

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

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

deposited must, until expended, remain a part of the unemployment fund and, if it will not be immediately expended, must be returned promptly to the account of the State of Maine in the Federal Unemployment Trust Fund.

Sec. 2. Allocation maintaining State unemployment compensation and public employment system. There is allocated out of funds made available to the State under Section 903(d) of the Federal Social Security Act, as amended, the sum of \$9,760,000 in accordance with section 1, to be used under the direction of the Department of Labor, for the purpose of maintaining and operating the State's unemployment compensation and public employment system. The uses include expanded unemployment, employment and labor market information program services for workers and employers; expanded service access options for program customers; toll-free customer access to unemployment services delivered via telephone; consolidation of multiple program information system platforms; federal technology upgrades; and the repair and accessibility under the Americans with Disabilities Act upgrade of the central employment security administration facility in Augusta.

The amount obligated pursuant to this Act may not exceed at any time 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 obligated for administration and paid out for benefits and required by law to be charged against the amounts transferred to the State of Maine account.

Sec. 3. Appropriations and Allocations. The following appropriations and allocations are made.

LABOR, DEPARTMENT OF

Employment Security Services 0245

Initiative: Allocates funds associated with a portion of the federal Reed Act Distribution funds of 2002 being transferred from the Employment Security Administration Fund to maintain and operate the State's unemployment and employment offices.

Federal Expenditures Fund	2003-04	2004-05
All Other	\$4,000,000	\$1,560,000
Federal Expenditures		
Fund Total	\$4,000,000	\$1,560,000

See title page for effective date.

CHAPTER 24

H.P. 63 - L.D. 55

An Act to Keep Foster Children Safe and Healthy

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

Sec. 1. Smoking policy. By January 1, 2004, the Department of Human Services shall adopt rules on smoking by foster parents in family foster homes and in foster parents' private vehicles. The rules must include ways to protect foster children from second-hand smoke. Rules adopted pursuant to this section are major substantive rules as defined in the Maine Revised Statutes, Title 5, chapter 375, subchapter 2-A.

See title page for effective date.

CHAPTER 25

H.P. 1182 - L.D. 1608

An Act To Amend the Charter of the Baileyville Utilities District

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

Whereas, the Baileyville Utilities District and the Town of Baileyville wish to enter into a contract for the management, oversight and billing related to the functions of the sewer department; and

Whereas, it is vital that this be done immediately for the benefit of the people of the town; 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. P&SL 1975, c. 79, §2 is amended by adding at the end a new paragraph to read:

The district is authorized to contract with the Town of Baileyville for the management, oversight and billing related to the functions of the Town of Baileyville sewer department. The district and the town shall pay reasonable compensation, as the parties