

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-FIFTH LEGISLATURE

FIRST REGULAR SESSION
December 1, 2010 to June 29, 2011

THE GENERAL EFFECTIVE DATE FOR
FIRST REGULAR SESSION
NON-EMERGENCY LAWS IS
SEPTEMBER 28, 2011

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

Augusta, Maine
2011

6. Definitions. ~~For purposes of~~ As used in this section, the term "animal" does not include cats unless the context otherwise indicates, the following terms have the following meanings.

A. "Animal" does not include cats.

B. "Authorized employee of the department" means a humane agent or any other employee of the department designated by the commissioner to assist with compliance and enforcement of this section.

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

Effective April 1, 2011.

**CHAPTER 19
H.P. 38 - L.D. 45**

An Act To Allow Marriage and Family Therapists To Provide Related Services in Public Schools

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

Sec. 1. 20-A MRSA §7007 is enacted to read:

§7007. Related services

Related services must be provided by qualified individuals employed or contracted by the school administrative unit in accordance with rules adopted by the department pursuant to section 7005.

Sec. 2. 20-A MRSA §7251-A, as enacted by PL 1987, c. 395, Pt. A, §74, is amended to read:

§7251-A. Local special education services; related services

A school administrative unit may offer or contract for special education services. A school administrative unit may also offer or contract for related services in accordance with rules adopted by the department pursuant to section 7005.

Sec. 3. Rules amended; marriage and family therapists. The Commissioner of Education shall amend its rules in Chapter 101: Maine Unified Special Education Regulation Birth to Age Twenty to clarify that a person licensed as a marriage and family therapist under the Maine Revised Statutes, Title 32, chapter 119 is qualified to:

1. Serve as a qualified evaluator for children 3 to 20 years of age as described in Section IV, subsection 2, paragraph G of the rule;

2. Provide related services to children with disabilities as described in Section XI of the rule; and

3. Serve as a qualified licensed contractor pursuant to a contract for the provision of related services to children with disabilities as described in Section XVIII, subsection 1, paragraph C, subparagraph (3), division (a) of the rule.

See title page for effective date.

**CHAPTER 20
S.P. 168 - L.D. 576**

An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government and To Change Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2011

Emergency preamble. Whereas, acts and resolves 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. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Bureau of General Services - Capital Construction and Improvement Reserve Fund 0883

Initiative: Provides funding necessary to meet the required debt service payment due in fiscal year 2010-11.

HIGHWAY FUND	2010-11	2011-12	2012-13
All Other	\$6,497	\$0	\$0
HIGHWAY FUND TOTAL	\$6,497	\$0	\$0

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF DEPARTMENT TOTALS	2010-11	2011-12	2012-13
HIGHWAY FUND	\$6,497	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$6,497	\$0	\$0

PUBLIC SAFETY, DEPARTMENT OF Highway Safety DPS 0457

Initiative: Provides funding for the increased cost of STA-CAP.

HIGHWAY FUND	2010-11	2011-12	2012-13
All Other	\$8,790	\$0	\$0
HIGHWAY FUND TOTAL	\$8,790	\$0	\$0

Highway Safety DPS 0457

Initiative: Provides funding for the increased cost of building rent.

HIGHWAY FUND	2010-11	2011-12	2012-13
All Other	\$6,920	\$0	\$0
HIGHWAY FUND TOTAL	\$6,920	\$0	\$0

State Police 0291

Initiative: Reduces funding by holding certain Department of Public Safety positions vacant. This initiative relates to curtailment of allotments ordered by the Governor pursuant to the Maine Revised Statutes, Title 5, section 1668.

HIGHWAY FUND	2010-11	2011-12	2012-13
Personal Services	(\$230,667)	\$0	\$0

HIGHWAY FUND TOTAL	(\$230,667)	\$0	\$0
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State Police 0291

Initiative: Provides funding for the increased cost of building rent.

HIGHWAY FUND	2010-11	2011-12	2012-13
All Other	\$29,266	\$0	\$0
HIGHWAY FUND TOTAL	\$29,266	\$0	\$0

Traffic Safety 0546

Initiative: Provides funding for the increased cost of STA-CAP.

HIGHWAY FUND	2010-11	2011-12	2012-13
All Other	\$6,015	\$0	\$0
HIGHWAY FUND TOTAL	\$6,015	\$0	\$0

Traffic Safety - Commercial Vehicle Enforcement 0715

Initiative: Provides funding for the increased cost of STA-CAP.

HIGHWAY FUND	2010-11	2011-12	2012-13
All Other	\$13,130	\$0	\$0
HIGHWAY FUND TOTAL	\$13,130	\$0	\$0

PUBLIC SAFETY, DEPARTMENT OF

DEPARTMENT TOTALS	2010-11	2011-12	2012-13
HIGHWAY FUND	(\$166,546)	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	(\$166,546)	\$0	\$0

SECRETARY OF STATE, DEPARTMENT OF Administration - Motor Vehicles 0077

Initiative: Reorganizes 14 Motor Vehicle Branch Office Manager positions from range 18 to range 20 and

transfers All Other to Personal Services to fund the reorganization.

HIGHWAY FUND	2010-11	2011-12	2012-13
Personal Services	\$5,838	\$0	\$0
All Other	(\$5,838)	\$0	\$0

HIGHWAY FUND	\$0	\$0	\$0
TOTAL			

SECRETARY OF STATE, DEPARTMENT OF DEPARTMENT TOTALS

	2010-11	2011-12	2012-13
HIGHWAY FUND	\$0	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0

TRANSPORTATION, DEPARTMENT OF Administration 0339

Initiative: Recognizes Personal Services savings within the Administration program and uses those savings to fund capital projects within the Highway and Bridge Capital program.

HIGHWAY FUND	2010-11	2011-12	2012-13
Personal Services	(\$500,000)	\$0	\$0

HIGHWAY FUND TOTAL	(\$500,000)	\$0	\$0
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Bond Retirement - Highway 0359

Initiative: Recognizes savings within the Bond Retirement - Highway program and uses those savings to fund capital projects within the Highway and Bridge Capital program.

HIGHWAY FUND	2010-11	2011-12	2012-13
All Other	(\$895,000)	\$0	\$0

HIGHWAY FUND TOTAL	(\$895,000)	\$0	\$0
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Highway and Bridge Capital 0406

Initiative: Recognizes Personal Services savings within the Administration program and uses those savings to fund capital projects within the Highway and Bridge Capital program.

HIGHWAY FUND	2010-11	2011-12	2012-13
Capital Expenditures	\$500,000	\$0	\$0

HIGHWAY FUND TOTAL	\$500,000	\$0	\$0
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Highway and Bridge Capital 0406

Initiative: Recognizes savings within the Bond Retirement - Highway program and uses those savings to fund capital projects within the Highway and Bridge Capital program.

HIGHWAY FUND	2010-11	2011-12	2012-13
Capital Expenditures	\$895,000	\$0	\$0

HIGHWAY FUND TOTAL	\$895,000	\$0	\$0
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Maintenance and Operations 0330

Initiative: Recognizes Personal Services savings within the Maintenance and Operations program and transfers those savings to the All Other line category within the same program.

HIGHWAY FUND	2010-11	2011-12	2012-13
Personal Services	(\$4,500,000)	\$0	\$0
All Other	\$4,500,000	\$0	\$0

HIGHWAY FUND TOTAL	\$0	\$0	\$0
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TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS

HIGHWAY FUND	\$0	\$0	\$0
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DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0
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SECTION TOTALS

	2010-11	2011-12	2012-13
HIGHWAY FUND	(\$160,049)	\$0	\$0

SECTION TOTAL - ALL FUNDS	(\$160,049)	\$0	\$0
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PART B

Sec. B-1. Appropriations and allocations.
The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Revenue Services - Bureau of 0002

Initiative: RECLASSIFICATIONS

HIGHWAY FUND	2010-11	2011-12	2012-13
Personal Services	\$2,726	\$0	\$0
All Other	(\$2,726)	\$0	\$0
HIGHWAY FUND TOTAL	\$0	\$0	\$0

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2010-11	2011-12	2012-13
HIGHWAY FUND	\$0	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0

PUBLIC SAFETY, DEPARTMENT OF
State Police 0291

Initiative: RECLASSIFICATIONS

HIGHWAY FUND	2010-11	2011-12	2012-13
Personal Services	\$19,485	\$0	\$0
All Other	(\$19,485)	\$0	\$0
HIGHWAY FUND TOTAL	\$0	\$0	\$0

Traffic Safety - Commercial Vehicle Enforcement 0715

Initiative: RECLASSIFICATIONS

HIGHWAY FUND	2010-11	2011-12	2012-13
Personal Services	\$11,003	\$0	\$0
All Other	(\$11,003)	\$0	\$0
HIGHWAY FUND TOTAL	\$0	\$0	\$0

PUBLIC SAFETY, DEPARTMENT OF
DEPARTMENT TOTALS

	2010-11	2011-12	2012-13
HIGHWAY FUND	\$0	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0

SECRETARY OF STATE, DEPARTMENT OF
Administration - Motor Vehicles 0077

Initiative: RECLASSIFICATIONS

HIGHWAY FUND	2010-11	2011-12	2012-13
Personal Services	\$588	\$0	\$0
All Other	(\$588)	\$0	\$0
HIGHWAY FUND TOTAL	\$0	\$0	\$0

SECRETARY OF STATE, DEPARTMENT OF
DEPARTMENT TOTALS

	2010-11	2011-12	2012-13
HIGHWAY FUND	\$0	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0

TRANSPORTATION, DEPARTMENT OF
Administration 0339

Initiative: RECLASSIFICATIONS

HIGHWAY FUND	2010-11	2011-12	2012-13
Personal Services	\$1,240	\$0	\$0
All Other	(\$1,240)	\$0	\$0
HIGHWAY FUND TOTAL	\$0	\$0	\$0

Highway and Bridge Capital 0406

Initiative: RECLASSIFICATIONS

HIGHWAY FUND	2010-11	2011-12	2012-13
Personal Services	\$7,242	\$0	\$0

All Other	(\$7,242)	\$0	\$0
HIGHWAY FUND TOTAL	\$0	\$0	\$0

SECTION TOTAL - ALL FUNDS	\$0	\$0	\$0
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PART C

Sec. C-1. PL 2009, c. 600, Pt. H, §1 is amended to read:

Sec. H-1. Carrying provision; Department of Secretary of State, Administration - Motor Vehicles program. Notwithstanding any other provision of law, the State Controller shall carry forward any unexpended balance in the All Other line category on June 30, 2010 ~~and on June 30, 2011 and June 30, 2012~~ in the Department of Secretary of State, Administration - Motor Vehicles program. The amount carried forward may not exceed a total of ~~\$1,000,000~~ \$1,800,000 for the biennium ending June 30, 2011 ~~and may carry forward into fiscal year 2011-12 2013~~. The amount carried forward must be used for the acquisition of a document management system to improve the efficiency and effectiveness of the department's operations.

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

Effective April 1, 2011.

**CHAPTER 21
S.P. 46 - L.D. 104**

An Act Regarding Audits of State Agency Expenditures To Recover Overpayments and Lost Discounts

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

Whereas, this legislation provides for the identification and recovery of payments made in error by the State; and

Whereas, the current economic situation demands that the State take measures such as those required by this legislation as soon as possible; 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:

FEDERAL EXPENDITURES FUND	2010-11	2011-12	2012-13
Personal Services	\$9,963	\$0	\$0
All Other	(\$9,963)	\$0	\$0
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$0	\$0

OTHER SPECIAL REVENUE FUNDS	2010-11	2011-12	2012-13
Personal Services	\$905	\$0	\$0
All Other	(\$905)	\$0	\$0
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$0	\$0

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS	2010-11	2011-12	2012-13
HIGHWAY FUND	\$0	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0	\$0
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$0	\$0

SECTION TOTALS	2010-11	2011-12	2012-13
HIGHWAY FUND	\$0	\$0	\$0
FEDERAL EXPENDITURES FUND	\$0	\$0	\$0
OTHER SPECIAL REVENUE FUNDS	\$0	\$0	\$0