

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

Corrected Copy

(New Draft of H.P. 1832, L.D. 1814)

(EMERGENCY)

SECOND REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 2099

H. P. 2240 House of Representatives, March 25, 1982
Reported by The Minority 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.

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 A, §52, is repealed and the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

4 Eating establishments, as defined in section 2491, subsec-
5 tion 7; storage facilities for one kind of native produce,
6 such as apple warehouses, potato warehouses or carrot ware-
7 houses; establishments, such as farm stands primarily
8 selling fresh produce, not including dairy and meat prod-
9 ucts; and department stores, discount department stores,
10 drug stores or similar facilities selling food or food prod-
11 ucts only in original sealed packages that do not require
12 refrigeration or freezing are not considered food establish-
13 ments required to be licensed or inspected under section
14 2167.

15 Sec. 18. 22 MRSA §2491, sub-§§9 and 10, as enacted by
16 PL 1975, c. 496, §3, are repealed.

17 Sec. 19. 22 MRSA §2492, first sentence, as enacted by
18 PL 1975, c. 496, §3, is amended to read:

19 No person, corporation, firm or copartnership shall ~~may~~
20 conduct, control, manage or operate, for compensation,
21 directly or indirectly, any eating establishment, eating and
22 lodging place, lodging place, recreational camp, ~~or~~ camping
23 area ~~or mobile home park~~, unless the same shall be licensed
24 by the department.

25 Sec. 20. 22 MRSA §2494, first sentence, as enacted by
26 PL 1975, c. 496, §3, is amended to read:

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

34 Sec. 21. 22 MRSA §2494, first ¶, as enacted by PL
35 1975, c. 496, §3, is amended by adding after the first sen-
36 tence a new sentence to read:

37 All fees collected by the department shall be deposited in
38 the General Fund.

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

1 The department shall, within 30 days following receipt
2 of application, issue an annual license to operate any eat-
3 ing establishment, eating and lodging place, lodging place,
4 recreational camp, or camping area or mobile home park which
5 is found to comply with this chapter and the regulations
6 rules adopted by the department.

7 **Sec. 23. 22 MRSA §2498, first sentence, as enacted by**
8 **PL 1975, c. 496, §3, is amended to read:**

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

17 **Sec. 24. 22 MRSA §2499, sub-§6, last sentence, as**
18 **enacted by PL 1975, c. 496, §3, is amended to read:**

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

22 **Sec. 25. 22 MRSA §2602-A is enacted to read:**

23 §2602-A. Fees for testing private water supplies

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

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

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

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

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

1 Sec. 28. 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.

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

17 If a recipient of assistance under this chapter who
18 resides in an intermediate care facility or a skilled nurs-
19 ing facility has a spouse dependent on that recipient for
20 support, the department shall permit the recipient to trans-
21 fer \$210 a month, or \$2,520 a year, from his income to that
22 spouse.

23 Sec. 30. 22 MRSA §3500-A, as enacted by PL 1973, c.
24 307, §1, is amended to read:

25 §3500-A. Jurisdiction of Director of Division of Eye Care,
26 defined

27 Jurisdiction of director means having direct adminis-
28 trative responsibility for all programs and personnel under
29 Division of Eye Care, section 3500 to 3512, except sections
30 3501-A and 3501-B.

31 Sec. 31. 22 MRSA §3501, as amended by PL 1973, c. 307,
32 §2, is further amended to read:

33 The division shall provide a program of services for
34 the blind, including the prevention of blindness, the locat-
35 ing of blind persons, ~~medical service for eye conditions,~~
36 vocational guidance and training of the blind, the placement
37 of blind persons in employment, assistance to the blind in
38 marketing the products of home industries, the instruction
39 of the adult blind in their homes, and other social services
40 to the blind.

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

2 §3501-A. Medical eye care program

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

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

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

11 The department shall, after hearing, in a manner con-
12 sistent with the Maine Administrative Procedure Act, Title
13 5, chapter 375, promulgate rules governing eligibility,
14 application procedures, services covered and reimbursement
15 procedures.

16 Sec. 33. 22 MRSA §3501-B is enacted to read:

17 §3501-B. Eye examinations

18 The department shall, within the limits of available
19 funds, provide eye examinations for any individual who has
20 an annual income not exceeding 80% of the state's median
21 income adjusted for family size. In no case shall the total
22 cost of all examinations provided for under this section
23 exceed \$50,000 a year. The department shall, after hearing,
24 in a manner consistent with the Maine Administrative Proce-
25 dure Act, Title 5, chapter 375, promulgate regulations gov-
26 erning eligibility, application, procedures, services cov-
27 ered and reimbursement procedures.

28 Sec. 34. 22 MRSA c.1151, as amended, is repealed.

29 Sec. 35. 22 MRSA §5108, as last amended by PL 1975, c.
30 771, §231-A, is repealed and the following enacted in its
31 place:

32 §5108. Committee

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

35 Sec. 36. 22 MRSA §5112, sub-§8, as enacted by PL 1973,
36 c. 793, §11, is amended to read:

1 **8. Administration.** Administer in accordance with cur-
2 rent fiscal and accounting regulations of the State, and in
3 accordance with the philosophy, objectives and authority of
4 this Part, any funds appropriated for expenditure by the
5 committee or any grants or gifts which may become available,
6 accepted and received by the committee; and make an annual
7 report to be included in the annual report of the bureau
8 which shall be submitted directly to the director, commis-
9 sioner, Governor and Legislature not later than September
10 1st of each year concerning its work, recommendations and
11 interests of the previous fiscal year and future plans; and
12 shall make such interim reports as it deems advisable.

13 **Sec. 37.** 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. 38.** 22 MRSA §6113, sub-§3, as enacted by P&SL
21 1973, c. 38, §1, is repealed.

22 **Sec. 39.** 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. 40.** 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. 41.** 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. 42. 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. 43. 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. 44. 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. 45. 22 MRSA §7111, as amended by PL 1975, c. 293,
35 §4, is repealed.

36 Sec. 46. 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,
40 resolution or rule having the force of law that includes

1 drinking, being a common drunkard or being found in an
2 intoxicated condition as one of the elements of the offense
3 giving rise to a criminal or civil penalty or sanction.

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

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

15 **Sec. 47. 30 MRSA §3551, as amended by PL 1975, c. 293,**
16 **§4, is repealed.**

17 **Sec. 48. 32 MRSA §1243, as amended by PL 1979, c. 542,**
18 **Pt. D. §2, is repealed and the following enacted in its**
19 **place:**

20 §1243. Inspections

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

26 **Sec. 49. 32 MRSA §1400, sub-§2-A is enacted to read:**

27 2-A. Commissioner. "Commissioner" means the Commis-
28 sioner of Business Regulation.

29 **Sec. 50. 32 MRSA §1451, first ¶, as last amended by PL**
30 **1975, c. 771, §343, is further amended to read:**

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

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

8 Sec. 51. 32 MRSA §1452, first sentence is amended to
9 read:

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

16 Sec. 52. 32 MRSA §1452-B, as enacted by PL 1977, c.
17 604, §16, is amended to read:

18 §1452-B. Budget

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

25 Sec. 53. 32 MRSA §1503, as last amended by PL 1975, c.
26 293, §4, is further amended to read:

27 §1503. Blanks and forms of procedure; lists of licensees
28 and examinations

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

35 Sec. 54. 32 MRSA §1658, sub-§2-A is enacted to read:

36 2-A. Commissioner. "Commissioner" means the Commis-
37 sioner of Business Regulation.

38 Sec. 55. 32 MRSA §1658, sub-§4, as repealed and
39 replaced by PL 1975, c. 463, §3, is repealed and the follow-
40 ing enacted in its place:

1 4. Department. "Department" means the Department of
2 Business Regulation.

3 Sec. 56. 32 MRSA 1658-A, sub-§1, as amended by PL
4 1977, c. 696, §240, is further amended to read:

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

18 Sec. 57. 32 MRSA §1658-A, sub-§2, as repealed and
19 replaced by PL 1975, c. 463, §3, is amended to read:

20 2. License for business organization. Any corpora-
21 tion, partnership, trust, association or other like orga-
22 nization engaged in the business of selling or offering for
23 sale hearing aids at retail in the State shall apply to the
24 ~~department~~ board for a license to engage in ~~said~~ that busi-
25 ness. No business entity shall may so engage in the busi-
26 ness of selling or offering for sale hearing aids without a
27 license to do so. The ~~department~~ board shall issue a li-
28 cense signed by the Director of Health commissioner upon
29 payment by the business entity of a fee of ~~\$100~~ up to \$150
30 and upon filing a sworn statement from a person with author-
31 ity from the business entity. ~~Such~~ That sworn statement
32 shall list the names and addresses of all hearing aid deal-
33 ers and fitters directly or indirectly employed by ~~said~~ the
34 entity and shall certify that the entity employs only hear-
35 ing aid dealers and fitters who are duly licensed by the
36 State. The license shall be effective for ~~24~~ 12 months fol-
37 lowing the date of issuance. Each such business engaged in
38 the fitting and sale of hearing aids shall ~~biennially~~ annu-
39 ally submit to the ~~department~~ board an application for a
40 renewal of its license accompanied by a fee of ~~\$50~~ up to
41 \$150. A 30-day grace period shall be allowed after the date
42 of expiration, during which time licenses may be renewed on
43 payment of ~~\$100~~ up to \$200 to the ~~department~~ board. After
44 expiration of the grace period, the ~~department~~ board may
45 renew ~~such~~ those certificates upon the payment of ~~\$200~~ up to
46 \$250 to the ~~department~~ board. The license required by this

1 chapter shall be conspicuously posted in the licensee's
2 office or place of business. Notwithstanding the provisions
3 of this subsection, the department board may, whenever it
4 deems necessary, extend existing licenses so that an equal
5 number expire each month to allow for the equal distribution
6 of relicensure throughout the year.

7 **Sec. 58.** 32 MRSA §1658-C, first ¶, last sentence, as
8 repealed and replaced by PL 1975, c. 463, §3, is amended to
9 read:

10 The department board shall prepare a model notice containing
11 all the requirements of this section, and shall furnish
12 copies upon request.

13 **Sec. 59.** 32 MRSA §1658-C, sub-§9, as repealed and
14 replaced by PL 1975, c. 463, §3, is amended to read:

15 **9. Rules.** The department board may promulgate rules
16 and regulations to define the requirements of this section
17 in order to provide the purchaser with additional informa-
18 tion to be contained in the notice provisions.

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

22 The department board shall by regulation list and define
23 certain medical conditions affecting hearing.

24 **Sec. 61.** 32 MRSA §1658-F, sub-§1, first sentence, as
25 repealed and replaced by PL 1975, c. 463, §3, is amended to
26 read:

27 The department board shall keep an individual record for
28 each licensed hearing aid dealer.

29 **Sec. 62.** 32 MRSA §1658-F, sub-§1, ¶C, as repealed and
30 replaced by PL 1975, c. 463, §3, is amended to read:

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

37 **Sec. 63.** 32 MRSA §1658-G, first sentence, as repealed
38 and replaced by PL 1975, c. 463, §3, is amended to read:

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

5 Sec. 64. 32 MRSA §1658-G, 5th sentence, as repealed
6 and replaced by PL 1975, c. 463, §3, is amended to read:

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

10 Sec. 65. 32 MRSA §1658-H, first sentence, as repealed
11 and replaced by PL 1975, c. 463, §3, is amended to read:

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

17 Sec. 66. 32 MRSA §1658-H, 2nd ¶, first sentence, as
18 repealed and replaced by PL 1975, c. 463, §3, is amended to
19 read:

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

31 Sec. 67. 32 MRSA §1658-I, sub-§1, 2nd and 3rd ¶¶, as
32 repealed and replaced by PL 1975, c. 463, §3, are amended to
33 read:

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

38 The department board may promulgate rules and regulations to
39 further define the qualifications in this section in order
40 to insure that only properly qualified persons take the
41 licensing examination.

1 Sec. 68. 32 MRSA §1658-I, sub-§§2 and 3, as repealed
2 and replaced by PL 1975, c. 463, §3, are amended to read:

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

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

23 Sec. 69. 32 MRSA §1658-J, as repealed and replaced by
24 PL 1975, c. 463, §3, is amended to read:

25 §1658-J. Temporary trainee permit

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

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

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

41 If such holder of a trainee permit fails the examina-
42 tion, he may apply for and be issued a new trainee permit

1 upon payment of an additional fee of ~~\$25~~ \$50. Not more than
2 3 trainee permits may be issued to any applicant.

3 **Sec. 70. 32 MRSA §1658-K, sub-§3**, as repealed and
4 replaced by PL 1975, c. 463, §3, is amended to read:

5 **3. Rules.** The ~~department~~ board may promulgate rules
6 and regulations which further define additional areas to be
7 tested in the qualifying examination in order to promote
8 more knowledgeable practitioners in this field.

9 **Sec. 71. 32 MRSA §1658-L**, as repealed and replaced by
10 PL 1975, c. 463, §3, is amended to read:

11 §1658-L. Notice to board of place of business; notice to
12 holders of licenses; how given by board

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

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

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

23 **Sec. 72. 32 MRSA §1658-M**, as amended by PL 1981, c.
24 191, §1, is further amended to read:

25 §1658-M. Biennial renewal of license; fees; effect of fail-
26 ure to renew

27 Each person, who engages in the fitting and sale of
28 hearing aids, shall ~~biennially~~ annually according to regula-
29 tions established by the ~~department~~ board submit to the
30 ~~department~~ board an application for a renewal of his li-
31 cense, accompanied by a fee of ~~\$50~~ up to \$100. The licensee
32 shall keep ~~such~~ the certificate conspicuously posted in his
33 office or place of business at all times. Where more than
34 one office is operated by the licensee, duplicate certifi-
35 cates shall be issued by the ~~department~~ board for posting in
36 each location. A 30-day grace period shall be allowed after
37 the date of expiration, during which time licenses may be
38 renewed on payment of a fee of ~~\$100~~ \$150 to the ~~department~~
39 board. After expiration of the grace period, the ~~department~~
40 board may renew ~~such~~ those certificates upon the payment of

1 \$200 to the department board. No person who applies for
2 renewal, whose license has expired, shall may be required to
3 submit to any examination as a condition to renewal, pro-
4 vided such that the renewal application is made within 2
5 years from the date of such that expiration. If more than 2
6 years have passed since the expiration of license, the
7 applicant shall apply for a temporary trainee permit and
8 shall take the examination.

9 No ~~biennial~~ annual renewal certificate may be issued by
10 the board during 1982 and any following year until such time
11 as the applicant submits proof satisfactory to the board
12 that during the 2 years year preceding his application for
13 renewal, he has participated in not fewer than ~~16~~ 8 clock
14 hours of courses of continuing education in fitting and
15 dealing in hearing aids offered by an institution approved
16 by the board. In the initial 2 years of the application of
17 this paragraph, the board may reduce the number of hours of
18 participation required based upon the number of days this
19 paragraph is in effect during those initial 2 years.

20 **Sec. 73.** 32 MRSA 1658-N, first ¶, as repealed and
21 replaced by PL 1977, c. 694, §574, is amended to read:

22 The department board may amend, modify or refuse to
23 issue or refuse to renew any license; ~~however, any.~~ Any
24 aggrieved party shall be entitled to a hearing in conformity
25 with the Maine Administrative Procedure Act, Title 5, chap-
26 ter 375. The department board may suspend or revoke any li-
27 cense by filing a complaint with the Administrative Court,
28 pursuant to the Maine Administrative Procedure Act, for any
29 one of the following causes:

30 **Sec. 74.** 32 MRSA §1658-N, sub-§§1 and 2, as enacted by
31 PL 1975, c. 463, §3, are amended to read:

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

34 2. Unethical conduct. The department board shall
35 promulgate rules and regulations in conjunction with the
36 board and define unethical conduct for the purposes of this
37 chapter in order to protect the public from unfair or decep-
38 tive practices and to effectively promote a high standard of
39 ethics in the hearing aid industry;

40 **Sec. 75.** 32 MRSA §1659, as amended by PL 1977, c. 696,
41 §241, is further amended to read:

42 §1659. Hearings

1 Any conflict between this section and the State of
2 Maine Administrative Procedure Act, Title 5, chapter 375,
3 shall be resolved by the provisions of the State of Maine
4 Administrative Procedure Act.

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

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

11 B. To refuse to issue a license after examination for
12 any cause other than failure to pass the examination;
13 or

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

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

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

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

25 C. That the applicant may secure a hearing before the
26 department board by depositing in the mail, within 10
27 days after service of said the notice, a registered
28 letter addressed to the department board containing a
29 request for a hearing.

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

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

1 A. That the department board has received sufficient
2 evidence which, if not rebutted or explained, may justify
3 the department board in taking the contemplated
4 action under a section of the law;

5 B. Indication factually of the nature of the evidence;
6 and

7 C. That the applicant may secure a hearing before the
8 department board by depositing in the mail, within 10
9 days after the serving of ~~said~~ the notice, a registered
10 letter addressed to the department board requesting a
11 hearing on the matter, ~~provided, however, that,~~ where
12 it is mutually agreeable to the department board and
13 the license holder, the license holder may elect to
14 voluntarily waive the minimum time limit of ~~such~~ the
15 hearing.

16 4. Procedure upon board refusal to issue or renew li-
17 cence. In any hearing before the department board involving
18 the refusal to issue or the refusal of the department board
19 to renew a license other than for failure to pay the statu-
20 tory fee, the department board shall present competent evi-
21 dence to justify the action taken or proposed by the depart-
22 ment board unless an admission of guilt is entered.

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

27 If the licensee or applicant does not mail a request for a
28 hearing as required in this section, the department board
29 shall, within 20 days of receipt of such a request, notify
30 the licensee or applicant of the time and place of the hear-
31 ing, which hearing shall be held not more than 30 days nor
32 less than 10 days from the date of the service of ~~such~~ that
33 notice.

34 6. Procedure for notice. Any notice required by this
35 section shall be served by registered mail or certified
36 mail, with return receipt requested, directed to the licen-
37 see or applicant at his last known address as shown by the
38 records of the department board. Notice shall be deemed to
39 have been served on the date borne by the return receipt
40 showing delivery of the notice to the addressee or refusal
41 of the addressee to accept the notice.

42 7. Number required for board to act. At all hearings,
43 at least a majority of the board shall be present to hear

1 and determine the matter, and the department shall also be
2 represented by at least 2 persons designated by the commis-
3 sioner.

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

6 A. To be represented by counsel;

7 B. To cross-examine witnesses;

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

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

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

14 A. To administer oaths or affirmation of witnesses;

15 B. To have council to assist in the development of the
16 case;

17 C. To take testimony;

18 D. To examine and cross-examine witnesses;

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

20 F. To direct a continuance of any case for just cause;
21 and

22 G. To temporarily suspend the license of the licensee
23 if the safety or health of a person is seriously endan-
24 gered.

25 10. Other powers. The department board shall have the
26 power to require the production of books, papers or other
27 documents and may issue subpoenas to compel the defendants
28 or witnesses to testify and produce ~~such~~ those books, papers
29 or other documents. The defendant shall also have the same
30 power to issue subpoenas.

31 11. Rules of evidence not applicable. In all hearings
32 before the department board, the rules of evidence shall not
33 apply.

1 12. Per diem and mileage; witnesses. Witnesses shall
2 be entitled to the same per diem and mileage as witnesses
3 appearing before the District Court.

4 13. Decision of board. After a hearing has been com-
5 pleted, the members of the ~~department~~ and board who con-
6 ducted the hearing shall proceed to consider the case and as
7 soon as practicable shall render their decision. Any and
8 all violations of the ~~department's~~ board's regulations or
9 provisions of this chapter shall be grounds for refusal to
10 issue or renew ~~said that~~ license. The decision must be
11 rendered within 90 days after the hearing.

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

17 15. Failure to appear. If a person who has requested
18 a hearing does not appear, and no continuance has been
19 granted, the ~~department board~~ may hear the evidence of such
20 witnesses as may have appeared, and the ~~department~~ board may
21 proceed to consider the matter and dispose of it on the
22 basis of the evidence before it.

23 16. Procedure to reopen proceedings. Where because of
24 accident, sickness or other reasonable cause a person fails
25 to request a continuance or fails to appear for a hearing
26 which he has requested, the person may within a reasonable
27 length of time apply to the ~~department board~~ to reopen the
28 proceedings, and give ~~such that~~ that person notice thereof. At
29 the time and place fixed, a hearing shall be held at which
30 the person may testify in his own behalf or present such
31 other evidence as may be beneficial to his case. Witnesses,
32 who have previously testified, shall not be required to
33 appear at the 2nd hearing unless subpoenaed by the ~~depart-~~
34 ment board or otherwise consent to appear.

35 17. Decision to reopen proceedings discretionary with
36 board. At any time after the hearing and prior to the ser-
37 vice of the ~~department's~~ board's decision, the person
38 affected may request the ~~department~~ board to reopen the case
39 to receive additional evidence or for other just cause. The
40 granting or refusing of ~~such that~~ such that request shall be within
41 the ~~department's~~ board's discretion.

42 18. Board may reopen proceedings. The ~~department~~
43 board may reopen the case on its own motion at any time
44 before a petition for a writ of certiorari is filed. There-

1 after, it may do so only with the permission of the review-
2 ing court.

3 **Sec. 76.** 32 MRSA §1660, as last amended by PL 1981, c.
4 191, §2, is repealed.

5 **Sec. 77.** 32 MRSA §1660-A, sub-§1, as enacted by PL
6 1975, c. 463, §3, is repealed and the following enacted in
7 its place:

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

10 **Sec. 78.** 32 MRSA §1660-B, as enacted by PL 1975, c.
11 463, §3, is repealed and the following enacted in its place:

12 §1660-B. Powers and duties of the board

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

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

16 2. Supervise issuance of licenses. To supervise issu-
17 ance of licenses by experience and to administer qualifying
18 examinations to test the knowledge and proficiency of appli-
19 cants licensed by examination;

20 3. Registration. To register persons who apply to the
21 board and who are qualified to engage in the fitting and
22 sale of hearing aids;

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

26 5. Issue and renew licenses. To issue and renew
27 licenses;

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

33 7. Designation of examination. To designate the time
34 and place for examining applicants;

35 8. Conduct or supervise examinations. To appoint
36 representatives to conduct or supervise the examination;

1 9. Adopt rules. Following a public hearing, to
2 promulgate, adopt, amend and publish rules not inconsistent
3 with the laws of this State, which are necessary to carry
4 out this chapter. The rules shall serve to protect the con-
5 sumer from unethical practices, shall serve to explain or
6 define terms and words contained within this chapter and
7 shall add to the general understanding of both consumer and
8 practitioner of this chapter. The board shall promulgate
9 rules where specifically authorized in this chapter;

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

12 11. Redistribute expiration dates. To, during a
13 2-year period beginning in January, 1982, redistribute the
14 expiration dates of the existing licenses so that an equal
15 number expire in each month of even-numbered years, so that
16 all license renewals will occur in the same year; and

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

21 **Sec. 79.** 32 MRSA §1660-C, 2nd sentence, as enacted by
22 PL 1975, c. 463, §3, is repealed.

23 **Sec. 80.** 32 MRSA §1660-D, as enacted by PL 1975, c.
24 463, §3 and as amended by PL 1975, c. 293, §4, is repealed
25 and the following enacted in its place:

26 §1660-D. Disposition of receipts; Hearing Aid Account

27 All moneys received by the board shall be paid to the
28 Treasurer of State and credited to the Department of Busi-
29 ness Regulation Hearing Aid Account to be used for carrying
30 out the purposes of this chapter. Any balance of the funds
31 shall not lapse, but shall be carried forward as a continu-
32 ing account to be expended for the same purposes in the fol-
33 lowing fiscal years.

34 **Sec. 81.** 32 MRSA §1660-E, 2nd sentence, as enacted by
35 PL 1975, c. 463, §3, is amended to read:

36 The department, in conjunction with the board, may seek to
37 enjoin violations of any of the provisions of this chapter
38 or any of the provisions of the rules and regulations
39 promulgated hereunder in this chapter by injunction or by
40 any other appropriate proceedings.

1 **Sec. 82.** 32 MRSA §3401, first sentence, as amended by
2 PL 1977, c. 469, §10, is further amended to read:

3 A Plumbers' Examining Board, as heretofore established,
4 shall consist of an executive officer who shall be the
5 Director of the Division of Health Engineering of the Bureau
6 of Health Commissioner of Business Regulation, or his desig-
7 nee, and 3 other members, hereinafter called the appointive
8 members, who shall be appointed by the Governor.

9 **Sec. 83.** 32 MRSA §3402, as repealed and replaced by PL
10 1977, c. 469, §12, is repealed and the following enacted its
11 place:

12 §3402. Employees

13 The Commissioner of Business Regulation, with the
14 advice and consent of the board, may appoint, subject to
15 the Personnel Law, such employees as may be necessary to
16 carry out this chapter. Any person so employed shall be
17 located in the Department of Business Regulation and under
18 the administrative and supervisory direction of the Commis-
19 sioner of Business Regulation.

20 **Sec. 84.** 32 MRSA §3403, first sentence, as amended by
21 PL 1977, c. 469, §13, is further amended to read:

22 The board shall hold regular meetings semiannually and
23 shall hold additional meetings at such other times as they
24 shall determine it determines by their its rules, or upon
25 request of the 3 appointive members of their the board, or
26 upon request of the Director of the Division of Health Engi-
27 neering Commissioner of Business Regulation.

28 **Sec. 85.** 32 MRSA §3504, 2nd sentence, as repealed and
29 replaced by PL 1977, c. 469, §18, is amended to read:

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

33 **Sec. 86. Medicaid copayments.** The Commissioner of
34 Human Services shall present to the 111th Legislature a plan
35 for implementing user copayments for selected Medicaid ser-
36 vices. The plan shall include an analysis of the impact of
37 implementing the 50¢-drug copayment and estimated savings
38 from the imposition of a \$2 copayment for each of the fol-
39 lowing services: Ambulance services, audiology services,
40 chiropractic services, dental services, hearing aids, hospi-
41 tal out-patient services, mental health clinic services,

1 optometric services, physicians' services, podiatric ser-
2 vices, psychologists' services, speech and hearing services
3 and speech pathology services. The plan shall also include
4 a discussion of administrative problems and of reductions in
5 utilization of services as a result of copayments, the com-
6 missioner's recommendation with respect to copayments for
7 each of these services and the reasons behind each recom-
8 mendation.

9 **Sec. 87. Transition clause.**

10 1. Plumbers' Examining Board. The transfer of the
11 Plumbers' Examining Board from the Department of Human Ser-
12 vices to the Department of Business Regulation shall not
13 affect the terms of current board members, with the excep-
14 tion of the executive officer as provided for in this Act.
15 All current regulations of the board shall continue in
16 effect until rescinded, amended or changed by the board.
17 All equipment and supplies acquired with the board funds
18 shall be transferred to the Department of Business Regula-
19 tion. Notwithstanding any other provision of law, all ac-
20 crued expenditures, assets, liabilities, balances of funds,
21 transfers, revenues or other available funds of the board
22 shall be reallocated to the proper place in the Department
23 of Business Regulation by the State Controller.

24 2. State Board of Funeral Service. The transfer of
25 the State Board of Funeral Service from the Department of
26 Human Services to the Department of Business Regulation
27 shall not affect the terms of current board members, with
28 the exception of the secretary of the board as provided for
29 in this Act. All current regulations of the board shall
30 continue in effect until rescinded, amended or changed by
31 the board. All equipment and supplies acquired with board
32 funds shall be transferred to the Department of Business
33 Regulation. Notwithstanding any other provision of law, all
34 accrued expenditures, assets, liabilities, balances of
35 funds, transfers, revenues or other available funds of the
36 board shall be reallocated to the proper place in the
37 Department of Business Regulation by the State Controller.

38 3. Board of Hearing Aid Dealers and Fitters. The
39 transfer of the Board of Hearing Aid Dealers and Fitters
40 from the Department of Human Services to the Department of
41 Business Regulation shall not affect the terms of the cur-
42 rent board members. All current regulations of the Depart-
43 ment of Human Services pertaining to the fitting and selling
44 of hearing aids shall continue in effect until replaced by
45 the Board of Hearing Aid Dealers and Fitters. All equipment
46 and supplies acquired with board funds shall be transferred

1 to the Department of Business Regulation. Notwithstanding
 2 any other provision of law, all accrued expenditures,
 3 assets, liabilities, balances of funds, transfers, revenues
 4 or other available funds of the board shall be reallocated
 5 to the proper place in the Department of Business Regulation
 6 by the State Controller.

7 **PART B**

8 **Adjustments to General Fund.** In order to provide for
 9 necessary adjustments of the General Fund to implement the
 10 recommendations of the Joint Standing Committee on Audit and
 11 Program Review, appropriations are adjusted by the amounts
 12 designated in the following tabulations.

13 DEPARTMENT OR AGENCY	14 APPROPRIATIONS FROM GENERAL FUND
	15 1982-83
16 HUMAN SERVICES, 17 DEPARTMENT OF	
18 Administration - Human Services	
19 All Other	\$ (20,000)
20 Eliminates the General 21 Fund share of funding for 22 2 positions associated 23 with the Office of Special 24 Projects.	
25 Administration - Human Services	
26 All Other	(11,200)
27 Eliminates the General 28 Fund share of funding for 29 one professional staff 30 position within the Office 31 of Public Affairs effec- 32 tive 10/1/82 (\$8,200) and 33 reduces the department's 34 General Fund appropriation 35 by \$3,000 to implement a 36 recommended reduction in 37 department publications.	
38 Medical Care Administration	
39 All Other	(2,000)

1	Reduces the bureau's Gen-	
2	eral Fund appropriation to	
3	implement a recommended	
4	reduction in department	
5	publications.	
6	Medical Care - Payment to providers	
7	All Other	(25,400)
8	Deappropriates funds from	
9	the medical eye care pro-	
10	gram to reflect a \$50,000	
11	limit on that part of the	
12	program which provides	
13	examinations for those	
14	without eye disease.	
15	Administration - Income maintenance	
16	All Other	(3,000)
17	Reduces the bureau's Gen-	
18	eral Fund appropriation to	
19	implement a recommended	
20	reduction in department	
21	publications.	
22	Administration - Social Services,	
23	All Other	(2,000)
24	Reduces the bureau's Gen-	
25	eral Fund appropriation to	
26	implement a recommended	
27	reduction in department	
28	publications.	
29	Day Care, Homemaker Services,	
30	Transportation Services,	
31	State Seed - Social Services	
32	Positions	(-2)
33	Personal Services	(39,000)
34	All Other	(4,000)
35	Total	(43,000)
36	Eliminates 2 General Fund	
37	positions associated with	
38	the administration of	
39	social services' con-	
40	tracts.	
41	Day Care, Homemaker Services,	

1	Transportation Services,	
2	State Seed - Social Services	
3	All Other	(130,000)
4	Eliminates a portion of	
5	the General Fund appropri-	
6	ation for social services.	
7	These funds are replaced	
8	with allocations from the	
9	social services block	
10	grant funds in Part E.	
11	Day Care, Mental Retardation	
12	Developmental - Social Services	
13	All Other	(86,000)
14	Eliminates the General	
15	Fund appropriation for	
16	mental retardation devel-	
17	opmental day-care services	
18	from the Department of	
19	Human Services. This	
20	appropriation is trans-	
21	ferred to the Department	
22	of Mental Health and	
23	Mental Retardation in Part	
24	C.	
25	Rehabilitation - Vocational Rehabilitation,	
26	Bureau of	
27	Positions	(-3)
28	Personal Services	(31,300)
29	Provides for the elimina-	
30	tion of the General Fund	
31	portion of 14 clerical	
32	positions within the	
33	bureau. These funds will	
34	be redirected to provide	
35	direct services for voca-	
36	tional rehabilitation	
37	clients. The remaining	
38	\$140,700 to be shifted to	
39	direct services shall be	
40	from federal vocational	
41	rehabilitation funds.	
42	Elderly, Bureau of Maine's	
43	All Other	(20,000)

1 Deappropriates \$20,000
2 which shall instead be
3 taken from excess funds in
4 the bureau's special reve-
5 nue account.

6	Elderly, Bureau of Maine's	
7	Positions	(-3)
8	Personal Services	(62,200)
9	All Other	(35,800)
10	Total	(98,000)

11 Provides for the transfer
12 of the Maine Committee on
13 Aging from the Bureau of
14 Maine's Elderly, Depart-
15 ment of Human Services to
16 an independent agency.

17	MAINE HUMAN SERVICES COUNCIL	
18	Positions	(-1)
19	Personal Services	\$(19,622)

20 Reduces the General Fund
21 share of funding associ-
22 ated with the eliminat-
23 ion of one professional staff
24 position (\$10,000) and
25 allows for the
26 reappropriation of \$9,522
27 back to the Human Services
28 Council in Part C.

29	Total Part B - General Fund	\$(491,522)
----	-----------------------------	-------------

30 **PART C**

31 **Adjustments to General Fund.** In order to provide for
32 necessary adjustments of the General Fund to implement
33 recommendations of the Joint Standing Committee on Audit and
34 Program Review, appropriations are adjusted by the amounts
35 designated in the following tabulations.

36	DEPARTMENT OR AGENCY	APPROPRIATIONS
37		FROM GENERAL FUND

38 **1982-83**

39 **HUMAN SERVICES,**
40 **DEPARTMENT OF**

1	Bureau of Health - Health Engineering	
2	Positions	(7)
3	Personal Services	\$115,840
4	All Other	64,800
5		<u>180,640</u>
		Total
6	Provides for the transfer	
7	of 5 Sanitarian II and 2	
8	clerical positions and	
9	funds from a dedicated ac-	
10	count to the General Fund.	
11	Rehabilitation - Vocational Rehabilitation,	
12	Bureau of	
13	All Other	31,300
14	Reflects the General Fund	
15	share of the elimination	
16	of 14 clerical positions	
17	within the bureau and the	
18	redirection of these funds	
19	to direct services for	
20	vocational rehabilitation	
21	clients. The remaining	
22	\$140,700 to be shifted to	
23	direct services shall be	
24	from federal vocational	
25	rehabilitation funds.	
26	MAINE HUMAN SERVICES COUNCIL	
27	Unallocated	\$9,522
28	Reappropriates to the	
29	Maine Human Services Coun-	
30	cil personal services'	
31	funds deappropriated in	
32	Part B.	
33	MAINE COMMITTEE ON AGING	
34	Positions	(3)
35	Personal Services	\$62,200
36	All Other	35,800
37		<u>\$98,000</u>
		Total
38	Establishes the Maine Com-	
39	mittee on Aging as an	
40	independent agency outside	
41	the Department of Human	
42	Services.	

1 MENTAL HEALTH AND MENTAL RETARDATION,
 2 DEPARTMENT OF

3 Community Mental Retardation Services
 4 All Other \$86,000

5 Reappropriates \$86,000 for
 6 Mental Retardation Devel-
 7 opmental Day-Care ser-
 8 vices.

9 Total Part C - General Fund \$405,462

10 PART D

11 Adjustments to federal block grant allocations. In
 12 order to provide for necessary adjustments of the social
 13 services block grant to implement the recommendations of the
 14 Joint Standing Committee on Audit and Program Review, allo-
 15 cations are adjusted by the amounts designated in the fol-
 16 lowing tabulations.

17 DEPARTMENT OR AGENCY	ALLOCATIONS
18	STATE FISCAL YEAR
19	1982-83
20 HUMAN SERVICES, DEPARTMENT OF	
21 SOCIAL SERVICES BLOCK GRANT	
22 Education and Training Unit	
23 Positions	(-2)
24 Personal Services	\$(35,000)
25 All Other	<u>(30,000)</u>
26	Total (65,000)
27 Eliminates social services	
28 block grant funds for 2	
29 positions within the Staff	
30 Education and Training	
31 Unit and eliminates fund-	
32 ing for low priority	
33 training.	
34 Social Services, Bureau of	
35 Positions	(-2)
36 Personal Services	(36,000)

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

32 **PART E**

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

20 STATEMENT OF FACT

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

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

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

36 Section 3 mandates that when the court requests the
37 Department of Human Services to undertake a case study
38 investigation for custody actions other than those where
39 suspected abuse or neglect is involved, the court shall

1 order either or both parties to pay the department part or
2 all of the costs of service unless the court has made a
3 finding of inability to pay.

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

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

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

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

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

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

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

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

31 Section 17 exempts department stores, drug stores and
32 other similar facilities which sell food only in original
33 sealed packages from the requirement that they obtain a food
34 license from the Department of Agriculture, Food and Rural
35 Resources.

36 Sections 18 to 20 eliminate the requirement that the
37 state license mobile home parks.

38 Section 20 increases the allowable maximum license fee
39 for eating establishments, eating and lodging places,

1 recreational camps and camping areas by \$5 in order to
2 offset the increased cost of licensing and inspecting these
3 facilities.

4 Section 21 undedicates the license fees for eating
5 establishments, eating and lodging places, recreational
6 camps and camping areas.

7 Sections 22 and 23 eliminate the requirement that the
8 state license mobile home parks.

9 Section 24 increases the allowable maximum state charge
10 for handling eating and lodging licenses granted by munici-
11 palities from \$5 to \$10.

12 Section 25 enables the Department of Human Services to
13 charge the average cost of the analysis for testing private
14 water supplies.

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

18 Section 29 clarifies existing statutes.

19 Sections 30 to 33 clarify the statutory authorization
20 for the medical eye care program to provide services to low
21 income persons with serious eye diseases and provide for a
22 limited program of eye examinations for low income individu-
23 als without serious eye disease.

24 Section 34 repeals the Interstate Compact on Welfare
25 Services which has never been activated since its inception
26 in 1959.

27 Sections 35 and 36 establish the Maine Committee on
28 Aging as an organization independent of the administrative
29 control of the Department of Human Services.

30 Section 37 repeals the Department of Human Services'
31 authorization to retain up to 5% of the Priority Social Ser-
32 vices' contracts for bureau administrative costs.

33 Section 38 repeals outdated legislation as it relates
34 to the Department of Human Services' activities.

35 Sections 39 to 45 repeal the State Government Coordin-
36 ating Committee and its statutory responsibilities because
37 it has never been activated.

1 Section 46 transfers the section of the statutes which
2 refers to the decriminalization of public intoxication to
3 the appropriate chapter. See section 25.

4 Section 47 repeals outdated legislation as it relates
5 to the Department of Human Services' activities.

6 Section 48 increases from \$40 to \$50 and undedicates
7 the license fee for the practice of electrology.

8 Sections 49 to 53 transfer responsibility for the State
9 Board of Funeral Service from the Department of Human Ser-
10 vices to the Department of Business Regulation.

11 Sections 54 to 81 transfer responsibility for the Board
12 of Hearing Aid Dealers and Fitters from the Department of
13 Human Services to the Department of Business Regulation and
14 increases the annual renewal fee from \$50 to up to \$100 and
15 raises other fees proportionally.

16 Sections 82 to 85 transfer the responsibility for the
17 Plumbers' Examining Board from the Department of Human Ser-
18 vices to the Department of Business regulation.

19 Section 86 requires the Department of Human Services to
20 present the 111th Legislature with a plan for instituting
21 user copayments for Medicaid services.

22 Section 87 provides for the transition of the Plumbers'
23 Examining Board, the State Board of Funeral Service and the
24 Board of Hearing Aid Dealers and Fitters from the Department
25 of Human Services to the Department of Business Regulation.

26 This new draft makes changes in appropriations and
27 revenues affecting the Department of Human Services and the
28 Department of Mental Health and Mental Retardation and the
29 Maine Human Services Council. The net adjustment to General
30 Fund appropriations in Parts B and C for fiscal year 1983 is
31 a savings of \$86,060. Net revenue increases are estimated
32 to be \$209,890. Therefore, the total fiscal impact of this
33 new draft on the General Fund is a net savings of \$295,950
34 in fiscal year 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.