

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

Whereas, copies of the warrants for the referendum delivered to the towns and posted prior to the October 1, 2002 referendum were not attested; and

Whereas, the failure to attest copies of the warrants has created a legal technicality that could affect the marketability of the bonds or notes to be issued by the district in connection with the project; 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. Validation and authorization. Notwithstanding any provision of the Maine Revised Statutes to the contrary, the School Administrative District No. 71 school construction referendum conducted on October 1, 2002 and the proceedings related to that referendum are validated and made effective. School Administrative District No. 71 is authorized to enter into contracts and to issue bonds or notes of the district for school construction purposes in an amount not to exceed \$16,052,724 to construct and equip a new elementary school for kindergarten and grades one to 3, to construct a sidewalk to that new elementary school and to construct a sewer line extension to connect that new elementary school to the Kennebunk Sewer District's wastewater collection system, all as set forth in Articles 2, 3 and 4 of the warrants and ballots for the referendum.

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

Effective May 19, 2003.

CHAPTER 21

H.P. 194 - L.D. 239

An Act to Elevate the Standards of Foster Parenting in the State

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

Sec. 1. Reports of Foster/Adoptive Parent Advisory Committee. The Department of Human Services shall require its Foster/Adoptive Parent Advisory Committee to prepare and deliver an oral and written report to the joint standing committee of the Legislature having jurisdiction over health and human services matters every 6 months beginning

October 2003. The report must include, but is not limited to, the following: issues that the committee has examined since the last report; recommendations for changes to the adoption and foster care system to address those issues; and a review of department plans for rulemaking in the areas of adoption and foster care, including plans for major substantive rules and routine technical rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A. The written report must also include, as attachments, meeting agendas, meeting minutes and other documents prepared by the committee since the last report.

Sec. 2. Committee cochairs. The Foster/Adoptive Parent Advisory Committee shall have cochairs of the committee and at least one cochair must be a foster or adoptive parent.

See title page for effective date.

CHAPTER 22

H.P. 1052 - L.D. 1433

An Act To Establish Municipal Cost Components for Unorganized Territory Services To Be Rendered in Fiscal Year 2003-04

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

Whereas, prompt determination and certification of the municipal cost components in the Unorganized Territory Tax District are necessary to the establishment of a mill rate and the levy of the Unorganized Territory Educational and Services Tax; 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. Municipal cost components for services rendered. In accordance with the Maine Revised Statutes, Title 36, chapter 115, the Legislature determines that the net municipal cost component for services and reimbursements to be rendered in fiscal year 2003-04 is as follows:

Audit - Fiscal Administration	\$108,207
Education	10,902,895

Forest Fire Protection	150,000
Human Services - General Assistance	77,610
Property Tax Assessment - Operations	647,399
Maine Land Use Regulation Commission - Operations	185,735
TOTAL STATE AGENCIES	\$12,071,846

County Reimbursements for Services:

Aroostook	\$643,089
Franklin	573,099
Hancock	76,808
Kennebec	6,393
Oxford	362,248
Penobscot	676,840
Piscataquis	522,569
Somerset	773,469
Washington	429,889

TOTAL COUNTY SERVICES	\$4,064,404
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TOTAL REQUIREMENTS	\$16,136,250
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COMPUTATION OF ASSESSMENT

Requirements	\$16,136,250
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Less Deductions:

General -	
State Revenue Sharing	\$250,000
Homestead Reimbursement	100,000
Miscellaneous Revenues	50,000
Transfer from Undesignated Fund Balance	2,400,000

TOTAL	\$2,800,000
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Educational -	
Lands Reserve Trust	\$60,000
Tuition - Travel	280,000
Miscellaneous	5,000
Special - Retirement	175,000

TOTAL	\$520,000
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TOTAL DEDUCTIONS	(\$3,320,000)
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TAX ASSESSMENT	\$12,816,250
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Emergency clause. In view of the emergency cited in the preamble, this Act takes effect when approved.

Effective May 30, 2003.

CHAPTER 23

S.P. 521 - L.D. 1552

An Act To Allocate a Portion of the Reed Act Distribution of 2002 To Use for the Administration of the Unemployment Insurance and Employment Services Programs

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

Sec. 1. Money credited to State of Maine account in Unemployment Trust Fund under Section 903(d) of Federal Social Security Act.

Money credited to the account of the State of Maine in the Federal Unemployment Trust Fund by the United States Secretary of the Treasury on March 13, 2002 pursuant to Section 903(d) of the Federal Social Security Act may not be requisitioned from the State's account or used except for the payment of benefits and for the payment of expenses incurred for the administration of the State's unemployment compensation law and public employment offices. Money used for the payment of benefits is requisitioned as defined in the Maine Revised Statutes, Title 26, section 1162. Money requisitioned and used for the payment of expenses incurred for the administration of the State's unemployment compensation law and public employment offices requires a specific appropriation by the Legislature as provided in section 2 of this Act. That use is only permissible if the expenses are incurred and the money is requisitioned after the effective date of a law making an appropriation law that specifies the purposes for which the money is appropriated and the amounts appropriated for those purposes. Any amount that may be obligated under such an appropriation is limited to an amount that does not exceed the amount by which the aggregate of the amounts transferred to the account of the State of Maine pursuant to Section 903(d) of the Federal Social Security Act exceeds the aggregate of the amounts used by the State pursuant to this Act and charged against the amounts transferred to the account of the State of Maine.

For purposes of this section, the amounts obligated under an appropriation for administrative purposes must be charged against transferred amounts at the exact time the obligation is entered into. The appropriation, obligation and expenditure or other disposition of money appropriated under this section must be accounted for in accordance with standards established by the United States Secretary of Labor. Money appropriated as provided in this Act for the payment of administration must be requisitioned as needed for the payment of obligations incurred under the appropriation and, upon requisition, must be deposited in the Employment Security Administration Fund from which payments are made. Money so