

# MAINE STATE LEGISLATURE

The following document is provided by the  
**LAW AND LEGISLATIVE DIGITAL LIBRARY**  
at the Maine State Law and Legislative Reference Library  
<http://legislature.maine.gov/lawlib>



Reproduced from electronic originals  
(may include minor formatting differences from printed original)

**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**

**CHAPTER 28  
H.P. 1011 - L.D. 1372**

**An Act To Make Additional  
Supplemental Appropriations  
and Allocations 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**

**Mandate BETE - Reimburse Municipalities Z065**

Initiative: Reduces funding for a one-time savings in the program.

GENERAL FUND	2010-11	2011-12	2012-13
All Other	(\$27,500)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>(\$27,500)</b>	<b>\$0</b>	<b>\$0</b>

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

DEPARTMENT TOTALS	2010-11	2011-12	2012-13
<b>GENERAL FUND</b>	<b>(\$27,500)</b>	<b>\$0</b>	<b>\$0</b>

DEPARTMENT TOTAL - ALL FUNDS	2010-11	2011-12	2012-13
	(\$27,500)	\$0	\$0

**EDUCATION, DEPARTMENT OF  
Child Development Services 0449**

Initiative: Provides funding for services to children from birth to 5 years of age as a result of MaineCare rule changes effective September 1, 2010.

GENERAL FUND	2010-11	2011-12	2012-13
All Other	\$1,272,319	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$1,272,319</b>	<b>\$0</b>	<b>\$0</b>

EDUCATION, DEPARTMENT OF DEPARTMENT TOTALS	2010-11	2011-12	2012-13
<b>GENERAL FUND</b>	<b>\$1,272,319</b>	<b>\$0</b>	<b>\$0</b>

DEPARTMENT TOTAL - ALL FUNDS	2010-11	2011-12	2012-13
	\$1,272,319	\$0	\$0

**HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)**

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding to restore a deappropriation included in Public Law 2009, chapter 571 related to the disallowance of federal financial participation for targeted case management claims in fiscal years 2001-02 and 2002-03.

GENERAL FUND	2010-11	2011-12	2012-13
All Other	\$29,736,437	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$29,736,437</b>	<b>\$0</b>	<b>\$0</b>

**Medical Care - Payments to Providers 0147**

Initiative: Provides funding for growth in the MaineCare program.

GENERAL FUND	2010-11	2011-12	2012-13
All Other	\$6,943,905	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$6,943,905</b>	<b>\$0</b>	<b>\$0</b>

<b>HEALTH AND HUMAN SERVICES, DEPARTMENT OF (FORMERLY DHS)</b>			
DEPARTMENT TOTALS	2010-11	2011-12	2012-13
GENERAL FUND	\$36,680,342	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$36,680,342</b>	<b>\$0</b>	<b>\$0</b>

**INDIGENT LEGAL SERVICES, MAINE COMMISSION ON**  
**Maine Commission on Indigent Legal Services Z112**

Initiative: Provides funding for representation to indigent persons who are entitled to counsel.

GENERAL FUND	2010-11	2011-12	2012-13
All Other	\$550,000	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>\$550,000</b>	<b>\$0</b>	<b>\$0</b>

<b>INDIGENT LEGAL SERVICES, MAINE COMMISSION ON</b>			
DEPARTMENT TOTALS	2010-11	2011-12	2012-13
GENERAL FUND	\$550,000	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>\$550,000</b>	<b>\$0</b>	<b>\$0</b>

**LABOR, DEPARTMENT OF**  
**Governor's Training Initiative Program 0842**

Initiative: Reduces funding for grants used for training services in the Governor's Training Initiative Program.

GENERAL FUND	2010-11	2011-12	2012-13
All Other	(\$224,895)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>(\$224,895)</b>	<b>\$0</b>	<b>\$0</b>

<b>LABOR, DEPARTMENT OF</b>			
DEPARTMENT TOTALS	2010-11	2011-12	2012-13
GENERAL FUND	(\$224,895)	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>(\$224,895)</b>	<b>\$0</b>	<b>\$0</b>

**TREASURER OF STATE, OFFICE OF**  
**Debt Service - Treasury 0021**

Initiative: Reduces funding for debt service costs associated with note interest resulting from a change in the assumption for the issuance of tax anticipation notes for fiscal year 2010-11.

GENERAL FUND	2010-11	2011-12	2012-13
All Other	(\$43,750)	\$0	\$0
<b>GENERAL FUND TOTAL</b>	<b>(\$43,750)</b>	<b>\$0</b>	<b>\$0</b>

<b>TREASURER OF STATE, OFFICE OF</b>			
DEPARTMENT TOTALS	2010-11	2011-12	2012-13
GENERAL FUND	(\$43,750)	\$0	\$0
<b>DEPARTMENT TOTAL - ALL FUNDS</b>	<b>(\$43,750)</b>	<b>\$0</b>	<b>\$0</b>

<b>SECTION TOTALS</b>			
GENERAL FUND	2010-11	2011-12	2012-13
GENERAL FUND	\$38,206,516	\$0	\$0
<b>SECTION TOTAL - ALL FUNDS</b>	<b>\$38,206,516</b>	<b>\$0</b>	<b>\$0</b>

**PART B**

**Sec. B-1. Transfer from Federal Expenditures Fund; Department of Health and Human Services; Medical Care Services program.** Notwithstanding any other provision of law, the State Controller shall transfer \$29,736,437 by June 30, 2011 from the Medical Care Services Federal Expenditures Fund program within the Department of Health and Human Services to the unappropriated surplus of the General Fund.

**PART C**

**Sec. C-1. Carrying balance; Bureau of Medical Services; General Fund account.** Notwithstanding any other provision of law, any All Other line category balance in the Department of Health and Human Services, Bureau of Medical Services, General Fund account remaining on June 30, 2011 may not lapse but must be carried forward to June 30, 2012 to be used for the same purposes.

**PART D**

**Sec. D-1. Department of Labor; Governor's Training Initiative Program account; lapsed balances.** Notwithstanding any other provision of law, \$490,995 of unencumbered balance forward from the Department of Labor, Governor's Training Initiative Program, General Fund carrying account, All Other line category lapses to the General Fund no later than June 30, 2011.

**PART E**

**Sec. E-1. Transfer; unexpended funds; Department of Administrative and Financial Services; Bangor Campus Office Space account.** Notwithstanding any other provision of law, the State Controller shall transfer \$50,000 by June 30, 2011 from the Other Special Revenue Funds, Bangor Campus Office Space account in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund.

**PART F**

**Sec. F-1. Department of Education; Learning Through Technology account; lapsed balances.** Notwithstanding any other provision of law, \$1,272,319 of unencumbered balance forward from the Department of Education, Learning Through Technology program, General Fund carrying account, All Other line category lapses to the General Fund no later than June 30, 2011.

**PART G**

**Sec. G-1. Transfer to General Fund; Accident, Sickness and Health Insurance Internal Service Fund.** Notwithstanding any other provision of law, the State Controller shall transfer \$2,500,488 representing the General Fund and Other Special Revenue Funds shares from the Accident, Sickness and Health Insurance Internal Service Fund in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund no later than June 30, 2011. The State Controller also shall transfer the equitable excess reserves as required by state or federal regulations by June 30, 2011.

**PART H**

**Sec. H-1. Calculation and transfer; General Fund; central services savings.** Notwith-

standing any other provision of law, the State Budget Officer shall calculate the amount of savings in Part A of this Act in the Statewide Central Services account in the Department of Administrative and Financial Services that applies against each General Fund account for departments and agencies statewide as a result of a review of contracting processes. The State Budget Officer shall transfer the savings by financial order upon approval of the Governor. These transfers are considered adjustments to appropriations in fiscal year 2010-11.

**Sec. H-2. Appropriations and allocations.**

The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF**

**Departments and Agencies - Statewide 0016**

Initiative: Reduces funding for savings as a result of a review of contracting processes.

GENERAL FUND	2010-11	2011-12	2012-13
All Other	(\$2,000,000)	\$0	\$0
<hr/>			
GENERAL FUND	(\$2,000,000)	\$0	\$0
TOTAL			

**PART I**

**Sec. I-1. Transfer from unappropriated surplus at close of fiscal year 2010-11; Maine Budget Stabilization Fund.** Notwithstanding any other provision of law, at the close of fiscal year 2010-11, the State Controller shall transfer up to \$25,000,000 from the unappropriated surplus of the General Fund to the Maine Budget Stabilization Fund after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made and as the first priority after the transfers required pursuant to the Maine Revised Statutes, Title 5, sections 1507 and 1511 and before the transfers required pursuant to Title 5, section 1536.

**Sec. I-2. Transfer from unappropriated surplus at close of fiscal year 2010-11; Bureau of Medical Services account.** Notwithstanding any other provision of law, at the close of fiscal year 2010-11, the State Controller shall transfer up to \$5,000,000 from the unappropriated surplus of the General Fund to the Department of Health and Human Services, Bureau of Medical Services account for the operational contract costs of the Maine Integrated Health Management Solution system after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made and as the

second priority after the transfers made in section 1 of this Part.

**Sec. I-3. Transfer from unappropriated surplus at close of fiscal year 2010-11; Accident, Sickness and Health Insurance Internal Services Fund.** Notwithstanding any other provision of law, at the close of fiscal year 2010-11, the State Controller shall transfer up to \$2,500,488 from the unappropriated surplus of the General Fund to the Department of Administrative and Financial Services, Accident, Sickness and Health Insurance Internal Services Fund after all required deductions of appropriations, budgeted financial commitments and adjustments considered necessary by the State Controller have been made and as the third priority after the transfers made in sections 1 and 2 of this Part.

**Sec. I-4. Transfer considered adjustments to appropriations.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585, or any other provision of law, amounts transferred pursuant to section 2 of this Part are considered adjustments to appropriations in fiscal year 2011-12 only. These funds may be allotted by financial order upon recommendation of the State Budget Officer and approval of the Governor.

#### PART J

**Sec. J-1. PL 2009, c. 213, Pt. RRR, §1, sub-§3** is amended to read:

3. From the Department of Audit, Statewide Single Audit - Set Aside, Other Special Revenue Funds account, \$77,723 no later than June 30, 2010 ~~and \$79,928 no later than June 30, 2011;~~

**Sec. J-2. Transfer from unappropriated surplus at close of fiscal year 2010-11; Department of Audit, Statewide Single Audit - Set Aside account.** Notwithstanding any other provision of law, the State Controller shall transfer \$77,723 by June 30, 2011 from the unappropriated surplus of the General Fund to the Department of Audit, Statewide Single Audit - Set Aside, Other Special Revenue Funds account.

#### PART K

**Sec. K-1. PL 2011, c. 1, Pt. Q, §1** is amended to read:

**Sec. Q-1. Personal Services savings; transfer to General Fund undedicated revenue.** Notwithstanding the Maine Revised Statutes, Title 5, section 1582, subsection 4 or any other provision of law, the State Controller is authorized to transfer the first ~~\$3,500,000~~ \$5,646,084 of unexpended Personal Services appropriations that would otherwise lapse to the Salary Plan program in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund at the close of fiscal year 2010-11.

**Sec. K-2. PL 2011, c. 1, Pt. Q, §2** is amended to read:

**Sec. Q-2. General Fund Salary Plan; transfer to General Fund undedicated revenue.** Notwithstanding any other provision of law, the State Controller is authorized to transfer up to ~~\$3,500,000~~ \$5,646,084 from the Salary ~~Fund Plan~~ program in the Department of Administrative and Financial Services to the unappropriated surplus of the General Fund at the close of fiscal year 2010-11 in the event that the total savings in section 1 of this Part are not achieved.

**Sec. K-3. General Fund Salary Plan; lapse to General Fund unappropriated surplus.** Notwithstanding any other provision of law, the State Controller shall lapse \$908,738 from the General Fund Salary Plan program to the General Fund unappropriated surplus no later than June 30, 2011.

#### PART L

**Sec. L-1. Transfer of funds.** Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, for fiscal year 2010-11 only, the Commissioner of Education is authorized to identify savings within the existing General Fund programs of the Department of Education and to transfer up to \$3,000,000 in available balances by financial order upon the recommendation of the State Budget Officer and approval of the Governor from the existing General Fund program accounts to the Child Development Services General Fund program account in order to maintain services to students and provide timely payments to therapeutic service providers.

**Sec. L-2. Report.** No later than June 14, 2011, the Commissioner of Education shall submit a report to the Joint Standing Committee on Appropriations and Financial Affairs and the Joint Standing Committee on Education and Cultural Affairs on the transfer of funds to offset the Child Development Services General Fund program account shortfall, including the fiscal and programmatic impact of the transfer of funding on the affected Department of Education programs, as well as the status of the Child Development Services System in providing services to eligible children and providing timely payments to therapeutic service providers.

#### PART M

**Sec. M-1. Transfer of funds; Other Special Revenue Funds accounts; departments and agencies statewide.** Notwithstanding any other provision of law, transfers of savings from Other Special Revenue Funds accounts of departments and agencies statewide to the unappropriated surplus of the General Fund required to be made by the State Controller in fiscal year 2010-11 by Public Law 2009, chapter 213, Part RRR and Public Law 2009, chapter 571, Parts SS and TT are reduced by \$1,209,894.

**PART N**

**Sec. N-1. Transfer; unexpended funds; Department of the Attorney General, Other Special Revenue Funds.** Notwithstanding any other provision of law, the State Controller shall transfer \$469,000 in unexpended funds in the Department of the Attorney General, Administration - Attorney General, Other Special Revenue Funds program to the General Fund unappropriated surplus at the close of fiscal year 2010-11.

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

Effective April 14, 2011.

---

---

**CHAPTER 29  
H.P. 59 - L.D. 71**

**An Act To Designate the  
Official State Treat and the  
Official State Dessert**

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

**Sec. 1. 1 MRSA §225** is enacted to read:

**§225. State treat**

The whoopie pie, a baked good made of 2 cakes with a creamy frosting between them, is the official state treat.

**Sec. 2. 1 MRSA §226** is enacted to read:

**§226. State dessert**

Blueberry pie, made with wild Maine blueberries, is the official state dessert.

See title page for effective date.

---

---

**CHAPTER 30  
H.P. 154 - L.D. 177**

**An Act To Authorize Licensed  
Veterinarians To Honor  
Prescriptions from Other  
Licensed Veterinarians**

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

**Sec. 1. 32 MRSA §4876** is enacted to read:

**§4876. Prescriptions of other veterinarians**

A licensed veterinarian may sell and dispense the written prescription of another licensed veterinarian with respect to any prescription or administration of a

drug, medicine or nutritional substance on, for or to any animal in accordance with this chapter.

See title page for effective date.

---

---

**CHAPTER 31  
H.P. 108 - L.D. 126**

**An Act To Allow a Person with  
One Arm To Possess Certain  
Kinds of Prohibited Knives**

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

**Sec. 1. 17-A MRSA §1055, sub-§3** is enacted to read:

3. Notwithstanding subsection 1, a person who has only one arm may possess and transport a knife described under subsection 1 that has a blade 3 inches or less in length.

See title page for effective date.

---

---

**CHAPTER 32  
H.P. 81 - L.D. 95**

**An Act To Repeal the  
Restriction on Serving or  
Executing Civil Process on  
Sunday**

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

**Sec. 1. 14 MRSA §705**, as amended by PL 1995, c. 694, Pt. D, §15 and affected by Pt. E, §2, is repealed.

See title page for effective date.

---

---

**CHAPTER 33  
H.P. 110 - L.D. 128**

**An Act To Provide Access to  
State Forms**

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

**Sec. 1. 5 MRSA §58** is enacted to read:

**§58. Access to forms**

Every state agency, department, board, office, commission, institution, authority or public instrumentality that requires filing of information by the public shall make a paper copy of any required filing form