STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE


(EMERGENCY)
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 may not exceed in the aggregate
principal amount outstanding at any time $18,000,000 $27,000,000,
and except that no borrowing may be effected 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-16. 23 MRSA §1961, sub-$2, as enacted by PL 1987, c.
793, Pt. A, §6, is amended to read:

2. Cooperation with the Department of Transportation. The
Department of Transportation shall must 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 $15,000,000. Any funds received by the department
under this provision in excess of $4,700,000 shall must be
expended for highway and bridge improvements within counties
which contain turnpike mileage. These amounts are deemed
necessary for use by the 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-17. 23 MRSA §1965, sub-§1, ¶O, 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 $23,700,000, 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-18. 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 provide certification as to the utilization of all or a part of the state highway system by turnpike users with respect to the 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 may 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 amount may be transferred that exceeds that cost and is 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 may not exceed $8,700,000, except that for state fiscal year 1990-91, that transfer annually may not exceed $23,700,000. In making 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-19. 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. 89-88 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 49 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-20. 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
regulation by the commission shall be subject to an assessment
of not more than .35% on its intrastate gross operating
revenues to produce no more than $2,696,000 annually,
begins in the 1990-91 fiscal year and not more than $3,910,000
$3,378,000 in revenues annually beginning in the 1990-91 fiscal
year. The commission shall determine the assessments annually
prior to May 1st and assess each utility for its pro rata share.
Each utility shall pay the assessment charged to the utility on
or before July 1st of each year. Any increase in the assessment
that becomes effective subsequent to May 1st may be billed on the
effective date of the act authorizing the increase.

A. The assessments charged to utilities under this section
are just and reasonable operating costs for rate-making
purposes.

B. For the purposes of this section, "intrastate gross
operating revenues" means intrastate revenues derived from
filed rates, except revenues derived from sales for resale.

C. Gas utilities subject to the jurisdiction of the
commission solely with respect to safety shall not be
subject to any assessment.