

# MAINE STATE LEGISLATURE

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1 (EMERGENCY)  
2 SECOND REGULAR SESSION  
3

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4 ONE HUNDRED AND TENTH LEGISLATURE  
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6 **Legislative Document**

**No. 1814**

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8 H. P. 1832 House of Representatives, January 14, 1982  
Reported by Representative Berube from the Committee on Audit  
and Program Review. Filed under Joint Rules No. 17, pursuant to Title 3,  
Section 505 and 2,000 ordered printed.

9 EDWIN H. PERT, Clerk

10  
11 **STATE OF MAINE**  
12

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13 IN THE YEAR OF OUR LORD  
14 NINETEEN HUNDRED AND EIGHTY-TWO  
15

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16 **AN ACT Relating to Periodic Justification**  
17 **of Departments and Agencies of State Government**  
18 **under the Maine Sunset Law.**  
19

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20 **Emergency preamble.** Whereas, Acts of the Legislature  
21 do not become effective until 90 days after adjournment  
22 unless enacted as emergencies; and

23 Whereas, the 90-day period may not terminate until  
24 after the beginning of the next fiscal year; and

25 Whereas, certain obligations and expenses incident to  
26 the operation of departments and agencies will become due  
27 and payable on or immediately after July 1, 1982; and

28 Whereas, certain independent agencies will terminate  
29 unless continued by the Legislature prior to June 30, 1982;  
30 and

31 Whereas, in the judgment of the Legislature, these  
32 facts create an emergency within the meaning of the Consti-

1 tution of Maine and require the following legislation as  
2 immediately necessary for the preservation of the public  
3 peace, health and safety; now, therefore,

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

5 PART A

6 Sec. 1. 3 MRSA §507-B, sub-§3 is enacted to read:

7 3. Agencies scheduled for termination on June 30,  
8 1982. Pursuant to section 507, subsection 4, paragraph A,  
9 the following independent agencies, scheduled for termina-  
10 tion on June 30, 1982, are continued as modified by Act of  
11 the Legislature passed prior to June 30, 1982.

12 A. Agencies continued as modified by Act of the Legis-  
13 lature are:

14 (1) Plumbers' Examining Board;

15 (2) State Board of Funeral Services; and

16 (3) Board of Hearing Aid Dealers and Fitters.

17 Sec. 2. 5 MRSA §631, sub-§6, 2nd ¶, as amended by PL  
18 1975, c. 766, §4, is further amended to read:

19 In case of the refusal of any person to comply with any sub-  
20 poena issued hereunder or to testify to any matter regarding  
21 which he may be lawfully interrogated, the Superior Court in  
22 any county on application of the commissioner may issue an  
23 order requiring such person to comply with such subpoena and  
24 to testify; and any failure to obey such order of the court  
25 may be punished by the court as a contempt thereof; ~~and~~

26 Sec. 3. 5 MRSA §631, sub-§7, as last amended by PL  
27 1981, c. 289, §7, is further amended to read:

28 7. Organization and decentralization. To organize the  
29 department and separate it into such divisions and along  
30 such functional lines as the commissioner may deem most  
31 efficient and to decentralize the functions of personnel  
32 management among the various departments and agencies of the  
33 State consistent with the requirements of section 551-A and  
34 deemed in the best interest of efficient administration, and  
35 to perform those functions which are not decentralized-; and

1           Sec. 4. 5 MRSA §63I, sub-§8 is enacted to read:

2           8. First aid station. To maintain in the statehouse  
3 complex, in conjunction with the Bureau of Public Improve-  
4 ments, and administer under appropriate rules a first aid  
5 and health service for state employees and statehouse visi-  
6 tors.

7           Sec. 5. 10 MRSA §8001, as last amended by PL 1981, c.  
8 501, §37, is further amended to read:

9           §8001. Department; agencies within department

10           There is created and established the Department of  
11 Business Regulation to regulate financial institutions,  
12 insurance companies, commercial sports and grantors of con-  
13 sumer credit, to license professional and occupational  
14 trades and to award just compensation in land condemnations  
15 and in certain other claims against the State. The depart-  
16 ment shall be composed of the following bureaus, boards and  
17 commissions:

18           Banking, Bureau of;

19           Consumer Credit Protection, Bureau of;

20           Insurance, Bureau of;

21           Athletic Commission, Maine;

22           Real Estate Commission;

23           Running Horse Racing Commission, State;

24           Arborist Examining Board;

25           Claims Board, State;

26           Electricians' Examining Board;

27           Foresters, State Board of Registration for Profes-  
28 sional;

29           Funeral Services, State Board of;

30           Geologists and Soil Scientists, State Board of Certifi-  
31 cation for;

32           Hearing Aid Dealers and Fitters, Board of;

1 Manufactured Housing Board;  
2 Oil and Solid Fuel Board;  
3 Physical Therapy, Board of Examiners in;  
4 Plumbers' Examining Board;  
5 Psychologists, State Board of Examiners of;  
6 Social Worker Registration, State Board of;  
7 Speech Pathology and Audiology, Board of Examiners on;  
8 and  
9 Substance Abuse Counselors, Board of Registration of.

10 **Sec. 6. 19 MRSA §751**, as last amended by PL 1981, c.  
11 132, §§1-4, is further amended by adding at the end a new  
12 paragraph to read:

13 If the court requests an investigation for purposes  
14 other than suspected abuse or neglect as defined in Title  
15 22, chapter 1071, the court shall order either or both par-  
16 ties to pay to the Department of Human Services part or all  
17 of the costs of services under this chapter, unless the  
18 court has made a finding of inability to pay. Revenue from  
19 investigations or services provided under this chapter shall  
20 be dedicated to the Department of Human Services to defray  
21 the cost of these services.

22 **Sec. 7. 22 MRSA §1, 2nd sentence**, as amended by P&SL  
23 1975, c. 147, Pt. G, §2 is further amended to read:

24 It shall also include the Committee on Children and Youth,  
25 ~~the Maine Committee on Aging and the Maine Human Services~~  
26 ~~Council.~~

27 **Sec. 8. 22 MRSA §1, 4th ¶, first sentence**, as repealed  
28 and replaced by PL 1977, c. 674, §19, is amended to read:

29 The Director, Bureau of Resource Development and the  
30 Director, Bureau of Maine's Elderly, shall be appointed by  
31 the commissioner, after consultation with the Maine Commit-  
32 tee on Aging and the Maine Human Services Council.

33 **Sec. 9. 22 MRSA §7, 2nd ¶**, as enacted by PL 1965, c.  
34 425, §14-A, is repealed.

1           Sec. 10. 22 MRSA §9, sub-§4, as enacted by PL 1979, c.  
2 509, §1, is repealed.

3           Sec. 11. 22 MRSA §303, sub-§2, as enacted by PL 1977,  
4 c. 687, §1, is amended to read:

5           2. Annual implementation plan. "Annual implementation  
6 plan" means the Health Systems Agency's State Health Coordinating  
7 Council's annual statement describing the objectives  
8 which will achieve the goals identified in its health systems  
9 plan and setting the priorities for the objectives.

10          Sec. 12. 22 MRSA §303, sub-§§10 and 11, as enacted by  
11 PL 1977, c. 687, §1, are repealed.

12          Sec. 13. 22 MRSA §303, sub-§21, as enacted by PL 1977,  
13 c. 687, §1, is repealed and the following enacted in its  
14 place:

15          21. State health plan. "State health plan" means the  
16 plan prepared annually by the State Health Coordinating  
17 Council after consideration of the preliminary state health  
18 plan prepared by the Bureau of Health Planning and Develop-  
19 ment.

20          Sec. 14. 22 MRSA §306, sub-§2, as enacted by PL 1977,  
21 c. 687, §1, is amended to read:

22          2. Application filed. Upon a determination by the  
23 department, ~~after consultation with the Health Systems~~  
24 ~~Agency,~~ that a certificate of need is required for a pro-  
25 posed expenditure or action, an application for a certifi-  
26 cate of need shall be filed with the department.

27          Sec. 15. 22 MRSA §306, sub-§§3 and 4, as enacted by PL  
28 1977, c. 687, §1, are repealed and the following enacted in  
29 their place:

30          3. Applications. Within 15 working days after the  
31 filing of an application the department shall notify the  
32 applicant that:

33           A. The application contains all necessary information  
34 required and is complete; or

35           B. Additional information is required.

36          4. Application completeness declared. The department  
37 shall declare an application complete when it is satisfied

1 that all of the necessary information has been submitted.  
2 Failure to submit additional information as requested may  
3 result in subsequent denial of the application by the  
4 department.

5       **Sec. 16.** 22 MRSA §307, sub-§2, as enacted by PL 1977,  
6 c. 687, §1, is repealed and the following enacted in its  
7 place:

8       **2. Public hearing.** The State Health Coordinating  
9 Council shall hold a public hearing during the course of the  
10 review if requested by persons directly affected by the  
11 review pursuant to subsection 1 and shall make a recommenda-  
12 tion to the department as to whether the certificate of need  
13 should be issued or denied.

14       **Sec. 17.** 22 MRSA §307, sub-§3, 2nd and 3rd sentences,  
15 as enacted by PL 1977, c. 687, §1, are amended to read:

16 The department, ~~after consulting with the Health Systems~~  
17 ~~Agency,~~ shall establish criteria for determining when it is  
18 not practicable to complete a review within 90 days. When-  
19 ever it is not practicable to complete a review within 90  
20 days, the department, ~~after consultation with the Health~~  
21 ~~Systems Agency,~~ may extend the review period up to an addi-  
22 tional 60 days.

23       **Sec. 18.** 22 MRSA §307, sub-§4, as enacted by PL 1977,  
24 c. 687, §1, is repealed.

25       **Sec. 19.** 22 MRSA §307, sub-§5, as enacted by PL 1977,  
26 c. 687, §1, is repealed and the following enacted in its  
27 place:

28       **5. Decisions.** After reviewing each application and  
29 after considering the recommendations of the State Health  
30 Coordinating Council, the department shall make a decision  
31 either to issue a certificate of need or to deny the appli-  
32 cation for a certificate of need. Notice of the decision  
33 shall be sent to the applicant and to the State Health Coor-  
34 ordinating Council. This notice shall state the basis of the  
35 decision.

36       **Sec. 20.** 22 MRSA §308, sub-§1, 3rd and 4th sentences,  
37 as enacted by PL 1977, c. 687, §1, are amended to read:

38 These procedures shall provide for a shortened review by the  
39 Health Systems Agency and for a public hearing to be held  
40 during the course of a review, if requested by any person

1 directly affected by the review. In order to waive require-  
2 ments for a full review, the department, after consulting  
3 with the Health Systems Agency, shall find that the proposed  
4 project:

5       Sec. 21. 22 MRSA §308, sub-§2, as repealed and  
6 replaced by PL 1979, c. 601, §1, is repealed and the follow-  
7 ing enacted in its place:

8       2. Waiver of other requirements. In order to expedite  
9 the review of an application submitted in response to an  
10 emergency situation, the department may:

11       A. Waive the requirement that an applicant shall file  
12 a letter of intent with the department no less than 60  
13 days prior to the date on which an application is to be  
14 filed; and

15       B. Establish a schedule for the review of an applica-  
16 tion which commences on a day other than the first day  
17 of an established review cycle.

18       Sec. 22. 22 MRSA §309, sub-§1, first sentence, , as  
19 enacted by PL 1977, c. 687, §1, is amended to read:

20 A certificate of need shall be issued whenever the depart-  
21 ment, after considering the findings and recommendations of  
22 the Health Systems Agency, determines:

23       Sec. 23. 22 MRSA §309, sub-§1, ¶D, as enacted by PL  
24 1977, c. 687, §1, is amended to read:

25       D. That the proposed services are consistent with the  
26 orderly and economic development of health facilities  
27 and health resources for the State and are in accord-  
28 ance with standards, criteria or plans adopted and  
29 approved pursuant to the annual implementation plan,  
30 the health systems plan, the state health plan and the  
31 state medical facilities plan developed by the Health  
32 Systems Agency and the department.

33       Sec. 24. 22 MRSA §309, sub-§2, ¶A, as enacted by PL  
34 1977, c. 687, §1, is amended to read:

35       A. The relationship of the health services being  
36 reviewed to the annual implementation plan, the health  
37 systems plan, the state health plan and the state medi-  
38 cal facilities plan;



1           Sec. 25. 22 MRSA §314, as amended by PL 1979, c. 734,  
2 §9, is further amended to read:

3   §314. Conflict of interest

4           In addition to the limitation of Title 5, section 18, a  
5 member or employee of the Department of Human Services or  
6 Health- Systems- Agency who has substantial economic or  
7 fiduciary interest which would be affected by a recommenda-  
8 tion or decision to issue or deny a certificate of need, or  
9 who has a close relative or economic associate whose inter-  
10 est would be so affected shall be ineligible to participate  
11 in the review, recommendation or decision making process  
12 with respect to any application for which the conflict of  
13 interest exists.

14           Sec. 26. 22 MRSA c. 151 is repealed.

15           Sec. 27. 22 MRSA §451, first ¶, last sentence is  
16 repealed.

17           Sec. 28. 22 MRSA §§452 and 456 are repealed.

18           Sec. 29. 22 MRSA c. 154 is enacted to read:

19   CHAPTER 154

20   EMERGENCY MEDICAL SERVICES REGIONAL COUNCILS

21   §481. Definitions

22           As used in this chapter, unless the context otherwise  
23 indicates, the following terms have the following meanings.

24           1. Department. "Department" means the Department of  
25 Human Services.

26           2. Regional council. "Regional council" means that  
27 group recognized by the department in each of the 5 regions  
28 of the State established for the delivery of emergency medi-  
29 cal services.

30   §482. State and local cooperation

31           The department may provide to or receive from each  
32 regional council whatever assistance may be required for the  
33 delivery of emergency medical services subject to the fol-  
34 lowing restrictions.

1           1. Source of funds. Only funds allocated to the  
2 department for emergency medical services in the Preventive  
3 Health and Health Services Block Grant may be provided to  
4 the regional councils.

5           2. Local match required. The department shall provide  
6 each regional council with one dollar for every dollar  
7 obtained by the council, excluding any other state or fed-  
8 eral funds available to the council.

9           3. State limitation. The department's share of the  
10 funds provided to each regional council shall not exceed  
11 \$25,000 each year.

12           **Sec. 30.** 22 MRSA cc. 159 and 161 are repealed.

13           **Sec. 31.** 22 MRSA c. 254, as enacted by PL 1973, c.  
14 582, §1 and as amended, is repealed.

15           **Sec. 32.** 22 MRSA §1602, sub-§3, as enacted by PL 1977,  
16 c. 347, §2, is amended by adding at the end a new sentence  
17 to read:

18 No permit may be issued by the department until the commis-  
19 sioner or his representative has discussed the application  
20 with the municipal officers of the municipality in which the  
21 event is intended to be held.

22           **Sec. 33.** 22 MRSA §1815, 4th sentence is repealed and  
23 the following enacted in its place:

24 All fees received by the department under this chapter shall  
25 be deposited in the General Fund.

26           **Sec. 34.** 22 MRSA §1816, as last amended by PL 1981, c.  
27 470, Pt. A, §71, is repealed and the following enacted in  
28 its place:

29 §1816. Inspections

30 Every building, institution or establishment for which  
31 a license has been issued shall be periodically inspected by  
32 duly appointed representatives of the Bureau of Medical Ser-  
33 vices under the rules to be established by the department.  
34 No institution of any kind licensed pursuant to this chapter  
35 may be required to be licensed or inspected under the laws  
36 of this State relating to hotels, restaurants, lodging  
37 houses, boardinghouses and places of refreshments. Depart-  
38 ment rules relating to fire safety shall be based on appro-

1 priate provisions of the Life Safety Code of the National  
2 Fire Protection Association, 1967 edition, and its succes-  
3 sors and shall, at a minimum, conform to federal standards  
4 for provider certification under the provisions of the  
5 United States Social Security Act, Titles XVIII and XIX and  
6 its successors.

7       **Sec. 35.** 22 MRSA §1952, as amended by PL 1981, c. 470,  
8 Pt. A, §§74-75, is repealed.

9       **Sec. 36.** 22 MRSA §1953, as amended by PL 1981, c. 470,  
10 Pt. A, §76, is repealed.

11       **Sec. 37.** 22 MRSA §2002, as amended by PL 1981, c. 470,  
12 Pt. A, §77, is repealed.

13       **Sec. 38.** 22 MRSA §2003, as amended by PL 1981, c. 470,  
14 Pt. A, §78, is repealed.

15       **Sec. 39.** 22 MRSA §2152, sub-§4-A, 2nd sentence, as  
16 enacted by PL 1979, c. 672, Pt. A, §52, is repealed and the  
17 following enacted in its place:

18 Eating establishments, as defined in section 2491, subsec-  
19 tion 7; storage facilities for one kind of native produce,  
20 such as apple warehouses, potato warehouses or carrot ware-  
21 houses; establishments such as farm stands primarily selling  
22 fresh produce, not including dairy and meat products; and  
23 department stores, discount department stores, drug stores  
24 or similar facilities selling food or food products only in  
25 original sealed packages that do not require refrigeration  
26 or freezing, are not considered food establishments required  
27 to be licensed or inspected under section 2167.

28       **Sec. 40.** 22 MRSA §2170, as enacted by PL 1979, c. 672,  
29 Pt.A, §57, is repealed and the following enacted in its  
30 place:

31 §2170. Exception

32 Any establishment subject to this chapter and chapter  
33 562 that does not provide seating for customers shall be re-  
34 quired to have only one license and that license shall be  
35 issued on the predominate portion of the establishment's  
36 business. Any establishment subject to this chapter and  
37 chapter 562 that provides seating for customers at that por-  
38 tion of the facility that is an eating establishment as de-  
39 defined in section 2491, shall be required to be licensed  
40 under this chapter and chapter 562.

1           **Sec. 41.** 22 MRSA §2491, sub-§§9 and 10, as enacted by  
2 PL 1975, c. 496, §3, are repealed.

3           **Sec. 42.** 22 MRSA §2492, first sentence, as enacted by  
4 PL 1975, c. 496, §3, is amended to read:

5           No person, corporation, firm or copartnership ~~shall~~ may  
6 conduct, control, manage or operate, for compensation,  
7 directly or indirectly, any eating establishment, eating and  
8 lodging place, lodging place, recreational camp, or camping  
9 area ~~or mobile home park~~, unless the same shall be licensed  
10 by the department.

11           **Sec. 43.** 22 MRSA §2494, first sentence, as enacted by  
12 PL 1975, c. 496, §3, is amended to read:

13           Each application for, or for renewal of, a license to  
14 operate an eating establishment, eating and lodging place,  
15 lodging place, recreational camp, or camping area ~~or mobile~~  
16 ~~home park~~ within the meaning of this chapter shall be accom-  
17 panied by a fee, appropriate to the size of the establish-  
18 ment, place, camp, or area ~~or park~~ of the licensee, deter-  
19 mined by the department and not to exceed ~~\$30~~ \$35.

20           **Sec. 44.** 22 MRSA §2494, first ¶, as enacted by PL  
21 1975, c. 496, §3, is amended by adding after the first sen-  
22 tence a new sentence to read:

23 All fees collected by the department shall be deposited in  
24 the General Fund.

25           **Sec. 45.** 22 MRSA §2495, first ¶, as repealed and  
26 replaced by PL 1981, c. 203, §1, is amended to read:

27           The department shall, within 30 days following receipt  
28 of application, issue an annual license to operate any eat-  
29 ing establishment, eating and lodging place, lodging place,  
30 recreational camp, or camping area ~~or mobile home park~~ which  
31 is found to comply with this chapter and the ~~regulations~~  
32 rules adopted by the department.

33           **Sec. 46.** 22 MRSA §2497, last sentence, as enacted by  
34 PL 1979, c. 672, Pt. A, §6, is amended to read:

35           The department and any duly designated officer or employee  
36 thereof does not have the right to enter, for inspection  
37 under this chapter, upon and into the premises of any estab-  
38 lishment that is licensed under chapter 551, subchapter 1,  
39 unless that establishment has an eating establishment that

1 provides seating for customers, in which case the department  
2 shall be required to license and inspect the eating estab-  
3 lishment portion of the establishment.

4 Sec. 47. 22 MRSA §2498, first sentence, as enacted by  
5 PL 1975, c. 496, §3, is amended to read:

6 Any person, corporation, firm or copartnership who  
7 shall operate any eating establishment, eating and lodging  
8 place, lodging place, recreational camp, or camping area or  
9 mobile-home-park without first obtaining a license as re-  
10 quired by this chapter shall, upon conviction thereof, be  
11 punished by a fine of not less than \$10 nor more than \$100,  
12 and upon 2nd or subsequent conviction, shall be punished by  
13 a fine of not less than \$100.

14 Sec. 48. 22 MRSA §2499, sub-§6, last sentence, as  
15 enacted by PL 1975, c. 496, §3, is amended to read:

16 However, the licensee shall be required to pay the depart-  
17 ment a sum not to exceed ~~\$5~~ \$10 to support the costs of  
18 mailing and handling.

19 Sec. 49. 22 MRSA §2602-A is enacted to read:

20 §2602-A. Fees for testing private water supplies

21 The department shall charge the average cost of the  
22 analysis for an examination, testing or analysis of private  
23 water supplies requested under this chapter and performed in  
24 the departmental diagnostic laboratory. These fees shall be  
25 recalculated and deposited according to section 562.

26 Sec. 50. 22 MRSA §3104, sub-§2, as enacted by PL 1977,  
27 c. 462, is repealed.

28 Sec. 51. 22 MRSA §3172, sub-§1-B is enacted to read:

29 1-B. Approved Medicaid service. "Approved Medicaid  
30 service" means a medical service which will be provided to  
31 Medicaid recipients under the provisions of the United  
32 States Social Security Act, Title XIX and successors to it  
33 and related rules of the department.

34 Sec. 52. 22 MRSA §3172, sub-§3 is enacted to read:

35 3. Medicaid recipient. "Medicaid recipient" means an  
36 individual authorized by the department to receive services  
37 under the provisions of the United States Social Security  
38 Act, Title XIX and successors to it.

1           Sec. 53. 22 MRSA §3173-C is enacted to read:

2   §3173-C. Copayments

3           The department shall not require any Medicaid recipient  
4 to make any payment toward the cost of an approved Medicaid  
5 service unless that payment is specifically authorized by  
6 this section. Payments which shall be included include pay-  
7 ments for:

8           1. Prescription drug services. A payment of 50¢ is to  
9 be collected from the Medicaid recipient for each drug pre-  
10 scription which is an approved Medicaid service, except pre-  
11 scriptions utilized for family planning services, unless the  
12 Medicaid recipient is in the custody of the State or unless  
13 that recipient's income is assessed and applied to reduce  
14 the cost of his medical care; and

15           2. Eyeglasses and contact lenses. Subject to the  
16 limitations of the United States Social Security Act, Title  
17 XIX, a payment of up to \$10 is to be collected from the  
18 Medicaid recipient for each pair of eyeglasses or contact  
19 lenses which are an approved Medicaid service unless the  
20 Medicaid recipient is in the custody of the State.

21           Sec. 54. 22 MRSA §3174, 5th ¶, as enacted by PL 1979,  
22 c. 566, §1, is amended to read:

23           If a recipient of assistance under this chapter who  
24 resides in an intermediate care facility or a skilled nurs-  
25 ing facility has a spouse dependent on that recipient for  
26 support, the department shall permit the recipient to trans-  
27 fer \$210 a month, or \$2,520 a year, from his income to that  
28 spouse.

29           Sec. 55. 22 MRSA §3203, 2nd sentence, as enacted by PL  
30 1973, c. 790, §3, is amended to read:

31           The report shall include copies of all pertinent state and  
32 federal rules and regulations, recommendations for policy,  
33 budgetary and legislative action, and any advisory recom-  
34 mendations as may be recommended by the Maine Committee on  
35 Aging and the Maine Human Services Council.

36           Sec. 56. 22 MRSA §3271, sub-§2, first sentence, as  
37 enacted by PL 1973, c. 790, §3, is amended to read:

38           The department, to the extent allowed by Title XVI of the  
39 United States Social Security Act, as amended, and regula-

1 tions promulgated thereunder, shall establish, with the  
2 advice of the Maine Committee on Aging and the Maine Human  
3 Services Council, standard levels of state supplemental  
4 income benefits for blind, disabled and elderly people.

5       **Sec. 57.** 22 MRSA §3501, as amended by PL 1973, c. 307,  
6 §2, is further amended to read:

7       §3501. Program established

8       The division shall provide a program of services for  
9 the blind, including the prevention of blindness, the locat-  
10 ing of blind persons, ~~medical service- for- eye- conditions,~~  
11 vocational guidance and training of the blind, the placement  
12 of blind persons in employment, assistance to the blind in  
13 marketing the products of home industries, the instruction  
14 of the adult blind in their homes, and other social services  
15 to the blind.

16       **Sec. 58.** 22 MRSA c.1151, as amended, is repealed.

17       **Sec. 59.** 22 MRSA §5108, as last amended by PL 1975, c.  
18 771, §231-A, is repealed and the following enacted in its  
19 place:

20       §5108. Committee

21       The Maine Committee on Aging is created and shall con-  
22 sist of 15 members, who shall be appointed by the Governor.

23       **Sec. 60.** 22 MRSA §5112, sub-§8, as enacted by PL 1973,  
24 c. 793, §11, is amended to read:

25       8. Administration. Administer in accordance with cur-  
26 rent fiscal and accounting regulations of the State, and in  
27 accordance with the philosophy, objectives and authority of  
28 this Part, any funds appropriated for expenditure by the  
29 committee or any grants or gifts which may become available,  
30 accepted and received by the committee; and make an annual  
31 report to be included in the ~~annual- report- of- the- bureau~~  
32 which shall be submitted directly to the director, commis-  
33 sioner, Governor and Legislature not later than September  
34 1st of each year concerning its work, recommendations and  
35 interests of the previous fiscal year and future plans; and  
36 shall make such interim reports as it deems advisable.

37       **Sec. 61.** 22 MRSA §5304, sub-§6, as amended by PL 1975,  
38 c. 293, §4, is repealed.

1           Sec. 62. 22 MRSA §5308, 3rd ¶, 2nd sentence, as  
2 amended by PL 1979, c. 541, Pt. A, §155, is further amended  
3 to read:

4 Functions relating to agreements shall not require the  
5 approval of any other unit of the department, except as the  
6 bureau is responsible and accountable to the commissioner,  
7 except as the bureau shall function with the advice of the  
8 council pursuant to section 5316A and with the consent of  
9 the Maine Committee on Aging pursuant to section 5112, sub-  
10 section 3 and except as provided by section 6108.

11           Sec. 63. 22 MRSA c. 1475, as enacted by PL 1973, c.  
12 793, §12 and as amended, is repealed.

13           Sec. 64. 22 MRSA §6113, sub-§1, as amended by PL 1973,  
14 c. 788, §100, is repealed and the following enacted in its  
15 place:

16           1. Administrative preparations. Effective March 16,  
17 1973, the department may immediately commence administrative  
18 preparations for initiation of the program no later than  
19 July 1, 1973.

20           Sec. 65. 22 MRSA §6113, sub-§3, as enacted by P&SL  
21 1973, c. 38, §1, is repealed.

22           Sec. 66. 22 MRSA §7106, first sentence, as enacted by  
23 PL 1973, c. 566, §1, is amended to read:

24           The office shall establish in accord with the purposes  
25 and intent of this chapter, and with the advice of the coun-  
26 cil and the cooperation of the coordinating committee, the  
27 overall planning, policy, objectives and priorities for all  
28 drug abuse prevention functions, except prevention of drug  
29 traffic, which are conducted or supported in the State of  
30 Maine.

31           Sec. 67. 22 MRSA §7106, sub-§3, first sentence, as  
32 enacted by PL 1973, c. 566, §1, is amended to read:

33 Assist, with the advice of the council and cooperation of  
34 the coordinating committee, the Legislature and executive  
35 branches and Judicial Council of State Government, espe-  
36 cially the Governor, commissioner, and Bureau of the Budget,  
37 to coordinate all State Government efforts dealing with drug  
38 abuse prevention and control, including alcoholism, by:

39           Sec. 68. 22 MRSA §7106, sub-§3, ¶A, as enacted by PL  
40 1973, c. 566, §1, is amended to read:



1        A. Submitting to each branch of State Government no  
2        later than September 1st of each year an annual report  
3        covering its activities for the immediate past fiscal  
4        year and future plans, including recommendations for  
5        changes in state and federal laws, and including  
6        reports the report of the council and ~~coordinating com-~~  
7        mittee;

8        **Sec. 69. 22 MRSA §7106, sub-§4, first sentence,** as  
9        enacted by PL 1973, c. 566, §1, is amended to read:

10       Prepare and administer a comprehensive state plan mutually  
11       developed by the office, and the council and- ~~coordinating~~  
12       ~~committee,~~ relating to all drug abuse prevention and treat-  
13       ment of alcoholics and intoxicated persons and control of  
14       drug abuse.

15       **Sec. 70. 22 MRSA §7106, sub-§6, first sentence,** as  
16       enacted by PL 1973, c. 566, §1, is amended to read:

17       Function as the organizational unit of Maine State Govern-  
18       ment with sole responsibility for conducting and coordi-  
19       nating, with the advice of the council ~~and the cooperation~~  
20       ~~of the coordinating committee,~~ state programs and activities  
21       authorized by this chapter, and the Comprehensive Alcohol  
22       Abuse and Alcoholism Prevention, Treatment and Rehabilita-  
23       tion Act of 1970, as amended, and by the Drug Abuse Office  
24       and Treatment Act of 1972, as amended; and other programs or  
25       Acts of the State of Maine or United States related to drug  
26       abuse prevention which are not the specific responsibility  
27       of another state agency under federal or state law.

28       **Sec. 71. 22 MRSA §7110, sub-§3, last sentence,** as  
29       enacted by PL 1973, c. 566, §1, is amended to read:

30       Statements at variance or in addition to those of the office  
31       ~~or the coordination committee~~ shall be attached to the plan  
32       or reports upon submission by the office to agencies of the  
33       United States Government and the state agencies;

34       **Sec. 72. 22 MRSA §7111, as amended by PL 1975, c. 293,**  
35       **§4, is repealed.**

36       **Sec. 73. 22 MRSA §7125 is enacted to read:**

37       §7125. Criminal law limitations

38       1. Laws. No county, municipality or other political  
39       subdivision may adopt or enforce a local law, ordinance,

1 resolution or rule having the force of law that includes  
2 drinking, being a common drunkard, or being found in an  
3 intoxicated condition as one of the elements of the offense  
4 giving rise to a criminal or civil penalty or sanction.

5 2. Interpretation. No county, municipality or other  
6 political subdivision may interpret or apply any law of gen-  
7 eral application to circumvent subsection 1.

8 3. Affect. Nothing in this Act affects any law, ordi-  
9 nance, resolution or rule against drunken driving, driving  
10 under the influence of alcohol, or other similar offense  
11 involving the operation of a vehicle, snowmobile, aircraft,  
12 boat, machinery or other equipment, or regarding the sale,  
13 purchase, dispensing, possessing or use of alcoholic bever-  
14 ages at stated times and places or by a particular class of  
15 persons.

16 Sec. 74. 30 MRSA §3551, as amended by PL 1975, c. 293,  
17 §4, is repealed.

18 Sec. 75. 32 MRSA §1243, as amended by PL 1979, c. 542,  
19 Pt. D. §2, is repealed and the following enacted in its  
20 place:

21 §1243. Inspections

22 Upon any person's request and payment of a \$50 license  
23 fee, the department shall inspect that person's place of  
24 practice and equipment for compliance with the rules adopted  
25 by the department under this chapter. All fees collected by  
26 the department shall be deposited in the General Fund.

27 Sec. 76. 32 MRSA §1400, sub-§2-A is enacted to read:

28 2-A. Commissioner. "Commissioner" means the Commis-  
29 sioner of Business Regulation.

30 Sec. 77. 32 MRSA §1451, first ¶, as last amended by PL  
31 1975, c. 771, §343, is further amended to read:

32 There is created a State Board of Funeral Service, and  
33 in this chapter called the "board," which shall consist of 8  
34 members, one of whom shall be the ~~Director of Health~~ commis-  
35 sioner, who shall be the secretary of the board, 6 of whom  
36 shall be persons licensed for the practice of funeral ser-  
37 vice for 10 consecutive years or who have had 10 consecutive  
38 years' experience as an embalmer or funeral director in this  
39 State immediately preceding their appointment, and one of

1 whom shall be a representative of the public. Members,  
2 other than the ~~Director~~ of Health commissioner, shall be  
3 appointed by the Governor for a term of 4 years. In the  
4 case of vacancy by any reason, the vacancy shall be filled  
5 by appointment for the unexpired term, as is provided in  
6 original appointments. The present members of the Board of  
7 Examiners of Funeral Directors and Embalmers shall serve as  
8 members of the State Board of Funeral Service until their  
9 terms expire.

10 **Sec. 78.** 32 MRSA §1452, first sentence is amended to  
11 read:

12 The board shall keep a record containing the names and  
13 residences of all persons licensed and a record of all  
14 moneys received and disbursed by ~~said~~ the board, and ~~said~~  
15 the records, or duplicates thereof, shall always be open to  
16 inspection in the office of the ~~Director of Health~~ commis-  
17 sioner during regular office hours.

18 **Sec. 79.** 32 MRSA §1452-B, as enacted by PL 1977, c.  
19 604, §16, is amended to read:

20 §1452-B. Budget

21 The board shall submit to the ~~Commissioner of Human~~  
22 Services commissioner its budgetary requirements in the same  
23 manner as is provided in Title 5, section 1665, and the com-  
24 missioner shall in turn transmit these requirements to the  
25 Bureau of the Budget without any revision, alteration or  
26 change.

27 **Sec. 80.** 32 MRSA §1503, as last amended by PL 1975, c.  
28 293, §4, is further amended to read:

29 §1503. Blanks and forms of procedure; lists of licensees  
30 and examinations

31 The ~~Department of Human Services~~ commissioner may adopt  
32 such blanks and forms of procedure as it may deem necessary  
33 to carry out this chapter and shall keep on file a list of  
34 all persons licensed in the practice of funeral service and  
35 a record of examinations, together with the examination  
36 papers, all of which shall be open to public inspection.

37 **Sec. 81.** 32 MRSA §1658, sub-§2-A is enacted to read:

38 2-A. Commissioner. "Commissioner" means the Commis-  
39 sioner of Business Regulation.

1           Sec. 82. 32 MRSA §1658, sub-§4, as repealed and  
2 replaced by PL 1975, c. 463, §3, is repealed and the follow-  
3 ing enacted in its place:

4           4. Department. "Department" means the Department of  
5 Business Regulation.

6           Sec. 83. 32 MRSA 1658-A, sub-§1, as amended by PL  
7 1977, c. 696, §240, is further amended to read:

8           1. License for person. No person shall ~~may~~ engage in  
9 the sale of or practice of fitting and dealing in hearing  
10 aids or display a sign or in any other way advertise or  
11 represent himself as a person who practices the fitting,  
12 dealing and sale of hearing aids after October 1, 1975,  
13 unless he holds a valid license issued by the ~~department~~  
14 board as provided in this chapter. The license required by  
15 this chapter shall be conspicuously posted in the licensee's  
16 office or place of business. The ~~department~~ board shall,  
17 without requiring additional payment, issue ~~duplicate~~  
18 licenses to license holders operating more than one office.  
19 A license issued under this chapter shall confer on the  
20 holder the right to select, fit and sell hearing aids.

21           Sec. 84. 32 MRSA §1658-A, sub-§2, as repealed and  
22 replaced by PL 1975, c. 463, §3, is amended to read:

23           2. License for business organization. Any corpora-  
24 tion, partnership, trust, association or other like orga-  
25 nization engaged in the business of selling or offering for  
26 sale hearing aids at retail in the State shall apply to the  
27 ~~department~~ board for a license to engage in ~~said~~ that busi-  
28 ness. No business entity shall ~~may~~ so engage in the busi-  
29 ness of selling or offering for sale hearing aids without a  
30 license to do so. The ~~department~~ board shall issue a li-  
31 cense signed by the ~~Director of Health~~ commissioner upon  
32 payment by the business entity of a fee of \$100 and upon  
33 filing a sworn statement from a person with authority from  
34 the business entity. ~~Such~~ That sworn statement shall list  
35 the names and addresses of all hearing aid dealers and  
36 fitters directly or indirectly employed by ~~said~~ the entity  
37 and shall certify that the entity employs only hearing aid  
38 dealers and fitters who are duly licensed by the State. The  
39 license shall be effective for 24 months following the date  
40 of issuance. Each such business engaged in the fitting and  
41 sale of hearing aids shall biennially submit to the ~~depart-~~  
42 ment board an application for a renewal of its license ac-  
43 companied by a fee of \$50. A 30-day grace period shall be  
44 allowed after the date of expiration, during which time

1 licenses may be renewed on payment of \$100 to the department  
2 board. After expiration of the grace period, the department  
3 board may renew such those certificates upon the payment of  
4 \$200 to the department board. The license required by this  
5 chapter shall be conspicuously posted in the licensee's  
6 office or place of business. Notwithstanding the provisions  
7 of this subsection, the department board may, whenever it  
8 deems necessary, extend existing licenses so that an equal  
9 number expire each month to allow for the equal distribution  
10 of relicensure throughout the year.

11 Sec. 85. 32 MRSA §1658-C, first ¶, last sentence, as  
12 repealed and replaced by PL 1975, c. 463, §3, is amended to  
13 read:

14 The department board shall prepare a model notice containing  
15 all the requirements of this section, and shall furnish  
16 copies upon request.

17 Sec. 86. 32 MRSA §1658-C, sub-§9, as repealed and  
18 replaced by PL 1975, c. 463, §3, is amended to read:

19 9. Rules. The department board may promulgate rules  
20 and regulations to define the requirements of this section  
21 in order to provide the purchaser with additional informa-  
22 tion to be contained in the notice provisions.

23 Sec. 87. 32 MRSA §1658-D, sub-§2, first sentence, as  
24 repealed and replaced by PL 1975, c. 463, §3, is amended to  
25 read:

26 The department board shall by regulation list and define  
27 certain medical conditions affecting hearing.

28 Sec. 88. 32 MRSA §1658-F, sub-§1, first sentence, as  
29 repealed and replaced by PL 1975, c. 463, §3, is amended to  
30 read:

31 The department board shall keep an individual record for  
32 each licensed hearing aid dealer.

33 Sec. 89. 32 MRSA §1658-F, sub-§1, ¶C, as repealed and  
34 replaced by PL 1975, c. 463, §3, is amended to read:

35 C. The department board, upon written request, will  
36 furnish copies of forms for calibration posting and  
37 forms for the annual collection of information regard-  
38 ing numbers of individuals tested and numbers of hear-  
39 ing aids sold, which information shall remain confiden-  
40 tial.

1           **Sec. 90. 32 MRSA §1658-G, first sentence,** as repealed  
2 and replaced by PL 1975, c. 463, §3, is amended to read:

3           Each audiometer used in the measurement of hearing when  
4 testing and fitting a hearing aid must meet calibration  
5 standards which shall be defined in the department's board's  
6 rules and regulations.

7           **Sec. 91. 32 MRSA §1658-G, 5th sentence,** as repealed  
8 and replaced by PL 1975, c. 463, §3, is amended to read:

9           The ~~department~~ board will supply forms for the reporting of  
10 calibration and keep a copy of the statement of calibration  
11 in each file of each licensee.

12           **Sec. 92. 32 MRSA §1658-H, first sentence,** as repealed  
13 and replaced by PL 1975, c. 463, §3, is amended to read:

14           The ~~department~~ board shall register each applicant  
15 without discrimination who satisfactorily passes an examina-  
16 tion as provided in section 1658-I and upon the applicant's  
17 payment of \$100 shall issue to the applicant a license  
18 signed by the Director of Health commissioner.

19           **Sec. 93. 32 MRSA §1658-H, 2nd ¶, first sentence** as  
20 repealed and replaced by PL 1975, c. 463, §3, is amended to  
21 read:

22           Whenever the board determines that another state or  
23 jurisdiction has requirements equivalent to or higher than  
24 those in effect pursuant to this chapter for the practice to  
25 fit and sell hearing aids, and that ~~such that~~ state or  
26 jurisdiction has a program equivalent to or stricter than  
27 the program for determining whether applicants pursuant to  
28 this chapter are qualified to dispense and fit hearing aids,  
29 the ~~department~~ board may issue certificates of equivalent  
30 license to applicants who have current, unsuspended and  
31 unrevoked certificates or licenses to fit and sell hearing  
32 aids in such other state or jurisdiction.

33           **Sec. 94. 32 MRSA §1658-I, sub-§1, 2nd and 3rd ¶¶,** as  
34 repealed and replaced by PL 1975, c. 463, §3, are amended to  
35 read:

36           The ~~department or~~ board may require letters of reference,  
37 physician's statements of applicant's good health, verifica-  
38 tion of age or other supportive documents as may be re-  
39 quired.

1 The department board may promulgate rules and regulations to  
2 further define the qualifications in this section in order  
3 to insure that only properly qualified persons take the  
4 licensing examination.

5 Sec. 95. 32 MRSA 1658-I, sub-§§2 and 3, as repealed  
6 and replaced by PL 1975, c. 463, §3, are amended to read:

7 2. Examination. The applicant for license by examina-  
8 tion shall appear at a time, place and before such persons  
9 as the ~~department~~ and board may designate, to be examined by  
10 means of written, practical and oral tests in order to dem-  
11 onstrate that he is qualified to practice the fitting and  
12 sale of hearing aids. ~~In cooperation with- the~~ The board,  
13 ~~the department~~ may appoint a consultant to assist in prepar-  
14 ing the examination itself as well as conducting and super-  
15 vising the testing. The examination administered as  
16 directed by the board constituting standards for licensing  
17 shall not be conducted in such a manner that college train-  
18 ing be required in order to pass the examination. Nothing  
19 in this examination shall may imply that the applicant shall  
20 ~~possess~~ possesses the degree of medical competence normally  
21 expected by physicians.

22 3. Time. The ~~department~~ board shall give examinations  
23 at least twice a year, with additional dates for examination  
24 set at the discretion of the board. The ~~department~~ board  
25 will give 30 days' public notice of the date, time and place  
26 of examination.

27 Sec. 96. 32 MRSA §1658-J, first ¶, as repealed and  
28 replaced by PL 1975, c. 463, §3, is amended to read:

29 An applicant who fulfills the requirements as set forth  
30 in section 1658-I, subsection 1, paragraphs A to E, may  
31 obtain a trainee permit upon application to the ~~department~~  
32 board, accompanied by a fee of \$25 and the signature of the  
33 licensed hearing aid dealer and fitter who is responsible  
34 for the direct supervision of the trainee.

35 Sec. 97. 32 MRSA §1658-K, sub-§3, as repealed and  
36 replaced by PL 1975, c. 463, §3, is amended to read:

37 3. Rules. The department board may promulgate rules  
38 ~~and- regulations~~ which further define additional areas to be  
39 tested in the qualifying examination in order to promote  
40 more knowledgeable practitioners in this field.

41 Sec. 98. 32 MRSA §1658-L, as repealed and replaced by  
42 PL 1975, c. 463, §3, is amended to read:

1 §1658-L. Notice to board of place of business; notice to  
2 holders of license; how given by board

3 A person who holds a license shall notify the ~~depart-~~  
4 ment board in writing of the regular address of the place or  
5 places where he engages or intends to engage in the fitting  
6 or the sale of hearing aids.

7 The ~~department~~ board shall keep a record of the place  
8 of business of persons who hold licenses.

9 Any notice required to be given by the ~~department~~ board  
10 to a person who holds a license shall be mailed to him by  
11 certified mail at the address of the last place of business  
12 of which he has notified the ~~department~~ board.

13 **Sec. 99.** 32 MRSA §1658-M, first ¶, enacted by PL 1975,  
14 c. 463, §3, is amended to read:

15 Each person, who engages in the fitting and sale of  
16 hearing aids, shall biennially according to regulations  
17 established by the ~~department~~ board submit to the ~~department~~  
18 board an application for a renewal of his license, accompa-  
19 nied by a fee of \$50. The licensee shall keep ~~such~~ the certi-  
20 ificate conspicuously posted in his office or place of  
21 business at all times. Where more than one office is oper-  
22 ated by the licensee, duplicate certificates shall be issued  
23 by the ~~department~~ board for posting in each location. A  
24 30-day grace period shall be allowed after the date of  
25 expiration, during which time licenses may be renewed on  
26 payment of a fee of \$100 to the ~~department~~ board. After  
27 expiration of the grace period, the ~~department~~ board may  
28 renew ~~such~~ those certificates upon the payment of \$200 to  
29 the ~~department~~ board. No person who applies for renewal,  
30 whose license has expired, shall may be required to submit  
31 to any examination as a condition to renewal, provided ~~such~~  
32 that renewal application is made within 2 years from the  
33 date of ~~such~~ that expiration. If more than 2 years have  
34 passed since the expiration of license, the applicant shall  
35 apply for a temporary trainee permit and shall take the  
36 examination.

37 **Sec. 100.** 32 MRSA 1658-N, first ¶, as repealed and  
38 replaced by PL 1977, c. 694, §574, is amended to read:

39 The ~~department~~ board may amend, modify or refuse to  
40 issue or refuse to renew any license; however, any aggrieved  
41 party shall be entitled to a hearing in conformity with the  
42 Maine Administrative Procedure Act, Title 5, chapter 375.



1 The department board may suspend or revoke any license by  
2 filing a complaint with the Administrative Court pursuant to  
3 the Maine Administrative Procedure Act, Title 5, chapter  
4 375, for any one of the following causes:

5 **Sec. 101.** 32 MRSA §1658-N, sub-§§1 and 2, as enacted  
6 by PL 1975, c. 463, §3, are amended to read:

7 1. Fraud or deceit. Procuring of license by fraud or  
8 deceit practiced upon the department board or a purchaser;

9 2. Unethical conduct. The department board shall  
10 promulgate rules and regulations- in- conjunction- with- the  
11 board and define unethical conduct for the purposes of this  
12 chapter in order to protect the public from unfair or decep-  
13 tive practices and to effectively promote a high standard of  
14 ethics in the hearing aid industry;

15 **Sec. 102.** 32 MRSA §1659, as amended by PL 1977, c.  
16 696, §241, is further amended to read:

17 §1659. Hearings

18 Any conflict between this section and the State of  
19 Maine Administrative Procedure Act, Title 5, chapter 375,  
20 shall be resolved by the provisions of the State of Maine  
21 Administrative Procedure Act, Title 5, chapter 375.

22 1. Notice; hearing. Every licensee or applicant for  
23 license shall be afforded notice and an opportunity to be  
24 heard before the department board shall have authority to  
25 take any action, the effect of which would be:

26 A. To deny permission to take an examination for which  
27 application has been properly made; or

28 B. To refuse to issue a license after examination for  
29 any cause other than failure to pass the examination;  
30 or

31 C. To refuse to renew a license for any cause other  
32 than failure to pay a statutory fee.

33 2. Board action; written notice. When the department  
34 board contemplates taking any action of a type specified in  
35 subsection 1, paragraphs A or B, it shall give written  
36 notice to the applicant, including a statement:

1           A. That the applicant has failed to satisfy the  
2 department board of his qualifications to be examined  
3 or to be licensed, as the case may be; and

4           B. Indicating factually in what respects the applicant  
5 has failed to satisfy the department board; and

6           C. That the applicant may secure a hearing before the  
7 department board by depositing in the mail within 10  
8 days after service of ~~said~~ the notice, a registered  
9 letter addressed to the department board containing a  
10 request for a hearing.

11 In any proceeding involving the denial of a properly made  
12 application to take an examination, or refusal to issue a  
13 license after an applicant has taken and passed an examina-  
14 tion, the burden of satisfying the department board of the  
15 applicant's qualifications shall be upon the applicant.

16           3. Hearing before the board. When the department  
17 board contemplates taking any action of a type specified in  
18 subsection 1, paragraph C, it shall give written notice to  
19 the licensee containing a statement:

20           A. That the department board has received sufficient  
21 evidence which, if not rebutted or explained, may just-  
22 ify the department board in taking the contemplated  
23 action under a section of the law;

24           B. Indication factually of the nature of the evidence;  
25 and

26           C. That the applicant may secure a hearing before the  
27 department board by depositing in the mail within 10  
28 days after the serving of ~~said~~ the notice, a registered  
29 letter addressed to the department board requesting a  
30 hearing on the matter provided, ~~however,~~ that where it  
31 is mutually agreeable to the department board and the  
32 license holder, the license holder may elect to volun-  
33 tarily waive the minimum time limit of ~~such~~ the hear-  
34 ing.

35           4. Procedure upon board refusal to issue or renew li-  
36 cence. In any hearing before the department board involving  
37 the refusal to issue or the refusal of the department board  
38 to renew a license other than for failure to pay the statu-  
39 tory fee, the department board shall present competent evi-  
40 dence to justify the action taken or proposed by the depart-  
41 ment board unless an admission of guilt is entered.

1           5. Procedure for hearing. If the licensee or appli-  
2 cant does not mail a request for a hearing within the time  
3 and in the manner detailed in this section, the department  
4 board may take action contemplated in the notice.

5 If the licensee or applicant does not mail a request for a  
6 hearing as required in this section, the department board  
7 shall, within 20 days of receipt of such a request, notify  
8 the licensee or applicant of the time and place of the hear-  
9 ing, which hearing shall be held not more than 30 days nor  
10 less than 10 days from the date of the service of such that  
11 notice.

12           6. Procedure for notice. Any notice required by this  
13 section shall be served by registered mail or certified  
14 mail, with return receipt requested, directed to the licen-  
15 see or applicant at his last known address as shown by the  
16 records of the department board. Notice shall be deemed to  
17 have been served on the date borne by the return receipt  
18 showing delivery of the notice to the addressee or refusal  
19 of the addressee to accept the notice.

20           7. Number required for board to act. At all hearings  
21 at least a majority of the board shall be present to hear  
22 and determine the matter, and the department shall also be  
23 represented by at least 2 persons designated by the commis-  
24 sioner.

25           8. Rights of those being heard. A person entitled to  
26 be heard shall have the right:

27           A. To be represented by counsel;

28           B. To cross-examine witnesses;

29           C. To present all relevant evidence by means of wit-  
30 nesses and books and papers and documents; and

31           D. To have a transcript of the hearing made at his own  
32 expense upon written request to the department board.

33           9. Rights of the board. In connection with any hear-  
34 ing, the department board shall have the right:

35           A. To administer oaths or affirmation of witnesses;

36           B. To have council to assist in the development of the  
37 case;

- 1           C. To take testimony;
- 2           D. To examine and cross-examine witnesses;
- 3           E. To have transcripts made at the ~~department~~ board;
- 4           F. To direct a continuance of any case for just cause;
- 5           and
- 6           G. To temporarily suspend the license of the licensee
- 7           if the safety or health of a person is seriously endan-
- 8           gered.

9           10. Other powers. The ~~department~~ board shall have the

10          power to require the production of books, papers or other

11          documents and may issue subpoenas to compel the defendants

12          or witnesses to testify and produce such those books, papers

13          or other documents. The defendant shall also have the same

14          power to issue subpoenas.

15          11. Rules of evidence not applicable. In all hearings

16          before the ~~department~~ board, the rules of evidence shall not

17          apply.

18          12. Per diem and mileage; witnesses. Witnesses shall

19          be entitled to the same per diem and mileage as witnesses

20          appearing before the District Court.

21          13. Decision of board. After a hearing has been com-

22          pleted, the members of the ~~department~~ and board who con-

23          ducted the hearing shall proceed to consider the case and as

24          soon as practicable shall render their decision. Any and

25          all violations of the ~~department's~~ board's regulations or

26          provisions of this chapter shall be grounds for refusal to

27          issue or renew said that license. The decision must be

28          rendered within 90 days after the hearing.

29          14. Copy of decision. Within 5 days after the deci-

30          sion is rendered, a copy of the same decision shall be

31          served by registered mail upon the person whose license is

32          involved. It shall be deemed as served on the date borne on

33          the return receipt.

34          15. Failure to appear. If a person who has requested

35          a hearing does not appear, and no continuance has been

36          granted, the ~~department~~ board may hear the evidence of such

37          witnesses as may have appeared, and the ~~department~~ board may

38          proceed to consider the matter and dispose of it on the

39          basis of the evidence before it.

1           16. Procedure to reopen proceedings. Where because of  
2 accident, sickness or other reasonable cause a person fails  
3 to request a continuance or fails to appear for a hearing  
4 which he has requested, the person may within a reasonable  
5 length of time apply to the department board to reopen the  
6 proceedings, and give such that person notice thereof. At  
7 the time and place fixed, a hearing shall be held at which  
8 the person may testify in his own behalf or present such  
9 other evidence as may be beneficial to his case. Witnesses,  
10 who have previously testified, shall not be required to  
11 appear at the 2nd hearing unless subpoenaed by the depart-  
12 ment board or other wise consent to appear.

13           17. Decision to reopen proceedings discretionary with  
14 board. At any time after the hearing and prior to the ser-  
15 vice of the department's board's decision, the person  
16 affected may request the department board to reopen the case  
17 to receive additional evidence or for other just cause. The  
18 granting or refusing of such that request shall be within  
19 the department's board's discretion.

20           18. Board may reopen proceedings. The department  
21 board may reopen the case on its own motion at any time  
22 before a petition for a writ of certiorari is filed. There-  
23 after, it may do so only with the permission of the review-  
24 ing court.

25           Sec. 103. 32 MRSA §1660, as last amended by PL 1981,  
26 c. 191, §2, is repealed.

27           Sec. 104. 32 MRSA §1660-A, sub-§1, as enacted by PL  
28 1975, c. 463, §3, is repealed and the following enacted in  
29 its place:

30           1. Board. There shall be established a Board of Hear-  
31 ing Aid Dealers and Fitters.

32           Sec. 105 32 MRSA §1660-B, as enacted by PL 1975, c.  
33 463, §3, is repealed and the following enacted in its place:

34           §1660-B. Powers and duties of the board

35           The powers and duties of the board are as follows:

36           1. Authorize disbursements. To authorize all dis-  
37 bursements necessary to carry out this chapter;

38           2. Supervise issuance of licenses. To supervise issu-  
39 ance of licenses by experience and to administer qualifying

- 1 examinations to test the knowledge and proficiency of appli-  
2 cants licensed by examination;
- 3       3. Registration. To register persons who apply to the  
4 board and who are qualified to engage in the fitting and  
5 sale of hearing aids;
- 6       4. Audiometric equipment. To purchase and maintain or  
7 rent audiometric equipment and other facilities necessary to  
8 carry out the examination of applicants in section 1658-1;
- 9       5. Issue and renew licenses. To issue and renew  
10 licenses;
- 11       6. Suspension or revocation of licenses. To take ac-  
12 tion before the Administrative Court in conformity with the  
13 Maine Administrative Procedure Act, Title 5, chapter 375,  
14 for the suspension or revocation of licenses when there is  
15 indication that suspension or revocation is proper;
- 16       7. Designation of examination. To designate the time  
17 and place for examining applicants;
- 18       8. Conduct or supervise examinations. To appoint  
19 representatives to conduct or supervise the examination;
- 20       9. Adopt rules. Following a public hearing, to  
21 promulgate, adopt, amend and publish rules not inconsistent  
22 with the laws of this State, which are necessary to carry  
23 out this chapter. The rules shall serve to protect the con-  
24 sumer from unethical practices, shall serve to explain or  
25 define terms and words contained within this chapter and  
26 shall add to the general understanding of both consumer and  
27 practitioner of this chapter. The board shall promulgate  
28 rules where specifically authorized in this chapter;
- 29       10. Appoint employees. To appoint or employ subordi-  
30 nate employees, subject to the Personnel Law;
- 31       11. Redistribute expiration dates. To, during a  
32 2-year period beginning in January, 1982, redistribute the  
33 expiration dates of the existing licenses so that an equal  
34 number expire in each month of even-numbered years, so that  
35 all license renewals will occur in the same year; and
- 36       12. Educational programs. To provide or make avail-  
37 able opportunity for lectures, courses or workshops which  
38 will be useful and educational to licensees or trainees and  
39 may use its funds to sponsor those educational programs.

1       Sec. 106 32 MRSA §1660-C, 2nd sentence, as enacted by  
2 PL 1975, c. 463, §3, is repealed.

3       Sec. 107 32 MRSA §1660-D, as enacted by PL 1975, c.  
4 463, §3 and as amended by PL 1975, c. 293, §4, is repealed  
5 and the following enacted in its place:

6 §1660-D. Disposition of receipts; Hearing Aid Account

7       All moneys received by the board shall be paid to the  
8 Treasurer of State and credited to the Department of Busi-  
9 ness Regulation Hearing Aid Account to be used for carrying  
10 out the purposes of this chapter. Any balance of the funds  
11 shall not lapse, but shall be carried forward as a continu-  
12 ing account to be expended for the same purposes in the fol-  
13 lowing fiscal years.

14       Sec. 108 32 MRSA §1660-E, 2nd sentence, as enacted by  
15 PL 1975, c. 463, §3, is amended to read:

16 ~~The department, in conjunction with the board,~~ may seek to  
17 enjoin violations of any of the provisions of this chapter  
18 or any of the provisions of the rules and regulations  
19 promulgated hereunder in this chapter by injunction or by  
20 any other appropriate proceedings.

21       Sec. 109 32 MRSA §3401, first sentence, as amended by  
22 PL 1977, c. 469, §10, is further amended to read:

23       A Plumbers' Examining Board, as heretofore established,  
24 shall consist of an executive officer who shall be the  
25 Director of the Division of Health Engineering of the Bureau  
26 of Health Commissioner of Business Regulation, or his desig-  
27 nee, and 3 other members, hereinafter called the appointive  
28 members, who shall be appointed by the Governor.

29       Sec. 110 32 MRSA §3402, as repealed and replaced by PL  
30 1977, c. 469, §12, is repealed and the following enacted its  
31 place:

32 §3402. Employees

33       The Commissioner of Business Regulation, with the  
34 advice and consent of the board, may appoint, subject to  
35 the Personnel Law, such employees as may be necessary to  
36 carry out this chapter. Any person so employed shall be  
37 located in the Department of Business Regulation and under  
38 the administrative and supervisory direction of the Commis-  
39 sioner of Business Regulation.

1           **Sec. 111 32 MRSA §3403, first sentence**, as amended by  
2 PL 1977, c. 469, §13, is further amended to read:

3           The board shall hold regular meetings semiannually and  
4 shall hold additional meetings at such other times as they  
5 shall determine by their rules, or upon request of the 3  
6 appointive members of their board, or upon request of the  
7 Director of the Division of Health Engineering Commissioner  
8 of Business Regulation.

9           **Sec. 112 32 MRSA §3504, 2nd sentence**, as repealed and  
10 replaced by PL 1977, c. 469, §18, is amended to read:

11           The expiration dates for licenses issued under this chapter  
12 may be established at such other times as the Commissioner  
13 of Human Services Business Regulation may designate.

14           **Sec. 113. Maine Health Systems Agency.** Under the  
15 provisions of the United States Public Health Services Act,  
16 Section 1536, 42 United States Code, Section 300n-5, as  
17 amended by the Omnibus Reconciliation Act of 1981, the Gov-  
18 ernor shall before November 1, 1982 submit an application  
19 for Maine to be considered a state for the purposes of that  
20 subchapter so that the Federal Government will no longer  
21 fund the Maine Health Systems Agency.

22           **Sec. 114. Medicaid copayments.** The Commissioner of  
23 Human Services shall present to the 111th Legislature a plan  
24 for implementing user copayments for selected Medicaid ser-  
25 vices. The plan shall include an analysis of the impact of  
26 implementing the 50¢-drug copayment and estimated savings  
27 from the imposition of a \$2 copayment for each of the fol-  
28 lowing services: Ambulance services, audiology services,  
29 chiropractic services, dental services, hearing aids, hospi-  
30 tal out-patient services, mental health clinic services,  
31 optometric services, physician's services, podiatric ser-  
32 vices, psychologist's services, speech and hearing services  
33 and speech pathology services. The plan shall also include  
34 a discussion of administrative problems and of reductions in  
35 utilization of services as a result of copayments, the com-  
36 missioner's recommendation with respect to copayments for  
37 each of these services and the reasons behind each recom-  
38 mendation.

39

## PART B

40           **Adjustments to General Fund.** In order to provide for  
41 necessary adjustment of the General Fund to implement the  
42 recommendations of the Joint Standing Committee on Audit and



1 Program Review, appropriations are decreased by the amounts  
2 designated in the following tabulations.

3	DEPARTMENT OR AGENCY	APPROPRIATIONS
4		FROM GENERAL FUND
5		1982-83
6	HUMAN SERVICES, DEPARTMENT OF	
7	Administration - Human Services	
8	Positions	(-2)
9	Personal Services	\$ (36,000)
10	All Other	<u>(10,000)</u>
11		\$ (46,000)
12	Eliminates the General Fund share of the	
13	Staff Education and Training Unit. These	
14	funds are reappropriated in Part C to	
15	child welfare services for either direct	
16	services or training needs.	
17	Administration - Human Services	
18	All Other	\$ (20,000)
19	Eliminates the General Fund share of	
20	funding for 2 positions associated with	
21	the Office of Special Projects.	
22	Administration - Human Services	
23	All Other	\$ (18,600)
24	Eliminates the General Fund share of	
25	funding for one professional staff posi-	
26	tion within the Office of Public Affairs	
27	(\$8,200) and eliminates the General Fund	
28	share of funding for the publication of	
29	CONCERN (\$10,400).	
30	Health, Bureau of	
31	Positions	(-1)
32	Personal Services	\$ (22,400)
33	All Other	<u>(1,500)</u>
34		\$ (23,900)

1	Provides for the transfer of one Public	
2	Health Nurse II position to the Depart-	
3	ment of Personnel to operate the first	
4	aid station. (See Part C)	
5	Medical Care Administration	
6	All Other	\$ (68,000)
7	Eliminates funds used to pay for previ-	
8	ously mandated State Fire Marshal inspec-	
9	tions of various health care facilities	
10	because department personnel will be	
11	making these inspections in the future.	
12	Administration - Social Services, Bureau of	
13	Positions	(-3)
14	Personal Services	\$ (46,280)
15	All Other	<u>(6,000)</u>
16		\$ (52,280)
17	Eliminates 3 General Fund positions asso-	
18	ciated with the administration of social	
19	service contracts.	
20	Day-Care, Homemaker Services, Transportation Services,	
21	State Seed - Social Services	
22	Positions	(-2)
23	Personal Services	\$ (39,300)
24	All Other	<u>(4,000)</u>
25		\$ (43,300)
26	Eliminates 2 General Fund positions asso-	
27	ciated with the administration of social	
28	services contracts.	
29	Day-Care, Homemaker Services, Transportation Services,	
30	State Seed - Social Services	
31	All Other	\$(200,730)
32	Eliminates a portion of General Fund	
33	appropriation for social services. These	
34	funds are replaced with allocations from	
35	the Social Service Block Grant funds in	
36	Part E.	
37	Day-Care, Mental Retardation	
38	Developmental - Social Services	

1	All Other	\$ (86,000)
2	Eliminates the General Fund appropriation	
3	for mental retardation day care services.	
4	Rehabilitation - Vocational Rehabilitation, Bureau of	
5	Positions	(-3)
6	Personal Services	\$ (31,300)
7	Provides for the elimination of the Gen-	
8	eral Fund portion of 14 clerical posi-	
9	tions within the bureau. These funds	
10	will be redirected to provide direct ser-	
11	vices for vocational rehabilitation	
12	clients. The remaining \$140,700 to be	
13	shifted to direct services shall be from	
14	federal vocational rehabilitation funds.	
15	Alcoholism and Drug Abuse Prevention - Human Services	
16	Positions	(-1)
17	Personal Services	\$ (26,450)
18	All Other	<u>(2,500)</u>
19		\$ (28,950)
20	Provides for the transfer of the state's	
21	employee assistance program from the	
22	Office of Alcoholism and Drug Abuse Pre-	
23	vention to the Department of Personnel.	
24	(See Part C.)	
25	Elderly, Bureau of Maine's	
26	All Other	\$ (20,000)
27	Deappropriates \$20,000 which shall	
28	instead be taken from excess funds in the	
29	bureau's special revenue account.	
30	Maine Human Services Council	
31	Positions	(-1)
32	Personal Services	\$ (19,622)
33	All Other	<u>(21,100)</u>
34		\$ (40,722)
35	Deappropriates the General Fund share of	
36	funding for the Maine Human Services	
37	Council.	

1 Total Part B - General Fund \$ (679,782)

2 PART C

3 Adjustments to General Fund. In order to provide for  
4 necessary adjustment of the General Fund to implement recom-  
5 mendations of the Joint Standing Committee on Audit and Pro-  
6 gram Review, appropriations are increased by the amounts  
7 designated in the following tabulations.

8 DEPARTMENT OR AGENCY	APPROPRIATIONS
9	FROM GENERAL FUND
10	1982-83

11 HUMAN SERVICES, DEPARTMENT OF

12 Administration - Human Services	
13 All Other	\$ 41,847

14 Provides funds to allow the department to  
15 fund 50% of the administration of the  
16 food stamp program beginning January 1,  
17 1983. This will maintain program admin-  
18 istration at the current level, while  
19 eliminating all county expenditures for  
20 the food stamp program.

21 Legal Services - Human Services	
22 All Other	\$ 547

23 Provides funds to allow the department to  
24 fund 50% of the administration of the  
25 food stamp program beginning January 1,  
26 1983. This will maintain program admin-  
27 istration at the current level, while  
28 eliminating all county expenditures for  
29 the food stamp program.

30 Administration - Regional - Human Services	
31 All Other	\$111,925

32 Provides funds to allow the department to  
33 fund 50% of the administration of the  
34 food stamp program beginning January 1,  
35 1983. This will maintain program admin-  
36 istration at the current level, while  
37 eliminating all county expenditures for  
38 the food stamp program.

1	Bureau of Health - Health Engineering	
2	Positions	(7)
3	Personal Services	\$115,840
4	All Other	<u>64,800</u>
5		\$180,640
6	Provides for the transfer of 5 Sanitarian	
7	11 and 2 clerical positions and funds	
8	from a dedicated account to the General	
9	Fund.	
10	Medical Care - Payments to Providers	
11	All Other	\$ 20,900
12	Provides funds for the state share of the	
13	cost of eyeglasses services to be pro-	
14	vided under Medicaid. In addition to	
15	these amounts, moneys in this account	
16	previously allocated to the Medical Eye	
17	Care Program shall also be used to fund	
18	the state's share of the cost of these	
19	new services.	
20	Administration - Income Maintenance	
21	All Other	\$ 10,834
22	Provides funds to allow the department to	
23	fund 50% of the administration of the	
24	food stamp program beginning January 1,	
25	1983. This will maintain program admin-	
26	istration at the current level while	
27	eliminating all county expenditures for	
28	the food stamp program.	
29	Food Stamp Program	
30	Positions	(32)
31	Personal Services	\$221,010
32	All Other	<u>110,837</u>
33		\$331,847
34	Provides positions and funds to allow	
35	the department to fund 50% of the admin-	
36	istration of the food stamp program	
37	beginning January 1, 1983. Federal posi-	
38	tion count is decreased and General Fund	
39	count is increased so that in total there	
40	will be 83 authorized state positions,	
41	matched by 83 federal positions. This	

1	appropriation will maintain program	
2	administration at the current level,	
3	while eliminating all county expenditures	
4	for the food stamp program.	
5	Child Welfare Services	
6	All Other	\$ 46,000
7	Appropriates the General Fund dollars	
8	which were deappropriated from the Staff	
9	Education and Training Unit in Part B.	
10	These dollars are to be used for direct	
11	services or staff training.	
12	Rehabilitation - Vocational Rehabilitation,	
13	Bureau of	
14	All Other	\$ 31,300
15	Reflects the General Fund share of the	
16	elimination of 14 clerical positions	
17	within the bureau and the redirection of	
18	these funds to direct services for voca-	
19	tional rehabilitation clients. The	
20	remaining \$140,700 to be shifted to	
21	direct services shall be from federal	
22	vocational rehabilitation funds.	
23	<b>COMMISSIONER OF PERSONNEL, (OFFICE OF)</b>	
24	Administration - Personnel	
25	Positions	(1)
26	Personal Services	\$ 26,450
27	All Other	<u>2,500</u>
28		\$ 28,950
29	Provides for the transfer of the state's	
30	employee assistance program from the	
31	Office of Alcoholism and Drug Abuse Pre-	
32	vention to the Department of Personnel.	
33	(See Part B)	
34	Administration - Personnel	
35	Positions	(1)
36	Personal Services	\$ 22,400
37	All Other	<u>1,500</u>
38		\$ 23,900

1 Provided for by the transfer of 1 posi-  
2 tion and funds from the Bureau of Health  
3 to the Department of Personnel to operate  
4 the first aid station. (See Part B)

5 Total Part C - General Fund \$828,690

6 PART D

7 Adjustments to Federal Block Grant Allocations. In  
8 order to provide for necessary adjustment of the Social Ser-  
9 vices Block Grant to implement the recommendations of the  
10 Joint Standing Committee on Audit and Program Review, allo-  
11 cations are decreased by the amounts designated in the fol-  
12 lowing tabulations.

13 DEPARTMENT OR AGENCY ALLOCATIONS  
14 STATE FISCAL YEAR

15 1982-83

16 HUMAN SERVICES, DEPARTMENT OF  
17 SOCIAL SERVICES BLOCK GRANT

18 Education and Training Unit

19 Positions (-9)  
20 Personal Services \$(186,120)  
21 All Other (285,898)

22 \$(472,018)

23 Deallocates that share of the Social Ser-  
24 vices Block Grant which is used to fund  
25 the Staff Education and Training Unit.  
26 These dollars are reallocated in Part E  
27 to provide an approximate 5% increase for  
28 social service providers.

29 Social Services, Bureau of

30 Positions (-5)  
31 Personal Services \$(95,130)  
32 All Other (10,000)

33 \$(105,130)

34 Eliminates Social Services Block Grant  
35 funds for 5 positions associated with the

1 administration of contract social ser-  
 2 vices within the Bureau of Social Ser-  
 3 vices.

4 Homemaker Services  
 5 Positions (-1)  
 6 Personal Services \$ (13,600)  
 7 All Other (2,000)

8 \$ (15,600)

9 Eliminates Social Services Block Grant  
 10 funding for one vacant Homemaker position  
 11 because the direct Homemaker program is  
 12 being phased out of the Bureau of Social  
 13 Services into contract services.

14 Maine Human Services Council  
 15 Unallocated \$ (80,000)

16 Eliminates Social Services Block Grant  
 17 funding for the Maine Human Services  
 18 Council.

19 Total Part D - Social Services Block Grant \$ (672,748)

20 PART E

21 Adjustments to Federal Block Grant Allocations. In  
 22 order to provide for necessary adjustment of the Social Ser-  
 23 vices Block Grant to implement the recommendations of the  
 24 Joint Standing Committee on Audit and Program Review, allo-  
 25 cations are increased by the amount designated in the fol-  
 26 lowing tabulations.

27	DEPARTMENT OR AGENCY	ALLOCATION
28		STATE FISCAL YEAR
29		1982-83
30	HUMAN SERVICES, DEPARTMENT OF	
31	SOCIAL SERVICES BLOCK GRANT	
32	Social Services - Bureau of Social Services	
33	All Other	
34	Blind Services	\$ 2,850
35	Day care	151,040



1	Deaf services	1,888
2	Family planning	33,040
3	Homemaker	70,800
4	Nutrition, adult day service	23,600
5	Support services	28,320
6	Transportation	<u>42,480</u>
7		\$354,018

8 Allocates funds which were being used to  
9 fund the Staff Education and Training  
10 Unit to direct social services. This  
11 provides an approximate 5% increase to  
12 service providers. In the case of day  
13 care providers, these funds may be used  
14 for training or direct services because  
15 of the federal day care training mandate.

16	Social Services	
17	All Other	\$200,730

18 Allocates funds for purchased social ser-  
19 vices to replace those that have been  
20 deappropriated from the State Seed ac-  
21 count. (See Part B) \$80,000 of this  
22 allocation comes from the Maine Human  
23 Services Council deallocation and the  
24 remaining \$120,730 was deallocated from  
25 the Bureau of Social Services administra-  
26 tion accounts given the elimination of 6  
27 staff positions. (See Part D)

28 MENTAL HEALTH AND MENTAL RETARDATION,  
29 DEPARTMENT OF

30	All Other	
31	Mental Health	\$ 37,760
32	Mental Retardation	<u>80,240</u>
33		\$118,000

34 Allocates funds which were being used to  
35 fund the Staff Education and Training  
36 Unit for social services within the  
37 Department of Mental Health and Mental  
38 Retardation. This provides an approxi-  
39 mate 5% increase to social service  
40 providers.

1 Total Part E - Social Services Block Grant \$672,748

2

3 Emergency clause. This Act shall become effective on  
4 July 1, 1982 except that Part A, section 50 and those sec-  
5 tions in Part C which relate to the Food Stamp Program shall  
6 become effective on January 1, 1983.

7

## STATEMENT OF FACT

8 This bill implements the recommendations of the Joint  
9 Standing Committee on Audit and Program Review in accordance  
10 with the Maine Sunset Law. Part A makes statutory amend-  
11 ments to repeal, modify or leave intact the program  
12 reviewed. Parts B and C make adjustments to General Fund  
13 appropriations. Parts D and E make adjustments to alloca-  
14 tions of the Social Services Block Grant.

15 Section 1 continues state agencies scheduled for termi-  
16 nation on June 30, 1982 under the provisions of the Maine  
17 Sunset Law.

18 Sections 2 to 4 transfer the responsibility for oper-  
19 ating the first aid station from the Department of Human  
20 Services to the Department of Personnel.

21 Section 5 transfers the State Board of Funeral Ser-  
22 vices, Board of Hearing Aid Dealers and Fitters and Plumb-  
23 ers' Examining Board from the Department of Human Services  
24 to the administrative control of the Department of Business  
25 Regulation.

26 Section 6 mandates that when the court requests the  
27 Department of Human Services to undertake a case study  
28 investigation for custody actions other than those where  
29 suspected abuse or neglect is involved, the court shall  
30 order either or both parties to pay the department part or  
31 all of the costs of service unless the court has made a  
32 finding of inability to pay.

33 Section 7 removes both the Maine Committee on Aging and  
34 the Maine Human Services Council from within the Department  
35 of Human Services.

36 Section 8 terminates the responsibilities of the Maine  
37 Human Services Council.

38 Section 9 transfers the responsibility for operating  
39 the first aid station from the Department of Human Services  
40 to the Department of Personnel. See sections 2 to 4.

1 Section 10 repeals the state mandate that the Depart-  
2 ment of Human Services provide mental retardation develop-  
3 mental day care services regardless of income level.

4 Sections 11 to 15 eliminate the statutory responsibili-  
5 ties of the Maine Health Systems Agency.

6 Sections 16 provides that the State Health Coordinating  
7 Council shall hold public hearings and make recommendations  
8 on Certificate of Need applications.

9 Sections 17 to 25 eliminate the statutory responsibili-  
10 ties of the Maine Health Systems Agency.

11 Sections 26 to 28 repeal outdated legislation which re-  
12 quired the Department of Human Services to appoint district  
13 health officers.

14 Section 29 requires the Emergency Medical Services  
15 Regional Councils to provide a local dollar for dollar match  
16 to Preventive Health and Health Services Block Grant funds.

17 Section 30 repeals the Northern New England Medical  
18 Needs Compact which was never activated since its inception  
19 in 1957 and the New England Health Services and Facilities  
20 Compact which was never activated since its inception in  
21 1954.

22 Section 31 repeals the Citizens Advisory Council on  
23 Alcoholism and the Interdepartmental Coordinating Committee  
24 because they have never been activated and also repeals  
25 other sections that duplicate Title 22, chapter 254 which  
26 governs the operations of the Office of Alcoholism and Drug  
27 Abuse Prevention.

28 Section 32 requires the Department of Human Services to  
29 obtain information from the municipal officers in order to  
30 issue a state mass gathering permit.

31 Section 33 undedicates licensing fee revenues from  
32 hospitals, nursing homes and other health care institutions.

33 Section 34 repeals the mandatory State Fire Marshal  
34 inspection of hospitals, nursing homes and other health care  
35 institutions but mandates Life Safety Code standards for  
36 fire safety in those facilities.

37 Sections 35 to 38 repeal legislation which is outdated  
38 as it relates to the Department of Human Services.

1           Sections 39 and 40 require the Department of Human Ser-  
2 vices to inspect and license any eating place that provides  
3 seating to consumers.

4           Sections 41 to 45 eliminate the requirement that the  
5 State license mobile home parks.

6           Section 43 increases the allowable maximum license fee  
7 for eating establishments, eating and lodging places,  
8 recreational camps and camping areas by \$5 in order to  
9 offset the increased cost of licensing and inspecting these  
10 facilities.

11          Section 44 undedicates the license fees for eating  
12 establishments, eating and lodging places, recreational  
13 camps and camping areas.

14          Section 46 enables the Department of Human Services to  
15 inspect any establishment licensed by the Department of  
16 Agriculture, Food and Rural Resources that contains an eating  
17 facility.

18          Section 47 eliminates the requirement that the State  
19 license mobile home parks.

20          Section 48 increases the allowable maximum license fee  
21 for eating establishments, eating and lodging places,  
22 recreational camps and camping areas by \$5.

23          Section 49 enables the Department of Human Services to  
24 charge the average cost of the analysis for testing private  
25 water supplies.

26          Section 50 eliminates county involvement in the food  
27 stamp program.

28          Sections 51 to 53 prohibit the Department of Human Ser-  
29 vices from establishing a Medicaid copayment without legis-  
30 lative approval and establishes 50¢ drug copayment and up to  
31 a \$10 copayment on eyeglass services.

32          Section 54 clarifies existing statutes.

33          Sections 55 and 56 eliminate the statutory responsibil-  
34 ities of the the Maine Human Services Council.

35          Section 57 eliminates the Medical Eye Care Program in  
36 the Division of Eye Care.

1 Section 58 repeals the Interstate Compact on Welfare  
2 Services which has never been activated since its inception  
3 in 1959.

4 Sections 59 and 60 establish the Maine Committee on  
5 Aging as an organization independent of the administrative  
6 control of the Department of Human Services.

7 Sections 61 to 63 terminate the statutory responsibili-  
8 ties of the Maine Human Services Council.

9 Section 64 repeals the Department of Human Services'  
10 authorization to retain up to 5% of the Priority Social Ser-  
11 vices contracts for bureau administrative costs.

12 Section 65 repeals outdated legislation as it relates  
13 to the Department of Human Services' activities.

14 Sections 66 to 72 repeal the State Government Coordin-  
15 ating Committee and its statutory responsibilities because  
16 it has never been activated.

17 Section 73 transfers the section of the statutes which  
18 refers to the decriminalization of public intoxication to  
19 the appropriate chapter. See section 31.

20 Section 74 repeals outdated legislation as it relates  
21 to the Department of Human Services' activities.

22 Section 75 increases from \$40 to \$50 and undedicates  
23 the license fee for the practice of electrology.

24 Sections 76 to 80 transfer responsibility for the State  
25 Board of Funeral Service from the Department of Human Ser-  
26 vices to the Department of Business Regulation.

27 Sections 81 to 108 transfer responsibility for the  
28 Board of Hearing Aid Dealers and Fitters from the Department  
29 of Human Services to the Department of Business Regulation.

30 Sections 109 to 112 transfer the responsibility for the  
31 Plumbers' Examining Board from the Department of Human Ser-  
32 vices to the Department of Business Regulation.

33 Section 113 requires the Governor to submit a request  
34 to the Federal Government to eliminate funding of the Maine  
35 Health Systems Agency.

1 Section 114 requires the Department of Human Services  
2 to present the 111th Legislature with a plan for instituting  
3 user copayments for Medicaid services.

4 This bill makes changes in appropriations and revenues  
5 affecting the Department of Human Services and Office of  
6 Commissioner of Personnel. The net adjustment to General  
7 Fund appropriations in Parts B and C for fiscal year 1983' is  
8 an additional \$148,908. Net revenue increases are estimated  
9 to be \$197,990. Therefore, the total fiscal impact of this  
10 bill on the General Fund is a net gain of \$49,082 in fiscal  
11 year 1983. There will be a net cost in future years because  
12 the recommendation to eliminate county support of the food  
13 stamp program only becomes effective January 1, 1983.

14 In Parts D and E this bill also makes changes in allo-  
15 cations of the federal Social Services Block Grant for state  
16 fiscal year 1983 affecting the Departments of Human Services  
17 and Mental Health and Mental Retardation. There is no net  
18 change in the total block grant allocation.

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