L.D. 274
(Filing No. H- 33 )

STATE OF MAINE
HOUSE OF REPRESENTATIVES
113TH LEGISLATURE
FIRST REGULAR SESSION


Amend the bill by striking out everything after the title and before the statement of fact and inserting in its place the following:

‘Emergency preamble. Whereas, Acts 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 will become due and payable prior to July 1, 1991; and

Whereas, it is the intent of the Governor and the Legislature that the financial order curtailing 3rd quarter allotments be rescinded with the enactment of legislation to balance the fiscal year 1990-91 budget; and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. Appropriation. There are appropriated from the General Fund for the fiscal year ending June 30, 1991 to the departments listed, the following sums.

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ADMINISTRATION, DEPARTMENT OF
Office of the Commissioner - Administration

Positions - Legislative Count
All Other

(-2.0) ($12,000)

Provides for the elimination of a vacant Accountant I position and the layoff of a Clerk IV position and reduces All Other spending. General Fund undedicated revenues will be increased $72,494.

Administration - Human Resources

Positions - Legislative Count
Personal Services
All Other
Capital Expenditures

(-7.0) (44,616)
(62,203)
(4,479)

TOTAL

(111,298)

Provides for the deappropriation of funds from the reductions in general operating expenses, the delay in purchasing capital equipment and the elimination of the following positions: two Senior Personnel Analyst positions, 2 Clerk Typist II positions, one Human Resources Development Assistant position, an Accountant I position and a Staff Development position.

Buildings and Grounds Operations

Positions - Legislative Count
Personal Services

(-32.0) (26,000)

Provides for the deappropriation of funds from the elimination of 13 Custodial Worker I positions, 3 Custodial Worker II positions, 3 Boiler Operator positions, 3 Laborer I positions, 2 Window Maintenance Mechanic positions, one Information Security Guide position, one Clerk Typist II position, one Carpenter position, one Executive Housekeeper position, one Building Control Supervisor position, one Maintenance Mechanic position and 2 Painter positions.
of the fee may be retained by the contractor for services, as
agreed upon by the bureau.

Fifteen percent of all day use and camping fees received under
this subsection in any state-owned land under jurisdiction of the
bureau must be apportioned and paid to all municipalities having
such land within their boundaries. In determining the payment to
each municipality, the bureau shall assign one unit per front
foot for each foot of lake, pond, ocean or major river frontage
and 5 units for each acre of all said lands within the
municipality. Frontage and acreage must be determined as of
April 1st for the year in which revenue is being apportioned and
computed to the nearest whole unit. The bureau shall increase the
fees charged by it under this subsection by an amount that will
reflect the loss of revenue to the State occasioned by such
payment to the municipalities;

Sec. E-9. 12 MRSA §685-B, sub-§2, ¶B, as amended by PL 1989,
c. 681, §1, is further amended to read:

B. The fee prescribed by the commission rules, that fee to
be a minimum of $40, except that the fee for accessory
structures or minor shoreline alterations is $25, but no
greater than 2/10 of 1% of the total construction
development costs. Zoning petitions submitted by other than
a state or federal agency range from $50 to $500 depending
on size and complexity. The fees apply to all amendments
except for minor changes to building permits;

Sec. E-10. 12 MRSA §7052, sub-§2, as amended by PL 1985, c.
785, Pt. B, §72, is further amended to read:

2. Compensation. The compensation of the wardens shall be
appointed pursuant to section 7051, subsection 1, is determined
under the Civil Service Law. Assistant game wardens appointed
pursuant to section 7051, subsection 2, are not entitled to
compensation.

E, §7, is repealed.

Sec. E-12. 14 MRSA §7484-A is enacted to read:

§7484-A. Procedures

1. Rules by Supreme Judicial Court. The procedures with
respect to the commencement of the action, the fee, the notice to
the parties, the settlement or hearing, the judgment, appeal and
post judgment proceedings must be set forth in rules of procedure
adopted by the Supreme Judicial Court.

2. Service of statement of claim and notice of disclosure.
When requested by the plaintiff, the clerk shall cause the
statement of claim and the notice of disclosure, including the
notice of the place, date and time of hearing, to be served upon
the defendant. A fee must be charged to the plaintiff for
service. A plaintiff may elect to arrange for service of the
statement of claim and the notice of disclosure, including the
notice of the place, date and time of hearing, by someone other
than the clerk.

Sec. E-13. 20-A MRSA §10952, sub-§7, as amended by PL 1989, c.
578, §1, is further amended to read:

7. Borrow money. To borrow money pursuant to this chapter
and issue evidences of indebtedness to finance the acquisition,
construction, reconstruction, improvement or equipping of any one
project, or more than one, or any combination of projects, or to
refund evidences of indebtedness hereafter issued or to refund
general obligation debt of the State previously issued to finance
any project or projects, or to refund any such refunding
evidences of indebtedness or for any one, or more than one, or
all of those purposes, or any combination of those purposes, and
to provide for the security and payment of those evidences of
indebtedness and for the rights of the holders of them, except
that any borrowing pursuant to this chapter, exclusive of
borrowing to refund evidences of indebtedness, to refund general
obligation debt of the State, or to fund issuance costs or
necessary reserves, shall not exceed in the aggregate
principal amount outstanding at any time $30,000,000 $27,000,000,
and except that no borrowing may be entered into pursuant to this
chapter unless the amount of the borrowing and the project or
projects are submitted to the Legislative Office of Fiscal and
Program Review for review by the Joint Standing Committee on
Appropriations and Financial Affairs at least 60 days before
closing on such borrowing for the project or projects is to be
initiated;

Sec. E-14. 23 MRSA §1961, sub-§2, as enacted by PL 1987, c.
793, Pt. A, §5, is amended to read:

2. Cooperation with the Department of Transportation. The
Department of Transportation shall be provided each year a
maximum amount of $8,700,000 of the total annual operating
revenue after money has been put aside to pay operating expenses
and to meet the requirements of any resolution authorizing bonds
of the Maine Turnpike Authority, except that for state fiscal
year 1990-91, the Department of Transportation must be provided
an additional $2,700,000 as provided in section 7194, subsection
4. Any funds received by the department during this provision in
excess of $4,700,000 shall be expended for highway and
bridge improvements within counties which contain turnpike
mileage. These amounts are deemed necessary for use by the

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department for construction, reconstruction, operation and maintenance of access roads on the state highway system which serve and benefit users of the turnpike by providing direct and indirect access to and from the turnpike as part of the integrated highway system. Due to the utilization of the state highway system by users of the turnpike, the turnpike and its users have received and will continue to receive a benefit from, or have caused and will continue to cause, or both, the State acting by and through the Department of Transportation to incur costs for the construction, operation and maintenance of the state highway system, which provides direct and indirect access to and from the turnpike to areas in the State for which the State may properly be and should be compensated from the tolls to be collected. The Maine Turnpike Authority should be maintained to carry out the purposes of this chapter in cooperation with the Department of Transportation.

Sec. E-15. 23 MRSA §1965, sub-$1, as repealed and replaced by PL 1987, c. 793, Pt. A, §7, is amended to read:

O. Provide an annual amount not to exceed a maximum of $8,700,000 subject to the limitations in section 1961, except that for state fiscal year 1990-91, the annual amount may not exceed $17,400,000, as provided in section 1974, subsection 4, as the department shall request and the authority shall determine pursuant to section 1974, subsection 4, to be necessary for the use of the department each year for the construction, operation and maintenance of access roads and costs related thereto, after money has been set aside or adequate provision has been made, to pay operating expenses and to meet the requirements of any resolution authorizing bonds of the authority;

Sec. E-16. 23 MRSA §1974, sub-$3, as amended by PL 1981, c. 698, §§103 and 104, is further amended by adding at the end a new paragraph to read:

In state fiscal year 1990-91, the authority shall make a $8,700,000 early payment representing amounts accrued to be paid by the authority for the Scarborough interchange project.

Sec. E-17. 23 MRSA §1974, sub-$4, as amended by PL 1987, c. 793, Pt. A, §8, is further amended by amending the first paragraph to read:

4. Revenues for access roads and the state highway system. Subject to the terms and conditions of this chapter, the authority, semi-annually on July 1st and January 1st of each fiscal year commencing July 1, 1983, shall, upon making the determination referred to in this subsection, authorize turnpike revenues to be transferred to the Department of Transportation for the costs of construction, reconstruction, operation and maintenance of access roads provided, first, that the department may properly be and should be compensated from the tolls to benefit received by the turnpike and its users and the costs incurred by the department for the construction, reconstruction, operation and maintenance of the access roads caused by the turnpike and its users and supporting the transfer of turnpike revenues for each 2-year period. The department shall not request and the authority shall may not approve a transfer of turnpike revenues under this subsection in any year that exceeds the cost to the department for construction, reconstruction, operation and maintenance of access roads fairly attributable to vehicular traffic traveling to or from the turnpike, except that for state fiscal year 1990-91, an additional $8,700,000 may be transferred even in excess of that cost and to be considered an early payment of the state fiscal year 1991-92 amount. Based on the certification and such other information as the authority deems necessary, the authority shall determine whether or not the turnpike and users thereof are so benefited by the system, and thereupon the authority shall have and exercise sole discretion to determine the level of revenues to be so transferred to the department, but that transfer annually shall not exceed $8,700,000, except that for state fiscal year 1990-91, that transfer annually may not exceed $17,400,000. In its report, the department, as a basis for requesting those revenues, and the authority in determining the level of revenues to be transferred, may consider the following factors, no one of which may necessarily be determinative:

Sec. E-18. 34-B MRSA §1217 is enacted to read:

$1217. Application of consent decree

It is the intent of the Legislature that the principles of the consent decree issued on August 2, 1990 by the Superior Court, Kennebec County, in Civil Action Docket No. 89-66 as they relate to the development of a comprehensive mental health system apply to all persons with severe and prolonged mental illness. The individualized support plan process as contained in the decree in paragraphs 42 through 74, to the extent possible and within available resources, must be applicable to current and future patients of the Bangor Mental Health Institute. In addition, patient assessments must be provided to Bangor Mental Health Institute patients beginning July 1, 1991 and must be completed quarterly until individualized support plan implementation is developed.

Sec. E-19. 35-A MRSA §116, sub-$1, as amended by PL 1989, c. 58, §1, is further amended to read:

1. Utilities subject to assessments. Every electric, gas, telegraph, telephone and water utility and ferry subject to
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STATEMENT OF FACT

This amendment makes appropriations and allocations necessary to the operation of State Government to achieve a balanced budget for the remainder of fiscal year 1990-91 and makes various changes to provisions of the laws to implement those appropriations and allocations.

Filed by Rep. Chonko of Topsham
Reproduced and distributed under the direction of the Clerk of the House
3/13/91
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