C-1. Lease-purchase authorization; Department of Administrative and Financial Services.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Administrative and Financial Services on behalf of the Department of the Secretary of State may enter into financing arrangements for the acquisition of software and systems for a motor vehicle database and computer system to support the operations of the Department of the Secretary of State as approved in Public Law 2001, chapter 361, section 35. The financing agreements may not exceed 5 years in duration and \$6,500,000 in principal costs. The interest rate may not exceed 5% and the total interest costs may not exceed \$977,000. The annual principal and interest costs must be paid from the appropriate line category allocations in the Department of the Secretary of State.

**Sec. C-2. Lease-purchase authorized for vans, buses and other transportation vehicles involved with public transit.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Transportation, Special Revenue Fund, is authorized to establish lease-purchase contracts for the procurement of vans, buses and other transportation vehicles. The term of the contracts may not be more than 8 years. The outstanding principal debt may not exceed \$1,000,000. The interest rate may not exceed 8% and outstanding debt for interest may not exceed \$240,000.

**PART D**

**Sec. D-1. PL 1997, c. 674, Pt. C, §§2 and 3,** as amended by PL 1999, c. 737, Pt. E, §1, are further amended to read:

**Sec. C-2. Amended lease-purchase authorized for engineering vehicles or equipment.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Transportation, Highway Fund, is authorized to establish lease-purchase contracts for the procurement of engineering vehicles or equipment. The term of the contracts may not be more than 7 years. ~~The cumulative total principal value outstanding principal debt of the lease-purchase contracts may not exceed \$10,000,000. The interest rate may not exceed 8% and the total outstanding debt for interest may not exceed \$2,400,000.~~

**Sec. C-3. Amended lease-purchase authorized for vehicles or equipment.** Pursuant to the Maine Revised Statutes, Title 5, section 1587, the Department of Transportation, Motor Transport Service, is authorized to establish lease-purchase contracts for the procurement of vehicles or equipment. The term of the contracts may not be more than 7 years. ~~The cumulative total principal value outstanding principal debt of the lease-purchase contracts may not exceed \$12,000,000. The interest rate may not exceed 8% and total interest costs outstanding debt for interest may not exceed \$2,880,000.~~

**PART E**

**Sec. E-1. Highway Fund Salary Plan; lapsed balances.** Notwithstanding any other provision of law, \$4,000,000 in the Compensation and Benefit Plan, Highway Fund account in the Department of Administrative and Financial Services lapses to the unallocated balance of the Highway Fund in fiscal year 2002-03.

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

Effective April 11, 2003.

**CHAPTER 42****S.P. 31 - L.D. 79**

**An Act Regarding the Enforcement Powers of the Office of the State Fire Marshal**

**Emergency preamble.** Whereas, Acts of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

**Whereas,** the State Fire Marshal and the State Fire Marshal's deputy and investigators are sworn law enforcement officers with all the powers and duties granted to sheriffs under the law but are limited in the enforcement of such powers to issues regarding fire prevention and arson; and

**Whereas,** removing the enforcement limitation will allow the State Fire Marshal and the State Fire Marshal's deputy and investigators to respond to and investigate other crimes that pose a danger to public safety; and

**Whereas,** removing the enforcement limitation will also provide protection to the State Fire Marshal and the State Fire Marshal's deputy and investigators if they provide assistance to other law enforcement officers and will ensure additional protection to those law enforcement officers who need backup assistance; 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. 25 MRSA §2396, sub-§7,** as amended by PL 1997, c. 728, §20, is further amended to read:

**7. Other duties.** The performance of such other duties as are set forth in this and other sections of the statutes and as may be conferred or imposed from time to time by law. The State Fire Marshal, the State Fire Marshal's deputy and investigators appointed under this Title shall carry out those functions that the Commissioner of Public Safety may direct and in so doing have the same enforcement powers and duties throughout the State as sheriffs have in their respective counties. ~~The enforcement powers are to be limited in scope to enforcement of statutes, ordinances and rules concerned with fire prevention, arson and other burnings and enforcement of such other specific areas of responsibility as are assigned to the Office of the State Fire Marshal by statute, and to arrest for impersonation of or interference with, the State Fire Marshal, the State Fire Marshal's deputy or their designees.~~

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

Effective April 15, 2003.