

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE
ONE HUNDRED AND TWENTY-FIRST LEGISLATURE

FIRST SPECIAL SESSION
August 21, 2003 to August 22, 2003

The General Effective Date For
First Special Session
Non-Emergency Laws Is
November 22, 2003

SECOND REGULAR SESSION
January 7, 2004 to January 30, 2004

The General Effective Date For
Second Regular Session
Non-Emergency Laws Is
April 30, 2004

SECOND SPECIAL SESSION
February 3, 2004 to April 30, 2004

The General Effective Date For
Second Special Session
Non-Emergency Laws Is
July 30, 2004

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

Penmor Lithographers
Lewiston, Maine
2004

under this Part may contribute to the Companion Animal Sterilization Fund by including with the taxpayer's return sufficient funds to make the contribution. Each individual income tax return form must contain a designation in substantially the following form: "Contribution to Companion Animal Sterilization Fund: () \$5, () \$10, () \$25 or () Other \$... ."

2. Contributions credited to Companion Animal Sterilization Fund. The State Tax Assessor shall determine annually the total amount contributed pursuant to subsection 1. Prior to the beginning of the next year, the assessor shall deduct the cost of administering the Companion Animal Sterilization Fund checkoff, but not exceeding \$5,000 annually, and report the remainder to the Treasurer of State, who shall credit the amount to the Companion Animal Sterilization Fund, which is established in Title 7, section 3910-B.

3. Effective date. This section applies to tax years beginning on and after January 1, 2004.

Sec. 6. Administrative costs to be reimbursed. The Department of Administrative and Financial Services, Bureau of Revenue Services shall absorb within existing resources any administrative costs involved in the initial implementation of this Act. Notwithstanding the Maine Revised Statutes, Title 7, section 3910-B, subsection 1 or any other provision of law, the Commissioner of Agriculture, Food and Rural Resources must transfer from the Companion Animal Sterilization Fund established in Title 7, section 3910-B an amount determined by the State Tax Assessor to be the additional administrative costs associated with the implementation of this Act. The State Tax Assessor is authorized to deposit the funds received as reimbursement for costs incurred in an Other Special Revenue Funds account within the Bureau of Revenue Services to be used to support the operations of the bureau necessary for the implementation of this Act.

Sec. 7. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Maine Revenue Services 0002

Initiative: Allocates funds for the administrative costs associated with the Companion Animal Sterilization Fund voluntary checkoff in the event revenue is available for transfer in fiscal year 2004-05.

Other Special Revenue Funds	2003-04	2004-05
All Other	\$0	\$10,791
	<hr/>	<hr/>
Other Special Revenue Funds Total	\$0	\$10,791

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF		
DEPARTMENT TOTALS	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	\$0	\$10,791
	<hr/>	<hr/>
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$10,791

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

Animal Welfare 0946

Initiative: Allocates funds received from the Companion Animal Sterilization Fund voluntary checkoff to create one 1/2-time Planning and Research Assistant position and provide for necessary operating costs.

Other Special Revenue Funds	2003-04	2004-05
Positions - Legislative Count	(0.000)	(0.500)
Personal Services	\$0	\$3,761
All Other	0	6,439
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Other Special Revenue Funds Total	\$0	\$10,200

AGRICULTURE, FOOD AND RURAL RESOURCES, DEPARTMENT OF

DEPARTMENT TOTALS	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	\$0	\$10,200
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$10,200
SECTION TOTALS	2003-04	2004-05
OTHER SPECIAL REVENUE FUNDS	\$0	\$20,991
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SECTION TOTAL - ALL FUNDS	\$0	\$20,991

Sec. 8. Transition. All funds in the spaying and neutering fund established by the Commissioner of Agriculture, Food and Rural Resources pursuant to the Maine Revised Statutes, Title 7, section 3906-B, subsection 13 must be transferred to the Companion Animal Sterilization Fund established in Title 7, section 3910-B, subsection 2 within 30 days following the effective date of this Act.

See title page for effective date.

CHAPTER 683

H.P. 1254 - L.D. 1732

An Act To Honor Maine's First Peoples

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

Sec. 1. 29-A MRSA §524-A is enacted to read:

§524-A. Wabanaki registration plates

No later than November 1, 2005, the Secretary of State shall issue Wabanaki registration plates to members of federally recognized tribes in the State pursuant to this section.

1. **Wabanaki registration plates.** The Secretary of State, upon receiving an application and evidence of payment of the registration fee required by section 501, the excise tax required by Title 36, section 1482 and a statement signed by a tribal official from a federally recognized tribe within the Wabanaki Confederacy proving the applicant's membership in the tribe, shall issue a registration certificate and a set of Wabanaki registration plates to be used in lieu of regular registration plates. These plates must bear identification numbers and letters and the word "Wabanaki."

2. **Reimbursement for production and issuance costs for plates.** The Wabanaki Confederacy shall pay all costs associated with the initial production and issuance of the plates and shall provide payment to the Secretary of State for the costs to replenish the Wabanaki plate inventory.

3. **Design.** The Secretary of State, in consultation with the Wabanaki Confederacy, shall determine a design for the Wabanaki registration plates. The joint standing committee of the Legislature having jurisdiction over transportation matters shall review the final design prior to manufacture of the plates. Upon request, the Secretary of State shall issue Wabanaki plates that are also vanity plates. Wabanaki plates are issued in accordance with the provisions of this section and section 453.

4. **Renewal fee.** The renewal fee for the Wabanaki plate is the regular motor vehicle registration fee required by section 501.

5. **Duplicate plates.** The Secretary of State shall issue Wabanaki plates in a 3-number and 3-letter combination sequence. Vanity plates may not duplicate vanity plates issued in another class of plate.

6. **Weight limit.** A Wabanaki plate may be issued for a motor vehicle that does not exceed 9,000 pounds. A motor vehicle that exceeds 6,000 pounds is subject to the fees in section 504.

See title page for effective date.

CHAPTER 684

S.P. 613 - L.D. 1681

An Act To Make Principles of Reimbursement for Intermediate Care Facilities for the Mentally Retarded Major Substantive Rules

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

Sec. 1. 22 MRSA §3187, as amended by PL 1995, c. 462, Pt. A, §43, is further amended to read:

§3187. Principles of reimbursement; rules

The department shall meet annually with providers of ~~community-based~~ community-based intermediate care facilities for the mentally retarded to review current principles of reimbursement under the federal Social Security Act, Title XIX, 42 United States Code, ~~chapter~~ Chapter 7, and discuss necessary and appropriate changes.

Principles of reimbursement established for intermediate care facilities for the mentally retarded ~~shall assure~~ must ensure maximum flexibility enabling facilities to shift variable cost funds within accounts established pursuant to the principles. These principles ~~shall~~ may not set any artificial limits on specific variable cost accounts as long as facility totals are met.

Rules regarding principles of reimbursement for intermediate care facilities for the mentally retarded adopted pursuant to section 3173 are major substantive rules as defined in Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 685

S.P. 620 - L.D. 1688

An Act To Clarify the Law Regarding Interpreting Services for People Who Are Deaf or Hard-of-hearing

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

Sec. 1. 5 MRSA §48, as amended by PL 1999, c. 399, §1 and affected by §20, is repealed.

Sec. 2. 5 MRSA §48-A is enacted to read: