

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SECOND LEGISLATURE

FIRST REGULAR SESSION
December 1, 2004 to March 30, 2005

FIRST SPECIAL SESSION
April 4, 2005 to June 18, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
JUNE 29, 2005

THE GENERAL EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 17, 2005

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

Penmor Lithographers
Lewiston, Maine
2005

The program fund balance may be used to pay assistance to qualified eligible physicians in prior years for which there were insufficient funds. If all prior years' eligible qualified physicians have received assistance, any excess funds must be carried forward to subsequent plan years as part of the program fund balance. Excess funds must be applied first to the assessment year commencing July 1, 1998 and then to each successive assessment year.

For the purposes of this section, "program fund balance" means the total funds collected in excess of assistance paid for all years.

Sec. 8. 24-A MRSA §6306, as enacted by PL 1989, c. 931, §5, is amended to read:

§6306. Funds held by insurers

Insurers ~~may~~ shall invest assessments collected subject to chapter 13. Interest earned on investments must be credited to the Rural Medical Access Program.

Sec. 9. 24-A MRSA §6308, sub-§2, as amended by PL 1991, c. 734, §5 and PL 2003, c. 689, Pt. B, §7, is further amended to read:

2. Determination of participants in the program. The superintendent shall apply the standards of prioritization adopted by the Commissioner of Health and Human Services to determine the physicians who are eligible for the program. The funding available for each qualified physician is the amount equal to the difference between the physician's medical malpractice insurance premiums with obstetrical care coverage and the physician's premiums without obstetrical care coverage; however, the funding must be at least \$5,000 but may not be more than ~~\$10,000~~ \$15,000 as determined by the superintendent. Program payments must be made to the individual or entity paying the medical malpractice premium for the qualified physician.

See title page for effective date.

CHAPTER 123

H.P. 749 - L.D. 1096

An Act To Make Technical and Minor Changes in the Capitol Planning Commission

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

Sec. 1. 5 MRSA §298, sub-§3, as repealed and replaced by PL 1979, c. 108, §2, is amended to read:

3. Residents. ~~Two residents~~ One resident of the Capitol Planning District and ~~one resident~~ 2 residents of the City of Augusta, who ~~shall~~ may not be a ~~resident~~ residents of the Capitol Planning District, to be appointed by the Governor for terms of ~~2~~ 5 years; and

Sec. 2. 5 MRSA §298, sub-§4, as enacted by PL 1977, c. 513, §1, is amended to read:

4. Members-at-large. Four citizens of the State, who ~~shall~~ may not be residents of Augusta, to be appointed by the Governor for terms of ~~2~~ 5 years; except that the first appointed member ~~shall~~ must be appointed for a term of one year.

Sec. 3. Resident and at-large members.

The resident and at-large members of the Capitol Planning Commission holding office on the effective date of this Act hold office for the terms for which they were elected, and as each term expires the new member is elected for 5 years. If a vacancy arises, it must be filled for the remainder of the unexpired term.

See title page for effective date.

CHAPTER 124

H.P. 274 - L.D. 361

An Act To Reestablish the Penobscot County Budget Committee

Mandate preamble. This measure requires one or more local units of government to expand or modify activities so as to necessitate additional expenditures from local revenues but does not provide funding for at least 90% of those expenditures. Pursuant to the Constitution of Maine, Article IX, Section 21, 2/3 of all of the members elected to each House have determined it necessary to enact this measure.

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

Whereas, this bill concerns the Penobscot County Budget Committee, which will deal with significant issues prior to July 1, 2005; 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. 30-A MRSA c. 3, sub-c. 1, art. 15 is enacted to read:

ARTICLE 15

PENOBSCOT COUNTY BUDGET COMMITTEE

§900-K. Definitions

As used in this article, unless the context otherwise indicates, the following terms have the following meanings.

1. Budget committee. "Budget committee" means the Penobscot County Budget Committee.

2. Municipal official. "Municipal official" means any elected member of a municipal government in Penobscot County.

§900-L. Budget; appropriations and approval

Notwithstanding sections 2, 701 and 702, in Penobscot County the county commissioners may appropriate money according to a budget that must be prepared and finalized in accordance with this article.

§900-M. Budget committee

There is established the Penobscot County Budget Committee to carry out the purposes of this article.

1. Membership. The budget committee consists of the following members:

A. Two members elected from each commissioner district as provided in subsection 2;

B. Two municipal officials appointed by each county commissioner from the commissioner's district; and

C. One member of the county legislative delegation appointed by each county commissioner from the commissioner's district.

2. Municipal official elections. Before October 15th of every year, the county commissioners shall notify all municipal officials to caucus by county commissioner district at a specified date, time and place for the purpose of electing one municipal official from each district as a member of the budget committee. Each county commissioner shall serve as nonvoting moderator for that district caucus. Nominations must be received from the floor. The nominee receiving the most votes is the budget committee member. The name of the member elected by the caucus must be recorded and forwarded to the county commissioners.

3. Term; vacancy; replacement. Budget committee members serve 2-year terms. If a budget committee member ceases to be a municipal official during the term of membership, the budget committee member vacates membership and a replacement must be appointed by the county commissioner from the district in which the vacancy occurred.

§900-N. Budget process

1. Public hearing. The county commissioners shall hold one or more public hearings on the budget at times convenient for the residents of the county and before December 16th of each year.

2. Budget; submission to budget committee. The Penobscot County commissioners shall submit a budget for the coming year to the budget committee no later than November 10th of each year. The budget committee shall review the budget with the county commissioners prior to November 30th and make additions or deletions to the budget by a majority vote of the budget committee. A unanimous vote of the county commissioners is required to override the budget committee.

3. Assessment of taxes. The budget adopted under subsection 2 is the final authorization for the assessment of county taxes. The county tax authorized is apportioned and collected in accordance with section 706.

4. Final budget; filing. A copy of the final budget must be filed on forms approved by the Department of Audit with the State Auditor, who shall retain it for 3 years.

5. Interim budget. If the budget is not approved before the start of the fiscal year, the county must operate on an interim budget that does not exceed the budget of the previous year until a final budget is adopted.

Sec. 2. Staggered terms. Notwithstanding the Maine Revised Statutes, Title 30-A, section 900-M, subsections 2 and 3, before October 15, 2005, each county commissioner district shall elect 2 members to serve on the Penobscot County Budget Committee, one of whom serves a one-year term and one of whom serves a 2-year term.

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

Effective May 18, 2005.
