

MAINE STATE LEGISLATURE

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(New Draft of H.P. 1832, L.D. 1814)
(EMERGENCY)
SECOND REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 2098

H. P. 2239 House of Representatives, March 25, 1982
Reported by The Majority from the Committee on Audit and
Program Review and printed under Joint Rules No. 2.

EDWIN H. PERT, Clerk

STATE OF MAINE

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

AN ACT Relating to Periodic Justifica- tion of Departments and Agencies of State Government under the Maine Sunset Law.

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

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

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

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

Whereas, in the judgment of the Legislature, these 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 Service;

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

17 (4) Maine Human Services Council.

18 Sec. 2. 10 MRSA §8001, as last amended by PL 1981, c.
19 501, §37, is further amended to read:

20 §8001. Department; agencies within department

21 There is created and established the Department of
22 Business Regulation to regulate financial institutions,
23 insurance companies, commercial sports and grantors of con-
24 sumer credit, to license professional and occupational
25 trades and to award just compensation in land condemnations
26 and in certain other claims against the State. The depart-
27 ment shall be composed of the following bureaus, boards and
28 commissions:

29 Banking, Bureau of;

30 Consumer Credit Protection, Bureau of;

31 Insurance, Bureau of;

32 Athletic Commission, Maine;

- 1 Real Estate Commission;
- 2 Running Horse Racing Commission, State;
- 3 Arborist Examining Board;
- 4 Claims Board, State;
- 5 Electricians' Examining Board;
- 6 Foresters, State Board of Registration for Profes-
7 sional;
- 8 Funeral Service, State Board of;
- 9 Geologists and Soil Scientists, State Board of Certifi-
10 cation for;
- 11 Hearing Aid Dealers and Fitters, Board of;
- 12 Manufactured Housing Board;
- 13 Oil and Solid Fuel Board;
- 14 Physical Therapy, Board of Examiners in;
- 15 Plumbers' Examining Board;
- 16 Psychologists, State Board of Examiners of;
- 17 Social Worker Registration, State Board of;
- 18 Speech Pathology and Audiology, Board of Examiners on;
19 and
- 20 Substance Abuse Counselors, Board of Registration of.

21 **Sec. 3. 19 MRSA §751**, as last amended by PL 1981, c.
22 132, §§1-4, is further amended by adding at the end a new
23 paragraph to read:

24 If the court requests an investigation for purposes
25 other than suspected abuse or neglect as defined in Title
26 22, chapter 1071, the court shall order either or both par-
27 ties to pay to the Department of Human Services part or all
28 of the costs of services under this chapter, unless the
29 court has made a finding of inability to pay. Revenue from
30 investigations or services provided under this chapter shall
31 be dedicated to the Department of Human Services to defray
32 the cost of these services.

1 **Sec. 4.** 22 MRSA §1, 2nd sentence, as amended by P&SL
2 1975, c. 147, Pt. G, §2, is further amended to read:

3 It shall also include the Committee on Children and Youth,
4 ~~the Maine Committee on Aging~~ and the Maine Human Services
5 Council.

6 **Sec. 5.** 22 MRSA §9, sub-§4, as enacted by PL 1979, c.
7 509, §1, is repealed.

8 **Sec. 6.** 22 MRSA c. 151 is repealed.

9 **Sec. 7.** 22 MRSA §451, first ¶, last sentence is
10 repealed.

11 **Sec. 8.** 22 MRSA §§452 and 456 are repealed.

12 **Sec. 9.** 22 MRSA cc. 159 and 161 are repealed.

13 **Sec. 10.** 22 MRSA c. 254, as enacted by PL 1973, c.
14 582, §1 and as amended, is repealed.

15 **Sec. 11.** 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. 12.** 22 MRSA §1815, 4th sentence is repealed and
23 the following enacted in its place:

24 The state's share of all fees received by the department
25 under this chapter shall be deposited in the General Fund.

26 **Sec. 13.** 22 MRSA §1952, as amended by PL 1981, c. 470,
27 Pt. A, §§74-75, is repealed.

28 **Sec. 14.** 22 MRSA §1953, as amended by PL 1981, c. 470,
29 Pt. A, §76, is repealed.

30 **Sec. 15.** 22 MRSA §2002, as amended by PL 1981, c. 470,
31 Pt. A, §77, is repealed.

32 **Sec. 16.** 22 MRSA §2003, as amended by PL 1981, c. 470,
33 Pt. A, §78, is repealed.

34 **Sec. 17.** 22 MRSA §2491, sub-§§9 and 10, as enacted by
35 PL 1975, c. 496, §3, are repealed.

1 **Sec. 18.** 22 MRSA §2492, first sentence, as enacted by
2 PL 1975, c. 496, §3, is amended to read:

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

9 **Sec. 19.** 22 MRSA §2494, first sentence, as enacted by
10 PL 1975, c. 496, §3, is amended to read:

11 Each application for, or for renewal of, a license to
12 operate an eating establishment, eating and lodging place,
13 lodging place, recreational camp, or camping area ~~or mobile~~
14 ~~home park~~ within the meaning of this chapter shall be accom-
15 panied by a fee, appropriate to the size of the establish-
16 ment, place, camp, or area ~~or park~~ of the licensee, deter-
17 mined by the department and not to exceed ~~\$30~~ \$40.

18 **Sec. 20.** 22 MRSA §2494, first ¶, as enacted by PL
19 1975, c. 496, §3, is amended by adding after the first sen-
20 tence a new sentence to read:

21 All fees collected by the department shall be deposited in
22 the General Fund.

23 **Sec. 21.** 22 MRSA §2495, first ¶, as repealed and
24 replaced by PL 1981, c. 203, §1, is amended to read:

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

31 **Sec. 22.** 22 MRSA §2498, first sentence, as enacted by
32 PL 1975, c. 496, §3, is amended to read:

33 Any person, corporation, firm or copartnership who
34 shall operate any eating establishment, eating and lodging
35 place, lodging place, recreational camp, or camping area ~~or~~
36 ~~mobile home park~~ without first obtaining a license as re-
37 quired by this chapter shall, upon conviction thereof, be
38 punished by a fine of not less than \$10 nor more than \$100,
39 and, upon 2nd or subsequent conviction, shall be punished by
40 a fine of not less than \$100.

1 Sec. 23. 22 MRSA §2499, sub-§6, last sentence, as
2 enacted by PL 1975, c. 496, §3, is amended to read:

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

6 Sec. 24. 22 MRSA §2602-A is enacted to read:

7 §2602-A. Fees for testing private water supplies

8 The department shall charge the average cost of the
9 analysis for an examination, testing or analysis of private
10 water supplies requested under this chapter and performed in
11 the departmental diagnostic laboratory. These fees shall be
12 recalculated and deposited according to section 562.

13 Sec. 25. 22 MRSA §3104, sub-§2, as enacted by PL 1977,
14 c. 462, is repealed.

15 Sec. 26. 22 MRSA §3172, sub-§1-B is enacted to read:

16 1-B. Approved Medicaid service. "Approved Medicaid
17 service" means a medical service which will be provided to
18 Medicaid recipients under the provisions of the United
19 States Social Security Act, Title XIX and successors to it
20 and related rules of the department.

21 Sec. 27. 22 MRSA §3172, sub-§3 is enacted to read:

22 3. Medicaid recipient. "Medicaid recipient" means an
23 individual authorized by the department to receive services
24 under the provisions of the United States Social Security
25 Act, Title XIX and successors to it.

26 Sec. 28. 22 MRSA §3173-C is enacted to read:

27 §3173-C. Copayments

28 The department shall not require any Medicaid recipient
29 to make any payment toward the cost of an approved Medicaid
30 service unless that payment is specifically authorized by
31 this section. Payments which shall be included include pay-
32 ments for:

33 1. Prescription drug services. A payment of 50¢ is to
34 be collected from the Medicaid recipient for each drug pre-
35 scription which is an approved Medicaid service, except pre-
36 scriptions utilized for family planning services, unless the
37 Medicaid recipient is in the custody of the State or unless

1 that recipient's income is assessed and applied to reduce
2 the cost of his medical care.

3 **Sec. 29.** 22 MRSA §3174, 5th ¶, as enacted by PL 1979,
4 c. 566, §1, is amended to read:

5 If a recipient of assistance under this chapter who
6 resides in an intermediate care facility or a skilled nurs-
7 ing facility has a spouse dependent on that recipient for
8 support, the department shall permit the recipient to trans-
9 fer \$210 a month, ~~or \$2,520 a year,~~ from his income to that
10 spouse.

11 **Sec. 30.** 22 MRSA §3500-A, as enacted by PL 1973, c.
12 307, §1, is amended to read:

13 §3500-A. Jurisdiction of Director of Division of Eye Care,
14 defined

15 Jurisdiction of director means having direct adminis-
16 trative responsibility for all programs and personnel under
17 Division of Eye Care, section 3500 to 3512, except section
18 3501-A.

19 **Sec. 31.** 22 MRSA §3501, as amended by PL 1973, c. 307,
20 §2, is further amended to read:

21 The division shall provide a program of services for
22 the blind, including the prevention of blindness, the locat-
23 ing of blind persons, ~~medical service for eye conditions,~~
24 vocational guidance and training of the blind, the placement
25 of blind persons in employment, assistance to the blind in
26 marketing the products of home industries, the instruction
27 of the adult blind in their homes, and other social services
28 to the blind.

29 **Sec. 32.** 22 MRSA §3501-A is enacted to read:

30 §3501-A. Medical eye care program

31 The department shall provide medical eye services,
32 including corrective glasses, to individuals who have an
33 annual income not exceeding 80% of the state's median income
34 adjusted for family size and who have:

35 1. Eye disorder. A significant eye disorder which, if
36 untreated, may progress to blindness; or

37 2. Visual acuity of 20/200 or worse. A visual acuity
38 after correction of 20/200 or worse in the better eye.

1 The department shall, after hearing, in a manner con-
2 sistent with the Maine Administrative Procedure Act, Title
3 5, chapter 375, promulgate rules governing eligibility,
4 application procedures, services covered and reimbursement
5 procedures.

6 **Sec. 33.** 22 MRSA c.1151, as amended, is repealed.

7 **Sec. 34.** 22 MRSA §5108, as last amended by PL 1975, c.
8 771, §231-A, is repealed and the following enacted in its
9 place:

10 §5108. Committee

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

13 **Sec. 35.** 22 MRSA §5112, sub-§8, as enacted by PL 1973,
14 c. 793, §11, is amended to read:

15 8. Administration. Administer in accordance with cur-
16 rent fiscal and accounting regulations of the State, and in
17 accordance with the philosophy, objectives and authority of
18 this Part, any funds appropriated for expenditure by the
19 committee or any grants or gifts which may become available,
20 accepted and received by the committee; and make an annual
21 report ~~to be included in the annual report of the bureau~~
22 which shall be submitted directly to the director, commis-
23 sioner, Governor and Legislature not later than September
24 1st of each year concerning its work, recommendations and
25 interests of the previous fiscal year and future plans; and
26 shall make such interim reports as it deems advisable.

27 **Sec. 36.** 22 MRSA §6113, sub-§1, as amended by PL 1973,
28 c. 788, §100, is repealed and the following enacted in its
29 place:

30 1. Administrative preparations. Effective March 16,
31 1973, the department may immediately commence administrative
32 preparations for initiation of the program no later than
33 July 1, 1973.

34 **Sec. 37.** 22 MRSA §6113, sub-§3, as enacted by P&SL
35 1973, c. 38, §1, is repealed.

36 **Sec. 38.** 22 MRSA §7106, first sentence, as enacted by
37 PL 1973, c. 566, §1, is amended to read:

38 The office shall establish in accord with the purposes
39 and intent of this chapter, and with the advice of the coun-

1 cil and the cooperation of the coordinating committee, the
2 overall planning, policy, objectives and priorities for all
3 drug abuse prevention functions, except prevention of drug
4 traffic, which are conducted or supported in the State of
5 Maine.

6 Sec. 39. 22 MRSA §7106, sub-§3, first sentence, as
7 enacted by PL 1973, c. 566, §1, is amended to read:

8 Assist, with the advice of the council and cooperation of
9 the coordinating committee, the Legislature and executive
10 branches and Judicial Council of State Government, espe-
11 cially the Governor, commissioner, and Bureau of the Budget,
12 to coordinate all State Government efforts dealing with drug
13 abuse prevention and control, including alcoholism, by:

14 Sec. 40. 22 MRSA §7106, sub-§3, ¶A, as enacted by PL
15 1973, c. 566, §1, is amended to read:

16 A. Submitting to each branch of State Government no
17 later than September 1st of each year an annual report
18 covering its activities for the immediate past fiscal
19 year and future plans, including recommendations for
20 changes in state and federal laws, and including
21 reports the report of the council and coordinating com-
22 mittee;

23 Sec. 41. 22 MRSA §7106, sub-§4, first sentence, as
24 enacted by PL 1973, c. 566, §1, is amended to read:

25 Prepare and administer a comprehensive state plan mutually
26 developed by the office, and the council and coordinating
27 committee, relating to all drug abuse prevention and treat-
28 ment of alcoholics and intoxicated persons and control of
29 drug abuse.

30 Sec. 42. 22 MRSA §7106, sub-§6, first sentence, as
31 enacted by PL 1973, c. 566, §1, is amended to read:

32 Function as the organizational unit of Maine State Govern-
33 ment with sole responsibility for conducting and coordi-
34 nating, with the advice of the council and the cooperation
35 of the coordinating committee, state programs and activities
36 authorized by this chapter, and the Comprehensive Alcohol
37 Abuse and Alcoholism Prevention, Treatment and Rehabilita-
38 tion Act of 1970, as amended, and by the Drug Abuse Office
39 and Treatment Act of 1972, as amended; and other programs or
40 Acts of the State of Maine or United States related to drug
41 abuse prevention which are not the specific responsibility
42 of another state agency under federal or state law.

1 Sec. 43. 22 MRSA §7110, sub-§3, last sentence, as
2 enacted by PL 1973, c. 566, §1, is amended to read:

3 Statements at variance or in addition to those of the office
4 ~~or the coordination committee~~ shall be attached to the plan
5 or reports upon submission by the office to agencies of the
6 United States Government and the state agencies;

7 Sec. 44. 22 MRSA §7111, as amended by PL 1975, c. 293,
8 §4, is repealed.

9 Sec. 45. 22 MRSA §7125 is enacted to read:

10 §7125. Criminal law limitations

11 1. Laws. No county, municipality or other political
12 subdivision may adopt or enforce a local law, ordinance,
13 resolution or rule having the force of law that includes
14 drinking, being a common drunkard or being found in an
15 intoxicated condition as one of the elements of the offense
16 giving rise to a criminal or civil penalty or sanction.

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

20 3. Affect. Nothing in this Act affects any law, ordi-
21 nance, resolution or rule against drunken driving, driving
22 under the influence of alcohol, or other similar offense
23 involving the operation of a vehicle, snowmobile, aircraft,
24 boat, machinery or other equipment, or regarding the sale,
25 purchase, dispensing, possessing or use of alcoholic bever-
26 ages at stated times and places or by a particular class of
27 persons.

28 Sec. 46. 30 MRSA §3551, as amended by PL 1975, c. 293,
29 §4, is repealed.

30 Sec. 47. 32 MRSA §1243, as amended by PL 1979, c. 542,
31 Pt. D. §2, is repealed and the following enacted in its
32 place:

33 §1243. Inspections

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

1 Sec. 48. 32 MRSA §1400, sub-§2-A is enacted to read:

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

4 Sec. 49. 32 MRSA §1451, first ¶, as last amended by PL
5 1975, c. 771, §343, is further amended to read:

6 There is created a State Board of Funeral Service, and
7 in this chapter called the "board," which shall consist of 8
8 members, one of whom shall be the Director of Health commis-
9 sioner, who shall be the secretary of the board, 6 of whom
10 shall be persons licensed for the practice of funeral ser-
11 vice for 10 consecutive years or who have had 10 consecutive
12 years' experience as an embalmer or funeral director in this
13 State immediately preceding their appointment, and one of
14 whom shall be a representative of the public. Members,
15 other than the Director of Health commissioner, shall be
16 appointed by the Governor for a term of 4 years. In the
17 case of vacancy by any reason, the vacancy shall be filled
18 by appointment for the unexpired term, as is provided in
19 original appointments. The present members of the Board of
20 Examiners of Funeral Directors and Embalmers shall serve as
21 members of the State Board of Funeral Service until their
22 terms expire.

23 Sec. 50. 32 MRSA §1452, first sentence is amended to
24 read:

25 The board shall keep a record containing the names and
26 residences of all persons licensed and a record of all
27 moneys received and disbursed by said the board, and said
28 the records, or duplicates thereof, shall always be open to
29 inspection in the office of the Director of Health commis-
30 sioner during regular office hours.

31 Sec. 51. 32 MRSA §1452-B, as enacted by PL 1977, c.
32 604, §16, is amended to read:

33 §1452-B. Budget

34 The board shall submit to the Commissioner of Human
35 Services commissioner its budgetary requirements in the same
36 manner as is provided in Title 5, section 1665, and the com-
37 missioner shall in turn transmit these requirements to the
38 Bureau of the Budget without any revision, alteration or
39 change.

40 Sec. 52. 32 MRSA §1503, as last amended by PL 1975, c.
41 293, §4, is further amended to read:

1 §1503. Blanks and forms of procedure; lists of licensees
2 and examinations

3 The Department of Human Services commissioner may adopt
4 such blanks and forms of procedure as ~~it~~ he may deem neces-
5 sary to carry out this chapter and shall keep on file a list
6 of all persons licensed in the practice of funeral service
7 and a record of examinations, together with the examination
8 papers, all of which shall be open to public inspection.

9 Sec. 53. 32 MRSA §1658, sub-§2-A is enacted to read:

10 2-A. Commissioner. "Commissioner" means the Commis-
11 sioner of Business Regulation.

12 Sec. 54. 32 MRSA §1658, sub-§4, as repealed and
13 replaced by PL 1975, c. 463, §3, is repealed and the follow-
14 ing enacted in its place:

15 4. Department. "Department" means the Department of
16 Business Regulation.

17 Sec. 55. 32 MRSA 1658-A, sub-§1, as amended by PL
18 1977, c. 696, §240, is further amended to read:

19 1. License for person. No person shall ~~may~~ engage in
20 the sale of or practice of fitting and dealing in hearing
21 aids or display a sign or in any other way advertise or
22 represent himself as a person who practices the fitting,
23 dealing and sale of hearing aids after October 1, 1975,
24 unless he holds a valid license issued by the ~~department~~
25 board as provided in this chapter. The license required by
26 this chapter shall be conspicuously posted in the licensee's
27 office or place of business. The ~~department board~~ shall,
28 without requiring additional payment, issue duplicate
29 licenses to license holders operating more than one office.
30 A license issued under this chapter shall confer on the
31 holder the right to select, fit and sell hearing aids.

32 Sec. 56. 32 MRSA §1658-A, sub-§2, as repealed and
33 replaced by PL 1975, c. 463, §3, is amended to read:

34 2. License for business organization. Any corpora-
35 tion, partnership, trust, association or other like orga-
36 nization engaged in the business of selling or offering for
37 sale hearing aids at retail in the State shall apply to the
38 ~~department~~ board for a license to engage in ~~said that~~ busi-
39 ness. No business entity shall ~~may~~ so engage in the busi-
40 ness of selling or offering for sale hearing aids without a
41 license to do so. The ~~department~~ board shall issue a li-

1 cense signed by the Director of Health commissioner upon
2 payment by the business entity of a fee of \$100 up to \$150
3 and upon filing a sworn statement from a person with author-
4 ity from the business entity. ~~Such~~ That sworn statement
5 shall list the names and addresses of all hearing aid deal-
6 ers and fitters directly or indirectly employed by ~~said the~~
7 entity and shall certify that the entity employs only hear-
8 ing aid dealers and fitters who are duly licensed by the
9 State. The license shall be effective for 24 12 months fol-
10 lowing the date of issuance. Each such business engaged in
11 the fitting and sale of hearing aids shall ~~biennially annu-~~
12 ally submit to the department board an application for a
13 renewal of its license accompanied by a fee of \$50 up to
14 \$150. A 30-day grace period shall be allowed after the date
15 of expiration, during which time licenses may be renewed on
16 payment of \$100 up to \$200 to the department board. After
17 expiration of the grace period, the department board may
18 renew ~~such those~~ certificates upon the payment of \$200 up to
19 \$250 to the department board. The license required by this
20 chapter shall be conspicuously posted in the licensee's
21 office or place of business. Notwithstanding the provisions
22 of this subsection, the department board may, whenever it
23 deems necessary, extend existing licenses so that an equal
24 number expire each month to allow for the equal distribution
25 of relicensure throughout the year.

26 **Sec. 57. 32 MRSA §1658-C, first ¶, last sentence,** as
27 repealed and replaced by PL 1975, c. 463, §3, is amended to
28 read:

29 The department board shall prepare a model notice containing
30 all the requirements of this section, and shall furnish
31 copies upon request.

32 **Sec. 58. 32 MRSA §1658-C, sub-§9,** as repealed and
33 replaced by PL 1975, c. 463, §3, is amended to read:

34 9. Rules. The department board may promulgate rules
35 and regulations to define the requirements of this section
36 in order to provide the purchaser with additional informa-
37 tion to be contained in the notice provisions.

38 **Sec. 59. 32 MRSA §1658-D, sub-§2, first sentence,** as
39 repealed and replaced by PL 1975, c. 463, §3, is amended to
40 read:

41 The department board shall by regulation list and define
42 certain medical conditions affecting hearing.

1 **Sec. 60.** 32 MRSA §1658-F, sub-§1, first sentence, as
2 repealed and replaced by PL 1975, c. 463, §3, is amended to
3 read:

4 The department board shall keep an individual record for
5 each licensed hearing aid dealer.

6 **Sec. 61.** 32 MRSA §1658-F, sub-§1, ¶C, as repealed and
7 replaced by PL 1975, c. 463, §3, is amended to read:

8 C. The department board, upon written request, will
9 furnish copies of forms for calibration posting and
10 forms for the annual collection of information regard-
11 ing numbers of individuals tested and numbers of hear-
12 ing aids sold, which information shall remain confiden-
13 tial.

14 **Sec. 62.** 32 MRSA §1658-G, first sentence, as repealed
15 and replaced by PL 1975, c. 463, §3, is amended to read:

16 Each audiometer used in the measurement of hearing when
17 testing and fitting a hearing aid must meet calibration
18 standards which shall be defined in the department's board's
19 rules and regulations.

20 **Sec. 63.** 32 MRSA §1658-G, 5th sentence, as repealed
21 and replaced by PL 1975, c. 463, §3, is amended to read:

22 The department board will supply forms for the reporting of
23 calibration and keep a copy of the statement of calibration
24 in each file of each licensee.

25 **Sec. 64.** 32 MRSA §1658-H, first sentence, as repealed
26 and replaced by PL 1975, c. 463, §3, is amended to read:

27 The department board shall register each applicant
28 without discrimination who satisfactorily passes an examina-
29 tion as provided in section 1658-I and upon the applicant's
30 payment of \$100 shall issue to the applicant a license
31 signed by the Director of Health commissioner.

32 **Sec. 65.** 32 MRSA §1658-H, 2nd ¶, first sentence, as
33 repealed and replaced by PL 1975, c. 463, §3, is amended to
34 read:

35 Whenever the board determines that another state or
36 jurisdiction has requirements equivalent to or higher than
37 those in effect pursuant to this chapter for the practice to
38 fit and sell hearing aids, and that such that state or
39 jurisdiction has a program equivalent to or stricter than

1 the program for determining whether applicants pursuant to
2 this chapter are qualified to dispense and fit hearing aids,
3 the ~~department~~ board may issue certificates of equivalent
4 license to applicants who have current, unsuspended and
5 unrevoked certificates or licenses to fit and sell hearing
6 aids in such other state or jurisdiction.

7 Sec. 66. 32 MRSA §1658-I, sub-§1, 2nd and 3rd ¶¶, as
8 repealed and replaced by PL 1975, c. 463, §3, are amended to
9 read:

10 The ~~department~~ or board may require letters of reference,
11 physician's statements of applicant's good health, verifica-
12 tion of age or other supportive documents as may be re-
13 quired.

14 The ~~department~~ board may promulgate rules and regulations to
15 further define the qualifications in this section in order
16 to insure that only properly qualified persons take the
17 licensing examination.

18 Sec. 67. 32 MRSA §1658-I, sub-§§2 and 3, as repealed
19 and replaced by PL 1975, c. 463, §3, are amended to read:

20 2. Examination. The applicant for license by examina-
21 tion shall appear at a time, place and before such persons
22 as the ~~department~~ and board may designate, to be examined by
23 means of written, practical and oral tests in order to dem-
24 onstrate that he is qualified to practice the fitting and
25 sale of hearing aids. ~~In cooperation with the~~ The board,
26 the ~~department~~ may appoint a consultant to assist in prepar-
27 ing the examination itself as well as conducting and super-
28 vising the testing. The examination administered as
29 directed by the board constituting standards for licensing
30 shall not be conducted in such a manner that college train-
31 ing be required in order to pass the examination. Nothing
32 in this examination shall may imply that the applicant shall
33 ~~possess~~ possesses the degree of medical competence normally
34 expected by physicians.

35 3. Time. The ~~department~~ board shall give examinations
36 at least twice a year, with additional dates for examination
37 set at the discretion of the board. The ~~department~~ board
38 will give 30 days' public notice of the date, time and place
39 of examination.

40 Sec. 68. 32 MRSA §1658-J, as repealed and replaced by
41 PL 1975, c. 463, §3, is amended to read:

42 §1658-J. Temporary trainee permit

1 An applicant who fulfills the requirements as set forth
2 in section 1658-I, subsection 1, paragraphs A to E, may
3 obtain a trainee permit upon application to the department
4 board, accompanied by a fee of ~~\$25~~ \$50 and the signature of
5 the licensed hearing aid dealer and fitter who is responsi-
6 ble for the direct supervision of the trainee.

7 No person holding a trainee permit shall ~~may~~ engage in
8 the practice of dealing in or fitting of hearing aids,
9 except while under direct supervision by a licensed hearing
10 aid dealer and fitter.

11 A person who holds a temporary trainee permit shall be
12 notified and shall take the next scheduled licensing exami-
13 nation. After successfully passing the examination, he
14 shall be issued a license upon the payment of a fee of ~~\$75~~
15 the annual license fee required under section 1658-M.

16 If such holder of a trainee permit fails the examina-
17 tion, he may apply for and be issued a new trainee permit
18 upon payment of an additional fee of ~~\$25~~ \$50. Not more than
19 3 trainee permits may be issued to any applicant.

20 Sec. 69. 32 MRSA §1658-K, sub-§3, as repealed and
21 replaced by PL 1975, c. 463, §3, is amended to read:

22 3. Rules. The department board may promulgate rules
23 ~~and regulations~~ which further define additional areas to be
24 tested in the qualifying examination in order to promote
25 more knowledgeable practitioners in this field.

26 Sec. 70. 32 MRSA §1658-L, as repealed and replaced by
27 PL 1975, c. 463, §3, is amended to read:

28 §1658-L. Notice to board of place of business; notice to
29 holders of licenses; how given by board

30 A person who holds a license shall notify the depart-
31 ment board in writing of the regular address of the place or
32 places where he engages or intends to engage in the fitting
33 or the sale of hearing aids.

34 The department board shall keep a record of the place
35 of business of persons who hold licenses.

36 Any notice required to be given by the department board
37 to a person who holds a license shall be mailed to him by
38 certified mail at the address of the last place of business
39 of which he has notified the department board.

1 Sec. 71. 32 MRSA §1658-M, as amended by PL 1981, c.
2 191, §1, is further amended to read:

3 §1658-M. Annual renewal of license; fees; effect of failure
4 to renew

5 Each person, who engages in the fitting and sale of
6 hearing aids, shall ~~biennially~~ annually according to regula-
7 tions established by the ~~department~~ board submit to the
8 ~~department~~ board an application for a renewal of his li-
9 cense, accompanied by a fee of ~~\$50~~ up to \$100. The licensee
10 shall keep ~~such~~ the certificate conspicuously posted in his
11 office or place of business at all times. Where more than
12 one office is operated by the licensee, duplicate certifi-
13 cates shall be issued by the ~~department~~ board for posting in
14 each location. A 30-day grace period shall be allowed after
15 the date of expiration, during which time licenses may be
16 renewed on payment of a fee of ~~\$100~~ \$150 to the ~~department~~
17 board. After expiration of the grace period, the ~~department~~
18 board may renew ~~such~~ those certificates upon the payment of
19 \$200 to the ~~department~~ board. No person who applies for
20 renewal, whose license has expired, shall may be required to
21 submit to any examination as a condition to renewal, pro-
22 vided ~~such~~ that the renewal application is made within 2
23 years from the date of ~~such~~ that expiration. If more than 2
24 years have passed since the expiration of license, the
25 applicant shall apply for a temporary trainee permit and
26 shall take the examination.

27 No ~~biennial~~ annual renewal certificate may be issued by
28 the board during 1982 and any following year until such time
29 as the applicant submits proof satisfactory to the board
30 that during the ~~2 years~~ year preceding his application for
31 renewal, he has participated in not fewer than ~~16~~ 8 clock
32 hours of courses of continuing education in fitting and
33 dealing in hearing aids offered by an institution approved
34 by the board. In the initial 2 years of the application of
35 this paragraph, the board may reduce the number of hours of
36 participation required based upon the number of days this
37 paragraph is in effect during those initial 2 years.

38 Sec. 72. 32 MRSA 1658-N, first ¶, as repealed and
39 replaced by PL 1977, c. 694, §574, is amended to read:

40 The ~~department~~ board may amend, modify or refuse to
41 issue or refuse to renew any license; ~~however,~~ any. Any
42 aggrieved party shall be entitled to a hearing in conformity
43 with the Maine Administrative Procedure Act, Title 5, chap-
44 ter 375. The ~~department~~ board may suspend or revoke any li-
45 cense by filing a complaint with the Administrative Court,

1 pursuant to the Maine Administrative Procedure Act, for any
2 one of the following causes:

3 **Sec. 73. 32 MRSA §1658-N, sub-§§1 and 2, as enacted by**
4 **PL 1975, c. 463, §3, are amended to read:**

5 1. Fraud or deceit. Procuring of license by fraud or
6 deceit practiced upon the ~~department~~ board or a purchaser;

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

13 **Sec. 74. 32 MRSA §1659, as amended by PL 1977, c. 696,**
14 **§241, is further amended to read:**

15 §1659. Hearings

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

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

24 A. To deny permission to take an examination for which
25 application has been properly made; ~~or~~

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

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

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

35 A. That the applicant has failed to satisfy the
36 ~~department~~ board of his qualifications to be examined
37 or to be licensed, as the case may be; ~~and~~

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

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

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

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

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

21 B. Indication factually of the nature of the evidence;
22 and

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

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

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

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

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

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

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

23 A. To be represented by counsel;

24 B. To cross-examine witnesses;

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

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

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

31 A. To administer oaths or affirmation of witnesses;

32 B. To have council to assist in the development of the
33 case;

34 C. To take testimony;

35 D. To examine and cross-examine witnesses;

36 E. To have transcripts made at the department board;

1 F. To direct a continuance of any case for just cause;
2 and

3 G. To temporarily suspend the license of the licensee
4 if the safety or health of a person is seriously endan-
5 gered.

6 10. Other powers. The ~~department~~ board shall have the
7 power to require the production of books, papers or other
8 documents and may issue subpoenas to compel the defendants
9 or witnesses to testify and produce ~~such~~ those books, papers
10 or other documents. The defendant shall also have the same
11 power to issue subpoenas.

12 11. Rules of evidence not applicable. In all hearings
13 before the ~~department~~ board, the rules of evidence shall not
14 apply.

15 12. Per diem and mileage; witnesses. Witnesses shall
16 be entitled to the same per diem and mileage as witnesses
17 appearing before the District Court.

18 13. Decision of board. After a hearing has been com-
19 pleted, the members of the ~~department~~ and board who con-
20 ducted the hearing shall proceed to consider the case and as
21 soon as practicable shall render their decision. Any and
22 all violations of the ~~department's~~ board's regulations or
23 provisions of this chapter shall be grounds for refusal to
24 issue or renew ~~said~~ that license. The decision must be
25 rendered within 90 days after the hearing.

26 14. Copy of decision. Within 5 days after the deci-
27 sion is rendered, a copy of the ~~same~~ decision shall be
28 served by registered mail upon the person whose license is
29 involved. It shall be deemed as served on the date borne on
30 the return receipt.

31 15. Failure to appear. If a person who has requested
32 a hearing does not appear, and no continuance has been
33 granted, the ~~department~~ board may hear the evidence of such
34 witnesses as may have appeared, and the ~~department~~ board may
35 proceed to consider the matter and dispose of it on the
36 basis of the evidence before it.

37 16. Procedure to reopen proceedings. Where because of
38 accident, sickness or other reasonable cause a person fails
39 to request a continuance or fails to appear for a hearing
40 which he has requested, the person may within a reasonable
41 length of time apply to the ~~department~~ board to reopen the
42 proceedings, and give ~~such~~ that person notice thereof. At

1 the time and place fixed, a hearing shall be held at which
2 the person may testify in his own behalf or present such
3 other evidence as may be beneficial to his case. Witnesses,
4 who have previously testified, shall not be required to
5 appear at the 2nd hearing unless subpoenaed by the depart-
6 ment board or otherwise consent to appear.

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

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

19 Sec. 75. 32 MRSA §1660, as last amended by PL 1981, c.
20 191, §2, is repealed.

21 Sec. 76. 32 MRSA §1660-A, sub-§1, as enacted by PL
22 1975, c. 463, §3, is repealed and the following enacted in
23 its place:

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

26 Sec. 77. 32 MRSA §1660-B, as enacted by PL 1975, c.
27 463, §3, is repealed and the following enacted in its place:

28 §1660-B. Powers and duties of the board

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

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

32 2. Supervise issuance of licenses. To supervise issu-
33 ance of licenses by experience and to administer qualifying
34 examinations to test the knowledge and proficiency of appli-
35 cants licensed by examination;

36 3. Registration. To register persons who apply to the
37 board and who are qualified to engage in the fitting and
38 sale of hearing aids;

1 4. Audiometric equipment. To purchase and maintain or
2 rent audiometric equipment and other facilities necessary to
3 carry out the examination of applicants in section 1658-I;

4 5. Issue and renew licenses. To issue and renew
5 licenses;

6 6. Suspension or revocation of licenses. To take ac-
7 tion before the Administrative Court in conformity with the
8 Maine Administrative Procedure Act, Title 5, chapter 375,
9 for the suspension or revocation of licenses when there is
10 indication that suspension or revocation is proper;

11 7. Designation of examination. To designate the time
12 and place for examining applicants;

13 8. Conduct or supervise examinations. To appoint
14 representatives to conduct or supervise the examination;

15 9. Adopt rules. Following a public hearing, to
16 promulgate, adopt, amend and publish rules not inconsistent
17 with the laws of this State, which are necessary to carry
18 out this chapter. The rules shall serve to protect the con-
19 sumer from unethical practices, shall serve to explain or
20 define terms and words contained within this chapter and
21 shall add to the general understanding of both consumer and
22 practitioner of this chapter. The board shall promulgate
23 rules where specifically authorized in this chapter;

24 10. Appoint employees. To appoint or employ subordi-
25 nate employees, subject to the Personnel Law;

26 11. Redistribute expiration dates. To, during a
27 2-year period beginning in January, 1982, redistribute the
28 expiration dates of the existing licenses so that an equal
29 number expire in each month of even-numbered years, so that
30 all license renewals will occur in the same year; and

31 12. Educational programs. To provide or make avail-
32 able opportunity for lectures, courses or workshops which
33 will be useful and educational to licensees or trainees and
34 may use its funds to sponsor those educational programs.

35 **Sec. 78. 32 MRSA §1660-C, 2nd sentence, as enacted by**
36 **PL 1975, c. 463, §3, is repealed.**

37 **Sec. 79. 32 MRSA §1660-D, as enacted by PL 1975, c.**
38 **463, §3 and as amended by PL 1975, c. 293, §4, is repealed**
39 **and the following enacted in its place:**

1 §1660-D. Disposition of receipts; Hearing Aid Account

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

9 **Sec. 80.** 32 MRSA §1660-E, 2nd sentence, as enacted by
10 PL 1975, c. 463, §3, is amended to read:

11 ~~The department, in conjunction with the board,~~ may seek to
12 enjoin violations of any of the provisions of this chapter
13 or any of the provisions of the rules and regulations
14 promulgated hereunder in this chapter by injunction or by
15 any other appropriate proceedings.

16 **Sec. 81.** 32 MRSA §3401, first sentence, as amended by
17 PL 1977, c. 469, §10, is further amended to read:

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

24 **Sec. 82.** 32 MRSA §3402, as repealed and replaced by PL
25 1977, c. 469, §12, is repealed and the following enacted its
26 place:

27 §3402. Employees

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

35 **Sec. 83.** 32 MRSA §3403, first sentence, as amended by
36 PL 1977, c. 469, §13, is further amended to read:

37 The board shall hold regular meetings semiannually and
38 shall hold additional meetings at such other times as they
39 shall determine it determines by ~~their~~ its rules, or upon
40 request of the 3 appointive members of ~~their~~ the board, or

1 upon request of the Director of the Division of Health Engi-
2 neering Commissioner of Business Regulation.

3 **Sec. 84. 32 MRSA §3504, 2nd sentence**, as repealed and
4 replaced by PL 1977, c. 469, §18, is amended to read:

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

8 **Sec. 85. Medicaid copayments.** The Commissioner of
9 Human Services shall present to the 111th Legislature a plan
10 for implementing user copayments for selected Medicaid ser-
11 vices. The plan shall include an analysis of the impact of
12 implementing the 50¢-drug copayment and estimated savings
13 from the imposition of a \$2 copayment for each of the fol-
14 lowing services: Ambulance services, audiology services,
15 chiropractic services, dental services, hearing aids, hospi-
16 tal out-patient services, mental health clinic services,
17 optometric services, physicians' services, podiatric ser-
18 vices, psychologists' services, speech and hearing services
19 and speech pathology services. The plan shall also include
20 a discussion of administrative problems and of reductions in
21 utilization of services as a result of copayments, the com-
22 missioner's recommendation with respect to copayments for
23 each of these services and the reasons behind each recom-
24 mendation.

25 **Sec. 86. Transition clause.**

26 1. Plumbers' Examining Board. The transfer of the
27 Plumbers' Examining Board from the Department of Human Ser-
28 vices to the Department of Business Regulation shall not
29 affect the terms of current board members, with the excep-
30 tion of the executive officer as provided for in this Act.
31 All current regulations of the board shall continue in
32 effect until rescinded, amended or changed by the board.
33 All equipment and supplies acquired with the board funds
34 shall be transferred to the Department of Business Regula-
35 tion. Notwithstanding any other provision of law, all ac-
36 crued expenditures, assets, liabilities, balances of funds,
37 transfers, revenues or other available funds of the board
38 shall be reallocated to the proper place in the Department
39 of Business Regulation by the State Controller.

40 2. State Board of Funeral Service. The transfer of
41 the State Board of Funeral Service from the Department of
42 Human Services to the Department of Business Regulation
43 shall not affect the terms of current board members, with
44 the exception of the secretary of the board as provided for

1 in this Act. All current regulations of the board shall
2 continue in effect until rescinded, amended or changed by
3 the board. All equipment and supplies acquired with board
4 funds shall be transferred to the Department of Business
5 Regulation. Notwithstanding any other provision of law, all
6 accrued expenditures, assets, liabilities, balances of
7 funds, transfers, revenues or other available funds of the
8 board shall be reallocated to the proper place in the
9 Department of Business Regulation by the State Controller.

10 3. Board of Hearing Aid Dealers and Fitters. The
11 transfer of the Board of Hearing Aid Dealers and Fitters
12 from the Department of Human Services to the Department of
13 Business Regulation shall not affect the terms of the cur-
14 rent board members. All current regulations of the Depart-
15 ment of Human Services pertaining to the fitting and selling
16 of hearing aids shall continue in effect until replaced by
17 the Board of Hearing Aid Dealers and Fitters. All equipment
18 and supplies acquired with board funds shall be transferred
19 to the Department of Business Regulation. Notwithstanding
20 any other provision of law, all accrued expenditures,
21 assets, liabilities, balances of funds, transfers, revenues
22 or other available funds of the board shall be reallocated
23 to the proper place in the Department of Business Regulation
24 by the State Controller.

25

PART B

26 **Adjustments to General Fund.** In order to provide for
27 necessary adjustments of the General Fund to implement the
28 recommendations of the Joint Standing Committee on Audit and
29 Program Review, appropriations are adjusted by the amounts
30 designated in the following tabulations.

31 DEPARTMENT OR AGENCY	32 APPROPRIATIONS FROM GENERAL FUND
	33 1982-83
34 HUMAN SERVICES, 35 DEPARTMENT OF	
36 Administration - Human Services	
37 All Other	\$ (20,000)
38 Eliminates the General 39 Fund share of funding for 40 2 positions associated 41 with the Office of Special 42 Projects.	

1	Administration - Human Services	
2	All Other	(11,200)
3	Eliminates the General	
4	Fund share of funding for	
5	one professional staff	
6	position within the Office	
7	of Public Affairs effec-	
8	tive 10/1/82 (\$8,200) and	
9	reduces the department's	
10	General Fund appropriation	
11	by \$3,000 to implement a	
12	recommended reduction in	
13	department publications.	
14	Medical Care Administration	
15	All Other	(2,000)
16	Reduces the bureau's Gen-	
17	eral Fund appropriation to	
18	implement a recommended	
19	reduction in department	
20	publications.	
21	Medical Care - Payment to providers	
22	All Other	(75,400)
23	Deappropriates funds from	
24	the medical eye care pro-	
25	gram to reflect the elimi-	
26	nation of examination and	
27	refraction services for	
28	those without eye disease.	
29	Administration - Income maintenance	
30	All Other	(3,000)
31	Reduces the bureau's Gen-	
32	eral Fund appropriation to	
33	implement a recommended	
34	reduction in department	
35	publications.	
36	Administration - Social Services,	
37	All Other	(2,000)
38	Reduces the bureau's Gen-	
39	eral Fund appropriation to	
40	implement a recommended	
41	reduction in department	
42	publications.	

1	Day Care, Homemaker Services,	
2	Transportation Services,	
3	State Seed - Social Services	
4	Positions	(-2)
5	Personal Services	(39,000)
6	All Other	(4,000)
7		Total (43,000)
8	Eliminates 2 General Fund	
9	positions associated with	
10	the administration of	
11	social services' con-	
12	tracts.	
13	Day Care, Homemaker Services,	
14	Transportation Services,	
15	State Seed - Social Services	
16	All Other	(130,000)
17	Eliminates a portion of	
18	the General Fund appropri-	
19	ation for social services.	
20	These funds are replaced	
21	with allocations from the	
22	Social Services Block	
23	Grant funds in Part E.	
24	Day Care, Mental Retardation	
25	Developmental - Social Services	
26	All Other	(86,000)
27	Eliminates the General	
28	Fund appropriation for	
29	mental retardation devel-	
30	opmental day care services	
31	from the Department of	
32	Human Services. \$37,000	
33	of this appropriation is	
34	transferred to the Depart-	
35	ment of Mental Health and	
36	Mental Retardation in Part	
37	C.	
38	Rehabilitation - Vocational Rehabilitation,	
39	Bureau of	
40	Positions	(-3)
41	Personal Services	(31,300)
42	Provides for the elimina-	
43	tion of the General Fund	

1 portion of 14 clerical
 2 positions within the
 3 bureau. These funds will
 4 be redirected to provide
 5 direct services for voca-
 6 tional rehabilitation
 7 clients. The remaining
 8 \$140,700 to be shifted to
 9 direct services shall be
 10 from federal vocational
 11 rehabilitation funds.

12 Elderly, Bureau of Maine's
 13 All Other (20,000)

14 Deappropriates \$20,000
 15 which shall instead be
 16 taken from excess funds in
 17 the bureau's special reve-
 18 nue account.

19 Elderly, Bureau of Maine's
 20 Positions (-3)
 21 Personal Services (62,200)
 22 All Other (35,800)
 23 Total (98,000)

24 Provides for the transfer
 25 of the Maine Committee on
 26 Aging from the Bureau of
 27 Maine's Elderly, Depart-
 28 ment of Human Services to
 29 an independent agency.

30 MAINE HUMAN SERVICES COUNCIL

31 Positions (-1)
 32 Personal Services \$(19,622)

33 Reduces the General Fund
 34 share of funding associ-
 35 ated with the eliminat-
 36 ion of one professional staff
 37 position (\$10,000) and
 38 allows for the
 39 reappropriation of \$9,522
 40 back to the Human Services
 41 Council in Part C.

1 Total Part B - General Fund \$(541,522)

2 PART C

3 Adjustments to General Fund. In order to provide for
4 necessary adjustments of the General Fund to implement
5 recommendations of the Joint Standing Committee on Audit and
6 Program Review, appropriations are adjusted by the amounts
7 designated in the following tabulations.

8 DEPARTMENT OR AGENCY APPROPRIATIONS
9 FROM GENERAL FUND

10 1982-83

11 HUMAN SERVICES,
12 DEPARTMENT OF

13 Administration - Human Services
14 All Other \$ 40,000

15 Provides funds to allow
16 the department to fund 50%
17 of the administration of
18 the food stamp program
19 beginning January 1, 1983.
20 This will maintain program
21 administration at the cur-
22 rent level, while elimi-
23 nating all county expendi-
24 tures for the food stamp
25 program.

26 Legal Services - Human Services
27 All Other 520

28 Provides funds to allow
29 the department to fund 50%
30 of the administration of
31 the food stamp program
32 beginning January 1, 1983.
33 This will maintain program
34 administration at the cur-
35 rent level, while elimi-
36 nating all county expendi-
37 tures for the food stamp
38 program.

39 Administration - Regional - Human Services
40 All Other 107,000

1	Provides funds to allow		
2	the department to fund 50%		
3	of the administration of		
4	the food stamp program		
5	beginning January 1, 1983.		
6	This will maintain program		
7	administration at the cur-		
8	rent level, while elimi-		
9	nating all county expendi-		
10	tures for the food stamp		
11	program.		
12	Bureau of Health - Health Engineering		
13	Positions		(7)
14	Personal Services		115,840
15	All Other		64,800
16		Total	<u>180,640</u>
17	Provides for the transfer		
18	of 5 Sanitarian II and 2		
19	clerical positions and		
20	funds from a dedicated ac-		
21	count to the General Fund.		
22	Administration - Income Maintenance		
23	All Other		10,350
24	Provides funds to allow		
25	the department to fund 50%		
26	of the administration of		
27	the food stamp program		
28	beginning January 1, 1983.		
29	This will maintain program		
30	administration at the cur-		
31	rent level while eliminat-		
32	ing all county expendi-		
33	tures for the food stamp		
34	program.		
35	Food Stamp Program		
36	Positions		(32)
37	Personal Services		211,270
38	All Other		105,960
39		Total	<u>317,230</u>
40	Provides positions and		
41	funds to allow the depart-		
42	ment to fund 50% of the		
43	administration of the Food		
44	Stamp Program beginning		
45	January 1, 1983. Federal		

1 position count is
 2 decreased and General Fund
 3 count is increased so that
 4 in total there will be 83
 5 authorized state posi-
 6 tions, matched by 83 fed-
 7 eral positions. This
 8 appropriation will main-
 9 tain program administra-
 10 tion at the current level,
 11 while eliminating all
 12 county expenditures for
 13 the food stamp program.

14 Rehabilitation - Vocational Rehabilitation,
 15 Bureau of
 16 All Other 31,300

17 Reflects the General Fund
 18 share of the elimination
 19 of 14 clerical positions
 20 within the bureau and the
 21 redirection of these funds
 22 to direct services for
 23 vocational rehabilitation
 24 clients. The remaining
 25 \$140,700 to be shifted to
 26 direct services shall be
 27 from federal vocational
 28 rehabilitation funds.

29 MAINE HUMAN SERVICES COUNCIL

30 Unallocated \$9,522

31 Reappropriates to the
 32 Maine Human Services Coun-
 33 cil personal services'
 34 funds deappropriated in
 35 Part B.

36 MAINE COMMITTEE ON AGING

37	Positions	(3)
38	Personal Services	\$62,200
39	All Other	35,800
40	Total	\$98,000

41 Establishes the Maine Com-
 42 mittee on Aging as an

1 independent agency outside
2 the Department of Human
3 Services.

4 MENTAL HEALTH AND MENTAL RETARDATION,
5 DEPARTMENT OF

6 Community Mental Retardation Services
7 All Other \$37,000

8 Reappropriates \$37,000 for
9 Mental Retardation Devel-
10 opmental Day-Care ser-
11 vices.

12 Total Part C - General Fund \$831,562

13 PART D

14 Adjustments to federal block grant allocations. In
15 order to provide for necessary adjustment of the social ser-
16 vices block grant to implement the recommendations of the
17 Joint Standing Committee on Audit and Program Review, allo-
18 cations are adjusted by the amounts designated in the fol-
19 lowing tabulations.

20 DEPARTMENT OR AGENCY	ALLOCATIONS
21	STATE FISCAL YEAR
22	1982-83
23 HUMAN SERVICES, DEPARTMENT OF	
24 SOCIAL SERVICES BLOCK GRANT	
25 Education and Training Unit	
26 Positions	(-2)
27 Personal Services	\$(35,000)
28 All Other	<u>(30,000)</u>
29	Total (65,000)

30 Eliminates social services
31 block grant funds for 2
32 positions within the Staff
33 Education and Training
34 Unit and eliminates fund-
35 ing for low priority
36 training.

1	Social Services, Bureau of	
2	Positions	(-2)
3	Personal Services	(36,000)
4	All Other	<u>(16,000)</u>
5		Total <u>(52,000)</u>
6	Eliminates social services	
7	block funds for 2 posi-	
8	tions associated with the	
9	administration of contract	
10	social services within the	
11	Bureau of Social Services.	
12	Also eliminates All Other	
13	funding for 6 additional	
14	positions already termi-	
15	nated.	
16	Homemaker Services	
17	All Other	(2,000)
18	Eliminates social services	
19	block grant funding for	
20	the All Other associated	
21	with a homemaker position	
22	which is already termi-	
23	nated.	
24	Maine Human Services Council	
25	Unallocated	(11,000)
26	Eliminates social services	
27	block grant funding asso-	
28	ciated with the elimina-	
29	tion of one professional	
30	staff position. The coun-	
31	cil is authorized to have	
32	3 positions from all	
33	remaining federal funds.	
34	Total Part D - Social services block grant	\$(130,000)

35 **PART E**

36 **Adjustments to federal block grant allocations.** In
37 order to provide for necessary adjustments of the social
38 services block grant to implement the recommendations of the
39 Joint Standing Committee on Audit and Program Review, allo-
40 cations are adjusted by the amounts designated in the fol-
41 lowing tabulations.

1 DEPARTMENT OR AGENCY ALLOCATION
2 STATE FISCAL YEAR
3 1982-83
4 HUMAN SERVICES, DEPARTMENT OF
5 SOCIAL SERVICES BLOCK GRANT

6 Social Services - Bureau of Social Services
7 All Other \$130,000

8 Allocates funds for pur-
9 chase of social services
10 to replace those that have
11 been deappropriated from
12 the State Seed account in
13 Part B. This allocation
14 of \$130,000 is the equiva-
15 lent of the total
16 deallocation in Part D.

17 Total Part E - Social services block grant \$130,000

18 **Emergency clause.** This Act shall become effective on
19 July 1, 1982, except that Part A, section 25, and those sec-
20 tions in Part C which relate to the Food Stamp Program shall
21 become effective on January 1, 1983.

22 STATEMENT OF FACT

23 This new draft implements the recommendations of the
24 Joint Standing Committee on Audit and Program Review in ac-
25 cordance with the Maine Sunset Law. Part A makes statutory
26 amendments to repeal, modify or leave intact the program
27 reviewed. Parts B and C make adjustments to General Fund
28 appropriations. Parts D and E make adjustments to alloca-
29 tions of the social services block grant.

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

33 Section 2 transfers the State Board of Funeral Service,
34 Board of Hearing Aid Dealers and Fitters and Plumbers' Exam-
35 ining Board from the Department of Human Services to the
36 administrative control of the Department of Business Regula-
37 tion.

38 Section 3 mandates that when the court requests the
39 Department of Human Services to undertake a case study

1 investigation for custody actions other than those where
2 suspected abuse or neglect is involved, the court shall
3 order either or both parties to pay the department part or
4 all of the costs of service unless the court has made a
5 finding of inability to pay.

6 Section 4 removes the Maine Committee on Aging from
7 within the Department of Human Services.

8 Section 5 repeals the state mandate that the Department
9 of Human Services provide mental retardation developmental
10 day-care services regardless of income level.

11 Sections 6 to 8 repeal outdated legislation which re-
12 quired the Department of Human Services to appoint district
13 health officers.

14 Section 9 repeals the Northern New England Medical
15 Needs Compact which was never activated since its inception
16 in 1957 and the New England Health Services and Facilities
17 Compact which was never activated since its inception in
18 1954.

19 Section 10 repeals the Citizens Advisory Council on
20 Alcoholism and the Interdepartmental Coordinating Committee
21 because they have never been activated and also repeals
22 other sections that duplicate Title 22, chapter 254, which
23 governs the operations of the Office of Alcoholism and Drug
24 Abuse Prevention.

25 Section 11 requires the Department of Human Services to
26 obtain information from the municipal officers in order to
27 issue a state mass gathering permit.

28 Section 12 undedicates the state's share of licensing
29 fee revenues from hospitals, nursing homes and other health
30 care institutions.

31 Sections 13 to 16 repeal legislation which is outdated
32 as it relates to the Department of Human Services.

33 Sections 17 to 19 eliminate the requirement that the
34 state license mobile home parks.

35 Section 19 increases the allowable maximum license fee
36 for eating establishments, eating and lodging places,
37 recreational camps and camping areas by \$10 in order to
38 offset the increased cost of licensing and inspecting these
39 facilities.

1 Section 20 undedicates the license fees for eating
2 establishments, eating and lodging places, recreational
3 camps and camping areas.

4 Sections 21 and 22 eliminate the requirement that the
5 state license mobile home parks.

6 Section 23 increases the allowable maximum state charge
7 for handling eating and lodging licenses granted by munici-
8 palities from \$5 to \$10.

9 Section 24 enables the Department of Human Services to
10 charge the average cost of the analysis for testing private
11 water supplies.

12 Section 25 eliminates county involvement in the food
13 stamp program.

14 Sections 26 to 28 prohibit the Department of Human Ser-
15 vices from establishing a Medicaid copayment without legis-
16 lative approval and establish a 50¢ drug copayment.

17 Section 29 clarifies existing statutes.

18 Sections 30 to 32 clarify the statutory authorization
19 for the medical eye care program to provide services to low
20 income persons with serious eye diseases.

21 Section 33 repeals the Interstate Compact on Welfare
22 Services which has never been activated since its inception
23 in 1959.

24 Sections 34 and 35 establish the Maine Committee on
25 Aging as an organization independent of the administrative
26 control of the Department of Human Services.

27 Section 36 repeals the Department of Human Services
28 authorization to retain up to 5% of the Priority Social Ser-
29 vices' contracts for bureau administrative costs.

30 Section 37 repeals outdated legislation as it relates
31 to the Department of Human Services' activities.

32 Sections 38 to 44 repeal the State Government Coordi-
33 nating Committee and its statutory responsibilities because
34 it has never been activated.

35 Section 45 transfers the section of the statutes which
36 refers to the decriminalization of public intoxication to
37 the appropriate chapter. See section 10.

1 Section 46 repeals outdated legislation as it relates
2 to the Department of Human Services' activities.

3 Section 47 increases from \$40 to \$50 and undedicates
4 the license fee for the practice of electrology.

5 Sections 48 to 52 transfer responsibility for the State
6 Board of Funeral Service from the Department of Human Ser-
7 vices to the Department of Business Regulation.

8 Sections 53 to 80 transfer responsibility for the Board
9 of Hearing Aid Dealers and Fitters from the Department of
10 Human Services to the Department of Business Regulation and
11 increases the annual renewal fee from \$50 to up to \$100 and
12 raises other fees proportionally.

13 Sections 81 to 84 transfer the responsibility for the
14 Plumbers' Examining Board from the Department of Human Ser-
15 vices to the Department of Business regulation.

16 Section 85 requires the Department of Human Services to
17 present the 111th Legislature with a plan for instituting
18 user copayments for Medicaid services.

19 Section 86 provides for the transition of the Plumbers'
20 Examining Board, the State Board of Funeral Service and the
21 Board of Hearing Aid Dealers and Fitters from the Department
22 of Human Services to the Department of Business Regulation.

23 This new draft makes changes in appropriations and
24 revenues affecting the Department of Human Services and the
25 Department of Mental Health and Mental Retardation and the
26 Maine Human Services Council. The net adjustment to General
27 Fund appropriations in Parts B and C for fiscal year 1983 is
28 an additional \$290,040. Net revenue increases are estimated
29 to be \$243,390. Therefore, the total fiscal impact of this
30 new draft on the General Fund is a net cost of \$46,650 in
31 fiscal year 1983. There will be an additional cost in
32 future years because the recommendation to eliminate county
33 support of the food stamp program only becomes effective
34 January 1, 1983.

35 In Parts D and E, this new draft also makes changes in
36 allocations of the federal social services block grant for
37 state fiscal year 1983 affecting the Department of Human
38 Services and the Maine Human Services Council. There is no
39 net change in the total block grant allocation.

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