

MAINE STATE LEGISLATURE

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1 (Governor's Bill)
2 (EMERGENCY)
3 FOURTH SPECIAL SESSION
4

5 ONE HUNDRED AND TENTH LEGISLATURE
6

7 **Legislative Document**

No. 2145

8
9 H. P. 2383 House of Representatives, April 28, 1982
Reference to the Committee on Appropriations and Financial
Affairs suggested and ordered printed.

EDWIN H. PERT, Clerk

10 Presented by Representative Pearson of Old Town.

Cosponsor: Senator Huber of Cumberland.

11
12 **STATE OF MAINE**
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-TWO
16

17 **AN ACT Making Certain Appropriations and**
18 **Allocations for Expenditures and Changing**
19 **Certain Provisions of the Law Necessary to**
20 **Carry out Certain New, Expanded or Revised**
21 **Programs of State Government for the Fiscal**
22 **Years Ending June 30, 1982 and June 30, 1983.**
23

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

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

29 Whereas, failure to implement this legislation immedi-
30 ately will impose a heavy and inequitable burden on certain
31 purchasers of vehicles for use in interstate commerce; and

32 Whereas, failure to implement this legislation immedi-
33 ately will jeopardize the successful operation of the

1 harness horse racing industry in Maine during the coming
2 summer season; and

3 Whereas, failure to implement this legislation immedi-
4 ately will prolong the period during which potentially
5 hazardous used pesticide containers will constitute a threat
6 to the public health and welfare; and

7 Whereas, failure to implement this legislation immedi-
8 ately will delay the time when outreach services will be
9 available to veterans who have been exposed to the chemical
10 known as Agent Orange; and

11 Whereas, failure to implement this legislation immedi-
12 ately will interrupt the vital operations of the Health
13 Facilities Cost Review Board; and

14 Whereas, failure to implement this legislation immedi-
15 ately will create unnecessary hardship and delay for many
16 Maine citizens who are the beneficiaries of the programs
17 provided hereinafter; and

18 Whereas, in the judgment of the Legislature, these
19 facts create an emergency within the meaning of the Consti-
20 tution of Maine and require the following legislation as
21 immediately necessary for the preservation of the public
22 peace, health and safety; now, therefore,

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

24 **PART A**
25 **REIMBURSING GREAT POND ON ACCOUNT OF TAXES**
26 **LOST DUE TO LANDS BEING CLASSIFIED UNDER**
27 **THE MAINE TREE GROWTH TAX LAW**

28 **Reimbursement to be paid to the Town of Great Pond.**
29 **Resolved:** That there is appropriated from the General Fund
30 the sum of \$2,189.55 to reimburse the Town of Great Pond for
31 taxes lost by reason of forest lands being classified under
32 the provisions of the Maine Tree Growth Tax Law pursuant to
33 the Revised Statutes, Title 36, section 578, subsection 1.

34 **PART B**
35 **REINBURSING CERTAIN MUNICIPALITIES ON ACCOUNT**
36 **OF TAXES LOST DUE TO THE VETERANS' PROPERTY**
37 **TAX EXEMPTION**

1 Reimbursements to be paid to certain municipalities.
2 Resolved: That there is appropriated from the General Fund
3 to the Department of Finance and Administration the follow-
4 ing amount to reimburse certain municipalities for taxes
5 lost for 1981 by reason of certain veterans' exemptions
6 under the provisions of the Revised Statutes, Title 36,
7 section 661.

8 1981-82

9 FINANCE AND ADMINISTRATION,

10 DEPARTMENT OF

11 Bureau of Taxation

12 All Other \$34,826

13 PART C
14 CLARIFICATION OF FISH INSPECTION
15 RESPONSIBILITIES

16 Sec. 1. 12 MRSA §6102, 3rd and 4th sentences, as
17 amended by PL 1979, c. 672, Pt. A, §50, is further amended
18 to read:

19 The program may include provisions similar to those of
20 section 6856, shellfish sanitation and certificate, and
21 section 6101, voluntary fish products inspection program,
22 including any additional inspection, licensing and certifi-
23 cation requirements that are necessary to insure proper
24 sanitation and quality control. The commissioner may adopt
25 or amend regulations prescribing the minimum standards for
26 establishments and for sanitation and quality control of the
27 processing of any marine organism or its products.

28 Sec. 2. 12 MRSA §6103 is enacted to read:

29 §6103. Implementation of fish product or shellfish inspec-
30 tion programs

31 The Commissioner of Agriculture, Food and Rural
32 Resources and the Commissioner of Marine Resources shall
33 cooperate in implementing any fish product or shellfish
34 inspection programs.

35 Sec. 3. 22 MRSA §2152, sub-§4-A, last sentence, as
36 enacted by PL 1979, c. 672, Pt. A, §52, is amended to read:

1 Eating establishments, as defined in section 2491, subsection
2 7, fish and shellfish processing establishments
3 inspected under Title 12, section 6101, 6102 or 6856, storage
4 warehouses, potato warehouses or carrot warehouses, and
5 establishments, such as farm stands primarily selling fresh
6 produce, not including dairy and meat products, are not considered
7 food establishments required to be licensed under
8 section 2167.
9

10 **PART D**
11 **AMENDMENT TO THE MAINE MEDICAL COMPACT**

12 **Sec. 1. 20 MRSA §2273, sub-§§1-B and 1-C are enacted**
13 **to read:**

14 1-B. Forgiveness. Any student who, upon the conclusion
15 of his professional education, including, if applicable,
16 internship, residency and obligated public health service,
17 elects to serve as a general, family, pediatric or
18 veterinary practitioner in an underserved rural geographic
19 area in the State shall be forgiven 20% of the indebtedness,
20 as determined in subsection 1-A, for each of the first 5
21 years of that service.

22 1-C. Determination. The Commissioner of Human Services
23 shall determine underserved rural areas for general,
24 family or pediatric services. The Commissioner of Agriculture,
25 Food and Rural Resources shall determine underserved
26 rural areas for veterinary services.

27 **Sec. 2. Retroactivity. This Part shall be applied**
28 **retroactively to July 1, 1981.**

29 **PART E**
30 **REQUIREMENT TO REPORT THE ABUSE OF**
31 **ELDERLY OR INCAPACITATED ADULTS**

32 **Sec. 1. 22 MRSA §3475, as enacted by PL 1981, c. 527,**
33 **§2, is amended by adding at the end a new sentence to read:**

34 Any licensed, registered, accredited or certified profes-
35 sional who has been adjudged to have violated a provision of
36 this chapter shall, in addition to any financial penalty, be
37 reported by the court to the appropriate professional
38 licensing, registration board, accrediting unit or facility.

39 **Sec. 2. 22 MRSA c. 958-A, sub-c. 1-A is enacted to**
40 **read:**

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SUBCHAPTER I-A

REPORTING OF ABUSE, NEGLECT OR EXPLOITATION

§3477. Persons mandated to report suspected abuse, neglect or exploitation

1. Reasonable cause to suspect. When, while acting in his professional capacity, an allopathic or osteopathic physician, intern, medical examiner, physician's assistant, dentist, chiropractor, podiatrist, registered or licensed practical nurse, Christian Science practitioner, social worker, psychologist, pharmacist, physical therapist, speech therapist, occupational therapist, mental health professional, law enforcement official, coroner, emergency room personnel, ambulance attendant or emergency medical technician suspects that an incapacitated adult has been abused, neglected or exploited, he shall immediately report or cause a report to be made to the department.

Whenever a person is required to report in his capacity as a member of the staff of a medical, public or private institution, agency or facility, he shall immediately notify the person in charge of the institution, agency or facility, or his designated agent, who shall then cause a report to be made. The staff person shall also make a report directly to the department.

2. Reports. Reports regarding abuse, neglect or exploitation shall be made immediately by telephone to the department and shall be followed by a written report within 48 hours if requested by the department. The reports shall contain the name and address of the involved adult; information regarding the nature and extent of the abuse, neglect or exploitation; the source of the report; the person making the report; his occupation; and where he can be contacted. The report may contain any other information which the reporter believes may be helpful.

3. Confidentiality in case of treatment. This section does not require any person acting in their professional capacity to report when:

A. The factual basis for knowing or suspecting abuse, neglect or exploitation of an adult covered under this subchapter derives from the professional's treatment of the individual suspected of causing the abuse, neglect or exploitation;

1 B. The treatment was sought by the individual for a
2 problem relating to the abuse, neglect or exploitation;
3 and

4 C. In the opinion of the person required to report,
5 the abused, neglected or exploited adult's life or
6 health is not immediately threatened.

7 §3478. Mandatory reporting to medical examiner for
8 post-mortem investigation

9 A person required to report cases of known or suspected
10 abuse or neglect, who knows or has reasonable cause to sus-
11 pect that an adult has died as a result of abuse or neglect,
12 shall report that fact to the appropriate medical examiner.
13 The medical examiner shall accept the report for investiga-
14 tion and shall report his findings to the police, the appro-
15 priate district attorney, the department and, if the insti-
16 tution making the report is a hospital, the hospital.

17 §3479. Optional reporting

18 Any person may make a report if that person knows or
19 has reasonable cause to suspect that an incapacitated or
20 dependent adult has been abused, neglected or exploited.

21 §3479-A. Immunity from liability

22 1. Reporting and proceedings. A person participating
23 in good faith in reporting under this subchapter, or in a
24 related adult protection investigation or proceeding, is
25 immune from any civil liability that might otherwise result
26 from these actions.

27 2. Presumption of good faith. In a proceeding regard-
28 ing immunity from liability, there shall be a rebuttable
29 presumption of good faith.

30 **Sec. 3. Report.** The Department of Human Services
31 shall make a report to the joint standing committee of the
32 Legislature having jurisdiction over health and institu-
33 tional services on or before January 15, 1983 as to the cost
34 to the department of mandatory reporting of abuse of adults
35 covered under the Revised Statutes, Title 22, chapter 958-A,
36 subchapter 1-A. The report shall identify the number of
37 complaints that were a result of optional reporting, the
38 number of investigations made as a result of these com-
39 plaints and the personnel and resources used to respond to
40 these complaints.

1 tunity in accordance with this chapter to be considered for
2 jury service and that qualified citizens fulfill their obli-
3 gation to serve as jurors when summoned for that purpose.

4 **Sec. 2.** 14 MRSA §1202-A is enacted to read:

5 §1202-A. Prohibition of discrimination

6 A citizen shall not be excluded from jury service in
7 this State on account of race, color, religion, sex,
8 national origin, ancestry, economic status, marital status,
9 age or physical handicap, except as provided in this chap-
10 ter.

11 **Sec. 3.** 14 MRSA §1203-A is enacted to read:

12 §1203-A. Definitions

13 As used in this section, unless the context otherwise
14 indicates, the following terms have the following meanings.

15 1. Clerk. "Clerk" means the Clerk of Court of the
16 Superior Court and includes any of his deputies.

17 2. Court. "Court" means the Superior Court of this
18 State and includes, when the context requires, any justice
19 of the court.

20 3. Juror. "Juror," for the purposes of this chapter,
21 means any person who attends court for the purpose of
22 serving on a jury, is on call and available to report to
23 court to serve on a jury when so needed and so requested by
24 the court or whose summoned service on a jury is postponed
25 to a future date certain.

26 4. Master list. "Master list" means a list of names
27 and addresses, or identifying numbers, of prospective jurors
28 that have been randomly selected from the source list.

29 5. Random selection. "Random selection" means the se-
30 lection of names in a manner immune from the purposeful or
31 inadvertent introduction of subjective bias, so that no
32 recognizable class of the population on the lists from which
33 the names are being selected can be purposely or inadver-
34 tently included or excluded.

35 6. Source list. "Source list" means the list or lists
36 from which names of prospective jurors are drawn.

37 **Sec. 4.** 14 MRSA §1211, as amended by PL 1973, c. 461,
38 is further amended to read:

1 §1211. Disqualifications and exemptions from jury service

2 A prospective juror is disqualified to serve on a jury
3 if he: ~~is~~ is not a citizen of the United States, 18 years
4 old and a resident of the county; ~~or~~ or is unable to read,
5 speak and understand the English language; ~~is incapable,~~ by
6 reason of his physical or mental disability, of rendering
7 satisfactory jury service; but a person claiming this dis-
8 qualification may be required to submit a physician's cer-
9 tificate as to the disability and the certifying physician
10 is subject to inquiry by the court at its discretion; or has
11 lost the right to vote because of a criminal conviction.
12 The following persons are exempt from serving as jurors and
13 their names shall not be placed on the list: The Governor,
14 councilors, judges, clerks and deputy clerks of common law
15 courts, Secretary and Treasurer of State, all officers of
16 the United States, judges of probate, physicians and sur-
17 geons, dentists, sheriffs, counselors and attorneys at law,
18 attorneys-at-law and all persons exempt under Title 37-A,
19 section 1117.

20 Sec. 5. 14 MRSA §1212, as enacted by PL 1971, c. 391,
21 §1, is repealed.

22 Sec. 6. 14 MRSA §1213, as enacted by PL 1971, c. 391,
23 §1, is repealed and the following enacted in its place:

24 §1213. Excuses from jury service

25 1. Determination. The presiding justice or the clerk
26 of court acting under the supervision of the presiding jus-
27 tice, upon request of a prospective juror, shall determine
28 on the basis of information provided on the juror qualifica-
29 tion form, supplemented by other competent evidence when
30 deemed necessary to such determination, whether the prospec-
31 tive juror should be excused from jury service.

32 2. Basis for excuse; record. A qualified prospective
33 juror may be excused from jury service only upon a showing
34 of undue hardship, extreme inconvenience, public necessity,
35 or that he is incapable of rendering satisfactory jury ser-
36 vice by reason of physical or mental disability. A person
37 claiming a disability excuse may be required to submit a
38 physician's certificate or accredited Christian Science
39 practitioner's certificate and the certifying physician or
40 Christian Science practitioner is subject to inquiry by the
41 court at its descretion. The decision concerning a request
42 for excuse shall be made by the presiding justice or by a
43 clerk of court acting under the supervision of the presiding
44 justice. Depending upon the circumstances, such a juror may

1 be excused from jury service finally, be required to serve
2 at a later specific time or be required to serve for a
3 period of time less than the usual 15 court days. The clerk
4 shall enter this determination and the reason therefor in
5 the appropriate record kept for that purpose.

6 **Sec. 7. 14 MRSA §1216**, as enacted by PL 1971, c. 391,
7 §1, is amended by adding at the end a new paragraph to read:

8 The terms of the grand jury in any county shall be set
9 by the Chief Justice with a maximum of 12 months' service
10 required. When the number of grand jurors is reduced by
11 death or otherwise, additional grand jurors may be selected
12 and summoned under the direction of the court at any time.

13 **Sec. 8. 14 MRSA §1217, last sentence**, as amended by PL
14 1979, c. 663, §79, is repealed and the following enacted in
15 its place:

16 Notwithstanding Title 17-A, section 4-A, a prospective juror
17 who fails to show good cause for noncompliance with the sum-
18 mons is guilty of contempt and upon conviction may be pun-
19 ished by a fine of not more than \$100 and by imprisonment
20 for not more than 3 days, or by both.

21 **Sec. 9. 14 MRSA §1251**, as repealed and replaced by PL
22 1979, c. 57, §1, is repealed.

23 **Sec. 10. 14 MRSA §1251-A** is enacted to read:

24 §1251-A. Juror selection plan

25 The Supreme Judicial Court shall adopt and implement a
26 written master plan for the random selection and usage of
27 grand and traverse jurors that shall be designed to foster
28 the policy, protect the rights secured and otherwise comply
29 with the provisions of this chapter.

30 **Sec. 11. 14 MRSA §§1252-A, 1252-B, 1252-C and 1252-D**
31 are enacted to read:

32 §1252-A. Source list

33 1. Lists used. The lists of licensed drivers, persons
34 issued an identification card by the Secretary of State and
35 any person who notifies the clerk of the court in the county
36 of their residence and requests to be put on the source list
37 of prospective jurors shall serve as the source for prospec-
38 tive jurors in each county. These lists may be supplemented
39 with names from other lists specified by the Supreme Judi-
40 cial Court.

1 2. Release to court. Notwithstanding any provision
2 regarding confidentiality, whoever has custody, possession
3 or control of the lists referred to in subsection 1 shall
4 provide those lists to the court at cost for selection of
5 prospective jurors at all reasonable times. All lists so
6 supplied shall contain the name and address of each person
7 on the lists.

8 3. Use of source list. The source list shall be used
9 for the random selection of names or identifying numbers of
10 prospective jurors to whom questionnaires shall be sent to
11 determine their qualifications for jury service, as provided
12 in sections 1253-A and 1254-A. When supplemental lists are
13 used, selection of names shall be accomplished in a manner
14 which accords the names on all lists an equal probability of
15 selection.

16 4. Notice. At least once each year, the clerk shall
17 give public notice to the residents of the county that their
18 names may be placed on the source list of prospective jurors
19 by notifying the clerk of the court. This notice may be
20 made by newspapers, radio or any other method or combina-
21 tion of methods which will reasonably assure as broad a dis-
22 semination as possible to the residents of the county.

23 §1252-B. Master list

24 When the volume of names on the source list is, in the
25 judgment of the court, so large as to render the drawing of
26 names by the means available to the court unduly cumbersome,
27 burdensome and uneconomical, the court may order that a
28 secondary list be created. This list shall be created by
29 randomly drawing from the source list the number of names
30 the court deems necessary to permit subsequent random selec-
31 tions of names, over a period of time administratively con-
32 venient for the court, for the mailing of qualification
33 questionnaires and summonses for jury service.

34 §1252-C. Creation and maintenance of lists

35 The lists required to be created and maintained by this
36 subchapter may be created and maintained by use of elec-
37 tronic data processing equipment.

38 §1252-D. Limitation on use of certain information

39 The lists of licensed drivers provided by the Secretary
40 of State may only be used for the selection of traverse and
41 grand jurors pursuant to this chapter.

1 Sec. 12. 14 MRSA §1253-A is enacted to read:

2 §1253-A. Drawing of names to determine qualified jurors

3 From time to time and in a manner prescribed by the
4 juror selection plan, the clerk shall draw, or cause to be
5 drawn, at random, from the source or master list, as appro-
6 priate, the names or identifying numbers of as many prospec-
7 tive jurors as the court deems necessary for service on
8 trials during the time period established by the court.

9 Sec. 13. 14 MRSA §1254, as last amended by PL 1979, c.
10 57, §4, is repealed.

11 Sec. 14. 14 MRSA §§1254-A and 1254-B are enacted to
12 read:

13 §1254-A. Qualification questionnaire; juror selection

14 1. Procedure. The clerk shall, at times deemed
15 reasonable and necessary to promote the efficient operation
16 of the court and the juror selection system, but in no event
17 less than 30 days before service by jurors is required, mail
18 a juror qualification form to every prospective juror whose
19 name has been drawn in accordance with section 1253-A. The
20 form shall be accompanied by instructions directing the
21 prospective juror to fill out and return the form by mail to
22 the clerk within the time specified. The clerk shall pre-
23 pare or cause to be prepared a list of the names to whom
24 questionnaires are mailed. Neither the list of question-
25 naire recipients nor the names drawn may be disclosed to any
26 person, except as provided in this chapter.

27 2. Content. The juror qualification form shall con-
28 form, in form and content, to the qualification form pre-
29 scribed by the Supreme Judicial Court and shall solicit
30 information sufficient to determine the prospective juror's
31 qualification for jury service. The qualification question-
32 naire may also solicit other information including, but not
33 limited to, education and employment.

34 3. Ambiguous or erroneous responses. If it appears
35 there is an omission, ambiguity or error in a returned form,
36 the clerk may, at his discretion, contact the prospective
37 juror by telephone to obtain the additional information,
38 clarification or correction.

39 4. Failure to complete form; penalty. A prospective
40 juror, who fails to return a completed juror qualification
41 form as instructed, may be ordered by the court to appear

1 and show cause why he should not be held in contempt for his
2 failure to complete and submit the questionnaire. Notwith-
3 standing Title 17-A, section 4-A, a prospective juror, who
4 fails to show good cause for his failure to complete and
5 submit the questionnaire or who without good cause fails to
6 appear pursuant to a court order, may be punished by a fine
7 of not more than \$100 and by imprisonment for not more than
8 3 days, or by both.

9 5. Intentional misrepresentation. Notwithstanding Title
10 17-A, section 4-A, a person, who intentionally misrepresents
11 a material fact on a juror qualification form for the pur-
12 pose of avoiding or securing service as a juror, may upon
13 conviction for a violation of this section be punished by a
14 fine of not more than \$100 and by imprisonment for not more
15 than 3 days, or by both.

16 6. Determination of qualification. The clerk shall
17 determine on the basis of information provided on the juror
18 qualification form, supplemented by other competent evidence
19 when deemed necessary to such determination, whether the
20 prospective juror is qualified for jury service. This
21 determination shall be reflected on the juror qualification
22 form or any other record designated by the court.

23 7. Availability of qualification forms. The names of
24 prospective jurors and the contents of juror qualification
25 forms shall be made available to the public upon specific
26 request to the court, supported by an affidavit setting
27 forth the reasons therefor, unless the court determines in
28 any instance that this information in the interest of jus-
29 tice should be kept confidential or its use limited in whole
30 or in part. The contents of juror qualification forms may
31 at the discretion of the court be made available to attor-
32 neys at the courthouse for use in the conduct of voir dire
33 examination.

34 §1254-B. Preservation of records

35 1. Records preserved. The clerk shall cause to be
36 preserved all records and lists compiled and maintained in
37 connection with selection and service of jurors for the
38 length of time ordered by the court.

39 2. Records' confidentiality; limits. The contents of
40 any records or lists used in connection with the selection
41 process and not made public under any other provision of
42 this chapter shall not be disclosed, except in connection
43 with the preparation or presentation of a motion under

1 section 1214, until all persons selected to serve as grand
2 jurors or traverse jurors from those lists have been dis-
3 charged.

4 Sec. 15. 14 MRSA §1255, as repealed and replaced by PL
5 1979, c. 57, §5, is repealed.

6 Sec. 16. 14 MRSA §1255-A is enacted to read:

7 §1255-A. Summoning prospective qualified jurors

8 From time to time, as specified in the juror selection
9 plan, the clerk shall summon or cause to be summoned suffi-
10 cient prospective jurors as in his judgment are necessary to
11 supply traverse jurors or grand jurors, or both, for the
12 Superior Court.

13 The summons shall require the prospective juror to
14 report for possible jury service at a specified time and
15 place unless advised by the clerk in advance that his
16 attendance will not be required.

17 Sec. 17. Appropriation. The following funds shall be
18 appropriated from the General Fund to carry out the purposes
19 of this Part.

20 1982-83

21 JUDICIAL DEPARTMENT

22 Administrative Office of the Court

23 All Other

\$1,500

24 **Sec. 18. Implementation; application of current law.**
25 Sections 10, 11, 12, 14, and 16 of this Part, shall be
26 implemented by the Supreme Judicial Court on a county by
27 county basis. The court shall designate when those sections
28 shall be implemented in each county. Those sections shall
29 be fully implemented by September 1, 1983. Title 14, sec-
30 tions 1251, 1254 and 1255 shall not apply to those counties
31 which have fully implemented the jury selection plan, as
32 determined by the Supreme Judicial Court.

33 **Sec. 19. Effective date.** Sections 9, 13 and 15 of
34 this Part, shall take effect on September 1, 1983.

35 **PART H**
36 **REVISION TO THE PROCEDURE FOR MUNICIPALITIES**
37 **WITHDRAWING FROM THE MAINE FORESTRY DISTRICT**

1 Sec. 1. 12 MRSA §1204 is enacted to read:

2 §1204. Withdrawal of municipality from a district

3 1. 20% petition. Upon receipt of a petition of 20% of
4 the number of voters in a municipality who voted at the last
5 gubernatorial election, the municipal officers shall prepare
6 a plan for withdrawal from the Maine Forestry District.

7 2. Withdrawal plan. The withdrawal plan shall contain
8 at least the following information:

9 A. The number and training of personnel who will be
10 available to make initial response to a forest fire
11 within the municipality;

12 B. An inventory of forest fire fighting equipment
13 which the municipality possesses or will obtain prior
14 to withdrawal;

15 C. Plans for maintaining and storing such equipment;

16 D. A copy of any contracts with other municipalities
17 or agencies which will provide assistance in the event
18 of a forest fire;

19 E. A statement containing the municipality's potential
20 liability in the event of a forest fire and plans for
21 meeting that liability; and

22 F. Any other information required by regulations
23 promulgated by the Department of Conservation.

24 3. Review of plan. The withdrawal plan shall be sub-
25 mitted to the Department of Conservation. The department
26 shall, within 30 days, send its comments on the adequacy of
27 the plan to the municipality and may make recommendations
28 for improvements.

29 4. Submission of plan to voters. Within 60 days of
30 the receipt of the department's comments, the municipal
31 officers shall call and hold a special election, in the man-
32 ner provided for the calling and holding of town meetings or
33 city elections, to vote on the withdrawal of the municipal-
34 ity from the Maine Forestry District. At least 10 days
35 before the election, a posted or otherwise advertised public
36 hearing on the question of withdrawal shall be held by the
37 municipal officers. The municipal officers shall make
38 copies of the withdrawal plan and department comments avail-
39 able to members of the public prior to the hearing.

1 The question to be voted upon shall be in the following
2 form: "Shall the municipality of _____ withdraw from
3 the Maine Forestry District and assume initial responsibil-
4 ity for forest fires within municipal boundaries?" The
5 question must be approved by secret ballot by a majority of
6 the voters present and voting.

7 5. Notice of vote. If the residents of a municipality
8 vote favorably on the question of withdrawal, the municipal
9 officers shall notify the Department of Conservation, the
10 State Tax Assessor and the county commissioners.

11 6. Withdrawal. The municipality shall be considered
12 withdrawn from the Maine Forestry District on April 1st of
13 the year following the effective date of legislation provid-
14 ing for the municipality's withdrawal.

15 Sec. 2. 12 MRSA §1601, 4th ¶, as amended by PL 1981, c.
16 364, §2, is further amended by adding after the first sen-
17 tence a new sentence to read:

18 The bill shall also provide for the withdrawal from the dis-
19 trict of municipalities which have voted to withdraw, fol-
20 lowing the procedures specified in section 1204.

21 Sec. 3. Maine Forest Fire Control Study Commission
22 established. There is created a Maine Forest Fire Control
23 Study Commission, known in this section as the "commission."

24 The commission shall be composed of 13 members as fol-
25 lows: Three members of the Legislature, one appointed by
26 the President of the Senate and 2 appointed by the Speaker
27 of the House; one member representing the Department of Con-
28 servation to be appointed by the commissioner; 3 municipal
29 officials appointed by the Maine Municipal Association, one
30 from a municipality within the Maine Forestry District, one
31 from a heavily forested municipality outside the district
32 and one from an urban area; one member appointed by the
33 Maine Forest Products Council; one member appointed by the
34 Paper Industry Information Office; one member appointed by
35 the Maine Fire Chiefs' Association; and 3 public members
36 without connection to the forest products industry, one of
37 whom resides in the unorganized territory, appointed by the
38 Governor. The members shall be appointed in a timely manner
39 and the commission shall hold an organizational meeting
40 within 30 days after the adjournment of the Legislature at
41 the call of the Chairman of the Legislative Council. At
42 this meeting the commission shall elect a chairman and a
43 vice-chairman from within the membership.

1 The commission shall: Review the organization, admin-
2 istration, funding and delivery of state forest fire control
3 services, including present local capabilities for forest
4 fire control, and review alternatives to forest fire preven-
5 tion and suppression, including technique used in other
6 states; identify the most modern, effective and cost effi-
7 cient method for providing forest fire control services
8 within the State utilizing and coordinating local resources;
9 and make any other studies and evaluations necessary to
10 fully assess existing laws and information relating to
11 forest fire control.

12 The commission shall report its findings, together with
13 any suggested legislation, to the 111th Legislature on or
14 before January 14, 1983.

15 The commission is authorized to contract for staff sup-
16 port in conducting its functions.

17 Members, except state employees, shall receive reim-
18 bursement for the necessary actual expenses incurred in
19 carrying out the purposes of this commission.

20 All executive departments are directed to give prompt
21 assistance to the commission.

22 The commission is authorized to accept funds from any
23 agency of the United States.

24 **Sec. 4. Appropriation.** The following funds are appro-
25 priated from the General Fund to carry out the purposes of
26 this Part. These funds may be carried over to fiscal year
27 1982-83 until the commission's purposes are fulfilled.

28	<u>MAINE FOREST FIRE CONTROL STUDY</u>	<u>1981-82</u>
29	<u>COMMISSION</u>	
30	All Other	\$5,000

31 **PART I**
32 **ASSISTANCE IN THE MARKETING OF MAINE**
33 **AGRICULTURAL PRODUCTS**

34 **Sec. 1.** 7 MRSA §402-A is enacted to read:

35 §402-A. Agriculture promotion

36 1. Agriculture Promotion Committee. The commissioner
37 may appoint a promotional committee to advise and assist the
38 department in its general efforts to promote Maine agricul-

1 tural products. The committee shall include, at a minimum,
2 representatives involved in the production or marketing of
3 those agricultural commodities which maintain, through state
4 taxes or otherwise, an ongoing promotion and advertising
5 program.

6 2. Fund. There is created a nonlapsing Agriculture
7 Promotion Fund. The commissioner is authorized to accept
8 moneys for this fund from any public or private source and
9 to credit to this fund any moneys received from the sale of
10 agricultural promotional materials.

11 3. Duties of the committee. The Agriculture Promotion
12 Committee shall advise the commissioner concerning pro-
13 motional programs for Maine agricultural products. The com-
14 mittee may when authorized by the commissioner, expend
15 moneys from the Agriculture Promotion Fund; provided that
16 the committee shall not be considered an agency of the State
17 when acting in this capacity.

18 4. Rule-making authority. The commissioner may adopt
19 such rules as he considers necessary to achieve the purposes
20 of this chapter including, but not limited to, rules requir-
21 ing registration of persons wishing to identify products as
22 Maine products under a logo or trademark adopted by the
23 department and requiring verification of the origin of those
24 products.

25 Sec. 2. Appropriation. The following funds are appro-
26 priated from the General Fund to carry out the purposes of
27 this Part.

28 1982-83

29 AGRICULTURE, FOOD AND RURAL RESOURCES
30 DEPARTMENT OF

31 All Other \$15,000

32 PART J
33 ESTABLISHMENT OF A DATA INPUT AND
34 RETRIEVAL SYSTEM FOR THE WORKERS'
35 COMPENSATION COMMISSION

36 Sec. 1. Purpose. By Public Law 1981, chapter 514,
37 section 7, the Legislature directed the Workers' Compensa-
38 tion Commission to conduct a study of the feasibility of
39 instituting a data input and retrieval system. From the
40 results of the report, submitted to the Joint Standing Com-

1 mittee on Labor, the Legislature determines that such a sys-
2 tem should be acquired.

3 **Sec. 2. Appropriation.** The following funds are appro-
4 priated from the General Fund to carry out the purposes of
5 this Part.

6 1982-83

7 WORKERS' COMPENSATION COMMISSION

8	Positions	(1)
9	Personal Services	\$69,000
10	All Other	61,000
11	Capital Expenditures	<u>45,000</u>
12	Total	\$175,000

13 Includes funds for one Direc-
14 tor/Programmer position, 3
15 permanent Data Entry positions
16 and temporary coding person-
17 nel. Three present clerical
18 positions shall be changed
19 from full-time status to
20 temporary status and shall
21 terminate on or before June
22 30, 1983.

23 PART K
24 AMENDMENT TO THE EXEMPTION FROM SALES AND
25 USE TAX FOR THE SALE OF CERTAIN INSTRUMENTALITIES
26 OF INTERSTATE OR FOREIGN COMMERCE

27 36 MRSA §1760, sub-§41, as enacted by PL 1979, c. 686,
28 §2, is amended to read:

29 41. Certain instrumentalities of interstate or foreign
30 commerce. The sale of a vehicle, railroad rolling stock,
31 aircraft or watercraft which is placed in use by the pur-
32 chaser as an instrumentality of interstate or foreign com-
33 merce within ~~40~~ 30 days after that sale and which is used by
34 the purchaser not less than 80% of the time for the next 2

1 years as an instrumentality of interstate or foreign com-
2 merce. The State Tax Assessor may for good cause extend for
3 not more than 30 days the time for placing the instrumentality
4 in use in interstate or foreign commerce. For purposes
5 of this subsection, property is "placed in use as an instru-
6 mentality of interstate or foreign commerce" by its carrying
7 of, or providing the motive power for the carrying of, a
8 bona fide payload in interstate or foreign commerce, or by
9 being dispatched to a specific location at which it will be
10 loaded upon arrival with, or will be used as motive power
11 for the carrying of, a payload in interstate or foreign com-
12 merce. For purposes of this subsection, "bona fide payload"
13 means a cargo of persons or property transported by a con-
14 tract or common carrier for compensation which exceeds the
15 direct cost of carrying that cargo or pursuant to a legal
16 obligation to provide service as a public utility or a cargo
17 of property transported in the reasonable conduct of the
18 purchaser's own nontransportation business in interstate
19 commerce.

20 **PART L**
21 **REVISION TO CERTAIN EXECUTIVE SALARY RANGES**

22 **Sec. 1. 2 MRSA §6, as last amended by PL 1981, c. 501,**
23 **§1, is repealed and the following enacted in its place:**

24 **§6. Salaries subject to adjustment by Governor**

25 Notwithstanding any other provisions of law, the Gover-
26 nor is authorized to adjust the salaries of the following
27 state officials within the salary ranges indicated in this
28 section. The adjustment may be at the time of appointment
29 of the official and subsequently as provided by law. The
30 salary ranges shall be as provided by law; except that, for
31 the purposes of this section, each salary range shall be
32 increased by 2 steps in addition to and in the same manner
33 of increase as the steps in the range otherwise provided by
34 law. No other state salary shall be paid to these offi-
35 cial.

36 1. Range 91. The salaries of the following state
37 officials and employees shall be within salary range 91:

38 Commissioner of Transportation;

39 Commissioner of Conservation;

40 Director of State Development Office;

41 Commissioner of Finance and Administration;

1 Commissioner of Educational and Cultural Services;
2 Commissioner of Environmental Protection;
3 Commissioner of Human Services;
4 Commissioner of Mental Health and Mental Retardation;
5 Commissioner of Public Safety;
6 Commissioner of Business Regulation;
7 Commissioner of Labor;
8 Commissioner of Personnel;
9 Commissioner of Agriculture, Food and Rural Resources;
10 Commissioner of Inland Fisheries and Wildlife;
11 Commissioner of Marine Resources; and
12 Commissioner of Corrections.

13 2. Range 90. The salaries of the following state
14 officials and employees shall be within salary range 90:

15 Superintendent of Banking;
16 Bureau of Consumer Credit Protection Superintendent;
17 State Tax Assessor; and
18 Superintendent of Insurance.

19 3. Range 89. The salaries of the following state
20 officials and employees shall be within salary range 89:

21 State Director of Public Improvements;
22 State Budget Officer;
23 State Controller;
24 Director of the Bureau of Forestry;
25 Chief of the State Police;
26 Director, State Planning Office;

1 Director, Energy Resources Office;
2 Public Advocate; and
3 Commissioner of Defense and Veterans' Services.

4 4. Range 88. The salaries of the following state
5 officials and employees shall be within salary range 88:

6 State Purchasing Agent;
7 Director, Arts and Humanities Bureau;
8 Director, State Museum Bureau;
9 Director of the Bureau of Parks and Recreation;
10 State Director of Alcoholic Beverages;
11 Executive Director, Retirement System;
12 Director of Public Lands; and
13 State Librarian.

14 5. Range 86. The salaries of the following state
15 officials and employees shall be within the salary range 86:

16 Director of Labor Standards;
17 Deputy Chief of the State Police;
18 Director of State Lotteries;
19 State Archivist;
20 Director of Maine Geological Survey;
21 Executive Director, Maine Land Use Regulation Commis-
22 sion; and
23 Chairman, Maine Employment Security Commission.

24 6. Range 85. The salaries of the following state
25 officials and employees shall be within salary range 85:

26 Director of Veterans' Services;
27 Director of Civil Emergency Preparedness;

1 Executive Director, Historic Preservation Commission;
2 Members, Maine Employment Security Commission; and
3 Deputy Adjutant General (Director of Military Bureau).

4 7. Range 83. The salaries of the following state
5 officials and employees shall be within salary range 83:

6 8. Range 81. The salaries of the following state
7 officials and employees shall be within salary range 81:

8 Assistant Adjutant General.

9 **Sec. 2. Transitional clause.** The Commissioner of Per-
10 sonnel shall evaluate and assign a salary range to the posi-
11 tions of: Chief Boiler Inspector and Supervising Elevator
12 Inspector; Dispute Resolution Specialist; and the Director
13 of the Real Estate Commission. Notwithstanding the salary
14 range which may be assigned, an incumbent of one of the
15 named positions at the time this Part becomes law shall not
16 be given a decrease in pay.

17 **Sec. 3. Effective date.** This Part shall take effect
18 January 6, 1983.

19 **PART M**
20 **FINANCIAL ASSISTANCE TO STUDENTS OF**
21 **OSTEOPATHIC MEDICINE**

22 **Appropriation.** The following funds are appropriated
23 from the General Fund to carry out the purposes of this
24 Part.

25 1982-83

26 EDUCATIONAL AND CULTURAL SERVICES,
27 DEPARTMENT OF

28 Education-Grant, Loan-Scholarship Fund

29 All Other \$30,000

30 This appropriation provides addi-
31 tional funding for the Osteopathic
32 Revolving Loan Fund.

33 **PART N**
34 **STATE FUNDS FOR LITERACY VOLUNTEERS**

1 Appropriation. The following funds are appropriated
2 from the General Fund to carry out the purposes of this
3 Part.

4 1982-83

5 EDUCATIONAL AND CULTURAL SERVICES,
6 DEPARTMENT OF

7 Adult basic education

8 All Other \$25,000

9 This appropriation pro-
10 vides funds for literacy
11 volunteers.

12 PART O
13 COMPREHENSIVE CAREER AND OCCUPATIONAL
14 INFORMATION SYSTEM

15 Sec. 1. 26 MRSA c. 20 is enacted to read:

16 CHAPTER 20

17 COMPREHENSIVE CAREER AND OCCUPATIONAL
18 INFORMATION SYSTEM

19 §1451. Purpose

20 A Comprehensive Career and Occupational Information
21 System is established to develop and maintain comprehensive
22 career and occupational information, utilizing a commonly
23 defined data base to ensure that all employment and training
24 programs in the State are planned and implemented so as to
25 result in the efficient delivery of employment and training
26 services.

27 The Comprehensive Career and Occupational Information
28 System shall consist of 2 components: A planning component
29 for employment and training program planners and administra-
30 tors; and a career information delivery system component for
31 persons involved in the career decision-making process.

32 §1452. Maine Occupational Information Coordinating Commit-
33 tee

34 The Maine Occupational Information Coordinating Commit-
35 tee is established to support the development, maintenance

1 and operation of a comprehensive career and occupational
2 information system and to foster communication and coordina-
3 tion of education, employment and training programs through
4 the use of the system. The committee shall consist of the
5 Commissioner of Labor, Commissioner of Human Services, Com-
6 missioner of Educational and Cultural Services and the
7 Director of the State Development Office. The Commissioner
8 of Labor shall be the chairman of the committee with the
9 Department of Labor serving as the fiscal agent for the com-
10 mittee.

11 §1453. Duties and responsibilities

12 Although not limited to the following duties, the com-
13 mittee shall:

14 1. Develop and implement system. Develop and imple-
15 ment an overall system for coordinating and delivering
16 occupational and demand and supply information to employ-
17 ment, training, vocational education and vocational rehabil-
18 itation agencies; private industry; and individuals, using
19 standardized techniques as feasible;

20 2. Facilitate use of occupational information.
21 Facilitate the use of occupational information in planning
22 and allocating employment, training, vocational education
23 and vocational rehabilitation programs;

24 3. Career and occupational information. Facilitate
25 the use of career and occupational information in both
26 school and nonschool settings;

27 4. Provide information. Provide the Governor with the
28 comprehensive occupational information required to improve
29 the coordination of employment, training, vocational educa-
30 tion and vocational rehabilitation programs to meet commonly
31 defined needs, achieve economic development goals and sup-
32 port business development initiatives; and

33 5. Recommendation. Recommend to the Governor legis-
34 lative and executive initiatives designed to increase the
35 utility of the Comprehensive Career and Occupational Infor-
36 mation System as the system relates to a more effective
37 coordination of employment, training, vocational education
38 and vocational rehabilitation programs and as the system
39 relates to the delivery of career information to those
40 involved in the career decision-making process.

41 §1454. Operational authority

1 The chairman shall nominate an executive director for
2 appointment by the committee, who shall serve at the commit-
3 tee's pleasure. With the committee's approval, the execu-
4 tive director may appoint, subject to the Personnel Law,
5 such personnel as are necessary and who are authorized.

6 The committee may accept gifts, grants or other moneys
7 from any source and may enter into contracts, charge fees
8 and make grants for services consistent with this chapter.

9 **Sec. 2. Appropriation.** The following funds are appro-
10 priated from the General Fund to carry out the purposes of
11 this Part.

12 1982-83

13 LABOR, DEPARTMENT OF

14	Maine Occupational Information	
15	Coordinating Committee	
16	Positions	(3)
17	Personal Services	\$49,500
18	All Other	<u>50,250</u>
19	TOTAL	\$99,750

20 **PART P**
21 **AUTHORIZATION FOR THE TREASURER OF STATE**
22 **TO ISSUE TAX EXEMPT COMMERCIAL PAPERS**

23 **5 MRSA §150, 2nd ¶, as last amended by P&SL 1975, c.**
24 **147, Pt. C, § 13, is further amended to read:**

25 The Treasurer of State, with the approval of the Govern-
26 or, may negotiate a temporary loan or loans in anticipation
27 of taxes levied for that fiscal year, but not exceeding a
28 total of \$25,000,000 that amount of taxes estimated by the
29 Treasurer of State to be collected in the fiscal year in
30 which such temporary loan or loans, or renewal thereof, is
31 made, provided that such temporary loans or renewals thereof

1 shall not exceed any limitation set forth in the Constitu-
2 tion of Maine, Article IX, Section 14. Such loans may be
3 renewed from time to time as the Treasurer of State, with
4 the approval of the Governor, may determine, provided that
5 each loan or renewal thereof shall be retired not later than
6 the close of the fiscal year in which such loan was origi-
7 nally made and for which was levied the taxes in anticipa-
8 tion of the collection of which such loan was originally
9 made; and that each such loan or renewal thereof shall com-
10 ply with the provisions of this section and the Constitution
11 of Maine, Article IX, Section 14. The Treasurer of State is
12 directed to pay such loan or loans in anticipation of taxes
13 during such year and there is appropriated for any year in
14 which the Treasurer of State and the Governor deem it neces-
15 sary to borrow in anticipation of taxes the sum of
16 ~~\$25,000,000~~ \$30,000,000.

17
18 **PART Q**
19 **HARNESS RACING AT AGRICULTURAL FAIRS,**
THE STATE STIPEND AND PARI-MUTUEL POOLS

20 **Sec. 1. 8 MRSA §271, 2nd sentence, as amended by PL**
21 **1971, c. 593, §22, is repealed.**

22 **Sec. 2. 8 MRSA §274, as last amended by PL 1979, c.**
23 **672, Pt. A, §46, is repealed and the following enacted in**
24 **its place:**

25 §274. Pari-mutuel pools

26 1. Sale of pari-mutuel pools. Within the enclosure of
27 any race track where a race or race meet licensed and con-
28 ducted under this chapter is held, but not elsewhere, the
29 sale of pari-mutuel pools by the licensee, under such rules
30 as may be prescribed by the commission, is permitted and
31 authorized. Commissions on pools of regular wagers other
32 than exotic wagers shall not in any event or at any track
33 exceed 16% of each dollar wagered, and commissions on pools
34 of exotic wagers shall not in any event or at any track
35 exceed 25% of each dollar wagered, plus the odd cents of all
36 redistribution to be based on each dollar wagered, whether
37 regular wagers or exotic wagers, exceeding a sum equal to
38 the next lowest multiple of 10, known as "breakage," which
39 breakage shall be retained by the licensee. For the purpose
40 of this chapter, "exotic wagers" means those in which the
41 bettor selects 2 or more horses in one or more races in a
42 single wager. The maximum shall include the tax on regular
43 wagers and the tax on exotic wagers prescribed in section
44 275.

1 2. Payment to Treasurer of State. Each person, asso-
2 ciation or corporation licensed to conduct a race or race
3 meet under this chapter shall pay to the Treasurer of State
4 a sum equal to 1.13% of the total contributions of regular
5 and exotic wagers to all pari-mutuel pools conducted or made
6 at any race or race meet licensed under this chapter. The
7 Treasurer of State shall distribute the total amount so col-
8 lected in the following manner.

9 A. The first \$295,000 of the total amount, regardless
10 of when actually collected, shall be credited to the
11 Stipend Fund, provided by Title 7, section 62.

12 B. From the next \$55,000 of the total amount, regard-
13 less of when actually collected, 75% shall be paid and
14 returned by the end of each calendar year to those per-
15 sons, associations and corporations which during that
16 calendar year conducted an extended meet pursuant to a
17 license granted by the commission as provided in
18 section 271. As used in this section, the term
19 "extended meet" means any series of harness horse
20 races, except harness horse races conducted by an agri-
21 cultural society at the time of its annual fair. This
22 payment shall be divided in the proportion that the
23 contributions of regular and exotic wagers to
24 pari-mutuel pools made or conducted at the extended
25 meets of each licensee during that calendar year bear
26 to the total contributions of regular and exotic wagers
27 to pari-mutuel pools made or conducted at the extended
28 meets of all licensees during that calendar year.
29 Licensees sharing in this distribution shall use 1/2 of
30 the funds so received for the purpose of supplementing
31 purse money.

32 The remaining 25% shall be credited to the Stipend
33 Fund, provided in Title 7, section 62.

34 C. From the balance of the total amount in excess of
35 \$350,000, regardless of when actually collected, 80%
36 shall be paid and returned by the end of each calendar
37 year to those persons, associations and corporations
38 which during that calendar year conducted an extended
39 meet pursuant to a license granted by the commission in
40 section 271. This payment shall be divided in the pro-
41 portion that the contributions of regular and exotic
42 wagers to pari-mutuel pools made or conducted at the
43 extended meets of each licensee during that calendar
44 year bear to the total contributions of regular and
45 exotic wagers to pari-mutuel pools made or conducted at
46 the extended meets of all licensees during that calen-

1 dar year. Licensees sharing in this distribution shall
2 use 1/2 of the funds so received for the purpose of
3 supplementing purse money.

4 The remaining 20% shall be credited to the Stipend
5 Fund, provided by Title 7, section 62.

6 3. Payment to commission. A sum equal to 1 1/2% of
7 the total contributions on exotic wagers shall be paid to
8 the commission to be credited to the Sire Stakes Fund, pro-
9 vided in section 281.

10 Sec. 3. 8 MRSA §275, 1st ¶, as last amended by PL
11 1979, c. 672, Pt. A, §47, is repealed and the following
12 enacted in its place:

13 On the effective date of this paragraph each person,
14 association or corporation licensed to conduct a race meet
15 under this chapter shall pay to the Treasurer of State, to
16 be credited to the General Fund of the State, a sum equal to
17 .70% of the total contributions of regular wagers and 3.80%
18 of the total contributions of exotic wagers to all
19 pari-mutuel pools conducted or made at any race or race meet
20 licensed under this chapter. Beginning January 1, 1983,
21 each person, association or corporation licensed to conduct
22 a race meet under this chapter shall pay to the Treasurer of
23 State, to be credited to the General Fund of the State, a
24 sum equal to .50% of the total contributions of regular
25 wagers and 2.27% of the total contributions of exotic wagers
26 to all pari-mutuel pools conducted or made at any race or
27 race meet licensed under this chapter. Each licensee shall
28 calculate on an annual basis the difference between the sum
29 paid by him pursuant to this paragraph, as it then existed,
30 for calendar year 1981 and the sum paid by him pursuant to
31 this paragraph for each succeeding calendar year. One-half
32 of this difference shall be used for the purpose of supple-
33 menting purse money.

34 Sec. 4. Transition provisions. The Revised Statutes,
35 Title 1, section 302, does not apply to proceedings involv-
36 ing harness racing licenses or assignment of harness racing
37 dates held pursuant to the Revised Statutes, Title 8,
38 section 271, which are pending before the State Harness
39 Racing Commission on the effective date of this Part.

40 **PART R**
41 **CLARIFY SOLAR ENERGY TAX EXEMPTIONS**

42 Sec. 1. 36 MRSA §1752, sub-§14-A, 2nd sentence, as
43 enacted by PL 1977, c. 542, §3, is amended to read:

1 This equipment shall be used directly and exclusively for
2 the conversion of solar energy for purposes of water heating
3 ~~and~~, space heating and cooling or producing electrical power
4 and does not include walls, roof or equipment that would
5 ordinarily be contained in a similar structure not designed
6 or modified to use solar energy for these same purposes.

7 Sec. 2. 36 MRSA §5127, sub-§3, as enacted by PL 1979,
8 c. 557, §1, is amended by adding at the end of the first
9 paragraph a new sentence to read:

10 This subsection shall remain in effect until January 1,
11 1984.

12 Sec. 3. 36 MRSA §5127, sub-§3, ¶A, sub-¶(1), div. (a),
13 as enacted by PL 1979, c. 557, §1, is amended to read:

14 (a) An "active solar system" means an assem-
15 bly of collectors, thermal storage device or
16 devices and transfer liquid which converts
17 solar energy into thermal energy and in which
18 energy in addition to solar is used to accom-
19 plish the transfer of thermal energy or
20 devices, such as photovoltaics, which convert
21 solar energy into electrical energy.

22 PART S
23 THE STORAGE AND DISPOSAL OF ILLEGAL AND
24 OBSOLETE PESTICIDES AND HANDLING EMPTY
25 PESTICIDES CONTAINERS

26 Sec. 1. 22 MRSA §1471-P is enacted to read:

27 §1471-P. Storage of illegal and obsolete pesticides.

28 1. Board to accept illegal and obsolete pesticides.
29 Within the limits of resources made available to it for the
30 storage or disposal of illegal and obsolete pesticides pur-
31 chased for use in Maine, the board shall accept, store and
32 dispose of pesticides from persons who purchased them with
33 the intent of applying them.

34 2. Board may adopt rules and fees. The board may
35 adopt any rules necessary to implement this section, includ-
36 ing rules limiting the quantity and nature of pesticides it
37 accepts for storage or disposal. The board may adopt and
38 charge fees for storage or disposal of pesticides presented
39 to it where the amount of pesticides, or special treatments
40 necessary for safe storage or disposal, will require a sub-
41 stantial cost to the board; provided, that the fees charged
42 are close to the actual cost incurred by the board.

1 **Sec. 2. Study.** Not later than December 15, 1982, the
2 board shall submit to the Legislative Council a study de-
3 scribing any problems and proposed solutions for the storage
4 and disposal of illegal and obsolete pesticides, and for the
5 proper handling of used pesticide containers. At a minimum,
6 the study shall include the following:

7 1. An evaluation of any problems of storage and dis-
8 posal of illegal and obsolete pesticides and recommendations
9 for their solution;

10 2. An evaluation of any problems of the handling of
11 used pesticide containers and recommendations for their
12 solution including legal, geological, engineering and eco-
13 nomic feasibility studies of the use of pesticide container
14 rinsing stations sited in the State, the use of tax and
15 deposit schemes to encourage proper handling, and the use of
16 recycling and destruction for empty containers; and

17 3. All necessary implementing legislation.

18 **Sec. 3. Cooperation.** The Department of Environmental
19 Protection, the Department of Conservation, the Department
20 of Finance and Administration, the State Planning Office,
21 the Office of the Attorney General and any state agency
22 shall provide whatever assistance is required by the Depart-
23 ment of Agriculture, Food and Rural Resources in carrying
24 out this Part.

25 **Sec. 4. Permits.** Before accepting any illegal or
26 obsolete pesticide, the board shall obtain all necessary
27 permits, but shall not be required to pay any fees.

28 **Sec. 5. Appropriation.** The following funds are appro-
29 priated from the General Fund to carry out the purposes of
30 this Part.

31		<u>1981-82</u>
32	<u>DEPARTMENT OF AGRICULTURE</u>	
33	Board of Pesticide Control	
34	Storage of illegal or obsolete pesticides	
35	Unallocated	\$25,000
36	These funds shall be used for	
37	the purpose of the Revised	
38	Statutes, Title 22, §1471-P.	
39	Study	

1 Unallocated 5,000

2 These funds shall be used for the
3 study authorized in section 2.

4 These funds shall not lapse until
5 June 30, 1983.

6 PART T
7 FUNDS FOR THE AGENT ORANGE INFORMATION
8 COMMITTEE

9 Appropriation. The following funds are appropriated
10 from the General Fund to carry out the purposes of this
11 Part.

12 1981-82

13 HUMAN SERVICES, DEPARTMENT OF

14 Bureau of Health

15 All Other \$8,000

16 Any unencumbered balance remaining
17 on June 30, 1982, shall not lapse,
18 but shall carry forward to June 30,
19 1983, to be expended for the same
20 purpose.

21 PART U
22 EXTENSION OF THE HEALTH FACILITIES INFORMATION
23 DISCLOSURE ACT AND AUTHORIZING THE CHARGING
24 OF FEES FOR THE DISSEMINATION OF INFORMATION

25 Sec. 1. 22 MRSA §360, sub-§3 is enacted to read:

26 3. Fees. The board may charge and retain fees to
27 recover the reasonable costs incurred both in reproducing
28 and distributing reports, studies and other publications and
29 in responding to requests for information filed with the
30 board.

31 Sec. 2. 22 MRSA §370, as enacted by PL 1977, c. 691,
32 \$1, is amended to read:

33 §370. Repeal

34 This chapter shall be repealed on July 1, ~~1982~~ 1983.

1 **Sec. 3. 22 MRSA §303, sub-§5, as enacted by PL 1977,**
2 c. 687, §1, is amended to read:

3 5. Department. "Department" means the Department of
4 Human Services, but does not include the Certificate of Need
5 Advisory Committee within the department.

6 **Sec. 4. 22 MRSA §303, sub-§§6-A and 6-B are enacted to**
7 read:

8 6-A. Expenditure minimum for annual operating costs.
9 The "expenditure minimum for annual operating costs" is:

10 A. For services commenced between January 1 and Decem-
11 ber 31, 1983, \$125,000 for the 3rd fiscal year, includ-
12 ing a partial first year;

13 B. For services commenced between January 1 and Decem-
14 ber 31, 1984, \$135,000 for the 3rd fiscal year, includ-
15 ing a partial first year;

16 C. For services commenced between January 1 and Decem-
17 ber 31, 1985, \$145,000 for the 3rd fiscal year, includ-
18 ing a partial first year; and

19 D. For services commenced after December 31, 1985,
20 \$155,000 for the 3rd fiscal year, including a partial
21 first year.

22 6-B. Generally accepted accounting principles.
23 "Generally accepted accounting principles" means accounting
24 principles approved by the American Institute of Certified
25 Public Accountants.

26 **Sec. 5. 22 MRSA §303, sub-§7, first sentence, as**
27 enacted by PL 1977, c. 687, §1, is amended to read:

28 "Health care facility" means any facility, whether public or
29 private, proprietary or not for profit, required to obtain a
30 certificate of need in accordance with federal laws and
31 regulations under the National Health Planning and Resources
32 Development Act of 1974, or any amendment, and shall include
33 hospitals, psychiatric hospitals, tuberculosis hospitals,
34 skilled nursing facilities, kidney disease treatment centers
35 including free standing hemodialysis units, intermediate
36 care facilities, rehabilitation facilities, ambulatory
37 surgical facilities, home health care providers certifiable
38 under Title XVIII of the Federal Social Security Act of
39 1965, as amended, and health maintenance organizations.

1 Sec. 6. 22 MRSA §303, sub-§§11-A and 11-B are enacted
2 to read:

3 11-A. Home health care provider. "Home health care
4 provider" means any business entity or subdivision thereof,
5 whether public or private, proprietary or not for profit,
6 which is engaged in providing acute, restorative, rehabili-
7 tative, maintenance, preventive or health promotion services
8 through professional nursing and at least one other
9 therapeutic service, such as physical therapy, occupational
10 therapy, speech pathology, home health aides, nurse assis-
11 tants, medical social work and nutritionist services, either
12 directly or through contractual agreement, in a client's
13 place of residence. This term does not apply to any sole
14 practitioner providing private duty nursing services or
15 other restorative, rehabilitative, maintenance, preventive
16 or health promotion services in a client's place or resi-
17 dence.

18 11-B. Hospital. "Hospital" means an institution which
19 primarily provides to inpatients by or under the supervision
20 of physicians, diagnostic services and therapeutic services
21 for medical diagnosis, treatment and care of injured, dis-
22 abled or sick persons or rehabilitation services for the re-
23 habilitation of injured, disabled or sick persons. This
24 term also includes psychiatric and tuberculosis hospitals.

25 Sec. 7. 22 MRSA §303, sub-§12-A is enacted to read:

26 12-A. Major medical equipment. "Major medical equip-
27 ment" means a single unit of medical equipment or a single
28 system of components with related functions which is used to
29 provide medical and other health services and which costs
30 \$300,000 or more. This term does not include medical equip-
31 ment acquired by or on behalf of a clinical laboratory to
32 provide clinical laboratory services, if the clinical labora-
33 tory is independent of a physician's office and a hospital
34 and has been determined under the United States Social
35 Security Act, Title XVIII, to meet the requirements of
36 Section 1861 (s), paragraphs 10 and 11 of that Act. In
37 determining whether medical equipment costs more than
38 \$300,000, the cost of studies, surveys, designs, plans,
39 working drawings, specifications and other activities essen-
40 tial to acquiring the equipment shall be included. If the
41 equipment is acquired for less than fair market value, the
42 term "cost" includes the fair market value.

43 Sec. 8. 22 MRSA §303, sub-§13, as enacted by PL 1977,
44 c. 687, §1, is amended to read:

1 13. Modification. "Modification" means the altera-
2 tion, improvement, expansion, extension, renovation or re-
3 placement of a health care facility or health maintenance
4 organization or portion thereof, including initial equipment
5 thereof and the replacement of equipment of or existing
6 buildings.

7 **Sec. 9.** 22 MRSA §303, sub-§13-A is enacted to read:

8 13-A. Obligation. An "obligation" for a capital
9 expenditure is considered to be incurred by or on behalf of
10 a health care facility:

11 A. When a contract, enforceable under Maine law, is
12 entered into by or on behalf of the health care facil-
13 ity for the construction, acquisition, lease or financ-
14 ing of a capital asset;

15 B. When the governing board of the health care facil-
16 ity takes formal action to commit its own funds for a
17 construction project undertaken by the health care
18 facility as its own contractor; or

19 C. In the case of donated property, on the date on
20 which the gift is completed under applicable Maine
21 law.

22 **Sec. 10.** 22 MRSA §303, sub-§15, as enacted by PL 1977,
23 c. 687, §1, is amended to read:

24 15. Person. "Person" means an individual, trust or
25 estate, partnership, corporation, including associations,
26 joint stock companies and insurance companies, the State or
27 a political subdivision or instrumentality, including a
28 municipal corporation of the State, or any other legal
29 entity recognized by state law.

30 **Sec. 11.** 22 MRSA §303, sub-§16, as enacted by PL 1977,
31 c. 687, §1, is amended to read:

32 16. Predevelopment activities. "Predevelopment activ-
33 ities" means any appropriately capitalized expenditure by or
34 on behalf of a health care facility made in preparation for
35 the offering or development of a new health service for
36 which a certificate of need would be required and arrange-
37 ments or commitments made for financing the offering or
38 development of the new health service; and shall include
39 site acquisitions, surveys, studies, expenditures for archi-
40 tectural designs, plans, working drawings and specifica-
41 tions.

1 Sec. 12. 22 MRSA §303, sub-§17-A is enacted to read:

2 17-A. Rehabilitation facility. "Rehabilitation facili-
3 ty" means an inpatient facility which is operated for the
4 primary purpose of assisting in the rehabilitation of dis-
5 abled persons through an integrated program of medical and
6 other services which are provided under competent profes-
7 sional supervision.

8 Sec. 13. 22 MRSA §303, sub-§18, as enacted by PL 1977,
9 c. 687, §1, is amended to read:

10 18. Secretary. "Secretary" means the United States
11 Secretary of Health, Education and Welfare and Human Ser-
12 vices and any other officer or employee of the United States
13 Department of Health, Education and Welfare and Human Ser-
14 vices to whom the authority involved may be delegated.

15 Sec. 14. 22 MRSA §303, sub-§22, as enacted by PL 1977,
16 c.687, §1, is repealed.

17 Sec. 15. 22 MRSA §304, as amended by PL 1979, c. 375,
18 is repealed.

19 Sec. 16. 22 MRSA §304-A is enacted to read:

20 §304-A. Certificate of need required

21 No person may enter into any commitment for financing a
22 project which requires a certificate of need or incur an
23 obligation for the project without having sought and
24 received a certificate of need, except that this prohibition
25 shall not apply to commitments for financing conditioned
26 upon the receipt of a certificate of need or to obligations
27 for predevelopment activities of less than \$150,000.

28 A certificate of need from the department shall be re-
29 quired for:

30 1. Acquisition by lease, donation, transfer. Any ac-
31 quisition by or on behalf of a health care facility under
32 lease or comparable arrangement or through donation, which
33 would have required review if the acquisition had been by
34 purchase;

35 2. Acquisitions of major medical equipment. The fol-
36 lowing acquisitions:

37 A. The acquisition by any person of major medical
38 equipment that will be owned by or located in a health
39 care facility; or

1 B. The acquisition by any person of major medical
2 equipment not owned by or located in a health care
3 facility if:

4 (1) The equipment will not be used to provide
5 services for inpatients of a hospital, but the
6 person fails to file a written notice of intent to
7 acquire the equipment at least 60 days prior to
8 entering into a contract to acquire the equipment;
9 or

10 (2) The department finds, within 30 business days
11 after the date it receives a written notice of
12 intent to acquire the equipment, that the equip-
13 ment will be used to provide services for
14 inpatients of a hospital.

15 There shall be a waiver for the use of major medical equip-
16 ment on a temporary basis as provided in section 308, sub-
17 section 4;

18 3. Capital expenditures. The obligation by or on
19 behalf of a health care facility of any capital expenditure
20 of \$350,000 or more;

21 4. New health services. The offering or development
22 of any new health service. For purposes of this section,
23 "new health services" shall include only the following:

24 A. The obligation of any capital expenditures by or on
25 behalf of a health care facility which is associated
26 with the addition of a health service which was not
27 offered on a regular basis by or on behalf of the
28 facility within the 12-month period prior to the time
29 the services would be offered;

30 B. The addition of a health service which is to be
31 offered by or on behalf of a health care facility which
32 was not offered on a regular basis by or on behalf of
33 the facility within the 12-month period prior to the
34 time the services would be offered, and which, for the
35 3rd fiscal year of operation, including a partial first
36 year, following addition of that service, absent any
37 adjustment for inflation, is projected to entail annual
38 operating costs of at least the expenditure minimum for
39 annual operating costs; or

40 C. The addition of a health service which falls within
41 a category of health services which are subject to
42 review regardless of capital expenditure or operating

1 cost and which category the department has defined
2 through regulations promulgated pursuant to section
3 312, based on recommendations from the State Health
4 Coordinating Council;

5 5. Termination of a health service. The obligation of
6 any capital expenditure by or on behalf of a health care
7 facility which is associated with the termination of a
8 health service which was previously offered by or on behalf
9 of the health care facility;

10 6. Changes in bed complement. Any change in the
11 existing bed complement of a health care facility, in any
12 2-year period, which:

13 A. Increases or decreases the licensed or certified
14 bed capacity of the health care facility by more than
15 10% or more than 5 beds, whichever is less;

16 B. Increases or decreases the number of beds licensed
17 or certified by the department to provide a particular
18 level of care by more than 10% of that number or more
19 than 5 beds, whichever is less; or

20 C. Relocates more than 10% of the health care
21 facility's licensed or certified beds or more than 5
22 beds, whichever is less, from one physical plant to
23 another;

24 7. Predevelopment activities. Any appropriately capi-
25 talized expenditure of \$150,000 or more for predevelopment
26 activities proposed to be undertaken in preparation for any
27 project which would itself require a certificate of need;

28 8. New health care facilities. The construction,
29 development or other establishment of a new health care
30 facility; and

31 9. Other circumstances. In the following circum-
32 stances:

33 A. Any proposed use of major medical equipment to
34 serve inpatients of a hospital, if the equipment is not
35 located in a health care facility and was acquired
36 without a certificate of need, except acquisitions
37 waived under section 308, subsection 4; or

38 B. If a person adds a health service not subject to
39 review under subsection 4, paragraph A or C and which
40 was not deemed subject to review under subsection 4,

1 paragraph B at the time it was established and which
2 was not reviewed and approved prior to establishment
3 at the request of the applicant, and its actual 3rd
4 fiscal year operating cost, as adjusted with an appro-
5 priate inflation deflator promulgated by the Health
6 Facilities Cost Review Board pursuant to sections 360
7 and 366, exceeds the expenditure minimum for annual
8 operating cost in the 3rd fiscal year of operation fol-
9 lowing addition of these services.

10 **Sec. 17. 22 MRSA §304-B is enacted to read:**

11 §304-B. Subsequent review

12 Where a certificate of need has been issued, and
13 changes occur as specified in this section, a subsequent
14 review is required.

15 1. Criteria for subsequent review. The following ac-
16 tivities require subsequent review and approval, if the
17 department has previously issued a certificate of need and
18 if within one year after the approved activity is under-
19 taken:

20 A. There is a significant change in financing;

21 B. There is a change affecting the licensed or certi-
22 fied bed capacity as approved in the certificate of
23 need;

24 C. There is a change involving the addition or termina-
25 tion of the health services proposed to be rendered by
26 the facility;

27 D. There is a change in the site or the location of
28 the proposed facility; or

29 E. There is a substantial change proposed in the
30 design of the facility or the type of construction.

31 2. Procedures for subsequent review. Any person pro-
32 posing to undertake any activity requiring subsequent review
33 and approval shall file with the department, within 30 days
34 of the time that person first has actual knowledge of the
35 circumstances requiring subsequent review, a notice setting
36 forth the following information:

37 A. The nature of the proposed change;

1 B. The rationale for the change including, where
2 appropriate, an explanation of why the change was not
3 set forth in the original application or letter of
4 intent; and

5 C. Other pertinent detail subject to the procedures
6 and criteria set forth in section 309.

7 The department shall, within 30 days of receipt of the
8 information, advise that person in writing whether the pro-
9 posed change is approved. If not approved, the application
10 shall be treated as incomplete and reviewed in accordance
11 with the application procedures in section 306-A, subsection
12 4. If approved, the department shall amend the certificate
13 of need as appropriate. In either case, the department
14 shall consult with the Health Systems Agency.

15 Sec. 18. 22 MRSA §306, as enacted by PL 1977, c. 687,
16 §1, is repealed.

17 Sec. 19. 22 MRSA §306-A is enacted to read:

18 §306-A. Application process for a certificate of need

19 1. Letter of intent. Prior to filing an application
20 for a certificate of need, an applicant shall file a letter
21 of intent with the department no less than 30 days prior to
22 the date on which the application is to be filed. The
23 letter of intent shall form the basis for determining the
24 applicability of this chapter to the proposed expenditure or
25 action. A letter of intent shall be deemed withdrawn one
26 year after receipt by the department, unless sooner super-
27 seded by an application; provided that the applicant shall
28 not be precluded from resubmitting the same letter of
29 intent.

30 2. Application filed. Upon a determination by the
31 department, after consultation with the Health Systems
32 Agency, that a certificate of need is required for a pro-
33 posed expenditure or action, an application for a certifi-
34 cate of need shall be filed with the department if the
35 applicant wishes to proceed with the project. Upon receipt
36 of an application, the department shall immediately transmit
37 a copy of the application to the Health Systems Agency.

38 3. Additional information required. Additional infor-
39 mation may be required or requested as follows.

40 A. If, after receipt of an application, the department
41 or the Health Systems Agency determines that additional

1 information is necessary before the application can be
2 considered complete, the department may:

3 (1) Require the applicant to respond to 2 sets of
4 requests for additional information from the
5 department, the Health Systems Agency or both,
6 provided that a 2nd request is directly related to
7 the first information request or to the informa-
8 tion provided in response to the first request;
9 and

10 (2) Request, but not require, the applicant to
11 respond to additional sets of requests for infor-
12 mation, provided that each request is directly
13 related to the last request or to the information
14 provided in response to the last request.

15 B. The department shall immediately transmit the
16 response to any request for information to the Health
17 Systems Agency. The Health Systems Agency shall have
18 10 business days from the date on which the application
19 or response to any information request is filed with
20 the department in which to comment to the department
21 upon the completeness of the application, indicating
22 specifically and in writing any additional information
23 which the Health Systems Agency requires before it can
24 consider the application complete.

25 C. Within 15 business days after the filing of an
26 application or response to any information request,
27 whichever is applicable, with the department, the
28 department shall, after considering the requirements of
29 the Health Systems Agency, notify the applicant in
30 writing that:

31 (1) The application contains all necessary infor-
32 mation required and is complete; or

33 (2) Additional information is required by the
34 department or by the Health Systems Agency. If,
35 after receipt of the applicant's response to the
36 2nd or any subsequent request, the department
37 determines that additional information is re-
38 quired, the notification shall also include a
39 statement of the basis and rationale for that
40 determination.

41 4. Review of incomplete application. Upon receipt of
42 the 3rd or any subsequent notice described in subsection 3,
43 paragraph C, subparagraph 2, the applicant must notify the
44 department in writing that:

1 A. It will provide the additional information
2 requested by the department. Following completion, it
3 shall be entered into the next review cycle; or

4 B. That it is not able to or does not intend to pro-
5 vide the information requested and requests the appli-
6 cation be entered into the next appropriate review
7 cycle. In that case, the applicant shall be prohibited
8 from submitting the information it had declined to pro-
9 vide into the record after the 25th day of the review
10 cycle and the information shall not be considered in
11 the determination to issue or to deny a certificate of
12 need. If the applicant provides the information
13 requested prior to the 25th day of the review cycle,
14 the application may, at the discretion of the depart-
15 ment, be returned to the beginning of the review cycle.
16 Failure to submit additional information requested by
17 the Health Systems Agency or the department may result
18 in an unfavorable recommendation by the Health Systems
19 Agency and may result in subsequent denial of the
20 application by the department, as long as the denial is
21 related to applicable criteria and standards.

22 5. Competitive reviews. In cases of competitive
23 reviews, applicants shall submit additional information
24 requested by the Health Systems Agency or the department
25 within 30 business days or within a longer period of time,
26 provided that the department and all competing applicants
27 agree.

28 6. Automatic withdrawal. Any incomplete application
29 shall be deemed withdrawn if the applicant fails to respond
30 to a request for additional required information within one
31 year of the date such request was forwarded by the depart-
32 ment.

33 Sec. 20. 22 MRSA §307, sub-§1, first sentence, as
34 enacted by PL 1977, c. 687, §1, is amended to read:

35 Upon determination that an application is complete, or upon
36 receipt of a notice under section 306-A, subsection 4, para-
37 graph B, or upon grouping of the application with other
38 pending applications, the department shall provide for writ-
39 ten notification of the beginning of a review.

40 Sec. 21. 22 MRSA §307, sub-§1, as enacted by PL 1977,
41 c. 687, §1, is amended by adding after the 2nd sentence a
42 new sentence to read:

1 The notice shall be provided to all persons who have
2 requested notification by means of asking that their names
3 be placed on a mailing list maintained by the department for
4 this purpose.

5 Sec. 22. 22 MRSA §307, sub-§1, ¶¶C and D, as enacted
6 by PL 1977, c. 687, §1, are amended to read;

7 C. A statement that a public hearing will be held
8 during the course of a review if requested by persons
9 directly affected by the review and the date by which
10 the requests must be received by the department; and

11 D. A description of the manner in which public notice
12 will be given of a public hearing if one is to be held
13 during the course of the review; and

14 Sec. 23. 22 MRSA §307, sub-§1, ¶E is enacted to read:

15 E. A statement of the manner and time in which persons
16 may register as affected persons.

17 Sec. 24. 22 MRSA §307, sub-§2, as enacted by PL 1977,
18 c. 687, §1, is repealed.

19 Sec. 25. 22 MRSA §307, sub-§§2-A and 2-B are enacted
20 to read:

21 2-A. Certificate of Need Advisory Committee. There is
22 established within the Department of Human Services a Cer-
23 tificate of Need Advisory Committee, which shall participate
24 with the department in the public hearing process.

25 A. The committee shall be composed of 10 members, 9 of
26 whom shall be appointed by the Governor. The Commis-
27 sioner of Human Services shall name his designee to
28 serve as an ex officio nonvoting chairman of the com-
29 mittee. The 9 members appointed by the Governor shall
30 be selected in accordance with the following require-
31 ments.

32 (1) Four members shall be appointed to represent
33 the following.

34 (a) One member shall represent the hospi-
35 tals.

36 (b) One member shall represent the nursing
37 home industry.

1 (c) One member shall represent major
2 3rd-party payors.

3 (d) One member shall represent physicians.

4 In appointing these representatives, the Governor
5 shall consider recommendations made by the Maine
6 Hospital Association, the Maine Health Care Asso-
7 ciation, the Maine Medical Association, the Maine
8 Osteopathic Association and other representative
9 organizations; and

10 (2) Five public members shall be appointed as
11 consumers of health care. Neither the public mem-
12 bers nor their spouses or children may, within 12
13 months preceding the appointment, have been affil-
14 iated with, employed by, or have had any profes-
15 sional affiliation with any health care facility
16 or institution, health product manufacturer or
17 corporation or insurer providing coverage for
18 hospital or medical care, and provided that nei-
19 ther membership in or subscription to a service
20 plan maintained by a nonprofit hospital and medi-
21 cal service organization, nor enrollment in a
22 health maintenance organization, nor membership as
23 a policyholder in a mutual insurer or coverage
24 under such a policy, nor the purchase of or cover-
25 age under a policy issued by a stock insurer may
26 disqualify a person from serving as a public
27 member.

28 B. Appointed members of the committee shall serve for
29 terms of 4 years. Members shall hold office until the
30 appointment and confirmation of their successors. Of
31 the members first appointed by the Governor, the member
32 representing hospitals and 2 public members shall hold
33 office for 4 years, the member from the nursing home
34 industry and one public member shall hold office for 3
35 years, the member from the insurance field and one
36 public member shall hold office for 2 years and the
37 physician and one public member shall hold office for
38 one year.

39 C. Vacancies among appointed members shall be filled
40 by appointment by the Governor for the unexpired term.
41 The Governor may remove any appointed member who
42 becomes disqualified by virtue of the requirements of
43 paragraph A, or for neglect of any duty required by
44 law, or for incompetency or dishonorable conduct.

1 D. Each appointed member of the committee shall
2 receive a per diem allowance of \$25 for each day that
3 he is actively engaged in performing the work of the
4 committee and each member shall be reimbursed for the
5 actual and necessary traveling and other expenses
6 incurred in the discharge of his duties.

7 E. Five members of the committee shall constitute a
8 quorum. Actions of the committee shall be by majority
9 vote.

10 2-B. Public hearing. A public hearing shall be held
11 during the course of a review by either the Certificate of
12 Need Advisory Committee or the Health Systems Agency, or
13 both, if requested by persons directly affected by the
14 review pursuant to subsection 1. Nothing in this section
15 may be construed to prevent the department from holding
16 informational meetings with applicants and interested and
17 affected persons prior to the conduct of the hearing. In
18 the event no hearing has been requested prior to an informa-
19 tional meeting or receipt of the preliminary staff report,
20 the applicant or any directly affected persons may request a
21 hearing within 10 days of either circumstance, provided that
22 the review period shall be extended by 60 days if such a
23 hearing is requested. In the case of grouped applications,
24 the extension shall apply to all competing applications.

25 A. The committee or agency shall provide notice of its
26 hearings in accordance with the procedure described in
27 subsection 1 .

28 B. Findings, recommendations, reports, analyses and
29 related documents prepared by the staff of the agency
30 shall be in final form and be made available to
31 affected persons at least 5 business days prior to its
32 hearings. The department shall make its preliminary
33 staff report available to the committee and affected
34 persons at least 5 business days prior to a public
35 hearing conducted by the committee.

36 C. In a hearing conducted by the committee, any person
37 shall have the right to be represented by counsel or to
38 present oral or written arguments and evidence relevant
39 to the matter which is the subject of the hearing. Any
40 person directly affected by the matter may conduct
41 reasonable questioning of persons who make relevant
42 factual allegations.

43 D. The designated representative of the department on
44 the Certificate of Need Advisory Committee shall serve

1 ex-officio as a nonvoting presiding officer and, in
2 consultation with the appointed members of the commit-
3 tee, shall rule on the relevance of argument and evi-
4 dence and make determinations as to reasonable ques-
5 tioning. Appointed members of the committee may con-
6 duct reasonable questioning in the course of a hearing.

7 E. The department or agency shall record all hearings
8 and any subsequent proceedings of the committee with
9 respect to the application in a form susceptible to
10 transcription. The department shall transcribe the
11 recording when necessary for the prosecution of an
12 appeal.

13 F. During the first 7 business days following the
14 close of a public hearing conducted by the committee
15 interested or affected persons may submit written com-
16 ments concerning the review under consideration. The
17 department shall provide copies of comments submitted
18 in that manner to all persons registered as affected
19 persons and to appointed members of the committee. In
20 reviews where no hearing is held, interested or
21 affected persons may submit comments 10 days after the
22 submission of the preliminary staff report, but no
23 later than the 70th day of a 90-day review cycle or the
24 130th day of a 150-day review cycle.

25 G. In the event that circumstances require the depart-
26 ment to obtain further information from any source or
27 to otherwise contact registered affected persons fol-
28 lowing the public hearing and submission of comments
29 under paragraph F or, when no hearing is held, follow-
30 ing the 80th day of a 90-day review cycle or the 140th
31 day of a 150-day review cycle, the department shall:

32 (1) Provide written notice to all registered
33 affected persons who shall have at least 3 busi-
34 ness days to respond; or

35 (2) Convene a public meeting with reasonable
36 notice with participation of the committee at its
37 discretion and affording directly affected persons
38 the opportunity to conduct reasonable questioning.

39 In either event, notwithstanding any other provision of
40 this chapter, the time period in which a decision is
41 required shall be extended 20 days. Any written com-
42 ments shall be forwarded to the committee.

1 H. At its next meeting following the receipt of com-
2 ments pursuant to paragraph F or G, or in the case of a
3 public hearing pursuant to paragraph G, the committee
4 shall make a recommendation of approval or disapproval
5 with respect to the application or applications under
6 consideration. The recommendation shall be determined
7 by majority vote of the appointed members present and
8 voting. Members of the committee may make additional
9 oral comments or submit written comments, as they deem
10 appropriate, with respect to the basis for their recom-
11 mendations or their individual views. The committee
12 recommendation and any accompanying comments shall be
13 forwarded to the commissioner.

14 I. At the time the staff submits its final report to
15 the commissioner, a copy of the report shall be sent to
16 the applicant and a notification shall be sent to all
17 registered affected persons. No further comments may
18 be accepted.

19 J. There shall be no contact with respect to the
20 application after a hearing commences between members
21 of the committee or the department and affected parties
22 or anyone acting on their behalf, except in accordance
23 with the procedures set forth in this section.

24 **Sec. 26.** 22 MRSA §307, sub-§5, as enacted by PL 1977,
25 c. 687, §1, is repealed.

26 **Sec. 27.** 22 MRSA §307, sub-§5-A is enacted to read:

27 5-A. Decision by the department. Decisions by the
28 commissioner shall be made in accordance with the following
29 procedures.

30 A. The department shall prepare its final staff report
31 based solely on the record developed to date, as de-
32 defined in paragraph C, subparagraphs (1) to (6).

33 B. After reviewing each application, the commissioner
34 shall make a decision either to issue a certificate of
35 need or to deny the application for a certificate of
36 need. The decision of the commissioner shall be based
37 on the informational record developed in the course of
38 review as specified in paragraph C. Notice of the
39 decision shall be sent to the applicant, the committee
40 and the Health Systems Agency. This notice shall
41 incorporate written findings which state the basis of
42 the decision, including the findings required by
43 section 309, subsection 1. If the decision is not con-

1 sistent with the recommendations of the Health Systems
2 Agency or the Certificate of Need Advisory Committee,
3 the commissioner shall provide a detailed statement of
4 the reasons for the inconsistency.

5 C. For purposes of this subsection, "informational
6 record developed in the course of review" includes the
7 following:

8 (1) All applications, filings, correspondence and
9 documentary material submitted by applicants,
10 interested or affected persons, or the Health Sys-
11 tems Agency prior to the termination of the public
12 comment period under subsection 2-B, paragraph F
13 or, if no hearing is held, prior to the 80th day
14 of a 90-day review cycle and prior to the 140th
15 day of a 150-day review cycle;

16 (2) All documentary material reflecting informa-
17 tion generated by the department prior to termina-
18 tion of the public comment period or, if no hear-
19 ing is held, prior to the 80th day of a 90-day
20 review cycle and prior to the 140th day of a
21 150-day review cycle;

22 (3) Stenographic or electronic recording of any
23 public hearing or meeting held during the course
24 of review, whether or not transcribed;

25 (4) All material submitted or obtained in accor-
26 dance with the procedures in subsection 2-B, para-
27 graph G;

28 (5) The staff report of the agency, the prelimi-
29 nary staff report of the department and the recom-
30 mendations of the committee;

31 (6) Officially noticed facts; and

32 (7) The final staff report of the department.

33 Documentary materials may be incorporated in the record
34 by reference, provided that registered affected persons
35 are afforded the opportunity to examine the materials.

36 **Sec. 28.** 22 MRSA §307, sub-§6, as enacted by PL 1977,
37 c. 687, §1, is repealed.

38 **Sec. 29.** 22 MRSA §307, sub-§6-A is enacted to read:

1 6-A. Review cycles. The department shall establish
2 review cycles for the review of applications. There shall
3 be at least 6 review cycles for each calendar year, the
4 dates for which shall be published at least 3 months in
5 advance. An application shall be reviewed during the next
6 scheduled review cycle following the date on which the
7 application is either declared complete or submitted for
8 review pursuant to section 306-A, subsection 4, paragraph B.
9 The department may hold an application for up to 90 days
10 following the commencement of the next scheduled review
11 cycle if, on the basis of one or more letters of intent on
12 file at the time the application is either declared complete
13 or submitted for review pursuant to section 306-A, subsec-
14 tion 4, paragraph B, the department expects to receive
15 within the additional 90 days one or more other applications
16 pertaining to similar types of services, facilities or
17 equipment affecting the same health service area. Pertinent
18 health service areas shall be defined in regulations promul-
19 gated by the department pursuant to section 312, based on
20 recommendations by the State Health Coordinating Council.

21 Sec. 30. 22 MRSA §308, sub-§4 is enacted to read:

22 4. Waiver of review of acquisitions of major medical
23 equipment. The department may waive the review of an ac-
24 quisition or proposed use of major medical equipment re-
25 quired pursuant to section 304-A if the equipment will be
26 used to provide services to inpatients of a hospital only on
27 a temporary basis in the case of:

28 A. A natural disaster;

29 B. A major accident; or

30 C. Equipment failure.

31 Sec. 31. 22 MRSA §309, sub-§1, ¶D, as enacted by PL
32 1977, c. 687, §1, is amended to read:

33 D. That the proposed services are consistent with the
34 orderly and economic development of health facilities
35 and health resources for the State and are in accor-
36 dance with standards, criteria or plans adopted and
37 approved pursuant to the annual implementation plan,
38 the health systems plan, and the state health plan and
39 the state medical facilities plan developed by the
40 Health Systems Agency and the department.

41 Sec. 32. 22 MRSA §309, sub-§2, ¶A, as enacted by PL
42 1977, c. 687, §1, is amended to read:

1 A. The relationship of the health services being
2 reviewed to the annual implementation plan, the health
3 systems plan, and the state health plan and the state
4 medical facilities plan;

5 Sec. 33. 22 MRSA §309, sub-§§3, 4 and 5 are enacted to
6 read:

7 3. Health maintenance organizations. Notwithstanding
8 subsections 1 and 2, if a health maintenance organization or
9 a health care facility which is controlled, directly or
10 indirectly, by a health maintenance organization applies for
11 a certificate of need, the department shall issue a certifi-
12 cate of need if it finds that:

13 A. Approval of the application is required to meet the
14 needs of the members of the health maintenance orga-
15 ization and of the new members which the organization
16 can reasonably be expected to enroll; and

17 B. The health maintenance organization is unable to
18 provide, through services or facilities which can
19 reasonably be expected to be available to the organiza-
20 tion, its institutional health services in a reasonable
21 and cost effective manner which is consistent with the
22 basic method of operation of the organization and which
23 makes the services available on a long-term basis
24 through physicians and other health professionals asso-
25 ciated with it. In assessing the availability of the
26 proposed health services from other providers, the
27 department shall consider only whether the services
28 from these providers:

29 (1) Would be available under a contract of at
30 least 5 years' duration;

31 (2) Would be available and conveniently accessi-
32 ble to physicians and other health professionals
33 associated with the health maintenance organiza-
34 tions;

35 (3) Would cost no more than if the services were
36 provided by the health maintenance organization;
37 and

38 (4) Would be available in a manner which is
39 administratively feasible to the health mainte-
40 nance organization.

41 4. Required approvals. Approval of proposed capital
42 expenditures shall comply with the following:

1 A. Except as provided in paragraph B, the department
2 shall issue a certificate of need for a proposed capi-
3 tal expenditure if:

4 (1) The capital expenditure is required to elimi-
5 nate or prevent imminent safety hazards, as de-
6 defined by applicable fire, building or life-safety
7 codes and regulations; to comply with state licen-
8 sure standards; or to comply with accreditation or
9 certificate standards which must be met to receive
10 reimbursement under the United States Social
11 Security Act, Title XVIII, or payments under a
12 state plan for medical assistance approved under
13 Title XIX of that Act; and

14 (2) The department has determined that the facil-
15 ity or service for which capital expenditure is
16 proposed is needed; the obligation of the capital
17 expenditure is consistent with the state health
18 plan; and the corrective action proposed by the
19 applicant is the most cost effective alternative
20 available under the circumstances.

21 B. Those portions of a proposed project which are not
22 required to eliminate or prevent safety hazards or to
23 comply with licensure, certification or accreditation
24 standards are subject to review in accordance with the
25 criteria established under section 312.

26 5. Standards applied in certificate of need. The com-
27 missioner shall, in issuing a certificate of need, make his
28 decision, to the maximum extent practicable, directly
29 related to criteria established under federal laws and stan-
30 dards or criteria prescribed in regulations promulgated by
31 the department pursuant to subsections 1 to 4 and section
32 312.

33 The commissioner shall not deny issuance of a certificate of
34 need, or make his decision subject to fulfillment of a con-
35 dition on the part of the applicant, except where the denial
36 or condition directly relates to criteria established under
37 federal laws and standards or criteria prescribed in regula-
38 tions promulgated by the department in accordance with sub-
39 sections 1 to 4 and section 312, which are pertinent to the
40 application.

41 Sec. 34. 22 MRSA §312, as enacted by PL 1977, c. 687,
42 §1, is amended by adding after the first sentence a new
43 sentence to read:

1 The department shall, to the extent applicable, take into
2 consideration recommendations contained in the state health
3 plan as approved by the Governor.

4 Sec. 35. 22 MRSA §316, as enacted by PL 1977, c. 687,
5 §1, is repealed.

6 Sec. 36. 22 MRSA §316-A is enacted to read:

7 §316-A. Exemptions

8 Except as otherwise specifically provided, nothing in
9 this Act shall be construed to preempt, replace or otherwise
10 negate the requirements of any other laws or regulations
11 governing health care facilities. The requirements of this
12 Act shall not apply with respect to:

13 1. Health care facilities. Any health care facility:

14 A. Operated by religious groups relying solely on
15 spiritual means through prayer for healing; or

16 B. For which any construction, modification or other
17 change subject to this Act has been reviewed and has
18 received approval pursuant to the United States Social
19 Security Act, Section 1122, from appropriate agencies
20 prior to the effective date of this Act;

21 2. Activities; acquisitions. Activities or acquisi-
22 tions by or on behalf of a health maintenance organization
23 or a health care facility controlled, directly or indi-
24 rectly, by a health maintenance organization or combination
25 of health maintenance organizations to the extent mandated
26 by the National Health Planning and Resources Development
27 Act of 1974, as amended and its accompanying regulations;

28 3. Home health care services. Home health care ser-
29 vices offered by a home health care provider prior to 90
30 days after adjournment of the Second Regular Session of the
31 110th Legislature; and

32 4. Home health care providers. Home health care
33 providers, as of the effective date of enactment of a home
34 health care provider licensing law.

35 Sec. 37. 22 MRSA §317, as enacted by PL 1977, c. 687,
36 §1, is repealed.

37 Sec. 38. 22 MRSA §317-A is enacted to read:

1 §317-A. Scope of certificate of need

2 1. Application determinative. A certificate of need
3 shall be valid only for the defined scope, premises and
4 facility or person named in the application and shall not be
5 transferable or assignable.

6 2. Maximum expenditure. In issuing a certificate of
7 need, the department shall specify the maximum capital
8 expenditures which may be obligated under this certificate.
9 The department shall, by regulations promulgated pursuant to
10 section 312, prescribe the method to be used to determine
11 capital expenditure maximums, establish procedures to moni-
12 tor capital expenditures obligated under certificates and
13 establish procedures to review projects for which the capi-
14 tal expenditure maximum is exceeded or expected to be
15 exceeded.

16 3. Periodic review. After the issuance of a certifi-
17 cate of need, the department shall periodically review the
18 progress of the holder of the certificate in meeting the
19 timetable for making the service or equipment available or
20 for completing the project specified in the approved appli-
21 cation. A certificate of need shall expire if the project
22 for which the certificate has been issued is not commenced
23 within 12 months following the issuance of the certificate.
24 The department may grant an extension of a certificate for
25 an additional specified time not to exceed 12 months if good
26 course is shown why the project has not commenced. The
27 department may require evidence of the continuing feasi-
28 bility and availability of financing for a project as a con-
29 dition for extending the life of certificate. In addition
30 if on the basis of its periodic review of progress under the
31 certificate, the department determines that the holder of a
32 certificate is not otherwise meeting the timetable and is
33 not making a good faith effort to meet it, the department
34 may, after considering any recommendation made by the Health
35 Systems Agency, and after a hearing, withdraw the certifi-
36 cate of need. The department shall in accordance with
37 section 312 promulgate the necessary procedures for with-
38 drawal of certificates of need.

39 Sec. 39. 22 MRSA §323 is enacted to read:

40 §323. Relationship to the United States Social Security
41 Act, Section 1122

42 1. Administration of Section 1122 reviews. The
43 department shall, in reviewing those capital expenditures
44 which require review under section 304-A and the United

1 States Social Security Act, Section 1122, and regulations
2 promulgated thereunder, allow the maximum flexibility per-
3 mitted under the United States Social Security Act, Section
4 1122, consistent with this chapter.

5 2. Thresholds for review. The department shall waive
6 review of proposed capital expenditures by health care
7 facilities under the United States Social Security Act,
8 Section 1122, and regulations promulgated thereunder, unless
9 those expenditures are subject to review under section
10 304-A.

11 3. Procedures. The department shall, pursuant to
12 section 312, modify its United States Social Security Act,
13 Section 1122 Procedures Manual as required by this section,
14 and shall promulgate the revised manual as a regulation on
15 or before January 1, 1983.

16 Sec. 40. 22 MRSA §324 is enacted to read:

17 §324. Review

18 If the National Health Planning and Resources Develop-
19 ment Act of 1974, Public Law 93-641, is repealed or signifi-
20 cantly altered, but no later than December, 1986, the
21 legislative joint standing committee having jurisdiction
22 over health and institutional services shall review the con-
23 tinuing feasibility of this chapter and shall make a report
24 to the Legislature and the Governor on its findings,
25 together with any accompanying legislation.

26 The committee shall study all dollar amounts stated in
27 this chapter as part of its review.

28 Sec. 41. 22 MRSA §325 is enacted to read:

29 §325. Health Systems Agency

30 The Legislature intends that, without regard to the
31 termination or substantial diminution of federal funding for
32 the Maine Health Systems Agency prior to the effective date
33 of this Act, the department shall continue to administer a
34 certificate of need program otherwise consistent with the
35 provisions of the Maine Certificate of Need Act.

36 Sec. 42. **Appropriation.** The following funds are
37 appropriated from the General Fund to carry out the purposes
38 of this Part.

1		1982-83
2	<u>HUMAN SERVICES,</u>	
3	<u>DEPARTMENT OF</u>	
4	Personal Services	\$31,192
5	All Other	19,500
6	Capital Expenditures	<u>3,000</u>
7	Total	\$53,692

8 **Sec. 43. Effective date.** This Part shall take effect
9 on January 1, 1983, except that the provisions of Title 22,
10 section 303, subsection 11-A, and section 316-A, which per-
11 tain to home health care providers, and Title 22, section
12 325, which pertains to the Health Systems Agency, shall take
13 effect on July 1, 1982.

14 **PART W**
15 **INCREASED COMPENSATION FOR MEMBERS OF**
16 **THE PUBLIC UTILITIES COMMISSION**

17 **2 MRSA §6-A, sub-§§1 and 2,** as repealed and replaced by
18 PL 1981, c. 452, § 3, are amended to read:

19 1. Chairman. The salary of the chairman of the commis-
20 sion shall be at salary range ~~94, step B~~ 90, step D.

21 2. Commission members. The salary of members of the
22 commission shall be at salary range ~~89, step A~~ 90, step C.

23 **PART X**
24 **INDENTIFICATION OF FRESHWATER WETLANDS**

25 **Sec. 1. 38 MRSA c. 3, sub-c. 1, Art. 1-C** is enacted to
26 read:

27 ARTICLE 1-C
28 FRESHWATER WETLANDS

29 §406. Definitions

30 For the purposes of this Article, unless the context
31 otherwise indicates, the following terms shall have the fol-
32 lowing meanings.

33 1. Wetland. "Wetland" means freshwater swamps,
34 marshes, bogs and similar areas of 10 or more contiguous

1 acres that have been designated as freshwater wetlands under
2 section 407.

3 2. Wetland soils. "Wetland soils" means soils that
4 have been classified as Atherton, Biddeford, Burnham, fresh
5 water marsh, Halsey, muck, peat and muck, Saco, Scarboro,
6 Washburn, Whately or Whitman soil types.

7 3. Wetland vegetation. "Wetland vegetation" means
8 carex, rushes, redtop, reed grasses, manna grasses, prairie
9 cordgrass, mints, plume grass, rice cut-grass, sedges, giant
10 burweed, cattails, arrowheads, pickerelweed, smartweeds,
11 spike rushes, wild rice, pondweeds, duckweeds, coontail,
12 spatterdock, wild celery, water milfoil, water lilies,
13 alder, dogwood, willow, buttonbush, sweet gale, labrador
14 tea, leatherleaf, cranberries, cotton grass, sphagnum moss,
15 stunted black spruce and stunted tamarack; provided that
16 such vegetation is growing in generally waterlogged areas or
17 water-covered areas.

18 §407. Identification of freshwater wetlands

19 1. Study. The commissioner shall conduct a study to
20 identify freshwater wetlands in the portion of the State not
21 subject to the jurisdiction of the Maine Land Use Regulation
22 Commission under Title 12, chapter 206-A. Within one year
23 of the effective date of this Article, the commissioner
24 shall publish the results of this study in the form of pro-
25 posed maps delineating the boundaries of wetlands that meet
26 the criteria of this section. The department may use inven-
27 tories of the Department of Inland Fisheries and Wildlife,
28 State Soil and Water Conservation Commission and other
29 available information as guides in designating freshwater
30 wetlands.

31 2. Criteria. Areas identified as freshwater wetlands
32 shall be limited to areas:

33 A. Which are of 10 or more contiguous acres;

34 B. Which are characterized predominantly by wetland
35 soils and vegetation; and

36 C. Are not subject to the jurisdiction of sections 391
37 to 396, sections 471 to 478 or Title 12, sections 7776
38 to 7780.

39 These areas may contain small inclusions of land that does
40 not conform to the criteria of this subsection.

1 3. Assistance. The Department of Agriculture, Food
2 and Rural Resources, Department of Conservation, Department
3 of Inland Fisheries and Wildlife and the State Planning
4 Office shall assist the department in identifying freshwater
5 wetlands.

6 4. Procedures. The identification of freshwater wet-
7 lands shall be subject to the rule-making requirements of
8 the Maine Administrative Procedure Act, Title 5, chapter
9 375, except as provided in this section.

10 A. Upon completion of proposed maps delineating the
11 boundaries of wetlands, the commissioner shall send the
12 maps of each municipality to the respective municipal
13 officers. The municipal officers, or their designees,
14 shall review these maps for accuracy, and verify that
15 areas identified meet the criteria of this section.

16 B. Upon receipt of the proposed maps, the municipal
17 officers of each municipality shall:

18 (1) Post notice that the maps are available for
19 review;

20 (2) Send a notice by mail to each person who is
21 recorded as owning land that has been tentatively
22 identified as a wetland;

23 (3) Hold a public meeting to discuss the iden-
24 tification and delineation of wetland; and

25 (4) Take any other action they deem appropriate
26 to increase public participation in this identifi-
27 cation and delineation.

28 The commissioner shall publish a notice in newspapers
29 of general circulation throughout the State that the
30 proposed maps have been completed and that they are
31 available for public inspection at the department's
32 offices in Augusta and at municipal offices.

33 Municipal officers and members of the general public
34 shall have 6 months from the date of receipt of the
35 maps to comment to the department.

36 C. The commissioner may hold public hearings on the
37 identification of wetlands to resolve problems identi-
38 fied by municipal officers or their designees. Within
39 one year of the completion of the proposed maps and
40 after the comment period in paragraph B has expired,

1 the commissioner shall adopt final maps delineating the
2 boundaries of wetlands.

3 **Sec. 2. Legislative intent.** It is the intent of the
4 Legislature that the maps produced under section 1 of this
5 Part be submitted for review to the joint standing committee
6 of the Legislature having jurisdiction over natural
7 resources. The committee shall review these maps and deter-
8 mine whether a regulatory program should be instituted, and
9 how any such regulatory program would be coordinated with
10 existing permit requirements. The committee shall report
11 its findings and recommendations to the First Regular
12 Session of the 112th Legislature.

13 **Sec. 3. Appropriation.** The following funds are appro-
14 priated from the General Fund to carry out the purposes of
15 this Part.

16 1982-83

17 ENVIRONMENTAL PROTECTION,
18 DEPARTMENT OF

19 All Other \$30,000

20 **Emergency clause.** This Act shall take effect when
21 approved except for Parts C, F, I, J, K, M, N, O, R, U, W
22 and X which will become effective July 1, 1982; Part G which
23 will become effective as designated in sections 17 and 18 of
24 that Part; Part L which will become effective on January 6,
25 1983; and Part V which will become effective as designated
26 in section 43 of that Part.

FISCAL NOTE
GENERAL FUND APPROPRIATIONS

3 <u>PART</u>	<u>1981-82</u>	<u>1982-83</u>
4 A	\$ 2,190	\$ --
5 B	34,826	--
6 F	--	61,825
7 G	--	1,500
8 H	5,000	--
9 I	--	15,000
10 J	--	175,000
11 M	--	30,000
12 N	--	25,000
13 O	--	99,750
14 S	30,000	--
15 T	8,000	--
16 U	--	127,550
17 V	--	53,692
18 X	--	30,000
<hr/>		
19 TOTAL	\$80,016	\$619,317
20 LOSS OF REVENUE		
21 C	\$ --	\$ 1,200
22 K	--	22,080
23 Q	65,000	329,264
24 R	--	3,000
<hr/>		
25 TOTAL	\$65,000	\$355,544

STATEMENT OF FACT

27 Part A reimburses the Town of Great Pond the amount of
28 \$2,189.55 for tax revenue lost due to the tree growth law.
29 (LD 1721)

30 Part B reimburses various municipalities a total of
31 \$34,826 for tax revenue lost due to the veterans property
32 tax exemption. (LD 1722)

33 Part C eliminates the fish inspection responsibilities
34 of the Department of Agriculture, Food and Rural Resources.
35 (LD 1731)

1 Part D amends the Maine Medical Compact by allowing for
2 an individual to be forgiven a portion of the indebtedness
3 by practicing in a medically under-served area of Maine.
4 (LD 1824)

5 Part E provides for the reporting of abuse of elderly
6 or incapacitated adults. (LD 1847)

7 Part F provides the funds to increase the salary level
8 of District Court Judges and Workers' Compensation Commis-
9 sioners effective July 1, 1982. (LD 1863)

10 Part G amends the current procedure for selecting trav-
11 erse and grand jurors. (LD 1869)

12 Part H provides for a new procedure for municipalities
13 to withdraw from the Maine Forestry District and also pro-
14 vides for the creation of the Maine Forest Fire Control
15 Study Commission. (LD 1883)

16 Part I establishes a program to provide the agricul-
17 tural industry with marketing assistance. (LD 1885)

18 Part J provides the funding for a data input and
19 retrieval system for the Workers' Compensation Commission.
20 (LD 1886)

21 Part K amends the current exemption from sales and use
22 tax of certain instrumentalities placed in interstate or
23 foreign commerce by extending the period of required use by
24 10 days to 30 days and in some cases allowing for an addi-
25 tional 30 days before an instrumentality is placed in use.
26 (LD 1890)

27 Part L revises the pay range of 7 state employees and
28 removes from the statutes the salary ranges of 3 state
29 employees whose salary will be established by their respec-
30 tive commissioners in the future. (LD 1909)

31 Part M provides additional funding for the Osteopathic
32 Revolving Loan Fund. (LD 1939)

33 Part N provides funds for literacy volunteers. (LD
34 1982)

35 Part O provides statutory authorization and funding for
36 the continuation of the Maine Career and Occupational Infor-
37 mation System which was previously funded with federal
38 funds. (LD 1985)

1 Part P authorizes the Treasurer of State to issue tax
2 exempt commerical paper. (LD 1986)

3 Part Q implements the recommendations of the Agricul-
4 tural Fair/Harness Racing Steering Committee. (LD 2006)

5 Part R clarifies solar energy tax exemptions. (LD
6 2007)

7 Part S provides funds for the Board of Pesticides Con-
8 trol to construct or acquire a facility to store obsolete
9 pesticides and funds a study to address long-range solutions
10 regarding the proper handling of used pesticide containers.
11 (LD 2047)

12 Part T provides funds to disseminate to Maine veterans
13 information about available benefits for those servicemen
14 and women who were exposed to Agent Orange. (LD 2084)

15 Part U provides for a one-year extension of the Health
16 Facilities Information Disclosure Act and the necessary
17 funds to carry out that statutory mandate. (LD 2096)

18 Part V amends the Maine Certificate of Need law. (LD
19 2123)

20 Part W places the salaries of the Public Utilities Com-
21 mission commissioners in the same pay range as other state
22 regulators such as the Superintendents of Banking, Insurance
23 and Consumer Credit Protection.

24 Part X establishes a program to identify and map
25 freshwater wetlands of the State. (LD2094)

26 5702042382