

# 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.**

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**Penmor Lithographers**  
**Lewiston, Maine**  
**2004**

**CHAPTER 690**

**S.P. 769 - L.D. 1934**

**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 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. Supplemental allocations.** There are allocated from the Highway Fund for the fiscal years ending June 30, 2004 and June 30, 2005, to the departments listed, the following sums.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Revenue Services - Bureau of 0002**

Initiative: Allocates funds in the Personal Services line category to reclassify 3 existing Revenue Agent positions to Senior Revenue Agent positions within the Bureau of Revenue Services. Individuals in Revenue Agent positions who are reclassified to Senior Revenue Agent positions and new hires will be required to demonstrate that they have achieved certain competency benchmarks before Senior Revenue Agent pay is awarded. Until the achievement of these benchmarks, compensation will be at the Revenue Agent level. The changes will improve the ability of the Bureau of Revenue Services to attract and retain capable auditors in order to respond to the increasing complexity of tax audits.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	\$0	\$8,535

Highway Fund Total	0	8,535
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**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS**

<b>HIGHWAY FUND</b>	<b>2003-04</b>	<b>2004-05</b>
	0	8,535

<b>DEPARTMENT TOTAL - ALL FUNDS</b>	0	8,535
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**PUBLIC SAFETY, DEPARTMENT OF**

**State Police 0291**

Initiative: Transfers funds from State Police to State Police - Support to cover state cost allocation program charges that were inadvertently left out of Public Law 2003, chapter 40.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	(6,000)	(6,100)
Highway Fund Total	(6,000)	(6,100)

**State Police 0291**

Initiative: Provides funds for the arbitration ruling for the Maine State Police Officer reallocation.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	1,021,119	277,746
All Other	30,000	13,000
Highway Fund Total	1,051,119	290,746

**Motor Vehicle Inspection 0329**

Initiative: Provides funds for the arbitration ruling for the Maine State Police Officer reallocation.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	59,927	0
All Other	1,800	0
Highway Fund Total	61,727	0

**Traffic Safety 0546**

Initiative: Provides funds for the arbitration ruling for the Maine State Police Officer reallocation.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	15,244	6,826
All Other	450	200
Highway Fund Total	15,694	7,026

**Traffic Safety - Commercial Vehicle Enforcement 0715**

Initiative: Provides funds for the arbitration ruling for the Maine State Police Officer reallocation.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	237,103	80,704
All Other	7,000	2,400
Highway Fund Total	244,103	83,104

**State Police - Support 0981**

Initiative: Transfers funds from State Police to State Police - Support to cover state cost allocation program charges that were inadvertently left out of Public Law 2003, chapter 40.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	6,000	6,100
Highway Fund Total	6,000	6,100

<b>PUBLIC SAFETY, DEPARTMENT OF DEPARTMENT TOTALS</b>	<b>2003-04</b>	<b>2004-05</b>
<b>HIGHWAY FUND</b>	<b>1,372,643</b>	<b>380,876</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>1,372,643</b>	<b>380,876</b>

**SECRETARY OF STATE, DEPARTMENT OF**

**Administration - Motor Vehicles 0077**

Initiative: Provides for the continuation of 7 Clerk Typist II project positions and one Motor Vehicle Service Representative project position from April 17, 2004 to December 31, 2004 and 5 Clerk Typist II project positions and one Motor Vehicle Service Representative project position from January 1, 2005 to June 18, 2005 originally approved through financial orders 000475F4 and 000582F4. The fiscal year 2003-04 costs are funded by salary savings.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	0	295,277
Highway Fund Total	0	295,277

**Administration - Motor Vehicles 0077**

Initiative: Deallocates funds to reflect the elimination of 7 limited-period Motor Vehicle Service Representative positions authorized by Public Law 2003, chapter 490, Part A.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	0	(299,450)
Highway Fund Total	0	(299,450)

**Administration - Motor Vehicles 0077**

Initiative: Allocates funds for contractual services to provide project management for the Bureau of Motor Vehicles' computer migration project and independent verification reporting to be supplied to the Bureau of Motor Vehicles.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	0	200,000
Highway Fund Total	0	200,000

**Administration - Motor Vehicles 0077**

Initiative: Allocates funds for contractual services and costs incurred for services provided by the Bureau of Information Services on the BULL mainframe. The Secretary of State shall submit reports detailing expenditures made as a result of this initiative to the joint standing committee of the Legislature having jurisdiction over transportation matters by January 15, 2005 and July 15, 2005.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	0	300,000

Highway Fund Total	0	300,000
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**SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS**

<b>HIGHWAY FUND</b>	<b>0</b>	<b>495,827</b>
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<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>0</b>	<b>495,827</b>
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**TRANSPORTATION, DEPARTMENT OF**

**Bond Interest - Highway 0358**

Initiative: Deallocates funds based on a revised estimate of Highway Fund bond interest.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	(123,750)	(215,000)

Highway Fund Total	(123,750)	(215,000)
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**Bond Retirement - Highway 0359**

Initiative: Allocates funds for additional principal payments based on a reprojection of need and additional Highway Fund bonds approved in November 2003.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	0	100,000

Highway Fund Total	0	100,000
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**Highway and Bridge Improvement 0406**

Initiative: Allocates funds for highway and bridge improvement capital projects.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Capital Expenditures	3,000,000	0

Highway Fund Total	3,000,000	0
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**Highway and Bridge Improvement 0406**

Initiative: Allocates funds for infrastructure projects in the Highway and Bridge Improvement program.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Capital Expenditures	0	4,200,000

Highway Fund Total	0	4,200,000
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**Highway Maintenance 0330**

Initiative: Corrects an allocation in Public Law 2003, chapter 502 for construction of salt and sand storage facilities from the Administration and Planning program to the Highway Maintenance program. Funds were inadvertently allocated to the wrong program.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	202,000	0

Highway Fund Total	202,000	0
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**Administration and Planning 0339**

Initiative: Corrects an allocation in Public Law 2003, chapter 502 for construction of salt and sand storage facilities from the

Administration and Planning program to the Highway Maintenance program. Funds were inadvertently allocated to the wrong program.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	(202,000)	0
Highway Fund Total	<u>(202,000)</u>	<u>0</u>

**Island Town Refunds - Highway 0334**

Initiative: Allocates funds to the Island Town Refund program in order to fund an increase in island town refunds due to a higher increase in island vehicle registrations than anticipated.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
All Other	4,000	6,000
Highway Fund Total	<u>4,000</u>	<u>6,000</u>

<b>TRANSPORTATION, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>	<b>2003-04</b>	<b>2004-05</b>
<b>HIGHWAY FUND</b>	<b>2,880,250</b>	<b>4,091,000</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>2,880,250</b>	<b>4,091,000</b>
<b>SECTION TOTALS</b>		
<b>HIGHWAY FUND</b>	<b>4,252,893</b>	<b>4,976,238</b>
<b>SECTION TOTALS - ALL FUNDS</b>	<b>\$4,252,893</b>	<b>\$4,976,238</b>

**PART B**

**Sec. B-1. Allocations.** There are allocated from the Highway Fund for the fiscal years ending June 30, 2004 and June 30, 2005, to the departments listed, the sums identified in the following, in order to provide funding for approved reclassifications and range changes.

**PUBLIC SAFETY, DEPARTMENT OF**

**State Police 0291**

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	\$3,406	\$2,295
All Other	(3,406)	(2,295)
Highway Fund Total	<u>0</u>	<u>0</u>

**Administration - Motor Vehicles 0077**

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	0	29,605
All Other	0	(29,605)
Highway Fund Total	<u>0</u>	<u>0</u>

<b>PUBLIC SAFETY, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>	<b>2003-04</b>	<b>2004-05</b>
<b>HIGHWAY FUND</b>	<b>0</b>	<b>0</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>0</b>	<b>0</b>

**TRANSPORTATION, DEPARTMENT OF**

**Highway Maintenance 0330**

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	12,253	12,560
All Other	(12,253)	(12,560)
Highway Fund Total	<u>0</u>	<u>0</u>

**Traffic Service 0331**

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	494	510
All Other	(494)	(510)
Highway Fund Total	<u>0</u>	<u>0</u>

**Bridge Maintenance 0333**

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	642	671
All Other	(642)	(671)
Highway Fund Total	<u>0</u>	<u>0</u>

**Administration and Planning 0339**

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	66,949	77,787
All Other	(66,949)	(77,787)
Highway Fund Total	<u>0</u>	<u>0</u>

**Highway and Bridge Improvement 0406**

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	28,141	31,733
All Other	(28,141)	(31,733)
Highway Fund Total	<u>0</u>	<u>0</u>

**Collector Road Program 0505**

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	280	293
All Other	(280)	(293)
Highway Fund Total	<u>0</u>	<u>0</u>

<b>TRANSPORTATION, DEPARTMENT OF</b>		
<b>DEPARTMENT TOTALS</b>	<b>2003-04</b>	<b>2004-05</b>
<b>HIGHWAY FUND</b>	<b>0</b>	<b>0</b>
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>0</b>	<b>0</b>
<b>SECTION TOTALS</b>		
<b>HIGHWAY FUND</b>	<b>0</b>	<b>0</b>
<b>SECTION TOTALS - ALL FUNDS</b>	<b>\$0</b>	<b>\$0</b>

**PART C**

**Sec. C-1. Calculation and transfer; recovery of unfunded actuarial liability.** Notwithstanding any other provision of law, the State Budget

Officer shall calculate the amount of expenditures in section 2 of this Part that applies against each Highway Fund account for all departments and agencies for the increased state cost allocation program requirements associated with the recovery of unfunded actuarial liability costs and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over transportation matters a report of the transferred amounts no later than January 15, 2005.

**Sec. C-2. Allocations.** The following funds are allocated from the Highway Fund.

**ADMINISTRATIVE AND FINANCIAL SERVICES,  
DEPARTMENT OF**

**Departments and Agencies - Statewide 0016**

Initiative: Allocates funds for increased state cost allocation program requirements associated with the recovery of unfunded actuarial liability costs paid by the General Fund.

Highway Fund	2003-04	2004-05
All Other	\$0	\$333,928
Highway Fund Total	\$0	\$333,928

**PART D**

**Sec. D-1. Calculation and transfer; savings in cost of health insurance.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 2 of this Part that applies against each Highway Fund account for all departments and agencies from savings in the cost of health insurance and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2004-05. The State Budget Officer shall provide the joint standing committee of the Legislature having jurisdiction over transportation matters a report of the transferred amounts no later than January 15, 2005.

**Sec. D-2. Allocations.** The following funds are allocated from the Highway Fund.

**ADMINISTRATIVE AND FINANCIAL SERVICES,  
DEPARTMENT OF**

**Departments and Agencies - Statewide 0016**

Initiative: Deallocates funds for health insurance as a result of a negotiated rate that is less than what was anticipated.

Highway Fund	2003-04	2004-05
All Other	\$0	(\$190,000)
Highway Fund Total	\$0	(\$190,000)

**PART E**

**Sec. E-1. Calculation and transfer; savings in cost of workers' compensation insurance.** Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings in section 2 of this Part that applies against each Highway Fund account for all departments and agencies from savings in the cost of workers' compensation insurance and shall transfer the 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 transportation matters a report of the transferred amounts no later than January 15, 2005.

**Sec. E-2. Allocations.** The following funds are allocated from the Highway Fund.

**ADMINISTRATIVE AND FINANCIAL SERVICES,  
DEPARTMENT OF**

**Departments and Agencies - Statewide 0016**

Initiative: Deallocates Personal Services savings in fiscal years 2003-04 and 2004-05 from the Workers' Compensation line category achieved through a reduction in claims from aggressive claims management.

Highway Fund	2003-04	2004-05
Personal Services	(\$75,121)	(\$187,100)
Highway Fund Total	(\$75,121)	(\$187,100)

**PART F**

**Sec. F-1. Highway Summer Maintenance account; lapsed balances.** Notwithstanding any other provision of law, \$1,367,264 of Personal Services unencumbered balance forward and \$107,468 of All Other unencumbered balance forward in fiscal year 2003-04 in the Highway Summer Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

**Sec. F-2. Traffic Services account; lapsed balances.** Notwithstanding any other provision of law, \$845,363 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Traffic Services account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

**Sec. F-3. Bridge Maintenance account; lapsed balances.** Notwithstanding any other provision of law, \$679,905 of Personal Services unencumbered balance forward in fiscal year 2003-04 in the Bridge Maintenance account in the Department of Transportation lapses to the Highway Fund in fiscal year 2003-04.

**PART G**

**Sec. G-1. Report on strategies to address the State's transportation infrastructure deficit.** The Commissioner of Transportation shall prepare and deliver to the joint standing committee of the Legislature having jurisdiction over transportation matters by February 15, 2005 a report containing research findings and recommendations regarding strategies to address the State's transportation infrastructure deficit including all modes of travel. These strategies should not rely on significant revisions to existing laws that establish constitutionally protected Highway Fund revenues. These strategies should include, but need not be limited to, expanded use of public-private and state-municipal partnerships, revision of match requirements to stretch existing federal funding, expanded use of tolling, new or expanded collaboration with the Maine Turnpike Authority and other local or regional transportation agencies, innovative cash management and financing and increased coordination with economic development agencies.

**PART H**

**Sec. H-1. Transfer authorized.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, for the fiscal year ending June 30, 2004, the Commissioner of Transportation is authorized to transfer, by financial order upon the recommendation of the State Budget Officer and approval of the Governor, identified Personal Services Highway Fund savings to any other program or line category within the Highway Fund to cover any nonrecurring program costs. The financial order must identify the specific savings in Personal Services after assuming all costs for that program including collective bargaining costs. The Commissioner of Transportation shall provide a report by September 15, 2004 to the members of the Joint Standing Committee on Transportation detailing the financial adjustments to the Highway Fund.

**PART I**

**Sec. I-1. Transfer of Highway Fund unallocated balance to Highway and Bridge Improvement, Department of Transportation.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, at the close of fiscal year 2003-04, the State Controller shall transfer amounts exceeding \$1,599,068 from the unallocated balance in the Highway Fund after the deduction of all allocations, financial commitments, other designated funds or any other transfer authorized by statute to the Highway and Bridge Improvement program, Highway Fund account in the Department of Transportation. The Commissioner of Transportation

is authorized to allot these funds by financial order upon the recommendation of the State Budget Officer and the approval of the Governor. Within 30 days of approval of the financial order, the Commissioner of Transportation shall provide to the members of the Joint Standing Committee on Transportation a report detailing the financial status of the Highway and Bridge Improvement program.

**PART J**

**Sec. J-1. Allocations.** The following funds are allocated from the Highway Fund.

**ADMINISTRATIVE AND FINANCIAL SERVICES,  
DEPARTMENT OF**

**Departments and Agencies - Statewide 0016**

Initiative: Allocates funds to offset the deallocation made in Public Law 2003, chapter 20, Part B regarding savings to the State for the cost of health insurance through increasing MaineCare rates for hospital inpatient services to the upper payment limit.

<b>Highway Fund</b>	<b>2003-04</b>	<b>2004-05</b>
Personal Services	\$0	\$4,818,560
Highway Fund Total	\$0	\$4,818,560

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

Effective May 6, 2004, except as otherwise indicated.

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**CHAPTER 691**

**S.P. 806 - L.D. 1961**

**An Act To Clarify Legislative Pay**

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

**Sec. 1. 3 MRSA §2, 6th ¶,** as amended by PL 1989, c. 501, Pt. O, §§3 and 22, c. 600, Pt. B, §§9 and 10 and c. 878, Pt. D, §§14 and 15, is further amended to read:

In addition to the salary paid for the first and 2nd regular sessions of the Legislature, when a special session is called, the members of the Senate and House of Representatives ~~shall~~ must each be compensated \$100 for every day's attendance, expenses and mileage pursuant to this section; except that if a special session is called during the time period specified in this section for a first regular session or 2nd regular session, the special session per diem does not apply.