

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE

AS PASSED BY THE

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE

FIRST SPECIAL SESSION
August 29, 2013

SECOND REGULAR SESSION
January 8, 2014 to May 2, 2014

THE EFFECTIVE DATE FOR
FIRST SPECIAL SESSION
EMERGENCY LAW IS
SEPTEMBER 6, 2013

THE GENERAL EFFECTIVE DATE FOR
SECOND REGULAR SESSION
NON-EMERGENCY LAWS IS
AUGUST 1, 2014

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

Augusta, Maine
2014

GENERAL FUND	\$0	\$42,045
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$42,045

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF

Veterans Services 0110

Initiative: Recognizes savings from managing vacancies.

GENERAL FUND	2013-14	2014-15
Personal Services	\$0	(\$42,045)
GENERAL FUND TOTAL	\$0	(\$42,045)

DEFENSE, VETERANS AND EMERGENCY MANAGEMENT, DEPARTMENT OF DEPARTMENT TOTALS

GENERAL FUND	2013-14	2014-15
	\$0	(\$42,045)

DEPARTMENT TOTAL - ALL FUNDS	\$0	(\$42,045)
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SECTION TOTALS	2013-14	2014-15
GENERAL FUND	\$0	\$0

SECTION TOTAL - ALL FUNDS	\$0	\$0
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See title page for effective date.

CHAPTER 585

H.P. 1242 - L.D. 1734

An Act To Create a Cold Case Homicide Unit in the Department of the Attorney General

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

Sec. 1. 5 MRSA §200-J is enacted to read:

§200-J. Cold case homicide unit

The Attorney General in collaboration with the Commissioner of Public Safety shall establish a cold

case homicide unit within the Department of the Attorney General to work exclusively on unsolved murders in the State. The unit must consist of personnel from the Department of the Attorney General and the Department of Public Safety, Bureau of State Police and must include at a minimum one attorney from the Department of the Attorney General, 2 detectives from the Bureau of State Police and one employee of the bureau's crime laboratory. The Attorney General shall adopt rules for the operation of the unit. Rules adopted pursuant to this section are routine technical rules as defined in chapter 375, subchapter 2-A.

Sec. 2. 25 MRSA §1505-A, as enacted by PL 2001, c. 439, Pt. XXXX, §1, is repealed.

Sec. 3. Federal funding; cold case homicide unit. The Commissioner of Public Safety and the Attorney General shall pursue any federal funding available in order to establish a cold case homicide unit within the Department of the Attorney General as described in the Maine Revised Statutes, Title 5, section 200-J.

Sec. 4. Contingent effective date. Those sections of this Act that enact the Maine Revised Statutes, Title 5, section 200-J and repeal Title 25, section 1505-A do not take effect unless sufficient federal funding becomes available to support the costs of the cold case homicide unit. The Commissioner of Public Safety shall notify the Secretary of State and the Revisor of Statutes when sufficient federal funding is available.

See title page for effective date, unless otherwise indicated.

CHAPTER 586

H.P. 1280 - L.D. 1788

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 Years Ending June 30, 2014 and June 30, 2015

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.

TRANSPORTATION, DEPARTMENT OF

Administration 0339

Initiative: Provides funding for the reclassification of 4 Public Service Coordinator I positions from range 21 to range 25, one Public Service Coordinator I position from range 21 to range 23 and 3 Office Specialist I positions to Personnel Assistant positions.

HIGHWAY FUND	2013-14	2014-15
Personal Services	\$19,493	\$30,711
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HIGHWAY FUND TOTAL	\$19,493	\$30,711

Fleet Services 0347

Initiative: Transfers 14 Inventory and Property Associate II positions and one Inventory and Property Associate I position from Fleet Services to the Maintenance and Operations program in the Highway Fund. Positions are funded by a reduction in All Other in the same program.

FLEET SERVICES FUND - DOT	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	(15.000)
Personal Services	\$0	(\$914,138)
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FLEET SERVICES FUND - DOT TOTAL	\$0	(\$914,138)

Highway and Bridge Capital 0406

Initiative: Provides funding for capital improvements for or replacement of the Sarah Mildred Long Bridge carrying the U.S. Route 1 Bypass over the Piscataqua River between Kittery, Maine and Portsmouth, New Hampshire.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Capital Expenditures	\$0	\$30,000,000
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$30,000,000

Highway and Bridge Capital 0406

Initiative: Adjusts funding to align allocations with existing resources.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	\$0	\$15,000,000
Capital Expenditures	\$0	\$20,000,000
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FEDERAL EXPENDITURES FUND TOTAL	\$0	\$35,000,000

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$0	\$1,500,000
All Other	\$0	\$1,500,000
Capital Expenditures	\$0	\$50,000,000
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OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$53,000,000

Highway and Bridge Light Capital Z095

Initiative: Provides additional funding for light capital paving as a result of the increased Highway Fund revenue projections.

HIGHWAY FUND	2013-14	2014-15
Capital Expenditures	\$1,800,000	\$0
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HIGHWAY FUND TOTAL	\$1,800,000	\$0

Local Road Assistance Program 0337

Initiative: Provides funding for the Local Road Assistance Program at the correct proportioned rate in accordance with the Maine Revised Statutes, Title 23, section 1803-B.

HIGHWAY FUND	2013-14	2014-15
All Other	\$416,768	\$223,307
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HIGHWAY FUND TOTAL	\$416,768	\$223,307

Maintenance and Operations 0330

Initiative: Provides funding for the Maintenance and Operations program to assist with the increased costs of winter weather.

HIGHWAY FUND	2013-14	2014-15
Personal Services	\$800,000	\$0
All Other	\$1,455,019	\$2,514,424
HIGHWAY FUND TOTAL	\$2,255,019	\$2,514,424

Maintenance and Operations 0330

Initiative: Transfers 14 Inventory and Property Associate II positions and one Inventory and Property Associate I position from Fleet Services to the Maintenance and Operations program in the Highway Fund. Positions are funded by a reduction in All Other in the same program.

HIGHWAY FUND	2013-14	2014-15
POSITIONS - LEGISLATIVE COUNT	0.000	15.000
Personal Services	\$0	\$914,138
All Other	\$0	(\$914,138)
HIGHWAY FUND TOTAL	\$0	\$0

Maintenance and Operations 0330

Initiative: Adjusts funding to align allocations with existing resources.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$0	\$19,849
All Other	\$0	\$151
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$20,000

Multimodal - Freight 0350

Initiative: Transfers funding from the Multimodal - Freight program to the Multimodal - Transportation Fund program for the federal Commercial Vehicle Information Systems and Networks grant.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	\$0	(\$1,000,000)
FEDERAL EXPENDITURES FUND TOTAL	\$0	(\$1,000,000)

Multimodal - Ports and Marine 0323

Initiative: Adjusts funding to align allocations with existing resources.

MARINE PORTS FUND	2013-14	2014-15
All Other	\$0	(\$25,000)
MARINE PORTS FUND TOTAL	\$0	(\$25,000)

Multimodal Transportation Fund Z017

Initiative: Transfers funding from the Multimodal - Freight program to the Multimodal - Transportation Fund program for the federal Commercial Vehicle Information Systems and Networks grant.

FEDERAL EXPENDITURES FUND	2013-14	2014-15
All Other	\$0	\$1,000,000
FEDERAL EXPENDITURES FUND TOTAL	\$0	\$1,000,000

Suspense Receivable - Transportation 0344

Initiative: Adjusts funding to align allocations with existing resources.

OTHER SPECIAL REVENUE FUNDS	2013-14	2014-15
Personal Services	\$0	\$118,753
All Other	\$0	\$8,416
OTHER SPECIAL REVENUE FUNDS TOTAL	\$0	\$127,169

TRANSPORTATION, DEPARTMENT OF DEPARTMENT TOTALS

	2013-14	2014-15
HIGHWAY FUND	\$4,491,280	\$2,768,442
FEDERAL EXPENDITURES FUND	\$0	\$35,000,000
OTHER SPECIAL REVENUE FUNDS	\$0	\$83,147,169
FLEET SERVICES FUND - DOT	\$0	(\$914,138)
MARINE PORTS FUND	\$0	(\$25,000)
DEPARTMENT TOTAL - ALL FUNDS	\$4,491,280	\$119,976,473

PART B

Sec. B-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 and Personal Services line categories on June 30, 2014 in the Department of Secretary of State, Administration - Motor Vehicles program to fiscal year 2014-15. The amounts carried forward must be used for the enhancement of the revenue collection computer system to improve the efficiency and effectiveness of the department's operations and to make capital improvements to the main office in Augusta.

PART C

Sec. C-1. Rename Suspense Receivable - Transportation program. Notwithstanding any other provision of law, the Suspense Receivable - Transportation program within the Department of Transportation is renamed the Receivables program.

Sec. C-2. Rename Highway and Bridge Light Capital program. Notwithstanding any other provision of law, the Highway and Bridge Light Capital program within the Department of Transportation is renamed the Highway Light Capital program.

Sec. C-3. Rename Multimodal - Freight program. Notwithstanding any other provision of law, the Multimodal - Freight program within the Department of Transportation is renamed the Multimodal - Freight Rail program.

PART D

Sec. D-1. Calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of savings and allocations in this Part that applies against each Highway Fund account for all departments and agencies from transfers of funding associated with transferring incremental funding from fiscal year 2013-14 to fiscal year 2014-15 for the State's contribution to state employee and retiree health insurance premiums and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2013-14 and fiscal year 2014-15. The State Budget Officer shall provide a report of the transferred amounts to the Joint Standing Committee on Transportation no later than October 1, 2014.

Sec. D-2. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
Executive Branch Departments and Independent Agencies - Statewide 0017**

Initiative: Transfers from fiscal year 2013-14 to fiscal year 2014-15 incremental funding provided in Public Law 2013, chapter 354, Part H for the State's contribution to state employee health insurance premiums.

HIGHWAY FUND	2013-14	2014-15
Personal Services	(\$400,000)	\$400,000
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HIGHWAY FUND TOTAL	(\$400,000)	\$400,000

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Transfers from fiscal year 2013-14 to fiscal year 2014-15 incremental funding provided in Public Law 2013, chapter 354, Part H for the State's contribution to retiree health insurance premiums.

HIGHWAY FUND	2013-14	2014-15
Personal Services	(\$1,077,253)	\$1,077,253
	<hr/>	<hr/>
HIGHWAY FUND TOTAL	(\$1,077,253)	\$1,077,253

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2013-14	2014-15
HIGHWAY FUND	(\$1,477,253)	\$1,477,253
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DEPARTMENT TOTAL - ALL FUNDS	(\$1,477,253)	\$1,477,253

PART E

Sec. E-1. Calculation and transfer. Notwithstanding the Maine Revised Statutes, Title 5, section 1585 or any other provision of law, the State Budget Officer shall calculate the amount of savings in section 2 of this Part that apply against each Highway Fund account for departments and agencies statewide that have occurred as a result of a new actuarial projection. The State Budget Officer shall transfer the savings by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal years 2013-14 and 2014-15.

Sec. E-2. Appropriations and allocations. The following appropriations and allocations are made.

**ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF
Departments and Independent Agencies - Statewide 0016**

Initiative: Reduces funding as the result of a new actuarial projection of the cost of retiree health insurance.

HIGHWAY FUND	2013-14	2014-15
Personal Services	(\$567,319)	(\$1,457,544)
HIGHWAY FUND TOTAL	(\$567,319)	(\$1,457,544)

PART F

Sec. F-1. 23 MRSA §1968, sub-§2-C is enacted to read:

2-C. Bonds for purchase of interstate in Kittery. In addition to bonds outstanding pursuant to any other provision of this chapter, the authority may provide by resolution for the issuance of special obligation or subordinate bonds, including notes or other evidences of indebtedness or obligations defined to be bonds under this chapter, not exceeding \$35,000,000 in aggregate principal amount exclusive of refundings, to purchase a section of Interstate 95 in Kittery from the Department of Transportation.

Sec. F-2. 23 MRSA §1969, sub-§1, ¶A, as amended by PL 2011, c. 302, §14, is further amended to read:

A. To the payment of the cost of the construction and reconstruction of the turnpike or to the payment to the Department of Transportation of the cost of department projects or to the payment of the cost of the purchase of a section of Interstate 95 in Kittery;

Sec. F-3. PL 2013, c. 354, Pt. N, §3 is amended to read:

Sec. N-3. Maine-New Hampshire Interstate Bridge Authority legislation. Notwithstanding any other provision of law, the Department of Transportation shall submit proposed legislation to reestablish the Maine-New Hampshire Interstate Bridge Authority in accordance with Public Law 2011, chapter 610, Part D, section 3 to the Joint Standing Committee on Transportation no later than February 14, 2014. Following receipt and review of the proposed legislation, the joint standing committee may submit a bill to the Second Regular Session of the 126th Legislature concerning the proposed legislation. Any future legislation submitted by the Department of Transportation to reestablish the Maine-New Hampshire Interstate Bridge Authority, referred to in this section as "the IBA," in accordance with Public Law 2011, chapter 610, Part D, section 3 must provide that the funding provided to the IBA by or through the State and the Maine Turnpike Authority, referred to in this section as "Maine IBA Funds," must be used for the future capital repair and rehabilitation of the Piscataqua River Bridge and the planned replacement

bridge for the Sarah Mildred Long Bridge. Maine IBA Funds may not be used for the capital repair and rehabilitation of the Memorial Bridge or for the operations and custodial maintenance of any of the 3 Portsmouth-Kittery bridges.

Sec. F-4. Purchase and sale of interstate in Kittery. The State, acting by and through the Department of Transportation, is authorized to convey to the Maine Turnpike Authority, and the Maine Turnpike Authority is authorized to acquire, an approximately 1.9-mile portion of Interstate 95 in the Town of Kittery between the southerly terminus of the existing Maine Turnpike and the approach to the Piscataqua River Bridge, in consideration of the sum of \$30,000,000, and such other consideration and on such other terms and provisions as the Commissioner of Transportation and the executive director of the Maine Turnpike Authority may mutually determine are reasonable or necessary to effectuate the acquisition. The closing date for the transfer must be on or before December 31, 2014, unless extended by mutual agreement.

Sec. F-5. Allocation. The proceeds of the transfer of the approximately 1.9-mile portion of Interstate 95 in the Town of Kittery from the Maine Turnpike Authority must be deposited in a new, separate, Other Special Revenue Funds account within the Highway and Bridge Capital program established for capital improvement or replacement of the Sarah Mildred Long Bridge carrying the U.S. Route 1 Bypass over the Piscataqua River between Kittery, Maine and Portsmouth, New Hampshire.

PART G

Sec. G-1. Calculation and transfer. Notwithstanding any other provision of law, the State Budget Officer shall calculate the amount of allocations in this Part that applies against each Highway Fund account for all departments and agencies from funding associated with providing merit pay increases and certain longevity payments in fiscal year 2014-15 and shall transfer the amounts by financial order upon the approval of the Governor. These transfers are considered adjustments to allocations in fiscal year 2014-15. The State Budget Officer shall provide a report of the transferred amounts to the Joint Standing Committee on Transportation no later than October 1, 2014.

Sec. G-2. Appropriations and allocations. The following appropriations and allocations are made.

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Provides funding to offset savings from eliminating certain longevity payments.

HIGHWAY FUND	2013-14	2014-15
Personal Services	\$0	\$107,949
		\$107,949
HIGHWAY FUND TOTAL	\$0	\$107,949

Executive Branch Departments and Independent Agencies - Statewide 0017

Initiative: Provides funding to offset savings from eliminating merit increases for fiscal year 2014-15.

HIGHWAY FUND	2013-14	2014-15
Personal Services	\$0	\$698,601
		\$698,601
HIGHWAY FUND TOTAL	\$0	\$698,601

ADMINISTRATIVE AND FINANCIAL SERVICES, DEPARTMENT OF

DEPARTMENT TOTALS	2013-14	2014-15
HIGHWAY FUND	\$0	\$806,550
		\$806,550
DEPARTMENT TOTAL - ALL FUNDS	\$0	\$806,550

PART H

Sec. H-1. Lapsed balances; Salary Plan program, Highway Fund account. Notwithstanding any other provision of law, the State Controller shall lapse \$806,550 from the Department of Administrative and Financial Services, Salary Plan program, Highway Fund account to the unallocated surplus of the Highway Fund no later than August 1, 2014.

PART I

Sec. I-1. 29-A MRSA §523, sub-§7, as amended by PL 2011, c. 22, §2, is further amended to read:

7. Moratorium on decals for use with special veterans registration plates. During the period beginning October 1, 2009 and ending October 1, 2014, the Secretary of State may not issue any ~~special commemorative decals~~ decals not authorized by subsection 5, paragraphs A to AA or, subsection 6, paragraphs A to E or subsection 8 for use with special veterans registration plates.

Sec. I-2. 29-A MRSA §523, sub-§8 is enacted to read:

8. Wabanaki decal. The Secretary of State may issue a set of 2 Wabanaki decals to a person who has or receives a special veterans registration plate if the

Secretary of State receives an application and a statement signed by a tribal official from a federally recognized tribe within the Wabanaki Confederacy proving the applicant's membership in the tribe. One set of 2 Wabanaki decals must be displayed on the front and back plates. The fee for a set of Wabanaki decals may not exceed \$5.

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

Effective April 30, 2014.

CHAPTER 587

S.P. 743 - L.D. 1840

An Act To Implement the Recommendations of the Substance Abuse Services Commission with Regard to the Controlled Substances Prescription Monitoring Program

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 Controlled Substances Prescription Monitoring Program is an important tool for prescribers of controlled substances to use to prevent and detect prescription drug misuse and diversion and improve patient care through better coordination of care; and

Whereas, timely enrollment in the Controlled Substances Prescription Monitoring Program and ongoing education of prescribers to use the program are fundamental to its success; 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. 22 MRSA §7249, sub-§5, as enacted by PL 2011, c. 477, Pt. K, §1, is repealed.

Sec. 2. Online applications and renewals for prescribers of controlled substances; electronic coding; access for prescribers and their delegates. The Department of Health and Human Services, Controlled Substances Prescription Monitoring Program, referred to in this section as "the pro-